



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

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

**Meeting Agenda  
Thursday February 6, 2020  
6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: January 2, 2019
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or invited guests
7. Public Hearing
8. Piers, Wharves & Floats
  - a. The Kittery Port Authority moves to review and accept an application from Christopher Eckel Trust 3 Knight Ave, Kittery ME 03904 (Map 4, Lot 70) for the reconstruction of an existing shed constructed on piers. Agent: Rykerson Architecture.
  - b. The Kittery Port Authority moves to review and accept an application from Kenneth P. & Terri M. Miller 4 Lawrence Lane, Kittery PT ME 03905 (Map 18, Lot 35) for an 6'x45' extension to a existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total length. Agent: Steven Riker, Ambit Engineering.
9. Public Segment (Three Mins.)
10. Unfinished Business
  - a. Frisbee Float Repair

11. New Business

- a. Workshop on Mission Statement and future goals scheduled for February
- b. Proposed changes to the Rules and Regulations to align with town staff administration help.

12. Committee and Other Reports

a. Communications from the Chairperson

- In-kind repair was granted by the chair to Mark Gardner 9 Cove Landing Kittery ME, 03904 to repair damage to fixed pier, gangway and float due to a tree falling on it.
- The Chair and Vice Chair met with the Town Manger to discuss having staff assisting with the administrative end of KPA operations.

13. Board Member Issues or Comments

14. Executive Session

15. Adjournment

PORT AUTHORITY MEETING

UNAPPROVED

Council Chambers

January 2, 2020

1 1. Call to Order

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

3 Members present: Vice Chair Charles Patten, Member Steve Lawrence, Member Niles  
4 Pinkham, Member Bryan Bush, Member John McCollett, and Chair Kelly Philbrook.

5 Members absent: None

6 2. Pledge of Allegiance

7 3. Agenda Amendments - None

8 4. Acceptance of Previous Minutes – December 5, 2019

9 Mr. Lawrence moved to accept the December 5, 2019 minutes as presented.

10 Seconded by Mr. Bush.

11 Motion carried

12 6-0-0

13 5. Harbormaster Report and Budget Report

14 Harbormaster Brosnihan stated the revenue had not changed, and stated the Financial Director  
15 had advised him the budget was at 50%, right where it should be this time of the year.

16 6. All Items Involving Town Officials or Invited Guests - None

17 7. Public Hearing - None

18 8. Piers, Wharves and Floats - None

19 9. Public Segment - None

20 10. Unfinished Business

21

22 a. Frisbee Float Repair

23 Harbormaster Brosnihan stated that there has not been much progress. The Harbormaster  
24 stated the Sub-Committee had put together an R.F.Q., he spoke about not using pressure  
25 treated wood due to the ACQ in the wood, and getting quotes for wood that is not pressure  
26 treated.

27 Vice Chair Patten asked Chair Kelly Philbrook who makes the decision on a new member,  
28 Port Authority or the Town Manager. Harbormaster Brosnihan said he would speak to the  
29 Town Manager and find out.

30 Vice Chair Charles Patten, Mr. Bush, Mr. Lawrence, Mr. Pinkham, Mr. McCollett and Chair  
31 Philbrook discussed extending taking bids, and contacting the vendors.

32 Chair Philbrook spoke about replacing the ramp in the future.

### 33 11. New Business

#### 34 a. Workshop on Mission Statement as well as 5-year plan in January

35 Chair Philbrook discussed speaking to the Town Manager's Secretary about dates that  
36 would work for the Town Manager for the Workshop after the February meeting.

#### 37 b. Election of Offices

38 Vice Chair Patten nominated Kelly Philbrook for Chair.

39 Kelly Philbrook accepted.

40 Motion carried

41 6-0-0

42 Chair Philbrook nominated Charles Patten for Vice Chair.

43 Seconded by Mr. Lawrence.

44 Motion carried

45 6-0-0

46 Chair Philbrook moved not to fill the Secretary position at this time.

47 Seconded by Vice Chair Patten.

### 48 12. Committee and Other Reports

#### 49 a. Communications from the Chairperson – None

### 50 13. Board Member Issues or Concerns

51 Mr. McCollett- None

52 Mr. Pinkham - None

53 Mr. Bush - None

54 Mr. Lawrence – None

55 14. Executive Session - None

56 15. Adjournment

57 Chair Philbrook moved to adjourn at 6:41 PM.

58 Seconded by Bryan Bush

59 Motion carried

60 6-0-0

61

62 Submitted by Kim Tackett

63 Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst  
64 every effort has been made to ensure the accuracy of the information, the minutes are not  
65 intended as a verbatim transcript of comments at the meeting, but a summary of the discussion  
66 and actions that took place. For complete details, please refer to the video of the meeting on the  
67 Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.

68

**TOWN OF KITTERY**  
**KITTERY PORT AUTHORITY**

Map: _____
Lot: _____
Date Submitted: <u>12/2/2019</u>

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


Contact: [kpa@kitteryme.org](mailto:kpa@kitteryme.org) Website: [kitteryme.gov](http://kitteryme.gov)

NOTE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal.  
**The following application is submitted for the construction, modification, reconstruction of a:**  
Reconstruction of Existing shed constructed on piers.

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): Christopher Eckel Trust
3. Property Address: 3 Knight Ave. Kittery
4. Telephone Number: (603) 714-9695                      Email: cgeckel@gmail.com  
(REQUIRED)    (REQUIRED)
5. Property Size (Acres/SF): 0.19 Ac/8355 SF                      Zoning District(s): MU-KF
6. The shore frontage of this property is 125 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. ADDITIONAL PERMITS/APPROVALS THAT MAY BE REQUIRED: (attach applications to submittal)

Army Corps of Engineers	<input type="checkbox"/>	Department of Conservation	<input type="checkbox"/>
Dept. of Environmental Protection Permit	<input type="checkbox"/>	Other (specify):	<input type="checkbox"/>

10. 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: 12-2-2019

Property Owner Signature:  Date: 12-2-2019

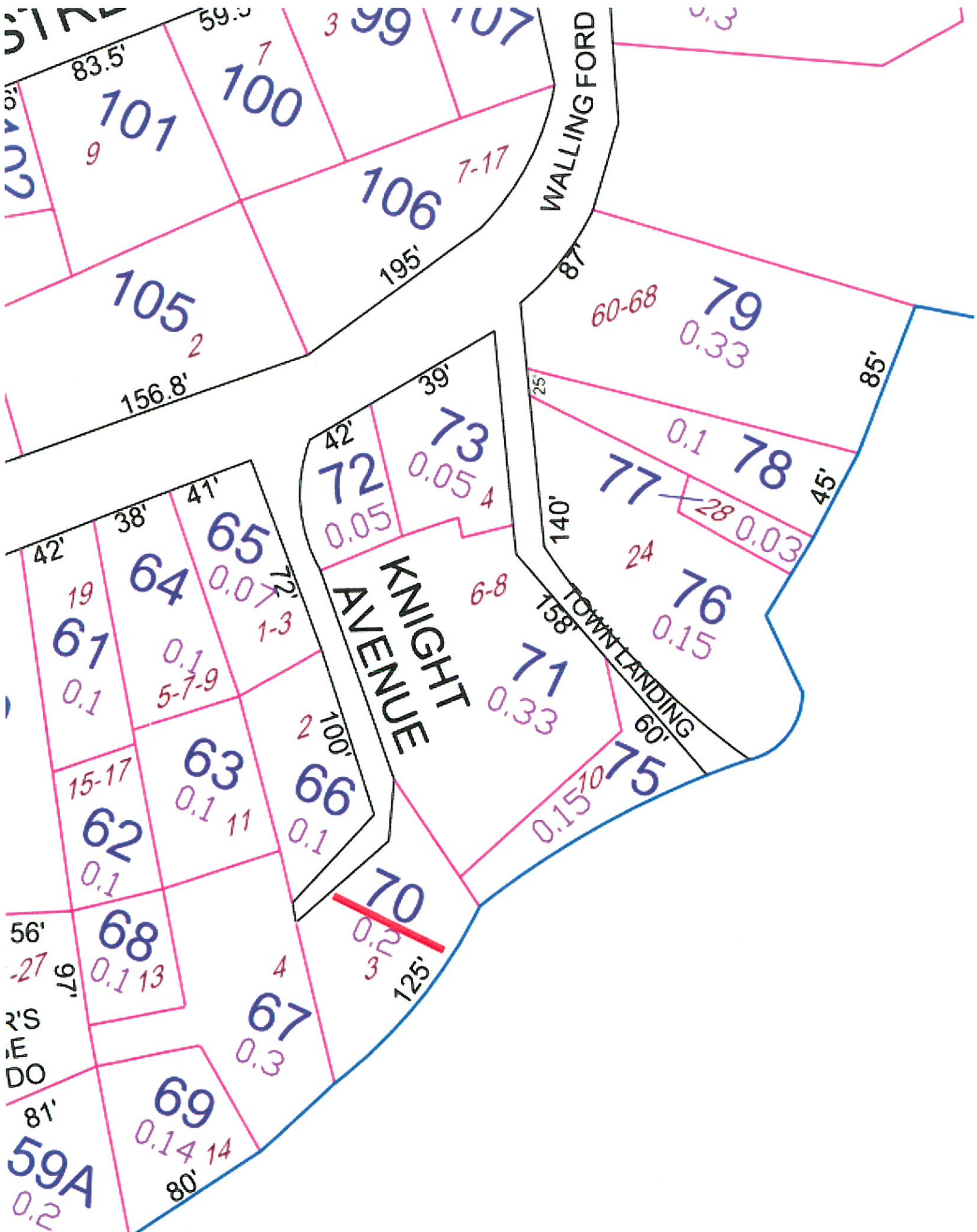
Agent Name: Deane Rykerson Agent Firm: Rykerson Architecture

Agent Phone: 207 439 8755 Agent Email: rykersonarchitecture@comcast.net  
(REQUIRED)    (REQUIRED)

**APPLICATION FEE (\$100) and ASA\* (minimum \$45). Include a check payable to the Town of Kittery.**

Fee Paid, Amount: \$100 Date: 12/2/19 ASA Paid, Amount: \$130 Date: 12/2/19

\*APPLICANT SERVICE ACCOUNTS: PER TITLE 3.3 OF THE KITTELY CODE AND SECTION IV.D.9 OF THE KPA RULES & REGULATIONS, COSTS ASSOCIATED WITH PUBLIC NOTICE ADVERTISEMENT, POSTAGE, RECORDER TIME, ETC.



Rykerson Architecture

Deane Rykerson  
1 Salt Marsh Lane  
Kittery Point ME 03905

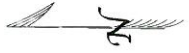
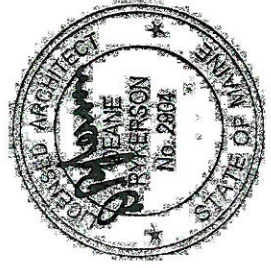
207 439 8755  
mobile 207 439 8791  
rykersonarchitecture@comcast.net

Address: 3 Knight Ave. Kittery ME 03904      Map 4, Lot 70  
Abutters within 150 ft. of shorefront property line

Lot 59A	Donald S. Foye TR	5 Church St.
Lot 69	Night 14, LLC	14 Knight Ave.
Lot 67	Night 4, LLC	4 Knight Ave.
Lot 75	Christopher R. Tobey	10 Town Landing
Lot 76	Betty L. Crawford TR	24 Wallingford Sq.

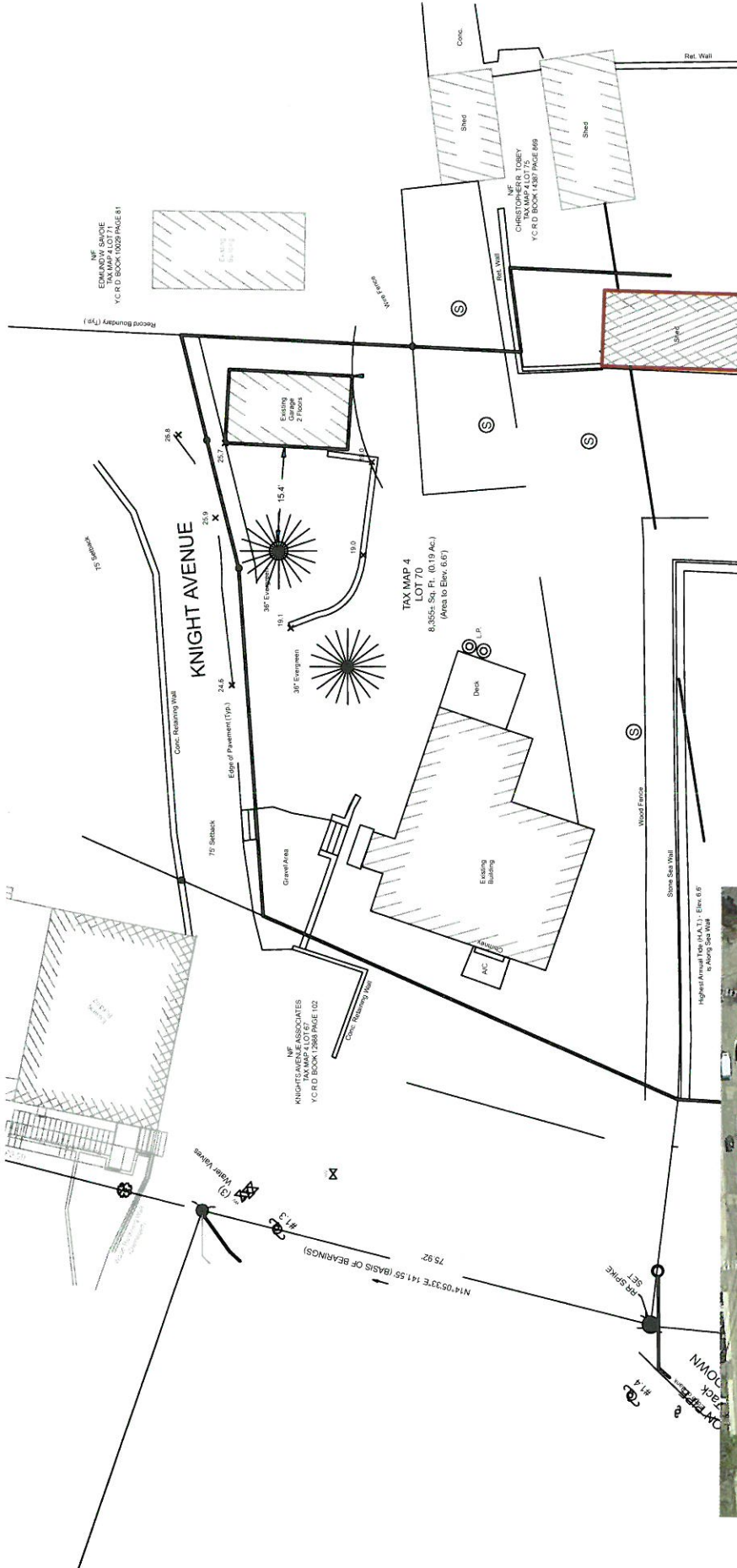






PISCATAQUA RIVER

RECONSTRUCT  
EXISTING  
SHED

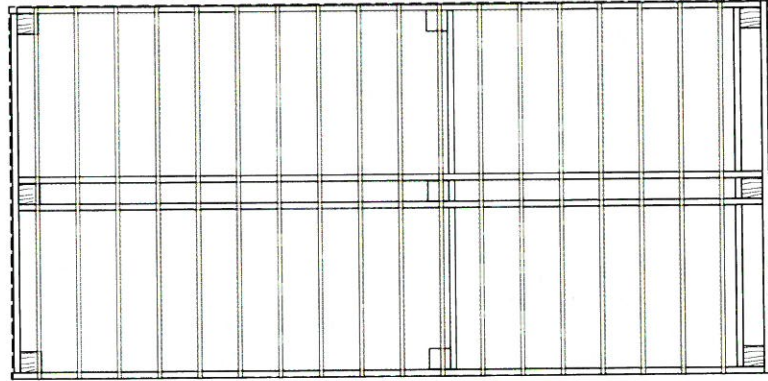


# SITE PLAN

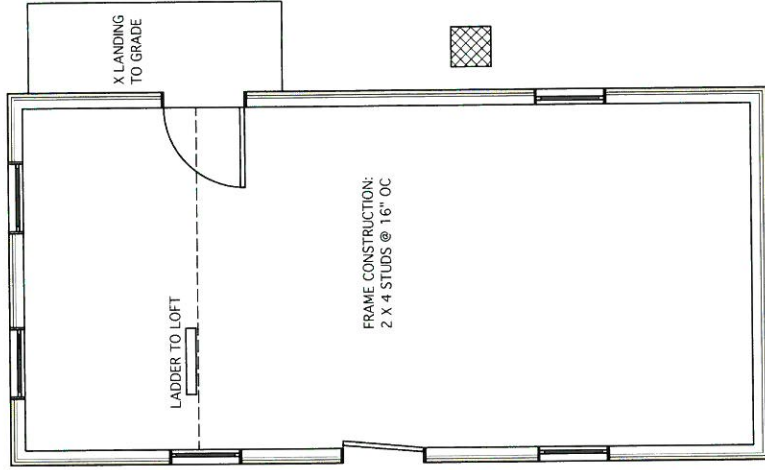
KNIGHT AVE. SHED  
KITTERY ME 03904  
2 DECEMBER 2019

1" = 20' - 0"

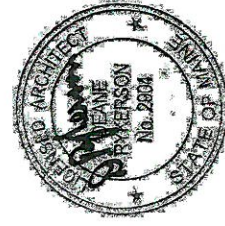
**RA**  
**R**YKERSON  
**A**  
ARCHITECTURE  
1 SALT MARSH LANE 03905  
KITTERY POINT, MAINE  
207.439.8755



1 FLOOR FRAMING PLAN



2 FLOOR PLAN



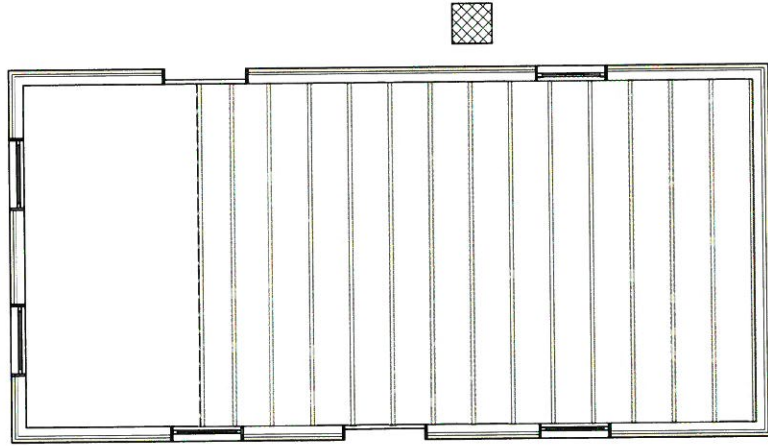
**RA**  
**ARCHITECTURE**  
 1 SALT MARSH LANE 03904  
 KITTERY POINT MAINE  
 207-899-9325



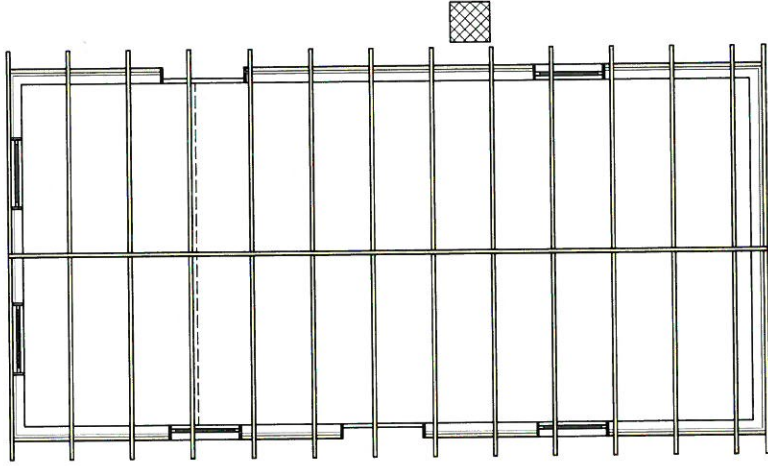
KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

EXIST. PIER & FIRST. FL.  
 PLANS

X-1



1 LOFT PLAN



2 ROOF PLAN



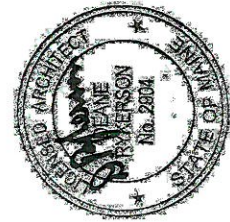
**R ARCHITECTURE**  
 1 SALT MARSH LANE  
 KITTERY POINT, MAINE 03904

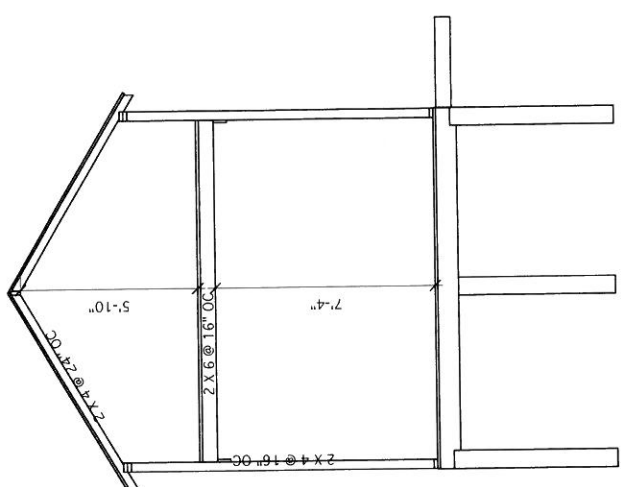


KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

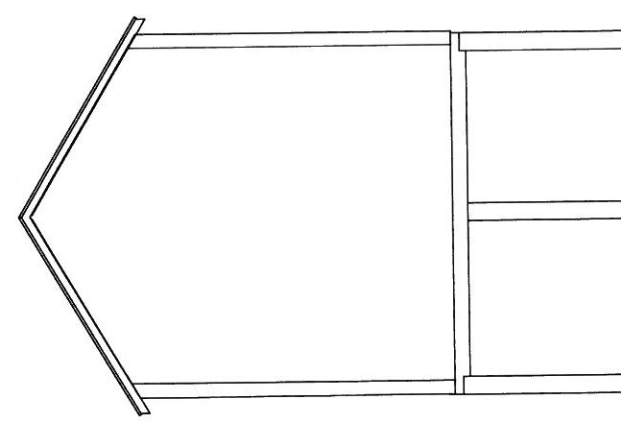
X-2

EXIST. LOFT & ROOF  
 PLANS

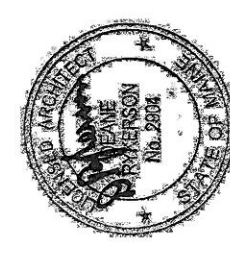




SECTION 2



NORTH ELEVATION 1



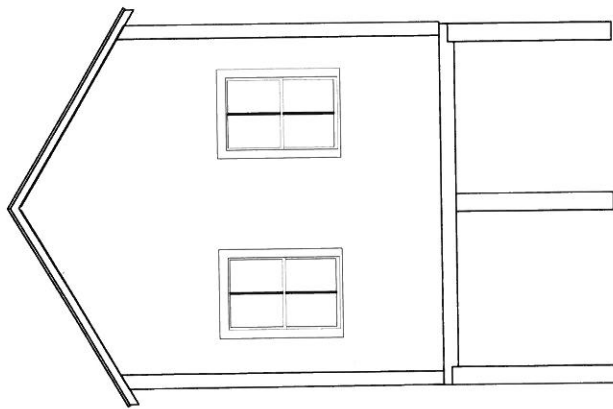
X-3

EXISTING ELEVATIONS I

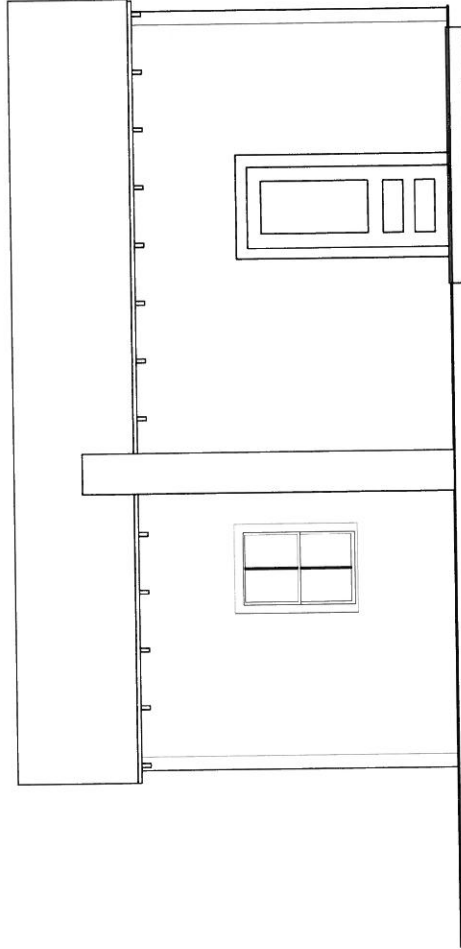
KNIGHT AVE. SHED  
KITTERY ME 03904  
11 NOVEMBER 2019



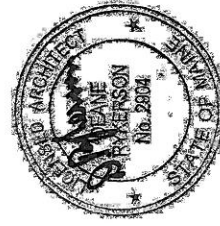
**RYAN PETERSON ARCHITECTURE**  
1 SALT MARSH LANE 03905  
KITTERY POINT MAINE  
207.493.8952



1 SOUTH ELEVATION



2 WEST ELEVATION



**RAYMOND A. RICHARDSON**  
 ARCHITECTURE  
 1 SALT MARSH LANE 03905  
 KITTERY POINT, MAINE  
 207-499-8253



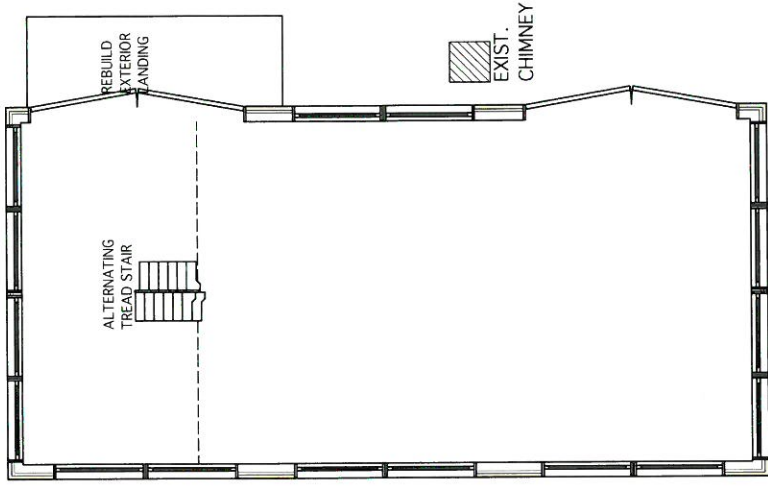
KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

EXISTING  
 ELEVATIONS II

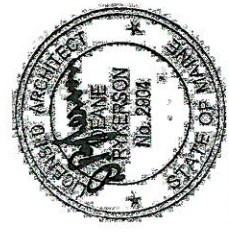
X-4



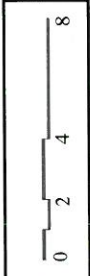
1 FLOOR FRAMING PLAN



2 FLOOR PLAN

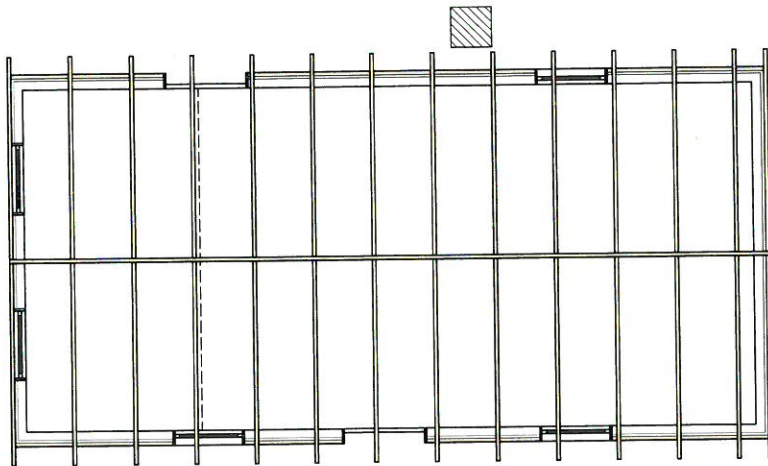


**RAYMOND B. PETERSON ARCHITECTURE**  
 1 SALT MARSH LANE 03905  
 KITTERY POINT, MAINE 207-439-8258

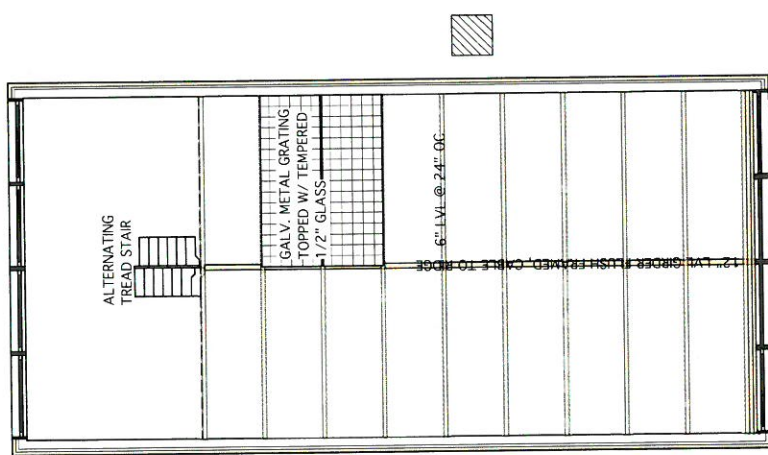


KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

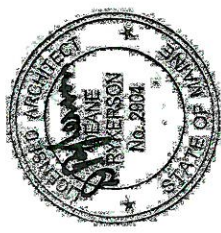
PROPOSED FRAMING &  
 FIRST FL. PLANS  
**A-1**



2 ROOF FRAMING



1 LOFT PLAN



PROPOSED LOFT & ROOF PLAN

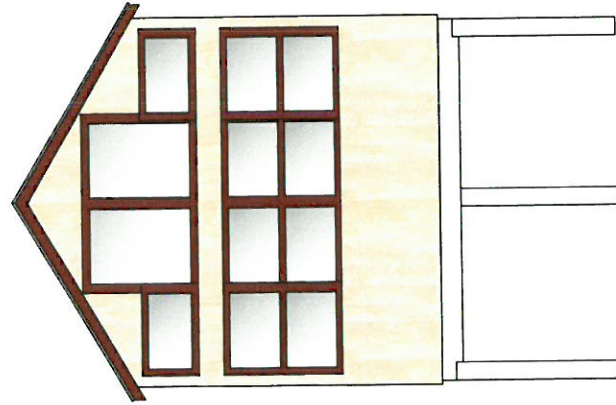
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KITTEERY ME 03904  
11 NOVEMBER 2019



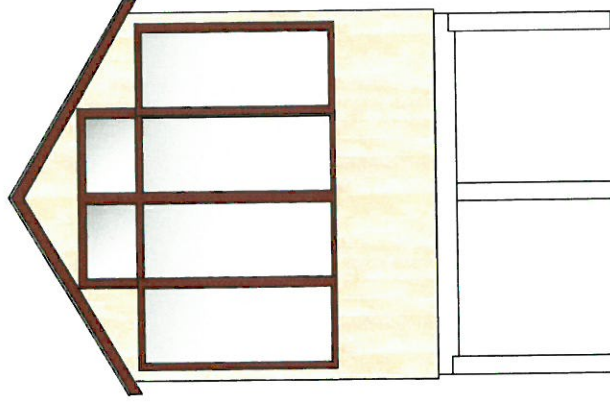
**RA** REGISTERED ARCHITECTURE  
1 SAIT MARSHALLANE 03905  
KITTEERY POINT, MAINE  
207-439-8755



A-2



1 NORTH ELEVATION



2 SOUTH ELEVATION



**ROBERT A. RENSSON**  
 ARCHITECTURE  
 1 SAUL MARSHALL LANE 03905  
 KITTERY POINT, MAINE  
 207.439.6255

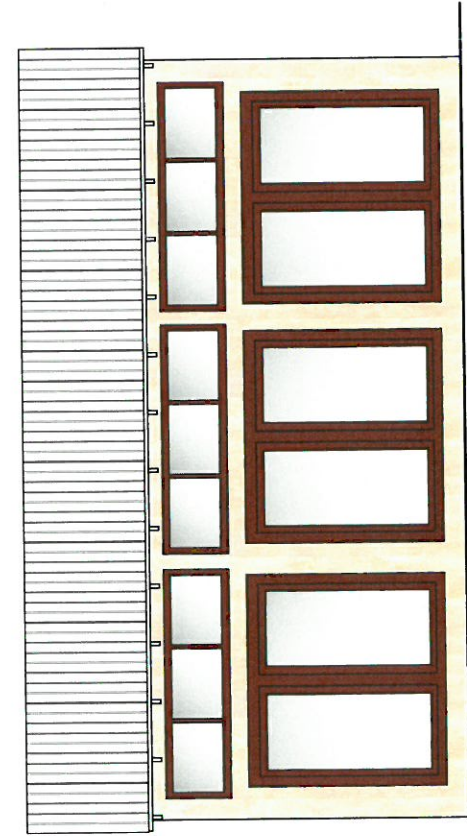


KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

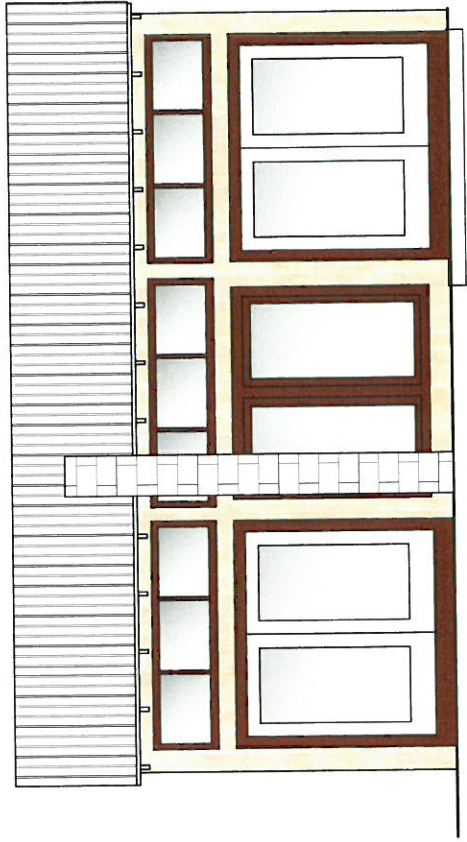
PROPOSED N & S  
 ELEVATIONS

A-3

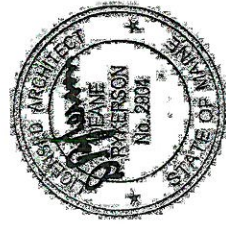




1 EAST ELEVATION



2 WEST ELEVATION



**RAYMOND A. PETERSON ARCHITECTURE**  
 1 SALT MARSH LANE 03905  
 KITTERY POINT, MAINE 207 439 8755



KNIGHT AVE. SHED  
 KITTERY ME 03904  
 11 NOVEMBER 2019

PROPOSED E & W  
 ELEVATIONS

A-4



# Untitled Map

Write a description for your map.

## Legend



Line Measure



300 ft

Google Earth

© 2018 Google





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

May 5, 2008  
JOHN ELIAS BALDACCII

DAVID P. LITTELL  
COMMISSIONER

GOVERNOR  
Glenn Normandeau  
Pickering Marine  
7 Pickering Avenue  
Portsmouth, NH 03801

RE: NRPA Application for Dawn DiGiammarino, L-24185-4P-A-N

Dear Mr. Normandeau;

Your application for a Natural Resources Protection Act Permit has been received by the Department of Environmental Protection and found to be acceptable for processing on May 5, 2008. Your application has been assigned DEP # L-24185-4P-A-N. Please refer to this number in any future correspondence.

Please address the following issues related to the project alternatives, avoidance and minimization so that we can continue to process the application:

-Will the ramp and float be removed seasonally? The application form indicates they are seasonal and the alternatives analysis indicates they are permanent. If they are seasonal, where will they be stored when they are removed from the resource?

-Provide an avoidance and minimization statement. The proposed dock is in Tidal Waterfowl and Wading Bird Habitat, which is a Significant Wildlife Habitat under the Natural Resources Protection Act. The dock and ramp should be made shorter to avoid and minimize the impact to the Significant Wildlife Habitat. Discuss how the impacts to the resource have been avoided and minimized by making the dock and ramp shorter.

Please submit the requested information within 14 days of the date of this letter. If you require additional time to provide the information, or if you have any questions regarding the requested information, please contact me. I can be reached at 822-6396 or by email at christine.woodruff@maine.gov

Sincerely,

Christine Woodruff  
Project Manager  
Division of Land Resource Regulation

cc: Dawn DiGiammarino (3 Fieldstone Way, Bowford, MA 01921)  
File

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7668 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

APPROVED PORT AUTHORITY MINUTES  
OF MAY 1, 2008

\*\* Harbor Master's hours will be posted for town hall as Tuesday and Friday, 9 am to 1:00 p.m.

\*\*\* A press release "Waterline" was made to the Portsmouth Herald on the new Harbor Master, Bion Pike.

\*\*\*\* Harbor Master will meet with Commander Kelly and has requested a badge to enter the Navy Yard, as well as looking for a boat for Kittery.

\*\*\*\*\* Thoughts to upgrade the radios to digital for communication on the water as well as the suggestion for a cell phone dedicated to the HM for improved communications at all times.

\*\*\*\*\* A question was raised by the Kittery Police Department about upgrading the gun issued to the HM. HM Pike stated that the cost to upgrade the gun might be more than what the budget could provide and states that he is content with the current weapon and sees no need for the upgrade at this time.

\*\*\*\*\*HM Pike suggests security cameras to be monitored to keep a closer watch on the docks. HM also explains that the docks are cable ready and asks for one of the laptops to monitor the cameras.

\*\*\*\*\*HM Pike will be placing an ad in the papers looking for an Assistant Harbor Master for a 1 year appointment.

#### 4. Marinas, Piers and Floats

1. Application for William and Judith Smart, 36 Mendum Ave., Kittery, ME (Map 3, Lot 48) to construct a 6' x 25' Extension to existing Pier, 3 x 35' Ramp and 10' x 20' Float. Replace Boathouse sills and Stabilize Shorefront. Sarah Newick presented revisions and clarified that the DEP has accepted the changes to the pier as it will stay as it is, the float will be 8' x 20' so that it will fit inside the boathouse. Ramp and boathouse will remain the same with the sills replaced and the shorefront to be in compliance with the requirement that improvements be above the wetland edge.

**Motion by Scott Mangiafico that the application is complete, with the stipulation that a new plan be drawn showing the changes and application be put on June 5, 2008 for Public Hearing. Second by John Carson. Roll call vote was taken and Motion passed 7-0.**

2. Application for Dawn DiGiammarino, 4 Lawrence Lane, Kittery Point (Map 18, Lot 35) to construct a Residential Pier 6' x 100', 3' x 46' Ramp and 10' x 20' Float. Glen Normandeau gave full details and measurements on the application as well as history of property lines. Scott Mangiafico asks if corrections have been made regarding the lot line adjustment? Glen indicates that a decision must be made on this matter considering the history of the lot. Chairman asks about expired boundary survey and Glen clarifies the boundaries. Guy Petty asks if this is the best placement? Glen states it has no marsh grass at this site. Glen suggests a site visit. Guy Petty asks how long is the Pier on next lot? **Chairman Hall answers 106' to outer edge of float.** Mr. Petty mentions the moored float and the congestion in the area.

Mr. Mangiafico asks about cross pilings which would be constructed as needed according to the plan. Ms. Newick says that they would be on the first 2 bents for stability purposes if needed. Mr. Mangiafico clarifies the intentions of the plan, noting that it is a rebuilding of an existing pier not the creation of a new one.

Motion: Mr. Mangiafico moves to accept the rebuilding of the pier as detailed in the amended revised plan dated June 5, 2008, a 4 page document, in addition to original application which was submitted January 16, 2008. The amended application to be accepted. Seconded by Barry Bush. Roll call vote: 6 in favor, 1 abstained (Guy Petty): motion carried.

- b. Public hearing for Dawn DiGiammarino, 4 Lawrence Lane, Kittery Point (Map 18, Lot 35) to construct a Residential Pier 6' x 100', 3' x 46' Ramp, and 10' x 20' Float.

i. Before the discussion was opened to the public, it was noted that the pier was reduced by 50' in order to be in compliance with Department of Environmental Protection regulations. The plans were amended so that the ramp and float are the same length but the pier is cut in half.

ii. Public Comments  
None.

iii. Board Deliberation

1. Chairman Hall suggested that they make the ramp shorter, but then it was noted that piers cost more than ramps which is why the amended design altered the pier and not the ramp.

Mr. Mangiafico requested a profile view of the plans for the Port Authority's records.

Chairman Hall questioned the lot number and which tax maps were used when planning the project. It was not clear what the lot number was and Mr. Mangiafico requested that the tax map number be clarified.

Mr. Mangiafico moved to accept the original application dated April 15 2008, the applicant must provide a new diagram showing the elevation view and also clarify the lot number. Motion seconded by Mr. John Carson. Roll call vote taken: 7 in favor: motion passes.

- c. Public Hearing for William Cynewski, 30 Rice Ave., Kittery to add onto existing Pier: 2' x 16' Ramp and 8' x 16' Float



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

6 January 2020

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 35  
4 Lawrence Lane  
Kittery Point, ME 03905**

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request to permit 8 sq. ft. of direct impact, and 608 sq. ft. of indirect impact for the extension of an existing docking structure. Currently, the property contains an existing docking structure consisting of a 6' x 5' accessway (located above the HAT), a 6' X 52' fixed wooden pier; a 3'x 46' gangway, and a 10' x 20' float (108' total length below the HAT). The existing docking structure only provides partial tide access as the float is located above Mean Low Water (MLW). Currently, the applicant has a mooring in deeper water in order to achieve full tide boating access.

The project proposes an extension to the fixed wooden pier including a 6' x 45' pier extension, and re-use of the 3' x '46 gangway and 10' x 20' float. The extension creates a structure with 150' of total length below the HAT, and places the float below Mean Low Water (MLW), providing full tide access for MLW tides. The 10' x 20' float will be secured by piles. The subject property includes approximately 126 feet of shoreline along the Piscataqua River.

Attached to this application you will find an Existing Conditions Plan-Sheet C1, 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, a notice of intent to file, a functions & values assessment, a construction sequence, and an alternatives analysis.

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SDR', written over a circular scribble.

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



6 January, 2020

**To Whom It May Concern:**

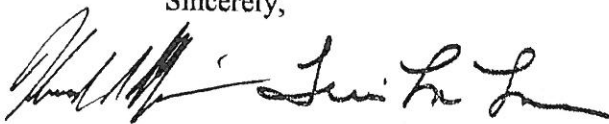
**RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Kenneth P. & Terri Miller of 4 Lawrence Lane Kittery Point, ME 03905**

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

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 "Kenneth P. & Terri Miller", written over a horizontal line.

*Kenneth P. & Terri Miller  
4 Lawrence Lane  
Kittery Point, ME 03905*

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

<b>1. Name of Applicant:</b> Kenneth P. & Terri M. Miller		<b>5. Name of Agent:</b> Steven D. Riker Ambit Engineering, Inc	
<b>2. Applicant's Mailing Address:</b> 4 Lawrence Lane, Kittery Point, ME 03905		<b>6. Agent's Mailing Address:</b> 200 Griffin Road, Unit 3 Portsmouth, NH 03801	
<b>3. Applicant's Daytime Phone #:</b> 207-361-1234		<b>7. Agent's Daytime Phone #:</b> 603-430-9282	
<b>4. Applicant's Email Address (Required from either applicant or agent):</b> Ken@electriclightcoinc.com		<b>8. Agent's Email Address:</b> sdr@ambitengineering.com	
<b>9. Location of Activity: (Nearest Road, Street, Rt.#)</b> 4 Lawrence Lane		<b>10. Town:</b> Kittery Point	<b>11. County:</b> York
<b>12. Type of Resource: (Check all that apply)</b>	<input checked="" type="checkbox"/> River, stream or brook	<b>13. Name of Resource:</b> Piscataqua River	
	<input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain	<b>14. Amount of Impact: (Sq.Ft.)</b> Fill: 8 sq. ft. direct for piles Dredging/Veg Removal/Other: 608 sq. ft. indirect for pier, gangway & float	
<b>15. Type of Wetland: (Check all that apply)</b>	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other Coastal mud flat	<b>FOR FRESHWATER WETLANDS</b>	
		<i>Tier 1</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	<i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft.
			<i>Tier 3</i> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
<b>16. Brief Activity Description:</b>	The project proposes an extension to the existing tidal docking structure consisting of a 4' x 45' fixed pier, a 3' x 46' gangway, and a 10' x 20' float secured by piles.		
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>	<input checked="" type="checkbox"/> 41,436 square feet, or <input type="checkbox"/> .95 acres UTM Northing: 43.080284 UTM Easting: -70.714917		
<b>18. Title, Right or Interest:</b>	<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement		
<b>19. Deed Reference Numbers:</b>	Book#: 17856 Page: 314	<b>20. Map and Lot Numbers:</b>	Map #: 18 Lot #: 35
<b>21. DEP Staff Previously Contacted:</b>		<b>22. Part of a larger project:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>After-the-Fact:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>23. Resubmission of Application?:</b>	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	<b>If yes, previous application #</b>	<b>Previous project manager:</b>
<b>24. Written Notice of Violation?:</b>	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	<b>If yes, name of DEP enforcement staff involved:</b>	<b>25. Previous Wetland Alteration:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>26. Detailed Directions to the Project Site:</b>	From Kittery Center/Memorial Circle, take Rogers Road (ME-236 West). ME 236 West becomes ME-103 West. Follow ME-103 West for 1.4 miles, then turn right onto Lawrence Lane. The site is on the right.		
<b>27. TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
<b>28. FEES Amount Enclosed:</b>	\$515.00		
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>			

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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

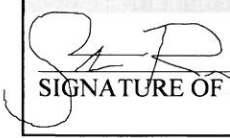
**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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

 Agent-See Authorization  
SIGNATURE OF AGENT/APPLICANT

Date: January 6, 2020

**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)

08/08

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

Please take notice that

Kenneth P & Terri M. Miller

4 Lawrence Lane, 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

January 14, 2020

*(anticipated filing date)*

The application is for

Extension of an existing tidal docking structure

*(description of the project)*

at the following location:

4 Lawrence Lane, Kittery Point, ME

*(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)



## ALTERNATIVES ANALYSIS

The project proposes an extension to an existing fixed wooden pier including a 6' x 45' pier extension, and re-use of the 3' x 46' gangway and 10' x 20' float. The extension creates a structure with 150' of total length below the HAT, and places the float below Mean Low Water (MLW), providing full tide access for MLW tides. The 10' x 20' float will be secured by piles.

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 the Piscataqua River in relation to the property, and the location of appropriate water depth for docking, there are minimal alternatives that perform the intended use. The use of piles to support the fixed pier represents the least impacting alternative. The length of the structure is necessary to achieve sufficient use during a full tidal cycle. The lot contains approximately 126 feet of shoreline, and the design needs to provide for at least a 25 foot setback to abutting properties for navigational purposes, as required by USACOE. This setback leaves an even smaller area to place a dock along the applicant's shoreline.

Additionally, the property owners are requesting the extension to the tidal docking structure allowing the dock to perform its intended function, which is to provide full tide docking access, as the current float location sits on the mud at low tide. The existing float location severely limits the use of the dock, forcing the property owners to utilize a mooring for their boating needs. Water depths to accommodate a docking structure capable of use during the entire tide cycle along the shoreline are relatively consistent, providing no specific location resulting in a shorter structure to achieve the same purpose.

The alternative of not constructing a dock would require the owners to trailer their boat or continue to use the mooring which they currently occupy. Trailering the boat would result in the compounded use of fuel for transport, as well as purchasing a vehicle capable of towing the boat. The applicant owns a 33 Southport Dual Console. Boats of this size and length are typically not "trailed" for occasional use due to size and weight. Additionally, continuing to utilize the mooring leaves the property owners with an existing docking structure that does not serve any useful purpose. In forcing the Millers to use the mooring, the property owners would then have a docking structure that contributes to their tax assessment and provides a burden in terms of maintenance. Lastly, allowing the extension would enable the Millers to use the structure as intended, and the mooring that they currently occupy would become available to another boat owner (who does not own shoreline frontage), and that owner would no longer have to trailer a boat and consume fuel. Mooring availability in Kittery is severely limited. As of January 6, 2020, there were 15 people on the mooring wait list for the Piscataqua River area of Kittery, Maine.

Lastly, the extension would reduce the environmental impact of the float, and any boat secured to it, from sitting on the tidal mud flat on a daily basis. The proposed float location, achieved through the 6' x 45' pier extension, places the float in a location, below MLW, where only the lowest of low tides (astronomical) would subject the float to sitting on the substrate at low tide.

## **CONSTRUCTION DETAILS-SEQUENCE**

The project proposes an extension to the existing fixed wooden pier including a 6' x 45' pier extension, and re-use of the 3' x 46' gangway and 10' x 20' float. The extension creates a structure with 150' of total length below the HAT, and places the float below Mean Low Water (MLW), providing full tide access for MLW tides. The 10' x 20' float will be secured by piles. The lot contains approximately 126 feet of shoreline. The docking structure will be installed utilizing a barge and crane allowing the portion of the structure that is located over the resource to be constructed from the water eliminating impact to the wetlands and shoreline adjacent to the proposed docking structure.

The fixed pier will be constructed of wood with an associated wooden railing for safety. The pier extension will be supported by 8 piles. These piles will be driven utilizing a crane barge from the water. Details for the fixed pier, gangway, and floats are provided in the plan set, located on "Details-Sheet D1".

Construction of the dock extension is anticipated to take less than one week. A crane barge will mobilize to the site with equipment and materials. The pier extension will be constructed and the gangway and floats will be installed. Once 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 subject property during the winter months.

No erosion control devices are required for the tidal docking component of the project. There will be no driving of new piles. 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 dock extension that would provide an opportunity for erosion. Work on the portion of the structure located over tidal wetland resources will be performed utilizing a crane barge and a spud barge at low tide eliminating erosion and potential for sedimentation.

# 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 4 Lawrence Lane, Kittery Point, Maine. The property is identified as Tax Map 18, Lot 35, is approximately .95 acres in size, and is located on the western side of Lawrence Lane. The lot is currently developed and contains a single family residential structure. The surrounding land use is residential.

Wetland boundaries on the project site were verified by Steven D. Riker, New Hampshire Certified Wetland Scientist on June 7, 2019 in accordance with the 1987 United States Army Corps of Engineers' Wetlands Delineation Manual (Routine Delineation Method), and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012. A saltmarsh boundary was delineated and is depicted on the enclosed Existing Permit Plan. The functions and values of these wetlands were assessed using the United States Army Corp of Engineers' Highway Methodology Workbook Supplement (ACOE, September 1999).

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

## DISCUSSION

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

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

There is one wetland class associated with the site in which the proposed impacts will occur. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979), the tidal mud flat associated with the parcel would be classified as an estuarine intertidal unconsolidated shore mud wetland system that is regularly flooded by the tides (E2US2N).



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**

The project proposes an extension to the existing fixed wooden pier including a 6' x 45' pier extension, and re-use of the 3' x 46' gangway and 10' x 20' float. The extension creates a structure with 150' of total length below the HAT, and places the float below Mean Low Water (MLW), providing full tide access for MLW tides. The 10' x 20' float will be secured by piles. The subject property includes approximately 126 feet of shoreline along the Piscataqua River.

The docking structure will be installed utilizing a barge and crane allowing the portion of the structure that is located over the resource to be constructed from the water eliminating impact to the wetlands and shoreline adjacent to the proposed docking structure. The pier extension and the securing of the float 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, 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 and is also located a significant distance from a docking structures on an abutting properties, 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: Kenneth P. & Terri M. Miller Phone: 207-361-1234  
 Application Type: DEP NRPA Individual  
 Activity Type: (brief activity description) Proposed extension to existing tidal docking structure  
 Activity Location: Town: Kittery Point Court: York  
 GIS Coordinates, if known: Lat: 43.080284 Lon: -70.714917  
 Date of Survey: June 7, 2019 Observer: Steven D. Riker Phone: 603-430-9282

	<b>Distance Between the Proposed Visibility Activity and Resource (in Miles)</b>		
	0-¼	¼-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<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](http://www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm). In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

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

NAME OF APPLICANT: Kenneth P. & Terri M. Miller PHONE: 207-361-1234

APPLICATION TYPE: DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery Point COUNTY: York

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

DATE OF SURVEY: June 7, 2019 OBSERVER: Steven D. Riker

TIME OF SURVEY: 10:30 AM TIDE AT SURVEY: 9:26 AM Low tide @ Kittery Point, ME

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: 608 sq. ft. for pier, gangway & float 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: \_\_\_\_\_)  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**

Photographs  Overhead drawing (pink)

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



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



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

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



**TELL US ABOUT YOUR BOAT....** Southport 33 DC

My boat(s) requires a draft of 3 feet.  
My boat(s) is 33 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 .70 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately .70 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: Wait list dated 1/6/20: 15 people on list

I have contacted the local Harbor Master. Name: John Brosnihan Phone: 207-332-2656

I currently use the following for my boat:  Mooring  Marina



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

**MATERIALS:**

- The structure will be supported by pilings.  
\*proposed structure extension 8 pilings of 12 inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.  
\_\_\_\_\_ blocks, measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet
- The structure will be supported by solid fill.  
\_\_\_\_\_ square feet of solid fill
- Other: \_\_\_\_\_

**DIMENSIONS:** (proposed extension)

Length of fixed section: 45 feet  
Width of fixed section: 4 feet  
Length of ramp: 46 feet  
Dimensions of float: 10 feet wide by 20 feet long  
Distance the structure will extend below mean low water (MLW): 10 feet  
Depth of water at the fixed end of the structure: 0 at low tide feet  
Depth of water at the float at low tide: 0-1' feet  
Depth of water at the float at high tide: 8.75' feet  
Dimensions of any proposed buildings (e.g. bait shed):  
\_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

**ACCESS:**

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge



~ Classifieds & News ~

**RENTALS**

**Bill Jones REALTY TEAM**  
*BillJonesRealtyTeam.com*  
**Sales & Rentals**  
**207-636-7531**

**SUMMER RENTALS**  
**WINTER RENTALS**  
**YEAR ROUND RENTALS**  
 18 York Street, York • (207) 636-7531  
*billjonesrealtym.com*

**WINTER RENTALS**

**RENTAL WITH OPTION TO BUY!** 2 BR, 2 BA, 1600 SF on York/Ogunquit line. Luxury furnished unit. \$1500/mo. Close to beach! 207-251-6955.

**RENTALS**

**ELIOT MAINE RENTAL**  
 Small, furnished, 1 BR APT, ideal for one. All utilities included. No pets. Background check. \$1000/mo. Call 207-439-2636

**YORK HARBOR:** Year round or winter rental, walking distance to ocean. Fully furnished bedroom with private bath and entrance. Utilities included. \$850/mo. • 207-479-2116

**CENTURY 21**  
 Barbara Patterson 207.384.4008  
 96 Portland St. South Berwick, ME  
*www.century21barbarapatterson.com*

**WELLS**  
 4 BR, 2 BA. Fully Furnished Ranch Home. 1-Car Garage \$2500/mo. + utilities

**RENTALS**

**Available Immediately!**

Affordable, one-bedroom apartment in Carriage House workforce housing neighborhood, close to everything! Rent is \$800 per month plus tenant paid heat & electricity.

Please call York Housing for an application and more information, (207)363-8444.

*Equal Housing Opportunity*

**STORAGE RENTALS**

**AFFORDABLE STORAGE**  
 Rentals \$50 & Up  
 No Sign Up Fee  
 Call (207) 641-8404

**PIANO SERVICES**

**A Sharp Piano Service**  
*Tuning, Regulating and Voicing*  
 Serving the Southern Maine Seacoast Area  
**Bobby Morse, Piano Tech**  
 30 Yrs Experience / Cape Neddick  
**Toll Free (888) 521-1969**

**HELP OFFERED**

**PERSONAL ASSISTANCE TRUSTWORTHY RETIREE**  
 will 1) make deliveries. 2) drive to/from airport, mall, theater & other dest. 3) do small odd jobs. Try me out! Very reasonable. Call Paul 207-363-0519

**PERSONAL SUPPORT PROFESSIONAL**

I can be your transportation to/from medical appts with full assistance if wanted, great cook, house-cleaner, gardener, and companion. I am a certified medication aide, CPR First Aid certified, have 25 years experience with mental health & behavioral health issues, and have great references! I can also assist with all adls. transfers. Please call **286-9644 or 294-2554**

**LEGAL / PUBLIC NOTICE**

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

Please take notice that **Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905** 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 **January 14, 2020**.

The application is for **extension of an existing tidal docking structure at 4 Lawrence Lane, Kittery Point, ME**.

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

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

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

Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, ME 04103.

**AUTOS WANTED**

**WE NEED LATE MODEL CARS, TRUCKS, SUV'S. PAYING CASH! PAYOFFS NO PROBLEM!**

**TOP \$\$\$**  
 CHECK WITH US BEFORE YOU TRADE

Call Dan: (207) 251-2221  
 or Email: [villagemotors@comcast.net](mailto:villagemotors@comcast.net)

**CASH FOR YOUR CAR OR TRUCK**

KEY AUTO GROUP SELLS 1,000 VEHICLES A MONTH  
**LATE MODEL VEHICLES NEEDED NOW**  
**Paid Off or Not – Instant Money on the Spot!**  
 All Makes & Models • Wholesale Buyer

**DON'T GET RIPPED OFF – CONTACT ME LAST:**  
 HOATY at 207-363-2483 or [hoaty@keyauto.com](mailto:hoaty@keyauto.com)  
 Key Auto Group, 422 Route 1, York, ME 03909

**RENTALS WANTED**

*Seaside Vacation Rentals*

**ATTN HOMEOWNERS!**  
 List your property with *Seaside Vacation Rentals* and let us take care of **Booking, Cleaning, Maintaining & Marketing of your Rental Home!**

- 38 Years in Business!
- Over 60% Return Renters & 1000s of Leads
- Exceptional Marketing Reach & Online Presence
- Knowledge of Local Ordinances
- Handling of Lodging Taxes
- Online Booking & Accurate Accounting

**ACCEPTING PROPERTIES NOW FOR 2020!**  
**207-363-1825**  
[info@seasiderentals.com](mailto:info@seasiderentals.com)

**EMPTY UNIT?**

An ad in *The Weekly Sentinel* will help fill your space quickly.

**1-877-646-8448**  
[ads@theweeklysentinel.com](mailto:ads@theweeklysentinel.com)

**ITEMS WANTED**

**WANTED TO BUY**  
 Antiques • Silver • Gold • Coins  
**CHRIS LORD ANTIQUES**  
 One Item or Entire Estate. Cash paid for all antiques. Antique jewelry, coins, silver, gold, paintings, clocks, lamps, telephones, radios, phonographs, nautical items, weathervanes, dolls & toys, pottery, photography, military items, swords, advertising signs, fountain pens, bottles, tools, books & much much more! Buying antiques for over 20 years. Barn and Attic Clean-Out Also. **(207) 233-5814 • ME 6 NH**

**ITEMS FOR SALE**

**4 WOOD COVE STOVES**  
 in good condition with pipe.  
 207-251-3212

**...CENTER from page 21**

perately needs, with the appropriate ventilation, fire safety, and sterile materials that wild animal patients, staff, and community deserve.

Center for Wildlife has \$685,000 left towards the \$4.5M project cost, and construction is well under way. A \$2M line of credit from Kennebunk Savings Bank has allowed the non-profit to keep construction going while raising funds. The new facility and campus will offer a unique place to learn about and connect to local wildlife and nature and includes:

An indoor auditorium for large group field trips, family functions, and corporate retreats;

A Nature Discovery Center with hands-on and interactive exhibits like a forested wall, turtle and snake terrariums, and a vernal pool replica; Intern Housing to host up to 40 interns from across the country annually;

Expanded medical clinic to include a surgical suite and aquatic species recovery.

This new space means that Center for Wildlife can host thousands of school children, families and adults interested in connecting directly with wildlife and nature. "Research illuminates the integral role time in nature has on human physical, emotional, and mental wellbeing. Beyond healing local wildlife and ecosystems, we are proud to offer wildlife and nature connection daily in unique ways. We can't wait to say "yes" to those shining faces, fostering the natural connection to wildlife children have, and that our society often tries to re-establish as we become adults" Lamb reflects.

Local philanthropist and community leader Jo Lamprey is making a \$10,000 gift toward the campaign, and challenges others to match her gift to help Center for Wildlife to make their goal! Participation happens at all levels and can be done in honor or memory of loved ones. Community members can learn more at [www.thecenterforwildlife.org/investinginwildlife](http://www.thecenterforwildlife.org/investinginwildlife), or call Kristen Lamb at 207-361-1400 x 109.

**ITEMS FOR SALE**

**SAFE HAVEN THRIFT STORE**  
 Open Monday-Sunday 11am-5pm  
 Next to Wells IGA  
 Wells Center Plaza, Rt 1 & Rt 109

**BENEFITS SAFE HAVEN HUMANE SOCIETY ADOPTION CENTER**  
 Donation wanted! Housewares, clothes, jewelry, estate clean-outs. Tax deductible! FMI: 229-8314

**Tips for submitting articles to The Sentinel...**

- Email to the editorial email: [editor@theweeklysentinel.com](mailto:editor@theweeklysentinel.com)
- Avoid writing in 1st Person (I, We). Use 3rd Person (They, He, She).
- Avoid any formatting such as tabs, bullets, special spacing, etc.
- When sending a photo include a caption which describes who/what is shown, and photographer credit.
- For calendar of events, view the calendar for proper formatting. Be sure to include all basic event details (time, place, contact info).
- Avoid using ALL CAPS and extensive punctuations.
- Remember that not all submissions are guaranteed to be printed. To guarantee publication of your event, please place an ad.

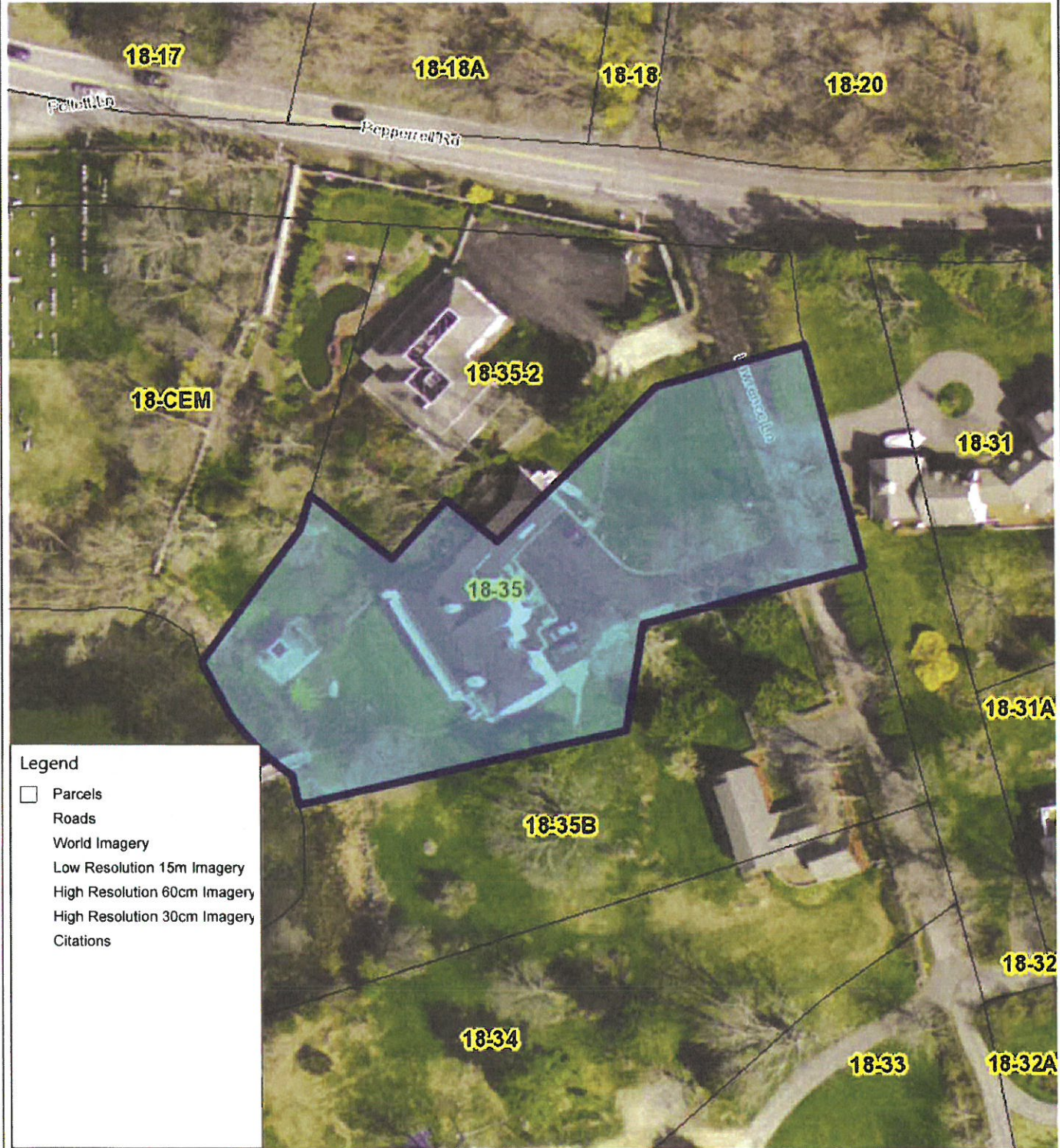
*Thank you for your cooperation!*

### My Map

No legend



Copyright:© 2013 National Geographic Society, i-cubed



**Legend**

- Parcels
- Roads
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



**ABUTTER'S LIST**

JN 2552.93

**Client: Kenneth P. Miller & Terri M. Miller**

**Project Address: 4 Lawrence Lane, Kittery Point, ME 03905**

<b>MAP</b>	<b>LOT</b>	<b>NAME(S)</b>	<b>PO BOX</b>	<b>STREET ADDRESS</b>	<b>CITY/STATE/ZIP</b>
18	35-2	Sally E. Crotty Rev. Trust of 2007 Sally E. Crotty, Trustee		2 Lawrence Lane	Kittery Point, ME 03905
18	35-B	Donald K. & Christine R. Merrigan		1927 Saucon Lane	Bethlehem, PA 18015
18	CEM	First Congregational Church Cemefery		23 Pepperrell Road	Kittery Point, ME 03905
18	31	William Dean & Benitha C. Howells		11 Lawrence Lane	Kittery Point, ME 03905
18	31-A	Metz Howells & Muriel Gurdon		9 Lawrence Lane	Kittery Point, ME 03905



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

31 December, 2019

Donald K. & Christine R. Merrigan  
1927 Saucon Lane  
Bethlehem, PA 18015

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for extension of an existing tidal docking structure for Kenneth P. Miller & Terri M. Miller, 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 an extension onto the existing tidal docking structure at **the above mentioned property** on behalf of your abutter, **Kenneth P. Miller & Terri M. Miller.**

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **Kenneth P. Miller & Terri M. Miller**, 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

31 December, 2019

William Dean & Benitha C. Howells  
11 Lawrence Lane  
Kittery Point, ME 03905

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200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

31 December, 2019

First Congregational Church Cemetery  
23 Pepperrell Road  
Kittery Point, ME 03905

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

31 December, 2019

Sally E. Crotty Revocable Trust of 2007  
Sally E. Crotty, Trustee  
2 Lawrence Lane  
Kittery Point, ME 03905

**RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for extension of an existing tidal docking structure for Kenneth P. Miller & Terri M. Miller, Kittery Point, ME.**

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NH Certified Wetland Scientist/Permitting Specialist

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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

31 December, 2019

Metz Howells & Muriel Gurdon  
9 Lawrence Lane  
Kittery Point, ME 03905

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

Postage  
 \$

Total Postage and Fees  
 \$

Sent To  
**HOWELS**  
 Street and Apt. No., or PO Box No.  
**11 LAWRENCE LANE**  
 City, State, ZIP+4®  
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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

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Total Postage and Fees  
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Sent To  
**MERRIGAN**  
 Street and Apt. No., or PO Box No.  
**1927 SALCOX LANE**  
 City, State, ZIP+4®  
**BETHLEHEM, PA 18015**

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

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

Postage  
 \$

Total Postage and Fees  
 \$

Sent To  
**CROTTY**  
 Street and Apt. No., or PO Box No.  
**2 LAWRENCE LANE**  
 City, State, ZIP+4®  
**KITTERY POINT, ME 03905**

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

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

Postage  
 \$

Total Postage and Fees  
 \$

Sent To  
**FIRST CONGREGATIONAL CHURCH CEMETERY**  
 Street and Apt. No., or PO Box No.  
**23 PEPPERELL ROAD**  
 City, State, ZIP+4®  
**KITTERY POINT, ME 03905**

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

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

Postage  
 \$

Total Postage and Fees  
 \$

Sent To  
**HOWELS, GUYDON**  
 Street and Apt. No., or PO Box No.  
**9 LAWRENCE LANE**  
 City, State, ZIP+4®  
**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

6 January 2020

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 35  
4 Lawrence Lane  
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 the extension of an existing tidal docking structure on the above referenced site along the Piscataqua River.

Attached to this application you will find a "MDEP 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 within Tidal Waterfowl/Wading Bird 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

7 January 2020

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 35  
4 Lawrence Lane  
Kittery Point, ME**

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Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



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

7 January 2020

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 35  
4 Lawrence Lane  
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 the extension of an existing tidal docking structure on the above referenced site along the Piscataqua River.

Attached to this application you will find a "MDEP 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 within Tidal Waterfowl/Wading Bird 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

7 January 2020

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 35  
4 Lawrence Lane  
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 the extension of an existing tidal docking structure on the above referenced site along the Piscataqua River.

Attached to this application you will find a "MDEP 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 within Tidal Waterfowl/Wading Bird 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

7 January 2020

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

**Re: NRPA Individual Permit Application  
Tax Map 18, Lot 35  
4 Lawrence Lane  
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 the extension of an existing tidal docking structure on the above referenced site along the Piscataqua River.

Attached to this application you will find a "MDEP 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 within Tidal Waterfowl/Wading Bird 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

6 January 2020

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 35  
4 Lawrence Lane  
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

6 January 2020

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

**Re: NRPA Individual Permit Application**  
**Tax Map 18, Lot 35**  
**4 Lawrence Lane**  
**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.

Return to:  
Kenneth P. Miller and Terri M. Miller  
4 Lawrence Lane  
Kittery, ME 03904

DEBRA L. ANDERSON, REGISTER OF DEEDS



**Blk 17856 PG 314**  
Instr # 2018050781  
12/05/2018 11:10:21 AM  
Pages 3 YORK CO

WARRANTY DEED

DLN: 1001840045438

**KNOW ALL PERSONS BY THESE PRESENTS:** That I, Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust, w/va dated July 23, 2013 of 4 Lawrence Lane, Kittery, ME 03904, for consideration paid grants to **Kenneth P. Miller and Terri M. Miller**, Husband and Wife, of 1376 US Route 1, PO Box 553, Cape Neddick, ME 03902, as joint tenants with rights of survivorship, with **WARRANTY COVENANTS**, the following:

A certain parcel of land with the buildings thereon, situated in Kittery, County of York and State of Maine, lying on the Westerly side of Lawrence Lane and being Lot 35, on the plan entitled, "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine Owned by Heirs of Stephen Decatur, c/o S. Decatur, 33 Gregory St., Marblehead, Mass. 01945 Prepared for James Austin, Lawrence Lane, Kittery Point, ME 03904" by Allan H. Swanson, Inc. dated December 16, 1991 and recorded in the York County Registry of Deeds at Plan Book 211, Page 3. See said plan for a more particular metes and bounds description.

The above-conveyed property is conveyed **SUBJECT TO** all of the terms, conditions, notes, easements and restrictions shown and delineated on the above-noted Plan to which reference is made for a more detailed description.

The above-conveyed property is conveyed **SUBJECT TO** a right of way and easement for the benefit of Lot 35-A as shown and delineated on the above-noted Plan to which reference is made for a more detailed description.

The above-conveyed property is conveyed **TOGETHER WITH** a 25 foot right of way as shown on delineated on the above-noted Plan to which reference is hereby made for a more detailed description.

The above-conveyed property is made **SUBJECT** to a restriction regarding building of a boathouse and/or dock within the above mentioned right of way as described deed of James P. Austin and Tudor M. Austin to Anders E. Albertsen recorded in York County Registry of Deeds Book 4047, Page 101; said property is further **SUBJECT** to the rights of said Albertsen, his heirs and assigns, to construct, maintain and repair a boathouse, berth and float, subject to the conditions and restrictions both as set forth in the deed to said Albertsen recorded in the York County Registry of Deeds in Book 6110, Page 239.

3<sub>93</sub> → Red Door Title • 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 • (207) 358-7500

Maine R. E. Transfer Tax Paid

Also conveying to the Grantees herein, their heirs and assigns, a right of way, for all purposes of a way, over the parcel conveyed to Anders E. Albertsen immediately described above, including the right to install utility services over, under and across said parcel, as reserved in deed to Albertsen recorded in York County Registry of Deeds at Book 6110, Page 239.

Also including in the conveyance and hereby conveying to the Grantees, their successors and assigns, a Right of Way in common with Anders E. Albertsen, his heirs and assigns, for all purposes of a way, shown on the above-reference plan entitled, "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine," more particularly bounded and described as follows:

A certain lot or parcel of land situated on the westerly side of Lawrence Lane, Kittery Point, Maine, being further described as follows:

Beginning at a stone bound on the westerly sideline of Lawrence Lane at the southeasterly corner of Lot 35-A, as said lot is shown on plan of land entitled, "Subdivision Plan of Land, Lawrence Lane, Kittery Point, Maine", owned by Heirs of Stephen Decatur, prepared for James Austin, dated 18 December 1980, by Allan H. Swanson, Inc., and recorded in the York County Registry of Deeds in Plan Book 113, Page 31;

THENCE running South 86° 22' 04" West, a distance of 60.12 feet by Lot 35 to a point at the aforesaid Lot 35-A and a stone wall;

THENCE turning and running North 58° 39' 32" East a distance of 21.51 feet by said Lot 35-A and said stone wall to a point;

THENCE turning and running North 86° 22' 04" East a distance of 41.08 feet to a point on the aforesaid westerly sideline of Lawrence Lane;

THENCE turning and running South 03° 37' 56" East, a distance of 10 feet by said Lawrence Lane to the point of beginning.

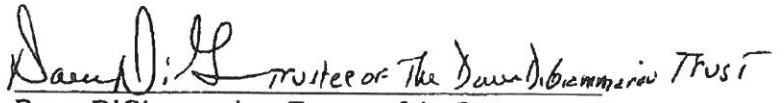
Reference is also hereby made to "Amended Subdivision Plan, Lawrence Lane" dated January 1, 2008 and recorded at the York County Registry of Deeds in Plan Book 327, Page 36 on February 1, 2008.

The undersigned Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust, u/t/a dated July 23, 2013 and any amendments thereto, have full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power to see to the application of any Trust Asset paid to the Trustee for a conveyance thereof. The trust has not been revoked and is still in full force and effect.



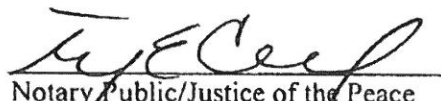
Meaning and intending to describe and convey the same premises conveyed to Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust by virtue of a deed of Dawn DiGiammarino dated July 23, 2013 and recorded in the York County Registry of Deeds at Book 16704, Page 842.

Executed this 3 day of December, 2018.

  
Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust  
Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust

State of Maine  
County of York

Then personally appeared before me on this 3 day of December, 2018, the said Dawn DiGiammarino, Trustee of the Dawn DiGiammarino Trust and acknowledged the foregoing to be her voluntary act and deed.

  
Notary Public/Justice of the Peace  
Commission expiration:



DLN:1001640010985

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DEED OF TRUSTEE

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KNOW ALL MEN BY THESE PRESENTS, that Nancy M. Albertsen and Anders E. Albertsen, Co-Trustees of The Nancy M. Albertsen Revocable Trust of 1992, with a mailing address of 1980 W. Cayman Road, Vero Beach, FL 32963-4535, by the power conferred by law, and very other power, for consideration paid, grant to Sally E. Crotty, Trustee of the Sally E. Crotty Revocable Trust of 2007, with a mailing address of 12 Perkins Road, Rye, NH 03870, with WARRANTY COVENANTS, a certain lot or parcel of land, together with the buildings and improvements thereon, situated in the Town of Kittery, County of York and State of Maine, being more particularly bounded and described as follows:

See Exhibit A attached hereto and incorporated herein.

Being the same premises conveyed by Anders E. Albertsen to Nancy M. Albertsen, Trustee of The Nancy M. Albertsen Revocable Trust of 1992, by deed dated July 1, 1996 and recorded in the York County Registry of Deeds in Book 7897, Page 256.

Grantors covenant that said Trust is duly organized under the laws of the State of New Hampshire; that we are Co-Trustees pursuant to said Declaration of Trust, as amended; that said Trust is still in full force and effect; that we have the power thereunder to convey as aforesaid; and

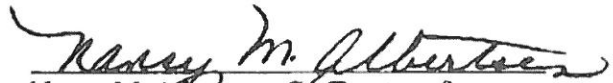
MAINE REAL ESTATE  
TRANSFER TAX PAID

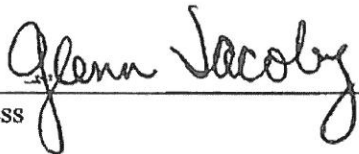
that, in making this conveyance, we have, in all respects, acted pursuant to the authority vested and granted to us as Co-Trustees therein.


# Grantors hereby release all rights of homestead in the premises.

Witness our hands and seals this 2nd day of November, 2016.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Nancy M. Albertsen, Co-Trustee of  
The Nancy M. Albertsen Revocable Trust  
of 1992

  
\_\_\_\_\_  
Witness

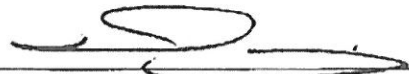
  
\_\_\_\_\_  
Anders E. Albertsen, Co-Trustee of  
The Nancy M. Albertsen Revocable Trust  
of 1992

STATE OF MAINE  
County of York, ss.

November 2, 2016

Then personally appeared the above named NANCY M. ALBERTSEN in her said capacity as Co-Trustee of The Nancy M. Albertsen Revocable Trust of 1992 and acknowledged the foregoing instrument to be her free act and deed in said capacity,

Before me,

  
\_\_\_\_\_  
Dan W. Thornhill  
Notary Public  
My Commission Expires: 7/25/19

\\realest\deeds\albertsen trustees deed  
16946-24041  
2 Lawrence Lane  
Kittery 18/35-2

Nancy M. Albertsen and Anders E. Albertsen, Co-Trustees  
 The Nancy M. Albertsen Revocable Trust of 1992  
 to Mark S. Crotty and Sally E. Crotty

#### Exhibit A

A certain tract or parcel of land, together with the buildings and improvements thereon situate in said Kittery at Kittery Point so-called, lying on the southerly side of Pepperrell Road and the westerly side of Lawrence Lane, so-called, known as Lot 35A containing 0.928 acres as shown on a plan entitled "Subdivision Plan of Land, Lawrence Lane, Kittery Point, Maine, Owned by Heirs of Stephen Decatur" prepared for James P. Austin, Lawrence Lane, Kittery Point, dated 18 December 1980, latest revision 6/4/81 by Allan H. Swanson, Inc., of Nashua, New Hampshire and recorded in the York County Registry of Deeds at Plan Book 113, Page 31 and more particularly bounded and described as follows:

BEGINNING at the northwest corner of the lot or parcel herein conveyed, at a drill hole set in the corner of a stone wall on the southerly side of said Pepperrell Road and at the northeast corner of land now or formerly of the First Congregational Church cemetery, and running thence by and along the southerly side line of said Pepperrell Road South sixty-eight degrees no minutes thirty seconds East (S 68° 00' 30" E) twenty-four and sixty-six hundredths (24.66) feet to a drill hole set in a stone wall; running thence along the southerly side line of said Pepperrell Road south sixty two degrees thirty minutes fourteen seconds East (S 62° 30' 14" E) one hundred seventy-seven and fifty-six hundredths (177.56) feet to an iron pin set in the angle of the stone wall at or near the westerly side line of said Lawrence Lane where it intersects with Pepperrell Road; running thence by and along the westerly side line of Lawrence Lane and by the wall South two degrees forty-nine minutes twenty-eight seconds East (S 02° 49' 28" E) nineteen and eighty-eight hundredths (19.88) feet to an iron pin set in the ground; running thence South three degrees thirty-seven minutes fifty-six seconds East (S 03° 37' 56" E) by and along the Westerly sideline of Lawrence Lane a distance of thirty-one and fifty-seven hundredths (31.57) feet to a point; thence running South eighty-six degrees twenty-two minutes four seconds West (S 86° 22' 04" W) by and along land of the granters herein a distance of sixty and twelve hundredths (60.12) feet to an iron pipe; thence running by and along other land of the granters herein South fifty-eight degrees thirty-nine minutes thirty-two seconds West (S 58° 39' 32" W) one hundred seven and four hundredths (107.04) feet to a drill hole set; running thence by said other land of the granters by the same course one hundred twenty-five (125) feet to a stone bound set above the normal high tide mark of the Piscataqua River; running thence by and along said other land of the granters North thirty-eight degrees twenty-four minutes ten seconds West (N 38° 24' 10" W) eighty-nine and sixty-six hundredths (89.66) feet to an iron pipe at the end of a stone wall at land of the aforesaid First Congregational Church cemetery; running thence by and along said land of the First Congregational Church cemetery and the stone wall North thirty-six degrees twenty-three minutes fifty-one seconds East (N 36° 23' 51" E) one hundred fifty-six and thirty-seven hundredths (156.37) feet to an iron pin in said stone wall; running thence by and along land of said cemetery North twenty-seven degrees fifty-nine minutes eight seconds East (N 27° 59' 08" E) eighty and seventeen hundredths (80.17) feet to the drill hole at the point of beginning.

The above premises are conveyed SUBJECT to a 15' drainage easement and to minimum setback lines, both shown on the above mentioned plan.

ALSO INCLUDING in the conveyance and hereby conveying a right-of-way in common with others for access to the Piscataqua River as described in deed of James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, to Anders E. Albertsen dated October 22, 1986 and recorded in the York County Registry of Deeds in Book 4747, Page 101.

The above described lot is conveyed SUBJECT TO the restriction that nothing other than a single-family dwelling together with attached additions and outbuildings shall be erected on said premises. This restriction shall run with the land and shall be binding on all parties and all persons claiming under the grantee, its heirs and assigns.

In addition, the above lot is conveyed SUBJECT TO the further restriction that any such single-family dwelling and additions and outbuildings will not be constructed without the prior written approval of James P. Austin and Tudor M. Austin. This further restriction shall run with the land but shall expire upon the exercise of the Right of First Refusal granted to James P. Austin and Tudor M. Austin dated October 22, 1986, and recorded in the York County Registry of Deeds in Book 4047, Page 104.

BEING the same premises conveyed to Anders E. Albertsen by deed of James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, dated October 22, 1986 and recorded in the York County Registry of Deeds in Book 4047, Page 101.

THE above-described premises are conveyed SUBJECT TO a right of way described in deed of Anders E. Albertsen to James P. Austin and Tudor M. Austin, Trustees of Lawrence Lane Trust, dated June 2, 1992, recorded in the York County Registry of Deeds in Book 6110, Page 237, to which deed reference is hereby made for a more particular description of the right of way.

EXCEPTING from the above-described premises a certain lot or parcel of land conveyed by Anders E. Albertsen to James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, by deed dated June 2, 1992, recorded in the York County Registry of Deeds in Book 6110, Page 237, bounded and described as follows:

A certain lot or parcel of land situated westerly of Lawrence Lane, Kittery Point, Maine, and being shown on a plan entitled, "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine" owned by Heirs of Stephen Decatur, prepared for James Austin, dated 16 December 1991, by Allan H. Swanson, Inc., recorded in the York County Registry of Deeds, and more particularly bounded and described as follows:

BEGINNING at a stone bound at the southwesterly corner of Lot 35-A, said lot being shown on a plan entitled, "Subdivision Plan of Land, Lawrence Lane, Kittery Point, Maine" owned by Heirs of Stephen Decatur, prepared for James Austin, dated 18 December, 1980, by Allan H. Swanson, Inc., and recorded in the York County

Registry of Deeds in Plan Book 133, Page 31, said stone bound also being shown at the "Old Lot Line" on the above-referenced Plan entitled "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine"; thence running North 38° 24' 10" West, a distance of 89.65 feet by Lot 35 to an iron pipe at a stone wall at land of First Congregational Church; thence turning and running North 36° 23' 51" East, a distance of 16.58 feet by said stone wall and said land of First Congregational Church to a point; thence turning and running South 38° 24' 10" East, a distance of 95.98 feet to a point at the aforesaid Lot 35; thence turning and running South 58° 39' 32" West, a distance of 16.12 feet by said Lot 35 to the point of beginning.

Said parcel contains 1,485 square feet.

ALSO CONVEYING a certain lot or parcel of land situated on the westerly side of Lawrence Lane, Kittery Point, Maine as shown on plan entitled, "Lot Line Relocation Plan, Lawrence Lane Kittery Point, Maine" owned by Heirs of Stephen Decatur, prepared for James Austin, dated 16 December 1991, by Alan H. Swanson, Inc. recorded in the York County Registry of Deeds, and more particularly bounded and described as follows:

BEGINNING at a stone bound on the westerly sideline of Lawrence Lane at the southeasterly corner of Lot 35-A, said lot is shown on the above-referenced plan and on plan of land entitled, "Subdivision. Plan of Land, Lawrence Lane, Kittery Point, Maine, owned by Heirs of Stephen Decatur, prepared for James Austin, dated 18 December 1980, by Alan H. Swanson, Inc., and recorded in the York County Registry of Deeds in Plan Book 113, Page 31; thence running South 03° 37' 56" East, a distance of 15 feet by said Lawrence Lane to a point; thence turning and running South 86° 22' 04" West a distance of 88.68 feet to a point at the aforesaid Lot 35-A and a stone wall; thence turning and running North 58° 39' 32" East, a distance of 32.26 feet by said Lot 35-A and said stone wall to an iron pipe; thence turning and running North 86° 22' 04" East, a distance of 60.12 feet by said Lot 35-A to the point of beginning.

Said parcel contains 1,116 square feet.

SUBJECT TO a right of way of James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, their heirs and assigns, over the parcel described immediately above, including the right to install utility services over, under and across said parcel.

Being the same premises conveyed to Anders E. Albertsen by deed of James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust dated June 2, 1992 and recorded in the York County Registry of Deeds in Book 6110, Page 239.

ALSO INCLUDING in the conveyance and hereby conveying to the Grantee, its successors and assigns, a Right of Way in common with others for access to the Piscataqua River AND an Easement for the construction, maintenance, repair and use of a boat house, berth and float as described in deed of James P. Austin and Tudor M. Austin, Trustees of Lawrence Lane Trust, to Anders E. Albertsen dated June 2, 1992, recorded in the York County Registry of Deeds in Book 6110, Page 239, and subject to the restrictions and

conditions contained therein, to which deed reference is made for a more complete description of the Right of Way, Easement, Conditions and Restrictions.

EXCEPTING from the above-described premises a certain lot or parcel of land conveyed by Anders E. Albertsen to James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, by deed dated December 14, 1992, recorded in the York County Registry of Deeds in Book 6418, Page 271, bounded and described as follows:

A certain lot or parcel of land situated in the Town of Kittery, County of York and State of Maine, being further described as follows:

BEGINNING at a point at the southwesterly corner of Lot 35-A, said lot being shown on a plan entitled "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine" owned by Heirs of Stephen Decatur, prepared for James Austin, scale 1" = 40', dated December 16, 1991 by Allan H. Swanson, Inc.; thence N 38° 24' 10" W a distance of 35.00 feet to Lot 35 as shown on said plan to a point; thence North 58° 39' 32" East a distance of 26.62 feet to a point; thence South 38° 24' 10" East a distance of 35.00 feet to a point on the sideline of said Lot 35; thence South 58° 39' 32" West a distance of 26.62 feet to said Lot 35 to the point of beginning.

Said parcel contains 925 square feet.

ALSO including in the conveyance and hereby conveying to the Grantee, its successors and assigns, a right of way in common with others for access to the Piscataqua River and easement for the construction, maintenance, repair and use of a boat house berth and float over and on the above-described premises as described in said deed from Albertsen to Austin dated June 2, 1992, to which deed reference is made for a more particular description of the easement.

ALSO conveying a certain lot or parcel of land situated in the Town of Kittery, county of York and State of Maine, being further described as follows:

A certain lot or parcel of land, situated in the Town of Kittery, County of York and State of Maine, being further described as follows:

BEGINNING at a point at the northwesterly corner of Lot 35-A at land of the First Congregational Church, said Lot being shown on a plan entitled "Lot Line Relocation Plan, Lawrence Lane, Kittery Point, Maine" owned by Heirs of Stephen Decatur, prepared for James Austin, scale: 1" = 40'; dated December 16, 1991 by Allan H. Swanson, Inc.; thence S 38° 24' 10" East a distance of 60.98 feet by said Lot 35-A to a point; thence S 38° 24' 10" East a distance of 60.98 feet by said Lot 35-A to a point; thence S 58° 39' 32" West a distance of 16.12 feet to a point; thence N 38° 24' 10" West a distance of 54.65 feet to an iron pipe at land of the aforesaid Church; thence N 36° 23' 51" East a distance of 16.58 feet by land of said Church and a stone wall to the point of beginning.

Said parcel contains 925 square feet.

**BEING the same premises conveyed by James P. Austin and Tudor M. Austin, Trustees of the Lawrence Lane Trust, to Anders E. Albertsen by deed dated December, 1992 and recorded in the York County Registry of Deeds in Book 6418, Page 272.**





## 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:

December 31, 2019

Consultation Code: 05E1ME00-2020-SLI-0363

Event Code: 05E1ME00-2020-E-01296

Project Name: 4 Lawrence Lane, Kittery Point

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g.,

cellular, digital television, radio, and emergency broadcast) can be found at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:  
<http://www.towerkill.com>; and at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

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

Attachment(s):

- Official Species List

## Official Species List

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

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Consultation Code: 05E1ME00-2020-SLI-0363

Event Code: 05E1ME00-2020-E-01296

Project Name: 4 Lawrence Lane, Kittery Point

Project Type: SHORELINE USAGE FACILITIES / DEVELOPMENT

Project Description: The project proposes an extension to the existing dock including a 6' x 45' pier extension, and re-use of the 3' x '46 gangway and 10' x 20' float.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.080278915263754N70.7153857440984W>



Counties: York, ME

## Endangered Species Act Species

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

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

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

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

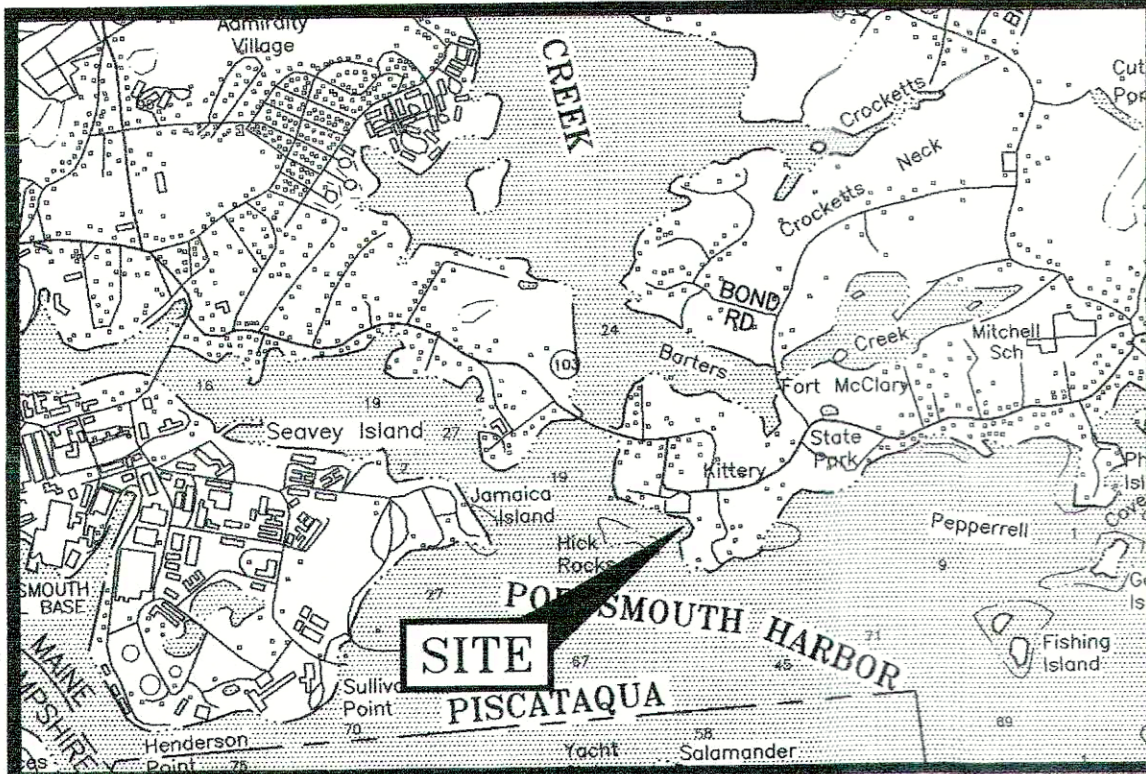
- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

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

## Critical habitats

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



LOCATION MAP SCALE: 1" = 2,000'

**PLAN REFERENCES:**

- 1) AMENDED SUBDIVISION PLAN, LAWRENCE LANE TRUST, PREPARED FOR LAWRENCE LANE TRUST, P.O. BOX 278, 6 LAWRENCE LANE, KITTERY POINT, MAINE 03905. PREPARED BY CIVIL CONSULTANTS. DATE JAN. 2008. Y.C.R.D. BOOK 327 PAGE 36.
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- 3) LOT LINE RELOCATION PLAN LAWRENCE LANE, KITTERY POINT, MAINE. OWNED BY HEIRS OF STEPHEN DECATUR C/O S.DECATUR 33 GREGORY ST. MARBLEHEAD MASS. PREPARED FOR JAMES AUSTIN. PREPARED BY ALLAH H. SWANSON, INC. DATE DEC. 1991. Y.C.R.D. BOOK 211 PAGE 3.

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- YCRD YORK COUNTY REGISTRY OF DEEDS
- MAP 11/LOT 21
- IP FND IRON PIPE FOUND
- IR FND IRON ROD FOUND
- IR SET IRON ROD SET
- DH SET DRILL HOLE SET
- RR SPK SET RAILROAD SPIKE SET
- BND w/DH BOUND WITH DRILL HOLE
- ST BND w/DH STONE BOUND w/ DRILL HOLE
- EDGE OF PAVEMENT (EP)
- HAT HIGHEST ANNUAL TIDE LINE
- MHW MEAN HIGH WATER LINE
- MLW MEAN LOW WATER LINE
- MLLW MEAN LOWER LOW WATER LINE
- EDGE OF WETLAND CONTOUR
- WOODS / TREE LINE
- SITE PHOTO LOCATION/DIRECTION
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL

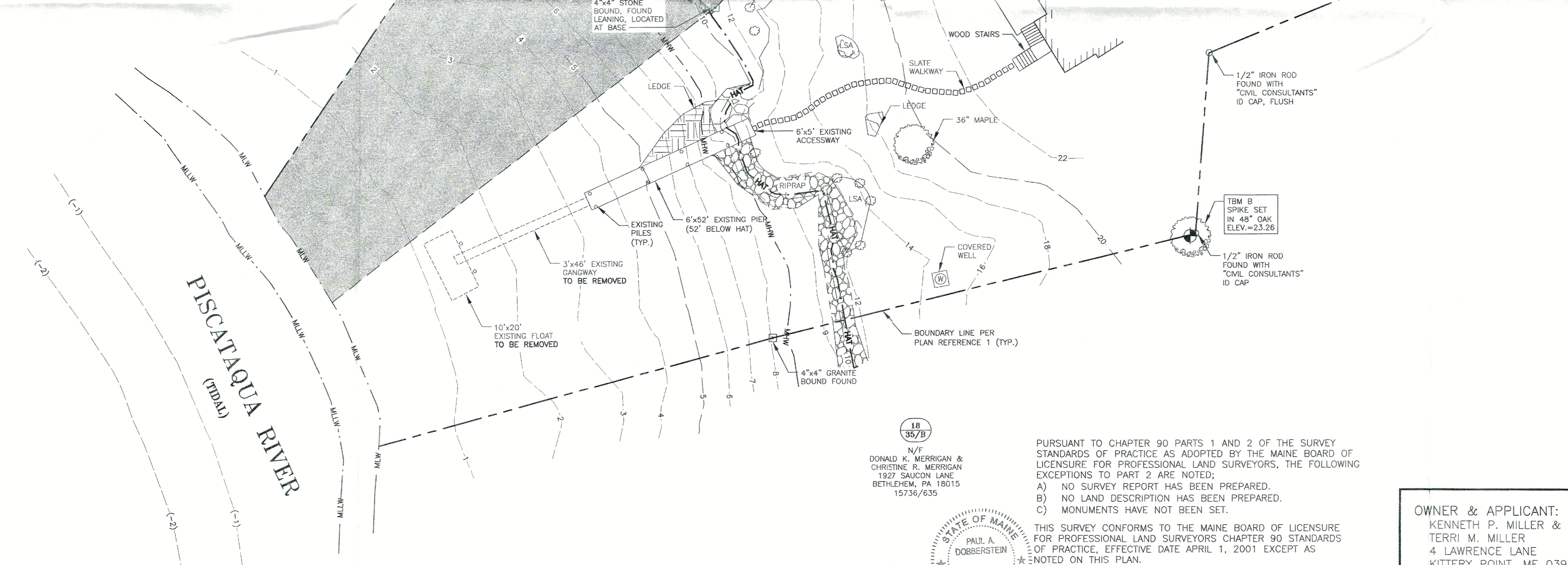
**FIRST CONGREGATIONAL CHURCH CEMETERY**

RIGHT-OF-WAY IN COMMON SEE 17858/314 & 17363/782

18  
35-2  
N/F  
SALLY E. CROTTY REVOCABLE TRUST OF 2007  
SALLY E. CROTTY, TRUSTEE  
2 LAWRENCE LANE  
KITTERY POINT, ME 03905  
17363/782

18/35

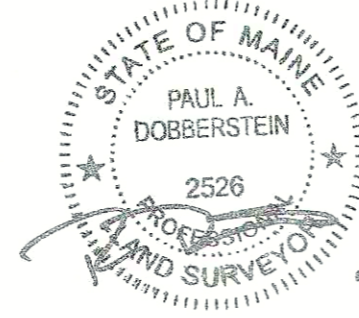
ME SPC  
NAD83(2011)  
GRID NORTH  
WEST ZONE



18  
35/B  
N/F  
DONALD K. MERRIGAN &  
CHRISTINE R. MERRIGAN  
1927 SAUCON LANE  
BETHLEHEM, PA 18015  
15736/635

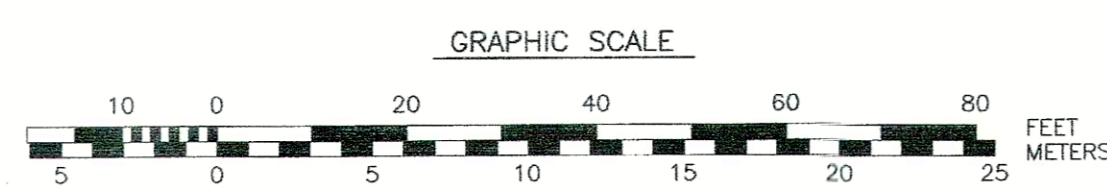
PURSUANT TO CHAPTER 90 PARTS 1 AND 2 OF THE SURVEY STANDARDS OF PRACTICE AS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, THE FOLLOWING EXCEPTIONS TO PART 2 ARE NOTED:  
A) NO SURVEY REPORT HAS BEEN PREPARED.  
B) NO LAND DESCRIPTION HAS BEEN PREPARED.  
C) MONUMENTS HAVE NOT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

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



PAUL A. DOBBERSTEIN, PLS #2526

12/31/2019  
DATE



**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 18 AS LOT 35.
- 2) OWNERS OF RECORD:  
KENNETH P. MILLER & TERRI M. MILLER  
4 LAWRENCE LANE  
KITTERY POINT, ME 03905  
17856/314
- 3) PORTIONS OF THE PARCEL IS ARE IN SPECIAL FLOOD HAZARD AREA ZONE V2 (EL. 13) AS SHOWN ON FIRM PANEL 2301710005D. EFFECTIVE DATE JULY 3, 1986.
- 4) EXISTING LOT AREA:  
41,436± S.F. (PER PLAN REF. 1)  
0.95± ACRES (PER PLAN REF. 1)
- 5) PARCEL IS LOCATED IN THE RESIDENTIAL KITTERY POINT VILLAGE (R-KPV) DISTRICT AND SHORELAND OVERLAY ZONE.
- 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 40,000 S.F.  
FRONTAGE: 150 FEET  
SETBACKS:  
FRONT: 40 FEET  
SIDE: 15 FEET  
REAR: 15 FEET  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON A PORTION OF TAX MAP 18 LOT 35 IN THE TOWN OF KITTERY.
- 8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). MLLW REFERENCED ON NOAA STATION 8419870 SEAVEY ISLAND, PORTSMOUTH HARBOR, MLLW BEING 4.62' LOWER THAN 0.0 NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATION.
- 9) HIGHEST ANNUAL TIDE LINE IS SHOWN AT ELEVATION 10.4, WHICH IS THE VALUE SPECIFIED FOR LOCATION SEAVEY ISLAND 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.
- 11) PROPERTY LINE AS SHOWN ON REFERENCE PLAN 3.

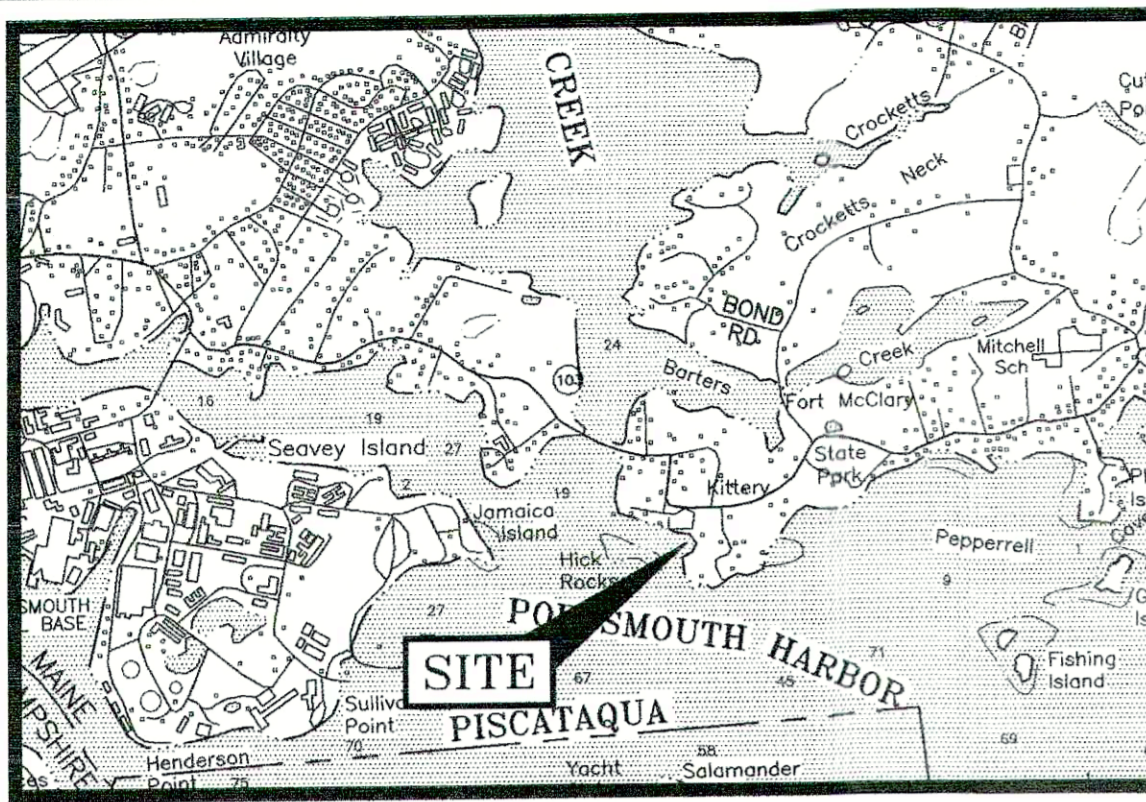
**MILLER RESIDENCE DOCK EXTENSION 4 LAWRENCE LANE KITTERY, ME**

0	ISSUED FOR COMMENT	8/6/19
NO.	DESCRIPTION	DATE
REVISIONS		

OWNER & APPLICANT:  
KENNETH P. MILLER &  
TERRI M. MILLER  
4 LAWRENCE LANE  
KITTERY POINT, ME 03905  
PREPARED BY:  
AMBIT ENGINEERING  
200 GRIFFIN ROAD UNIT 3  
PORTSMOUTH, N.H. 03801

SCALE: 1" = 20' AUGUST 2019

EXISTING CONDITIONS PLAN **C1**

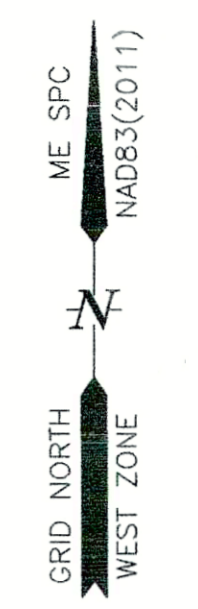


LOCATION MAP SCALE: 1"=2,000'

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- N/F NOW OR FORMERLY
  - RP RECORD OF PROBATE
  - YCRD YORK COUNTY REGISTRY OF DEEDS
  - MAP 11/LOT 21
  - IP FND IRON PIPE FOUND
  - IR FND IRON ROD FOUND
  - IR SET IRON ROD SET
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  - ST BND w/DH STONE BOUND w/ DRILL HOLE
  - EP EDGE OF PAVEMENT (EP)
  - HAT HIGHEST ANNUAL TIDE LINE
  - MHW MEAN HIGH WATER LINE
  - MLW MEAN LOW WATER LINE
  - MLLW MEAN LOWER LOW WATER LINE
  - 100' EDGE OF WETLAND CONTOUR
  - WOODS / TREE LINE
  - 1 SITE PHOTO LOCATION/DIRECTION
  - TBM TYPICAL TEMPORARY BENCHMARK

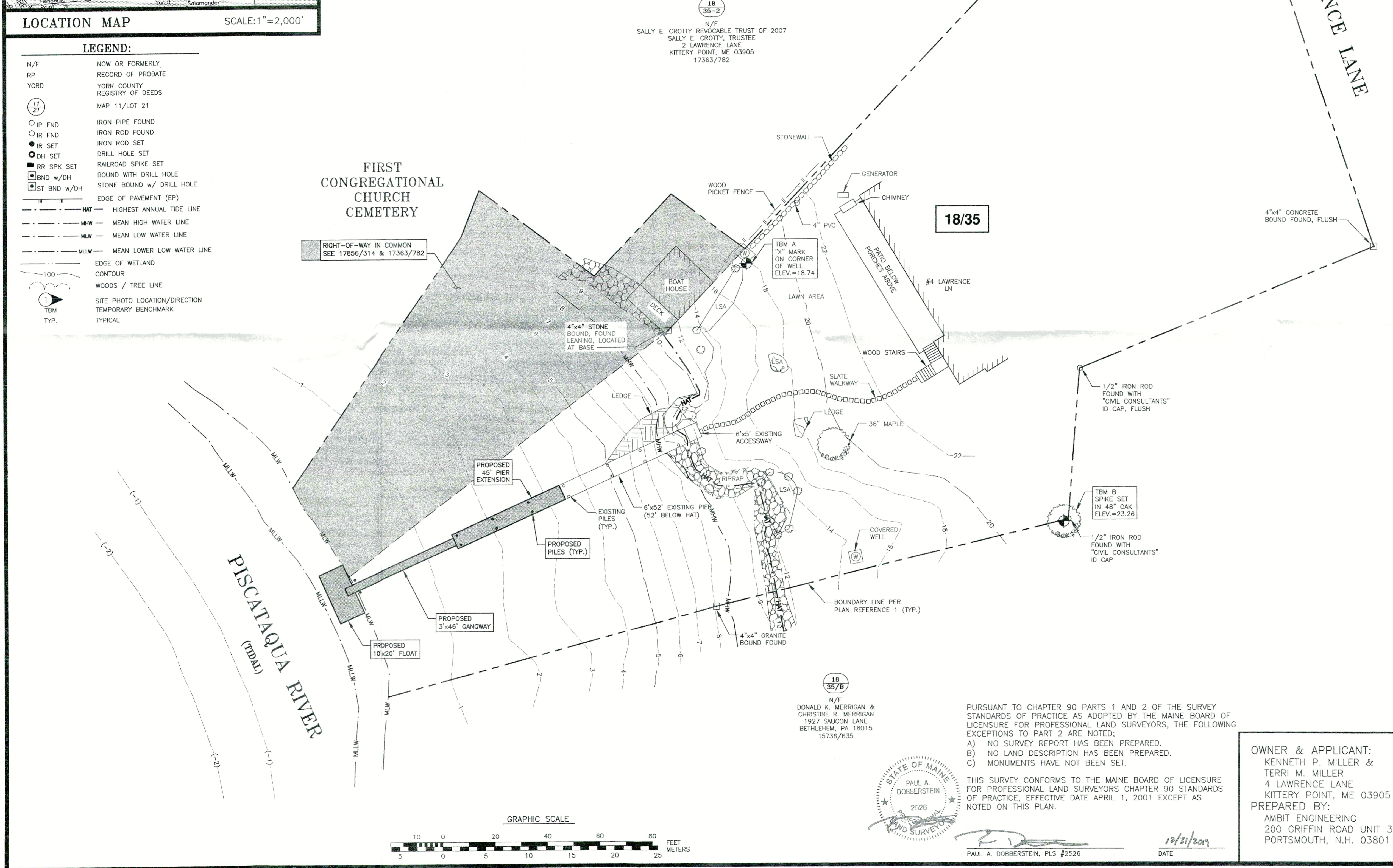
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**WETLAND IMPACT AREAS:**  
 TIDAL DIRECT IMPACT: 8 S.F.  
 TIDAL INDIRECT IMPACT: 608 S.F.



**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 18 AS LOT 35.
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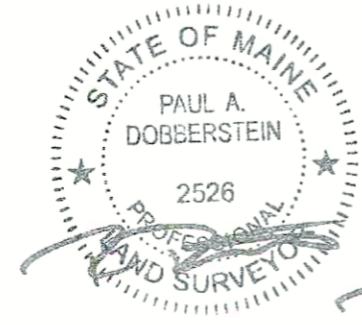
18/35-2  
 N/F  
 SALLY E. CROTTY REVOCABLE TRUST OF 2007  
 SALLY E. CROTTY, TRUSTEE  
 2 LAWRENCE LANE  
 KITTERY POINT, ME 03905  
 17363/782

18/35

18/35/B  
 N/F  
 DONALD K. MERRIGAN & CHRISTINE R. MERRIGAN  
 1927 SAUCON LANE  
 BETHLEHEM, PA 18015  
 15736/635

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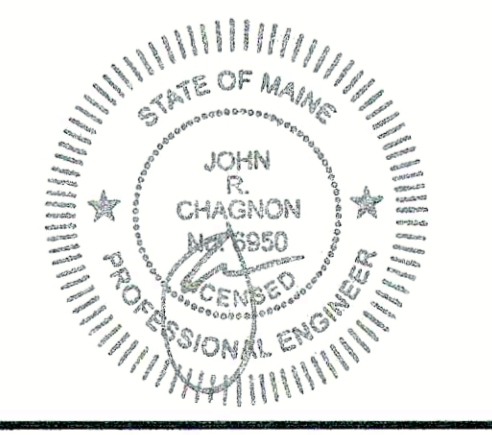


PAUL A. DOBBERSTEIN, PLS #2526  
 DATE 12/31/2019

**OWNER & APPLICANT:**  
 KENNETH P. MILLER & TERRI M. MILLER  
 4 LAWRENCE LANE  
 KITTERY POINT, ME 03905  
**PREPARED BY:**  
 AMBIT ENGINEERING  
 200 GRIFFIN ROAD UNIT 3  
 PORTSMOUTH, N.H. 03801

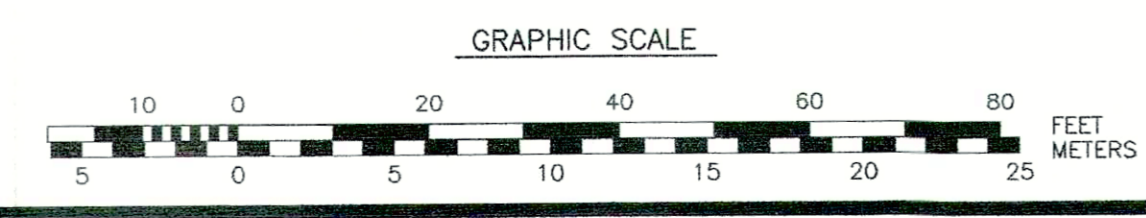
**MILLER RESIDENCE DOCK EXTENSION  
 4 LAWRENCE LANE  
 KITTERY, ME**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	12/30/19
REVISIONS		

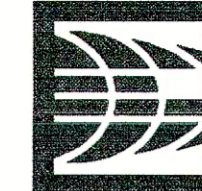


SCALE: 1"=20' DECEMBER 2019

**MAINE DEP PERMIT PLAN** **C2**



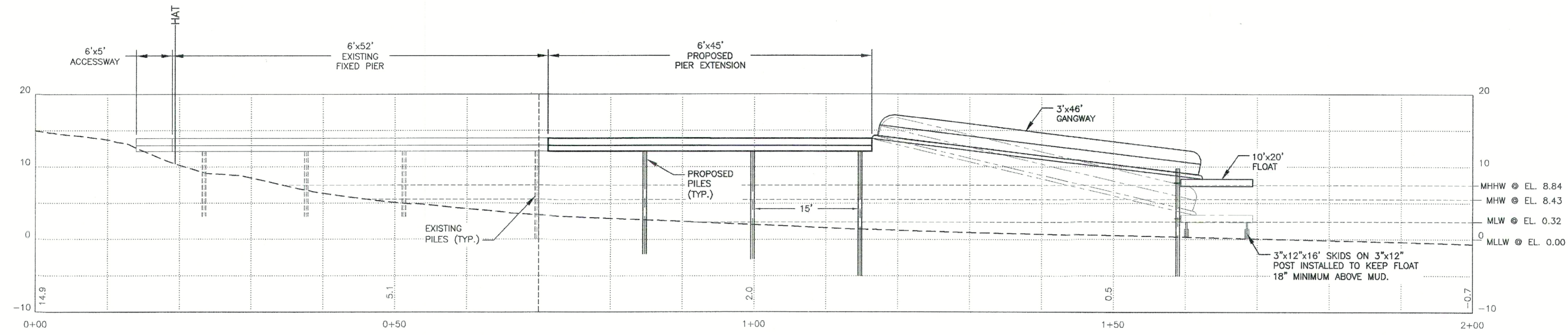
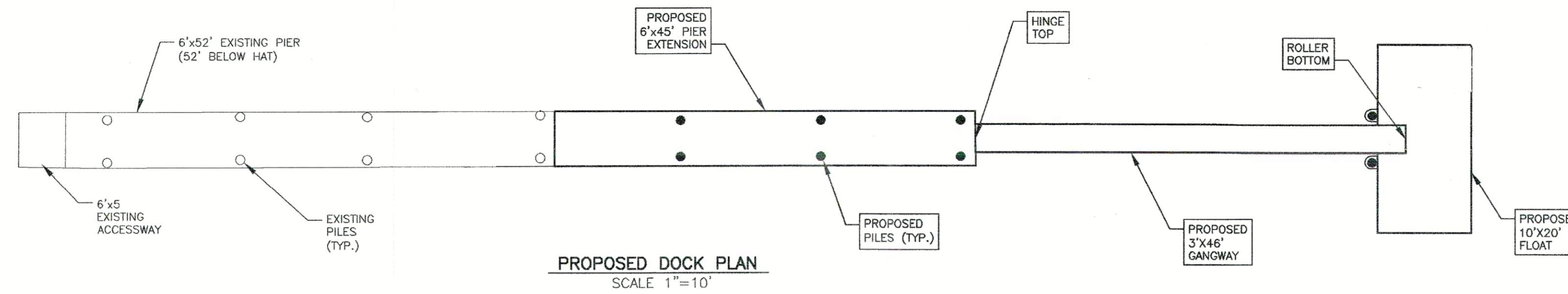




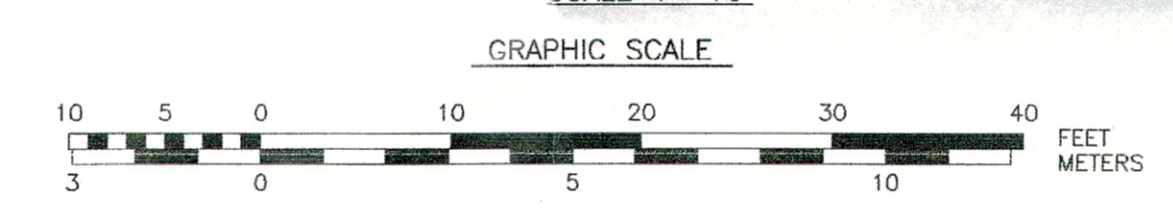
**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9292  
Fax (603) 436-2315

**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 PROPOSED DOCK STRUCTURE NOT TO EXCEED 8 PILES AS DEPICTED ON PROPOSED DOCK ELEVATION. ALSO NOTE TIME OF YEAR AND NOISE RESTRICTIONS FOR DRIVING OF PILES.



**PROPOSED DOCK ELEVATION**  
**PROPOSED PIER, GANGWAY & FLOAT w/ PILES**  
SCALE 1"=10'



**SEQUENCE OF CONSTRUCTION**

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

**HEAVY EQUIPMENT IN WETLANDS OR MUDFLATS**

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

**TIME OF YEAR WORK WINDOWS/RESTRICTIONS**

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

	T.O.Y. RESTRICTION (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**

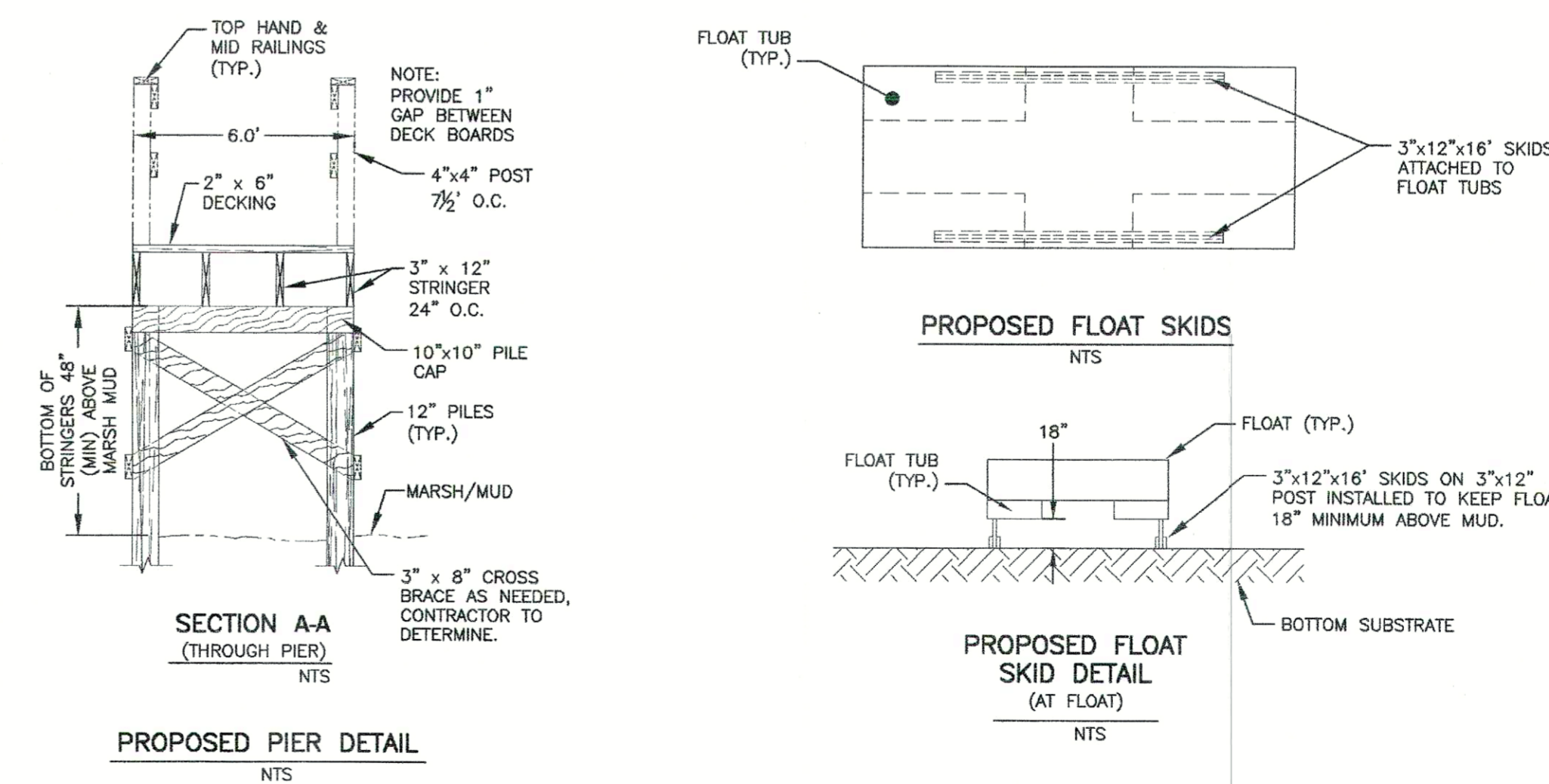
- APPROPRIATE MEASURES MUST BE TAKEN TO MINIMIZE FLOODING TO THE MAXIMUM EXTENT PRACTICABLE.
- ACTIVITIES WITHIN 100-YEAR FLOODPLAINS MUST COMPLY WITH APPLICABLE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED STATE AND/OR LOCAL FLOODPLAIN MANAGEMENT PERMITTING REQUIREMENTS. PROPONENTS MAY NEED TO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

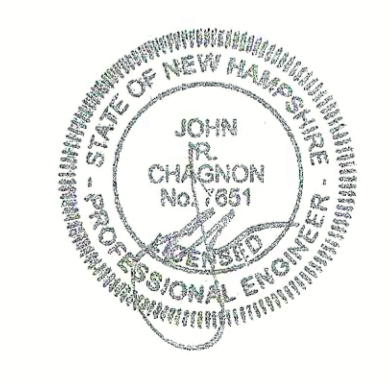
**SPAWNING, BREEDING, AND MIGRATORY AREAS.**

- 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.



**MILLER RESIDENCE**  
**DOCK EXTENSION**  
**4 LAWRENCE LANE**  
**KITTERY, ME**

REVISIONS		
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	12/30/19



SCALE: AS SHOWN DECEMBER 2019

DETAILS **D1**

1 **4. PIERS WHARVES, FLOATS, AND OTHER MARINE-RELATED STRUCTURES**

2 **4.1. Authority**

3 The Port Authority is the approving body for all marine-related structures to be built in the Town  
4 below the normal high-water mark. The Port Authority is also the approving authority for any  
5 integral infrastructure for water-dependent use which falls within one hundred feet above the  
6 normal high- water mark. In those cases, the requirements of the Town Code Title 16, ~~Chapter~~  
7 ~~16.11, Marine-Related Development~~ apply in addition to the requirements of these Rules and  
8 Regulations, the Maine Mandatory Shoreland Zoning Act and applicable Federal regulations.

9 **4.2. Permits**

10 **4.2.1.** No wharf, pier, float, or any other marine-related structure may be erected, moved, or  
11 otherwise altered without a Building Permit therefor, issued by the Code Enforcement Officer after  
12 plan approval is obtained from the Port Authority, as required by these Rules and Regulations and  
13 Title 16, ~~Chapter 16.5.2.5, Permit Threshold~~, and in compliance with all requirements of the  
14 applicable local, State and Federal requirements.

15 **4.2.2.** A permit for which no substantial work has commenced within one year from date of issue  
16 expires. A permit for which work is not substantially complete within two years from date of issue  
17 expires. Expired permits may be renewed by the Code Enforcement Officer upon application and  
18 payment of a fee, provided that such renewal is sought prior to expiration under these provisions  
19 and provided that such renewal meets all relevant rules, regulations, ordinances, statutes and  
20 codes in effect on the date that the renewal of the expired permit is requested.

21 **4.3. Application Requirements**

22 ~~All applications for permits must be filed with the Chairman of the Port Authority or designated~~  
23 ~~agent using the form provided for that purpose.~~

24 4.3.1 All applications for permits must be filed with the Town of Kittery using the form provided for  
25 that purpose. Applications should also include:

26  
27 **4.3.1. A.** Plans showing the actual dimensions and shape of the lot to be built upon; the exact size  
28 and locations and dimensions of the proposed structures or alterations to existing structures.

29 **4.3.2. B.** Any other such information as the Port Authority may deem necessary to determine  
30 conformance with these Rules and Regulations; Title 16, Chapter 16.11; the Maine Mandatory  
31 Shoreland Zoning Act; and applicable Federal regulations.

32 ~~4.3.3.~~ **4.3.2.** The Port Authority may grant a waiver from the specifications of these regulations  
33 provided that the Port Authority finds that, due to special circumstances of the specific  
34 application, the granting of a waiver will not adversely impair the public health, safety and  
35 general welfare, the use of public waters, navigation, or harm the environment. All such  
36 waivers must be supported by sufficient findings of fact.

37 ~~4.3.4.~~ **4.3.3.** The application must be accompanied by an application fee as set forth in Appendix  
38 A. No application may be deemed complete by the Port Authority until payment of the proper fees.

39 The applicant may be required to pay direct expenses associated with the hearing of the  
40 application in accordance with the Town Code Title 16.

41 4.3.4. Ten (10) sets of all submissions are required.

42 4.3.5. The Town will issue a receipt upon receiving a complete application.

#### 43 **4.4. Application Process**

44 ~~4.4.1. The Chairman shall make a preliminary determination that the application is complete, or~~  
45 ~~waiver requests are submitted for items not included.~~

46 ~~4.4.2.4.4.1. Upon acceptance, t~~The Chairman shall place the application on the Authority's  
47 agenda for a Scheduling Hearing no more than 45 days from the date of receipt. ~~and issue a dated~~  
48 ~~receipt to the applicant, which constitutes the official date of submission.~~

49 ~~4.4.3.4.4.2.~~ Where a project contains ~~significant~~ upland development as an integral part of the  
50 application, ~~review by the BOA or Planning Board as appropriate is encouraged prior to the~~ Port  
51 Authority decision will be forwarded to the Planning Board or Board of Appeals as ~~review as~~  
52 ~~indicated in Chapter 16.11.3, Shorefront Development Plan Review of the~~ required in the Town  
53 Code Title 16. Kittery Land Use and Development Code.

#### 54 4.4.4.4.4.3. **Scheduling Hearing**

55 A. At the Scheduling Hearing, the Port Authority shall accept or deny the application in  
56 accordance with the following:

57 (1) the applicant has legal standing by virtue of vested interest (right, title, or interest) in all  
58 properties under consideration;

59 (2) the application is complete in accordance with these regulations and Title 16 (if  
60 Appropriate), or the Authority accepts and approves any requests for waivers of submission  
61 contents.

62 B. If the Authority accepts the plan, it shall determine if additional information is required prior to  
63 Public Hearing, (in which case it may require the applicant to provide such information) and  
64 schedule the date for Public Hearing.

65 C. The Chairman shall arrange a mutually agreeable time for a site walk by the Authority prior to  
66 Public Hearing.

#### 67 4.4.5.4.4.4. **Public Notice**

68 The Chairman shall cause public notice of such hearing to be placed at least seven and not more  
69 than fourteen days prior to the scheduled hearing date. The notice must set forth the general  
70 nature of the requested approval and be posted at the Municipal Offices and forwarded to the  
71 Town Clerks of York and Eliot, in the case of a plan located within five hundred feet of their  
72 municipal boundaries, at least ten days prior to the hearing. Placing of public notices is at the  
73 expense of the applicant.

74 ~~4.4.6.~~4.4.5. **Abutter Notice**

75 A. The Chairman shall cause notice of Public Hearing to be sent to all shorefront landowners  
76 whose shorefront property line abuts the same waterbody and is located within 150 feet of the  
77 applicant's shorefront property line. Notices sent ~~are~~may be at the expense of the applicant.  
78 Proof of mailing to the address shown in the Town Assessor's property cards satisfies the notice  
79 requirement.

80 B. Notice must also be sent to the Code Enforcement Officer, Town Planner, and where  
81 applicable, the Board of ~~OA~~Appeals, Planning Board, and Conservation Commission, at least  
82 seven days prior to the Public Hearing.

83 C. Failure to receive said notices does not invalidate any Port Authority action.

84 ~~4.4.7.~~4.4.6. **Public Hearing**

85 A. An accepted application will normally be scheduled for review and public hearing at the next  
86 regularly scheduled meeting of the Port Authority, but no earlier than fifteen days nor later than  
87 thirty-five days from the date of Port Authority acceptance. With the concurrence of the applicant,  
88 this deadline may be modified.

89 B. The following rules apply to the hearing:

90 (1) The Chairman or acting Chairman shall serve as the presiding officer.

91 (2) The Port Authority may receive oral and documentary evidence, but must exclude evidence  
92 which it considers irrelevant, immaterial, or unduly repetitious.

93 (3) The Chairman shall determine the order of presentation by parties represented at the  
94 hearing. Each party has the right to proceed without interruption, except that rulings by the Chair  
95 prevail.

96 (4) Any party may be represented by agent or attorney.

97 (5) Any Town official having an interest in the application may present into evidence a written  
98 summary of findings and recommendations.

99 (6) The Port Authority may continue the hearing to another time and location, including the site  
100 of the project, as it deems necessary.

101 ~~4.4.8.~~4.4.7. **Port Authority Action**

102 A. The Port Authority shall act to approve, approve with conditions, disapprove, or continue  
103 plans within thirty-five days of plan acceptance unless the applicant agrees in writing to extend  
104 the period (not to exceed 120 days).

105 B. In the case of an extension such plan must automatically be scheduled for the agenda of the  
106 next regularly scheduled meeting after the extended period and action completed whether the  
107 applicant has accomplished the purposes for which the continuance was granted or not.

108 C. An applicant or interested party may request reconsideration of any decision by the Port  
109 Authority as outlined in Section 7 of these Rules and Regulations.

110 ~~4.4.9. The applicant is responsible for the application fee in addition to all expenses associated~~  
111 ~~with application process.~~

112 **4.5. Findings of Fact**

113 **4.5.1.** Action by the Port Authority must be based on sufficient findings of fact which support  
114 compliance with all required standards of these Rules and Regulations, (or grant waivers for  
115 those things requested) and applicable requirements contained in the Town Code Title 16,  
116 ~~Chapter 16.11 Marine-Related Development, Development Application and Review (Findings of~~  
117 ~~Fact), of the Maine Mandatory Shoreland Zoning Act (Title 38 MRS §435-439), applicable~~  
118 ~~requirements of the Maine Department of Environmental Protection, and applicable requirements~~  
119 ~~of the US Army Corps of Engineers.~~

120 **4.5.2.** If it is mutually agreeable to the Port Authority and the Applicant, the official, approved  
121 minutes of the meeting may be accepted as the written findings of fact.

122 **4.6. Conditions of Approval**

123 An approval by the Port Authority is a form of an agreement between the Town and the applicant,  
124 incorporating as elements the application, the findings of fact, and such conditions as the Port  
125 Authority may impose upon approval.

126 **4.7. Performance Standards**

127 **4.7.1.** All applications for permits under this section must comply ~~wholly with the requirements of~~  
128 ~~Title 16, §3.2.17 (Shoreland Overlay Zone), and Title 38 MRS §435-439,~~with Town Code Title 16  
129 and any other applicable federal or state requirements. These requirements apply to all  
130 development within 250 feet, horizontal distance, of the normal high-water mark of any river or  
131 saltwater body. These requirements also apply to any structure built on, over, or abutting a dock  
132 wharf or pier, or any other structure extending beyond the normal high- water mark of a water  
133 body or within a coastal wetland shown on the Official Shoreland Zoning Map.

134 **4.7.2.** The construction of any piers, docks, wharves, and other structures and uses extending  
135 over or beyond the normal high-water mark of a water body or within a wetland must comply with  
136 all applicable requirements of Town Code Title 16.

137 **4.7.3.** Non-commercial private piers may have a maximum width of 6 feet as measured parallel to  
138 the shoreline and be limited to the minimum size necessary to accomplish their purpose. Except  
139 for temporary ramps and floats, the total length of a ramp, pier and float structure may not extend  
140 more than 150 feet beyond the normal high-water mark and piers not extend more than 100 feet  
141 beyond the normal high-water mark nor extend below the mean low water mark, whichever is  
142 shorter.

143 **4.7.4.** The maximum height of the pier deck may not exceed six (6) feet above the normal high-  
144 water mark, and the handrails not exceed 42" without the specific approval of the Port Authority.

145 **4.7.5.** Commercial piers are limited to the minimum size necessary to accomplish their purpose.  
146 They may not extend beyond the mean low water mark except with credible proof by the applicant  
147 that the extension is necessary for the water-dependent use of the pier. The maximum height of  
148 the pier deck may not exceed six (6) feet above mean high water mark and the handrails not  
149 exceed 42", without a showing of necessity and specific approval of the Port Authority.  
150 Documentation required for an application for a commercial pier, in addition to all other  
151 requirements of these Rules and Regulations, must set forth credible proof of the commercial  
152 usage and include at least the following:

153 A. Written documentation as to the nature of the commercial enterprise and why the applicant is  
154 requesting a pier that does not meet the non-commercial private pier standards noted in 4.7.3,  
155 above;

156 B. Written proof of a valid commercial enterprise, such as commercial fishing license, articles or  
157 organization/incorporation for the business;

158 C. Documentation of their ownership in the commercial business or enterprise;

159 D. Any additional documentation required by the Port Authority for determining the commercial  
160 use and operation of the commercial pier.

161 **4.7.6.** Piers, wharves, and pilings must be set back at least 25 feet from property lines and 50  
162 feet from other structures that are fixed in place below the normal high- water mark and not owned  
163 or controlled by the applicant unless a letter of permission is granted by abutting or other  
164 controlling property owner. If abutting property owners reach a mutual agreement regarding  
165 structures which have a lesser setback, which does not interfere with navigation, is practical and is  
166 consistent with the intent of these regulations, that setback may be authorized by the Port  
167 Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a  
168 condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate  
169 official charged with the responsibility for maintaining records of title to or interest in real property in  
170 the Town .

## 171 **4.8. Administration and Enforcement**

172 **4.8.1.** Once Port Authority approval is granted, an applicant must apply, within one year of the  
173 date of approval, to the Code Enforcement Officer for a Building Permit prior to commencement of  
174 any work on the site or the approval terminates. When circumstances are such that a plan that has  
175 received Port Authority approval is required to be reviewed by another agency (e.g. DEP, Planning  
176 Board, BOA), then the one-year time period for obtaining a building permit from the Code  
177 Enforcement Officer is stayed while:

178 A. The plan is pending before that agency, from time of submission to time of decision inclusive,  
179 verified by documentation from that agency and

180 B. The decision of such agency is being reviewed by any appellate board or judicial court, from  
181 the time an appeal is filed to the time when an appellate board or judicial court renders the last,  
182 un-appealed decision necessary to allow the applicant to obtain a building permit from the Code  
183 Enforcement Officer, verified by documentation from that appellate board or judicial court.

184 C. In all cases, the Port Authority may extend the effective date of its approval for up to one  
185 additional year provided the renewal is sought before the initial approval terminates and the permit  
186 meets all Port Authority requirements in effect on the date that the request for the renewal is  
187 sought.

188 **4.8.2.** The Code Enforcement Officer shall revoke any Building Permit issued if, after due  
189 investigation, it is determined the Permit holder has violated any of the provisions of the Port  
190 Authority approval, Title 16, or any applicable code, law, or statute.

1 **2.5.2 Tying to Public Facilities**

2 A. Any vessel tied to public piers, docks, floats, and other common landing areas causing  
3 damage to adjacent watercraft or property will be removed or caused to be removed by  
4 order of the Harbormaster.

5 B. Hourly dockage is permitted on Pepperrell Pier on designated transient slips only. Hourly  
6 dockage will be allowed if slips have not been reserved for transient vessels for overnight  
7 stays, and will be allowed on a first come first serve basis. Hourly dockage is limited to a  
8 maximum of 2 hours per vessel per slip. Charges for hourly dockage are calculated in 60-  
9 minute blocks as set forth in Appendix A.

10 C. ~~Hourly dockage will be allowed if slips have not been reserved for transient vessels for~~  
11 ~~overnight stays. Hourly dockage will be allowed on a first come first serve basis.~~