

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

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

Meeting Agenda April 1, 2021 6:00 P.M. Remote Meeting

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

The public may also participate in the meeting via Zoom webinar. **Register in advance** for the webinar at:

https://us02web.zoom.us/webinar/register/WN 8sr6h7OISqCtv-TEmtHvFQ

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

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

- Call to Order / Attendance
- 2. Pledge of Allegiance
- 3. Agenda Amendments and Adoption
- 4. Acceptance of Previous Minutes: March 4, 2021
- 5. Harbormaster Report and Budget Report
- 6. All Items involving Town Officials or invited guests
 - a. Adam Causey Title 16 recodification
- 7. Public Hearing
- 8. Piers, Wharves & Floats
- 9. Public Segment (Three Mins.)
- 10. Unfinished Business

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.

- 11. New Business
 - a. Kayak Storage Rental Traip Academy Boat Ramp
 - b. Rules and Regulations addition of repair/replace in-kind language to add clarity
- 12. Committee and Other Reports
 - a. Communications from the Chairperson
 - 1. In-person meetings can resume at Rec center
 - 2. Sam Reid gift of Wood Island Book
 - 3. Approved a repair/replace in kind for Steven and Linda Greco 25 Chauncey Creek Road removing an existing damaged float pile and replacing it with a new pile, replace in kind 16' x 24' float and replace in kind 3' x 30' gangway.
 - 4. Approved a repair/replace in kind for Philip and Delphine Lowe 74 Chauncey Creek Road replacing a 5'x 4' landing, 6'x 5' stairway, 6'x 28' fixed pier, 3.3'x16' gangway and a 10'x 20'float.
 - 5. Approved a repair/replace in kind for Jim Stott 100 Pepperrell Road replacing decking and railings on a 6'x 51' fixed pier and replacing decking on a 10'x 40' float system.
 - 6. Approved a repair/replace in kind for Seaview Lobster 43 Government Street- remove and replace 3 damaged piles and reinstall existing 2"x 8" pile stiffener and pile guide.
- 13. Board Member Issues or Comments
- 14. Executive Session
- 15. Adjournment

PORT AUTHORITY MEETING REMOTE MEETING

UNAPPROVED MARCH 4, 2021

- 1 1. Call to Order / Attendance
- 2 Chair Philbrook called meeting to order at 6:00 p.m.
- 3 Members present: Chair Philbrook, Vice Chair Patten, Bryan Bush, Niles Pinkham.
- 4 Members absent: Alan Johnston, Steve Lawrence. Late arrival: John McCollett.
- 5 2. Pledge of Allegiance
- 6 3. Agenda Amendments and Adoption
- 7 Chair Philbrook cast one vote for the agenda as presented.
- 8 4. Acceptance of Previous Minutes: February 4, 2021
- 9 Line 35 through line 37 changed to The Harbormaster stated he would be working with
- 10 Vice Chair Patten on "flapper" design for the Frisbee ramp.
- 11 Chair Philbrook moved to accept the February 4, minutes as amended, seconded by
- 12 Mr. Bush.
- 13 Motion Carried 4-0-0.
- 5. Harbormaster Report and Budget Report
- 15 The Harbormaster presented his report and budget updates.
- The Harbormaster submitted his budget requests to the Finance Department and will
- have a meeting with the Town Manager, and the Finance Director on March 9, 2021.
- 18 The Harbormaster is continuing the corrections, to move revenue into the appropriate
- 19 accounts for a more accurate break down.
- The staff will be attending City Hall Systems training with Finance Department regarding
- 21 new tablets to process credit card payments There will be a tablet at Pepperrell Cove,
- 22 and another tablet at the Traip Ramp. The Harbormaster stated the idea is to minimize
- 23 cash transactions.
- The Harbormaster stated the Port Security Grant opened up on February 25, 2021, and
- 25 he is working with the Police Chief to complete the application.
- The Harbormaster stated there will be a site walk with Matt Burns, the Director of Ports
- 27 and Marine Transportation, ME.D.O.T. on Friday, March 12, 2021 at 11:00am in regards
- to the SHIP Grant to extend Traip floats, and all are welcome.

- The Harbormaster stated the Frisbee Trap Slide is complete, and is working with Vice
- Chair Patten, and DPW on moving the ramp to Vice Chair Patten's shop to fasten
- grating, install slide and designing ramp flap.
- The Harbormaster stated as of March 4, 2021, mooring renewals were at 201, waitlist
- renewals were at 134, launch permits were at 24, transient moorings reserved were at
- 2, facility use permits renewed were at 0, moorings put into temporary programs were at
- 5, and moorings relinquished were 3.
- 36 6. All Items involving Town Officials or invited guests None
- 37 7. Public Hearing
- a. The Kittery Port Authority moves to hold a Public Hearing to make changes to the
- 39 Kittery Port Authority Rules and Regulations: Fees Section E. Boat Launch Ramp
- 40 Fees.
- Chair Philbrook moved to approve the changes to the Kittery Port Authority Rules and
- Regulations: Fees Section E. Boat Launch Ramp Fees as presented, seconded by Mr.
- 43 Bush.
- 44 Motion Carried 5-0-0
- 45 8. Piers, Wharves & Floats None
- 9. Public Segment (Three Mins.) None
- 47 10. Unfinished Business None
- 48 11. New Business
- 49 a. Kayak storage rental at Traip Academy boat ramp.
- 50 Chair Philbrook presented a draft and discussed with the KPA board members the
- 51 Kayak storage rental at Traip Academy boat ramp.
- 12. Committee and Other Reports None
- a. Communications from the Chairperson
- Chair Philbrook stated she had received an email from Adam Causey Director of
- Planning and Development stating that he would like to attend the April KPA meeting to
- 56 discuss Title 16 and the recodification plans with the board. All were in favor.
- 13. Board Member Issues or Comments
- 58 Mr. Bush Mr. Bush expressed his concerns for board member Alan Johnston and his
- 59 family.
- 60 Mr. Pinkham Mr. Pinkham also expressed his concerns for Alan Johnston and his
- 61 family.

- 62 Mr. McCollett None
- 63 Vice Chair Patten None
- 64 Chair Philbrook The Chair stated there was a Flatbread pizza fund raiser tonight
- 65 March 4, 2021 for Alan Johnston and his family.
- 66 14. Executive Session -None
- 67 15. Adjournment
- 68 Mr. Bush moved to adjourn at 6:42 p.m., seconded by Mr. Pinkham.
- 69 Motion Carried 5-0-0

Submitted by Kim Tackett

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

16.9 Other Plan Development Review

2	Content	ts
3 4	16.9 Othe 16.9.1	r Plan Development Review
5	16.9.2	Port Authority Shoreland Development Review2
6	16.9.3	Planning Board Shoreland Development Review5
7	16.9.4	Right of Way Plan Review9
8		
9	16	5.9.1 Maritime and Shoreland Related Development
10 11 12 13 14		A. General. The purpose of maritime and shoreland development reviews function as a control for the Town to oversee proposed developments located in, or in close proximity to, designated resource protected areas so as to ensure the safe and healthful conditions of significant natural, wildlife, cultural and maritime resource.
15		B. Applicability
16 17 18 19 20 21		(1). Kittery Port Authority. The Kittery Port Authority's ("Port Authority") jurisdiction extends to applications proposing any development from the navigable tidal waters to the mean high-water line or upland edge of a coastal wetland. The Port Authority, through its established Rules and Regulations, reviews and approves applications for piers, wharves, landings, floats, bridges, other water-dependent structures or uses.
22 23 24 25 26 27 28		(2). Planning Board. The Planning Board's jurisdiction for review and approval extends to applications proposing any upland development from the normal high-water line of any water bodies or upland edge of a costal or freshwater wetland or any development located within the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses Overlay Zones or all other structures not requiring Port Authority approval, except for applications as provided under 16.9.1.B.1
29		C. General review Process and Notification
30		(1). Process.
31 32 33 34 35 36		a. Prior to the submission of a shoreland development application with the Port Authority or the Planning Board, a preliminary application meeting between the Town Planner, Code Enforcement Officer, or designee, and the applicant or agent, shall occur to review the proposed project, performance standards and procedural requirements thereof.
37		b. If Port Authority or Planning Board review is not required, the

40 41 42 43 44 45	c. Where the Planning Board must review and approve a development plan involving a pier, ramp, flotation system or principal marine structure, and prior to Planning Board approval, the Port Authority must comment on the plan's conformance with Port Authority rules and regulations and navigational aspects of any proposed pier, ramp and float system or principal marine structure.
47 48 49 50	d. All required local approvals (excluding Town building permits), federal and state approvals and/or permits shall be received by the Code Enforcement Officer, prior to the issuance of a building permit.
51 52 53 54	e. Prior to the commencement of construction on any pier, dock, wharf, marina or any other proposed use that projects into a water body, the owner and/or developer shall apply for, and obtain, a building permit from the Code Enforcement Officer.
55	(2). Notification.
56 57 58	 a. If Port Authority or Planning Board review is not required, the Planning and Development Department shall send a written record of their findings to both the Planning Board and Port Authority.
59 60 61 62 63	b. The Town Planner must transmit copies of Planning Board decisions and the Code Enforcement Officer must transmit copies of Board of Appeals decisions and all documentation constituting the record of the decision for marine-related development to the Port Authority.
64 65 66	c. The Port Authority shall notify the applicant and the Code Enforcement Officer, in writing, of the granting of, or denial of, the applicant's request.
67	16.9.2Port Authority Shoreland Development Review
68 69 70	A. Review for completeness. The Planning and Development Department shall review Port Authority applications for completeness prior to the Port Authority's Chairperson placing the application on the Port Authority's agenda.
71 72 73	B. Application process. All Port Authority applications for shoreland development review shall adhere to the listed procedures as enumerated in their Rules and Regulations.
74 75	C. Submission requirements. Shoreland Development Plans for marine-related uses requiring Port Authority approval shall include the following elements:
76 77 78 79	(1). Aerial photographs (images available in the public domain) and vicinity maps and plans showing the property in relation to surrounding properties, and the location of the lots that would have use of the pier, ramp and float system. Maps and plans are to include:
	16.9 Other Plan Development Review - Page 2 of 12

Planning and Development Department shall review the application for compliance with this title.

80		a. Construction plans for piers, ramps and floats;
81		b. Areas of vegetation clearing;
82		c. Location of required parking space(s); and
83		d. Location of boat and/or float storage.
84	(2)	Rights granted for access to the pier, ramp and float system or to any
85	(2).	water-dependent structure; public and private access paths.
86	(3).	Documentation addressing visual impact and controls to assure continuing
87		conformance to the shorefront development plan and this title.
88	(4).	All necessary applications for permits, leases, approvals, and any
89		supporting documentation as may be required have been filed, including
90		the following:
91		a. Department of Environmental Protection permit application
92 93		pursuant to the Natural Resources Protection Act, 38 M.R.S. § 480C;
93 94		b. Army Corps of Engineers permit application;
95		
95 96		c. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator application; and
97		d. Building permit application
98	(5)	Any other details requested by the Port Authority, including, but not
99	(3).	limited to, information as enumerated in the Port Authority's Rules and
100		Regulations.
101	D. Perfor	nance standards. Development involving piers, wharves, marinas and
102		ses projecting into water bodies must conform to the following standards:
103	(1).	In accordance with 38 M.R.S. § 435 et seq., Mandatory Shoreland Zoning,
104		all dimensional and other standards (excluding setbacks from water
105		bodies) of this title apply to structures and uses projecting into a water
106		body beyond the normal high-water mark
107	(2).	Boathouses, while convenient to locate near the water, are not considered
108		functionally water-dependent uses and must meet the same setback
109		requirement as principal structures. The State of Maine no longer issues
110		permits for construction of boathouses below the normal high-water line
111 112		due to the adverse environmental impact; therefore, new boathouses must be located on uplands.
113	(3)	Only functionally water-dependent uses are allowed on, over or abutting a
113 114	(3).	pier, wharf or other structure beyond the normal high-water line.
115	(4).	Access from shore must be developed on soils appropriate for such use
116	(1)1	and constructed so as to control erosion.
117	(5).	The location must not interfere with existing developed recreational and
118		maritime commerce or natural beach areas.
119	(6).	The facility must be located so as to minimize adverse effects on fisheries.
120	(7).	The facility must be a water-dependent use and no larger in dimension
121		than necessary to carry on the activity and must be consistent with existing

122		conditions, use and character of the area.
123 124 125 126	(8).	No new structure may be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
127 128 129 130	(9).	No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland may be converted to residential dwelling units in any district.
131 132 133 134 135	(10).	Except in the Commercial Fisheries/Maritime Uses Overlay Zone, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland must not exceed 20 feet in height above the pier, wharf, dock or other structure.
136 137 138 139 140	(11).	Applicants proposing any construction or fill activities in a waterway or wetland requiring approval by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, Section 9 or 10 of the Rivers and Harbors Act, or Section 103 of the Marine Protection, Research and Sanctuaries Act, must submit proof of a valid permit issued.
141 142 143	(12).	Proposals for any principal marine structure use, any residential joint-and/or shared-use pier, or any residential-development-use pier require Planning Board approval.
144 145 146	(13).	A residential development containing five or more lots in a zone permitting a residential-development-use pier may construct only one residential development use pier.
147 148	(14).	Commercial development of the shorefront must provide for access by the general public as part of a shorefront development plan.
149 150	(15).	Only one pier, ramp and float structure is permitted on any noncommercial or nonindustrial lot.
151 152	(16).	Marine-related permanent structures located below the mean low-water line require the following permits, leases and approvals:
153		a. Port Authority approval;
154 155		 Department of Environmental Protection permit pursuant to the Natural Resources Protection Act, 38 M.R.S. § 480-C;
156		c. Army Corps of Engineers permit;
157 158		 d. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator approval; and
159		e. Building permit.
160 161	(17).	Any other performance standards as enumerated in the Port Authorities Rules and Regulations.
162 163 164	the Poi	gs of fact. An application shall be approved or approved with conditions if rt Authority makes a positive finding based on the information presented. plication must be demonstrated that the proposed use will shall:
·	inc up	parameter mass of admissional mar me proposed also will bright.

165	(1). 1	Maintain safe and healthful conditions;
166	(2). 1	Not result in water pollution, erosion or sedimentation to surface waters;
167	(3).	Adequately provide for the disposal of all wastewater;
168 169		Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
170 171		Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
172	(6).	Protect archaeological and historic resources;
173 174	` '	Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;
175	(8).	Avoid problems associated with floodplain development and use
176	(9).]	Is in conformance with the provisions of this title; and
177	F. The app	roved plan must be recorded with the York County Registry of Deeds.
178 179		of Port Authority decision. Appeal of a Port Authority shoreland ment plan decision by the Planning Board may be made per §16.2.12.B.
180	16.9.3Planni	ng Board Shoreland Development Review
181	A. Review	process
182	(1).]	Following a pre-application meeting with the Town Planner, the applicant
183		filing a shoreland development review permit shall submit to the Town
184 185		Planner a complete application and site plan, drawn to scale as indicated in accordance with §16.7.10.C.4.
186		Within 35 days of the receipt of a written application, the Town Planner
187		must notify the applicant, in writing, that the application is or is not
188 189		complete. If the application is incomplete, the written notification must specify the additional material required to complete the application.
190		A decision on the application will occur within 35 days after the first
191		available date on the Planning Board's agenda following receipt of the
192		completed application, or within 35 days of the public hearing, if one is
193	1	neld.
194	B. Waivers	3
195	(1).	Over the course of the application's review, with consideration of the
196		development's overall limited scale and impact to the site, the Planning
197]	Board may waive or modify application submittals required in §16.9.3.C
198	C. Submiss	sion requirements
199	(1).	All applications shall be signed by the owner, or an agent with written
200		authorization from the owner to apply for a shoreland development review
201	_	permit, certifying that the information in the application is complete and
202		correct.
203	(2).	All applications shall be dated, and the Town Planner or designee shall

210211	(1).	Exempt uses and development not requiring shoreland development review by the Planning Board
212 213 214 215 216 217 218		a. Proposed development of principal and accessory structures in compliance with §16.4.11.5.b, when not subject to Planning Board review as explicitly required elsewhere in this title, shall be reviewed and approved by the Code Enforcement Officer (CEO) prior to issuing a building permit, subject to, but not limited to the following requirement:
219 220 221 222 223		The total devegetated area of the lot (that portion within the Shoreland Overlay Zone) shall be calculated by the applicant and verified by the CEO and recorded in the Town's property records.
224 225 226	(2).	Clearing of vegetation for activities other than timber harvesting. These are subject to review and approval by the Shoreland Resource Officer or Code Enforcement Officer.
227 228	(3).	Division of a conforming parcel that is not subject to subdivision as defined in §16.3.2.
229 230 231	(4).	A permit is not required for the replacement of an existing road culvert, provided the replacement culvert is not:
232 233		 a. More than one standard culvert size larger in diameter than the culvert being replaced;
234235		b. More than 25% longer than the culvert being replaced; andc. Longer than 75 feet.
236 237 238 239	(5).	When replacing an existing culvert, the watercourse must be protected so that the crossing does not block fish passage, and adequate erosion control measures must be taken to prevent sedimentation of the water in the watercourse.
240 241 242 243 244	(6).	A permit is not required for an archaeological excavation, provided the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measure
245	E. Non-e	xempt uses requiring shoreland development review
246	(1).	After the effective date of this title, no person may, without first obtaining
		16.9 Other Plan Development Review - Page 6 of 12

note upon each application the date and time of its receipt.

D. Exempt and non-exempt uses.

(3). Whenever the nature of the proposed structure requires the installation of a subsurface sewage disposal system, a complete application for a

shall include a site evaluation approved by the Plumbing Inspector.

subsurface wastewater disposal permit shall be submitted. The application

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247 248 249 250	a permit, engage in any activity or use of land or structure requiring a permit in the Shoreland or Resource Protection Overlay Zones in which such activity or use would occur, or expand, change or replace an existing use or structure, or renew a discontinued nonconforming use.
251 252 253	(2). Any development proposed in the Resource Protection (OZ-RP) and Shoreland - Stream Protection Area (OZ-SL-75) Overlay Zones must be approved by the Planning Board.
254 255	(3). Any permit required by this section is in addition to any other permit required by other law or ordinance.
256	F. Findings of fact.
257 258 259 260	(1). Permits shall be approved, or approved with conditions, if the proposed use or structure is found to be in conformance with the purposes and provisions of this section and all other applicable provisions found in this title, except where expressed relief has been lawfully granted.
261 262 263	(2). An application shall be approved or approved with conditions if the Planning Board makes a positive finding based on the information presented. The application must demonstrate that the proposed use shall:
264	a. Maintain safe and healthful conditions;
265	b. Not result in water pollution, erosion or sedimentation to surface
266	waters;
267	c. Adequately provide for the disposal of all wastewater;
268269	 d. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
270 271	e. Conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
272	f. Protect archaeological and historic resources;
273 274	g. Not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;
275	h. Avoid problems associated with floodplain development and use
276	i. Is in conformance with the provisions of this title; and
277	j. Be recorded with the York County Registry of Deeds.
278	G. Final plan approval and recording.
279 280 281 282	(1). An approval by the Planning Board must take the form of an agreement between the Town and the applicant, incorporating as elements the application, the Planning Board's findings of fact, and such conditions as the Planning Board may impose upon approval.
283 284	(2). The Planning Board must send copies of the agreement to Code Enforcement Officer.
285 286 287	(3). A plan has final approval only when the Planning Board has indicated approval by formal action and the plan has been properly signed by a majority of the Planning Board members or by the Chair only, if so voted

288 by the Planning Board. 289 (4). Approved final plan recording. An approved plan involving the division of 290 land, easements, or property boundary modification must be recorded by 291 the York County Registry of Deeds. A paper copy and an electronic version of the recorded plan must be returned to the Town Planner. 292 293 H. Modification to an approved plan. Any modification to an approved shoreland 294 development may be considered for approval under §16.9.3. 295 I. Plan revisions after approval. No changes, erasures, modifications or revisions 296 may be made to any Planning Board approved shoreland development plan, 297 unless in accordance with the Planner's and CEO's powers and duties as found in Chapter 16.4 and elsewhere found in Title 16, or unless the plan has been 298 299 resubmitted and the Planning Board specifically approves such modifications. In 300 the event a final plan is recorded without complying with this requirement, the 301 same is null and void, and the Planning Board must institute proceedings to have 302 the plan stricken from Town records and the York County Registry of Deeds. 303 J. Appeal of shoreland development plan decision. Appeal of a Planning Board 304 shoreland development plan decision may be made pursuant to §16.2.12.B. 305 306 16.11.1.6 Other References to Shoreland Development Review Within Title 16. 307 1. Below are other pertinent sections within Title 16 referencing shoreland development 388 provisions: 310 A. §16.3.2.17— Shoreland Overlay Zone OZ-SL Development and Performance 311 Standards 312 B. §16.3.2.18— Commercial Fisheries / Maritime Activities Overlay Zones OZ-313 314 C. §16.3.2. 19— Resource Protection Overlay Zone OP-RP D. §16.4.4.C—Recordkeeping in the Shoreland and Resource Protection Overlay 315 316 317 E. §16.4.5.D(2)—Notice of violation within the shoreland or resource protection 318 overlay zones 319 F. §16.5.21.K—Signs in Shoreland Overlay and Resource Protection Overlay Zone G. §16.5.22.A—Single- and duplex-family dwellings in Resource Protection and 320 Shoreland Overlay Zones 321 322 H. §16.5.25.N—Road and driveway standards in Shoreland and Resource Protection 323 Overlay Zones. 324 I. §16.5.27.A(1)—Timber Harvesting in the Shoreland Overlay Zone 325 J. §16.7.3.A—Shoreland development review during site plan review 326 K. §16.8.4.A—Shoreland development review during subdivision review 327 L. §16.8.9.C(3)(A)—Scheduling public hearings for shoreland development 328 applications

16.9.4 Right of Way Plan Review 330 A. General. Right-of-Way Plans are intended to demonstrate to the Planning Board 331 332 that a lot will have a sufficient ROW to provide both the required frontage to that 333 lot and to allow safe vehicular access. Such a lot may exist as a "landlocked" lot 334 which requires a Right-of-Way Plan approval because necessary access doesn't meet driveway standards or the lot may be a proposed division from an existing 335 336 lot which wouldn't have required frontage without a new ROW. When a lot is 337 proposed for division, such division must not create a non-conforming lot or 338 structure. Right-of-Way Plans do not apply to any lot that requires subdivision 339 approval. 340 B. Applicability. 341 (1). A person who has right, title, or interest in a parcel of land must obtain 342 Right of Way Plan approval for a site when: 343 a. A lot requires a new ROW to meet street frontage requirements 344 b. A lot is proposed for division and requires ROW access and street 345 frontage for the proposed new lot. 346 (2). A ROW proposed under this section must be and will remain a private 347 road unless the applicant pursues street acceptance and is granted that 348 acceptance by the Town per §16.8.11.L of the municipal ordinance. 349 C. Review Process & Submission Requirements 350 (1). Pre-application and Conference 351 a. Process. Before submitting a proposed Right-of-Way Plan to the Board, the owner and/or applicant must meet with the Town 352 353 Planner to discuss the conceptual design regarding road design, 354 stormwater management, dimensional requirements, and any potential impacts to existing or proposed development and the 355 environment. 356 357 (2). Sketch Plan 358 a. Process. The applicant must submit a Right-of-Way application 359 and sketch plan for review and consideration by the Planning Board. 360 361 b. Plan requirements 362 i. The sketch plan must show the proposed road and lot 363 division (if applicable), including structures, site improvements and landscape features, in relation to 364 existing conditions and municipal land use regulations. Any 365 proposed buildings must also be shown. 366 367 ii. If the proposed ROW could or will provide frontage to lots other than the lot under consideration, those abutting lots 368 369 and their structures, if any, must also be shown on the 370 sketch plan.

371 372	iii. While not required, a plan prepared by a surveyor is recommended.
373	
	c. Planning Board review and decisions, including site walk
374	i. The Planning Board must determine whether the Right-of-
375 376	Way sketch plan proposal complies with municipal land
376 277	use regulations regarding both submission content and
377 378	design and must, when necessary, make specific
379	suggestions to be incorporated by the applicant in subsequent submissions.
	-
380	ii. If the sketch plan is accepted and approved, with or without
381	conditions, the next application step will be a Final Plan.
382	iii. A site walk may be scheduled at the Planning Board's
383	discretion.
384	(3). Final Plan
385	a. Failure to submit final plan application. If a Right-of-Way final
386	plan is not submitted to the Planning Board within six months after
387	the approval of the sketch plan, the Planning Board may, at its
388	discretion, refuse to act on the final plan and require resubmission
389	of the sketch plan. Any plan resubmitted must comply with all
390	application requirements, including payment of application fees.
391	b. Process, including optional public hearing
392	i. The applicant must submit a final Right-of-Way plan for
393	review and consideration by the Planning Board. Any
394	conditions imposed by sketch plan approval must be
395	addressed in the submission.
396	ii. The Planning Board may, at its discretion, choose to hold a
397	public hearing. If a public hearing will be held, the
398	proceedings must conform to public hearings as described
399	by 16.8.9.C.(3).
400	iii. The Planning Board may, at its discretion, request a review
401	of the plans by the Town's peer review engineer. The cost
402	of this peer review will be borne by the applicant.
403	iv. The Technical Review Committee (TRC) must review the
404	final plan and submit comments prior to final plan
405	approval.
406	v. The Board must accept the application as complete and
407	after consideration and review, which may span more than
408	one regularly scheduled meeting, vote to approve with or
409	without conditions or deny the plan.
410	c. Plan requirements
411	i. A complete final plan application must fulfill all the
412	requirements as indicated on the application checklist and
413	described by §16.8.9.D.(10) unless the Planning Board, by

414		formal action, upon the applicant's written request, waives
415		or defers any requirement(s) for submission. The Board
416 417		may request any additional information pertinent to complete understanding of the application.
417	А	Findings of Fact
	u.	
419 420		i. Action by the Planning Board must be based upon findings of fact which certify or waive compliance with all the
420		required standards of this ordinance, and which certify the
422		Right-of-Way plan meets the requirements as listed in
423		§16.8.9.D.(4).(b).
424		ii. In addition, the Board must find that the proposed ROW:
425		a. Does not create any nonconforming lots or
426		buildings; and
427		b.Can reasonably permit vehicular passage.
428	e.	Street naming
429		i. Prior to submission of the final plan for Planning Board
430		signatures (see §16.9.4.C.f.i below), the applicant must
431		apply for and be approved for, a street name which
432		complies with Chapter 8.5 of the municipal regulations.
433		ii. Once approved, the street name must be placed on the final
434		plan prior to submission for Planning Board signature.
435		iii. Street signage is required per Chapter 8.5-5.
436	f.	Final Plan approval and recording
437		i. A plan has final approval only when the Planning Board
438		has indicated approval by formal action and the plan has
439		been properly signed by a majority of the Planning Board
440		members or by the Chair or Vice-Chair only, if so voted by
441		the Planning Board.
442 443		ii. An approved Row-of-Way plan involving the division of land, easements, or property boundary modification must
444		be recorded by the York County Registry of Deeds. A
445		paper copy and electronic copy of the recorded plan must
446		be returned to the Town Planner. An as-built plan and
447		electronic files may also be required at the discretion of the
448		Town Planner or Director of Planning.
449	g.	Performance guaranty
450		i. Prior to the issue of a building permit, the applicant must,
451		in an amount and form acceptable to the Town Manager,
452		file with the Municipal Treasurer an instrument to cover the
453		full cost of the required improvements. A period of one
454		year (or such other period as the Planning Board may
455		determine appropriate, not to exceed three years) is the
456		guaranty time within which required improvements must be

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completed.

- ii. In cases where the Right-of-Way plan consists of an extension of an existing road and as approved, will remain unpaved with minimal site improvements required, the Director of Planning may waive the performance guaranty.
- iii. Where applicable, a maintenance agreement must be included in the document of covenants, homeowners' documents and/or as riders to the individual deed.
- h. Modifications to approved plans. No modifications to an approved Right-of-Way final plan may be made unless such modifications comply with §16.9.4.
- i. Appeal of Planning Board decision. Appeal of a Right-of-Way plan decision by the Planning Board may be made per §16.2.12.B.

2.11 Kayak Storage Rental

A. Traip Academy Boat Ramp

- 1. Kayak/ Paddle board storage is at own risk of owners. The Town of Kittery and KPA are not responsible for lost or stolen property.
- 2. Applications are available through the Kittery Harbormaster.
- 3. Owners must provide their own locks to secure property.
- 4. Kayaks may only be stored in rack space.
- 5. Spots will be available to residents of Kittery on a first come first serve basis until June 1 at which time non-residents may apply.
- 6. All storage spots are available for a 1 year term. Individuals with a spot can renew as long as they renew before April 15th and pay the associated fees.
- 7. No Parking available in School lot during school hours.

Kayak Storage Fees

Residents (Includes launch pass) \$150 Non-residents (includes Launch pass) \$200

I have read and understand the Town of Kittery Port Authority's Rules and Regulations. I also understand that false information, violation of the Kittery Port Authority Rules and Regulations, Kittery Town Ordinances, State of Maine and Federal Maritime Laws could result in the loss of my permit. I understand that storage of personal property is at my own risk and that the Town of Kittery, Kittery Port Authority and the Kittery Harbormaster are not responsible for lost, stolen or damaged property stored on town property. The applicant hereby swears that all information submitted above is true to the best of his or her knowledge and that all fees must be paid in full by April 15 annually.

1. **DEFINITIONS**

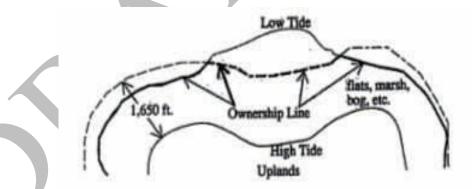
Except where specifically defined in these Rules and Regulations, all words used herein carry their customary dictionary meanings. Words used in the present tense include the future and the plural includes the singular, and singular includes the plural; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the words "shall" or "must" are always mandatory; "occupied" or "used" are considered as though followed by the words "or intended, arranged or designed to be used or occupied"; and, gender-specific words (e.g., she, he, his, hers) include the opposite sex equivalent.

Anchorage Area – An area of the harbor set aside for the temporary anchoring of vessels.

Anchoring – To secure a vessel to the bottom within a body of water by dropping an anchor(s) or other ground tackle which is carried aboard a vessel when underway as regular equipment.

Berth means the place where a vessel lies when at a wharf or pier.

Boundaries (Along Tidal Water) means any body of water that is naturally influenced by the ebb and flow of the tide. Tidal waters include rivers from their mouths to the point upstream where the ebb and flow of the tides is negligible. Title to land abutting and below the normal high- water mark of tidal water is determined by the title deed and application of state law and common law presumptions. The common law presumption is that a conveyance of land bounded by tidal water will convey title to the low tide mark or to 1650 feet (100 rods), whichever is closer to the normal highwater mark (see figure, below). This presumption of tidal water boundary applies equally to all lands along the ocean, bays, and rivers affected by the tides, even though the tidal river water may contain fresh rather than brackish or salt water. The line of low tide may fluctuate because of accretion and reliction. An owner's lands will increase or decrease accordingly. Beyond the low tide or beyond 1650 feet, whichever is closer to high tide, the State has title.



Channels means areas of the harbor kept open for navigation or other purpose by rule or regulation of the Port Authority, the Department of Army or other regulatory or legislative body.

Commercial fishing vessel means a vessel outfitted and utilized for the taking of any marine species for purposes of sale.

Commercial Use means a vessel used for the principal purpose in the pursuit of one's business or trade for the purpose of earning a livelihood. The Harbormaster will determine whether a use is commercial for the purpose of application to Kittery Port Authority Rules and Regulations.

Dinghy, Tender or Skiff means a vessel 12'6" or less in length and 5'0" or less in beam associated with a specific larger vessel and principally used for transportation from the larger vessel to a landing or other vessel.

Dock means the slip or waterway extending between two (2) piers or projecting wharves or cut into the land for the reception of vessels.

Float means a platform that floats and is anchored, moored or secured at or near the shore, used for landing or other purposes.

Float-In means when the town-owned floats are put back in the water in the spring.

Float-Out means when the town-owned floats are removed and stored for the winter.

Finger Float means a float extending from the main float of a pier, ramp and float system that creates slips and/or increases the float or pier edge available for docking vessels.

In-Kind Repair means general maintenance repairs of pilings, decking, railings, etc

In-Kind Replacement means the replacement of pier structure, float or ramps in the exact same size and footprint of the original structure.

Harbor means the navigable tidal waters within the geographical limits of the Town of Kittery, Maine.

Industrial Commercial means any person carrying on any business for gain or profit.

Kittery Port Authority means an organization as established by Kittery Town Charter.

Knot means one nautical mile per hour, or approximately 1.15 statute mile per hour.

Landing means a place for landing or discharging persons or things, as from a vessel.

Marina means a business establishment that has compliant frontage on navigable water and that provides, as its principal use, for hire moorings or docking facilities for vessels and yachts or any pier and float system capable of supplying four (4) or more 15' or greater slip spaces in addition to the main float as of July 5, 2007, but not including float systems in existence before this date. A marina may also provide accessory services such as vessel and related sales, vessel repairs to small craft 19.8 meters (65 feet) or less in length, indoor storage of vessels and marine equipment, vessel and tackle shops, or marine fuel service facilities.

Mean Low Water Mark means approximation of mean-low water made by observation of low tide during a 0.0-foot tide (as determined by the National Oceanic and Atmospheric Administration).

Mooring means a permanent, adequate means of securing a vessel to the bottom in an anchorage, which is not carried aboard a watercraft when underway as regular equipment.

Mooring, Commercial means a mooring utilized by a person in the pursuit of business or trade.

Mooring, Commercial Service means a mooring utilized by individuals or marinas to service boats for repair on a temporary basis.

Mooring, Private means a mooring utilized by a vessel for private use only.

Mooring, Rental means any mooring offered by individuals or marinas for transient or seasonal rental including moorings controlled by private entities.

Mooring Site means a specific point on the ocean bottom in a mooring area assigned by the Harbormaster to a primary owner for a specific vessel and use. Approval of the physical mooring tackle (hardware) is covered separately and is approved by the Harbormaster for the location permitted.

Mooring Site Waiting List means a list or lists of persons, arranged by application number, requesting a mooring site in the tidal waters of the Town.

Mooring Site Permit means the assignment by the Harbormaster of a mooring site. All such mooring site permits are issued by the Harbormaster upon application by the vessel owner according to these Rules and Regulations.

Mooring, Town Transient means moorings available for overnight rental through the Harbormaster.

MRS means Maine Revised Statutes.

Navigable Tidal Waters means all harbors and bays as well as major rivers as far as they can be navigated "continuously" from the sea without obstructions.

Not-for-profit entity means any person, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization carrying on any activity within the state consistent with the stated purposes of such organization and operating on a nonprofit basis.

Normal High-Water Mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominately aquatic and predominantly terrestrial land.

Outhaul means an assembly consisting of a submerged pulley and continuous line between a moored vessel and a fixed point on shore for the purpose of boarding a vessel from the shore without the need of a dinghy.

Person means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, firm or, in the case of a corporation or association, any official thereof, or other legal entity.

Pier means a structure extending into the water from a shore or bank or along a shore or bank which provides for the transfer of cargo or passengers or the berthing for vessels, and includes but is not limited to, wharves, quays and docks.

Pier use permit means an annual pier use permit or a single-use (daily) pier permit

Pier, Commercial means any pier that exceeds six (6) feet in width.

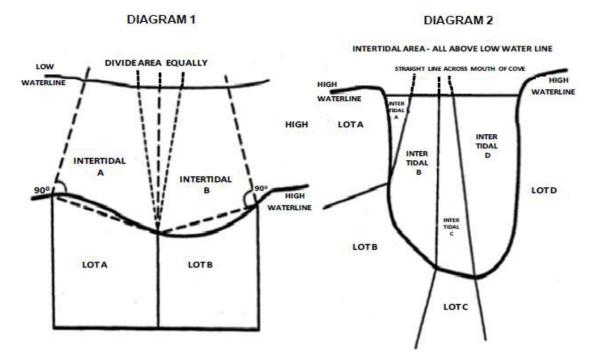
Pier, Residential Development Use, Ramp & Float System means a pier and/or ramp and float system which is used in common by lot owners or residents of a subdivision or residential planned development. The purpose is to provide waterfront access to the owners of lots in a residential development that has the potential for more than one waterfront lot. The object is to minimize the number of piers, ramps and floats resulting from new development and possible elimination of Riparian Moorings.

Primary Owner means the person that owns the majority of a vessel and is the first person listed on the vessel registration card.

Riparian Mooring means a mooring where practicable is issued to individuals that own shorefront rights to a parcel of land that meet the requirement of 38 MRS, §3, Mooring sites.

Riparian water rights (or simply riparian rights) is a system for allocating water among those who possess land along its path pursuant to Title 38 MRS, §3, Mooring sites:

DIAGRAM for DETERMINING OWNERSHIP of INTERTIDAL LAND



Swim Float means a structure that is moored on a temporary basis no earlier than May 15 and no later than October 15 for swimming purposes only.

Temporary Mooring Site Permit means a mooring site permit issued or assigned by the Harbormaster on a temporary basis not to exceed one (1) season (May 1st through April 30th) per assignment.

Tidal Waters means areas where there are two Low Waters and two High Waters generally every 24 hours and 50 minutes. The average High Water rises 8.7 ft. from Low Water in the Kittery area.

Title 16 means Kittery Town Code Title 16, Land Use and Development Code.

Town Resident, also referred to as "Municipal resident", means any natural person who owns real property in Kittery or resides in the Town for more than one hundred eighty (180) days in a calendar year.

Town Transient Slip Rental means the float system of docks on Pepperrell Pier available for overnight rental through the Harbormaster.

Vessel means boats of all sizes propelled by sails, machinery or hand; scows, dredges, shellfish cars and watercraft of any kind.

Wharf means a structure of timber, masonry, concrete, earth or other material, built on the shore of a harbor, river, canal, or the like, especially one extending parallel to the shore line, so that vessels may lie close alongside to receive and discharge passengers and cargo.

PIERS WHARVES, FLOATS, AND OTHER MARINE-RELATED STRUCTURES 4.1. Authority

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

4.2. Permits

- **4.2.1.** No wharf, pier, float, or any other marine-related structure may be erected, moved, or otherwise altered without a Building Permit therefor, issued by the Code Enforcement Officer after plan approval is obtained from the Port Authority, as required by these Rules and Regulations and Title 16, Chapter 16.5.2.5, Permit Threshold and in compliance with all requirements of the applicable local, State and Federal requirements.
- **4.2.2.** A permit for which no substantial work has commenced within one year from date of issue expires. A permit for which work is not substantially complete within two years from date of issue expires. Expired permits may be renewed by the Code Enforcement Officer upon application and payment of a fee, provided that such renewal is sought prior to expiration under these provisions and provided that such renewal meets all relevant rules, regulations, ordinances, statutes and codes in effect on the date that the renewal of the expired permit is requested.

4.3. Application Requirements

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

- **4.3.1.** Plans showing the actual dimensions and shape of the lot to be built upon; the exact size and locations and dimensions of the proposed structures or alterations to existing structures.
- **4.3.2.** Any other such information as the Port Authority may deem necessary to determine conformance with these Rules and Regulations; Title 16, Chapter 16.11; the Maine Mandatory Shoreland Zoning Act; and applicable Federal regulations.
- **4.3.3.** The Port Authority may grant a waiver from the specifications of these regulations provided that the Port Authority finds that due to special circumstances of the specific application the granting of a waiver will not adversely impair the public health, safety and general welfare, the use of public waters, navigation, or harm the environment. All such waivers must be supported by sufficient findings of fact.
- **4.3.4.** The application must be accompanied by an application fee as set forth in Appendix A. No application may be deemed complete by the Port Authority until payment of the proper fees
- **4.3.5.** Ten (10) sets of all submissions are required.

4.3.6. In Kind Repair / Replacements Requirements

From time to time structures may need repairs/replacements. All alterations must be approved by the Port Authority. The Chairman of the Port Authority or designated agent may waive the formal application requirements and public hearing in repair/ replacement and issue an approval letter.

- **4.3.7** All applications for repair/replace must be filed with the Chairman of the Port Authority or designated agent using the form provided for that purpose.
- **4.3.7.** Plans showing the actual dimensions and shape of the lot to be built upon; the exact size and locations and dimensions of the structures and proposed alterations being requested.

- **4.3.8.** Any other such information as the Chairman of the Port Authority may deem necessary to determine conformance with these Rules and Regulations; Title 16, Chapter 16.11; the Maine Mandatory Shoreland Zoning Act; and applicable Federal regulations.
- **4.3.9.** The application must be accompanied by an application fee as set forth in Appendix A. No application may be deemed complete by the Port Authority until payment of the proper fees
- **4.3.10.** Two (2) sets of all submissions are required.
- **4.3.11.** The Chairman of the Port Authority reserves the right to forward any repair/replace application that he/she determines not to qualify for in kind repair / replace to the Port Authority for formal approval process.

4.4. Application Process

- **4.4.1.** The Chairman shall make a preliminary determination that the application is complete, or waiver requests are submitted for items not included.
- **4.4.2.** Upon acceptance, the Chairman shall place the application on the Authority's agenda for a Scheduling Hearing and issue a dated receipt to the applicant, which constitutes the official date of submission.
- **4.4.3.** Where a project contains significant upland development as an integral part of the application, review by the BOA or Planning Board as appropriate is encouraged prior to Port Authority review as indicated in Chapter 16.11.3, Shorefront Development Plan Review of the Kittery Land Use and Development Code.

4.4.4. Scheduling Hearing

- A. At the Scheduling Hearing, the Port Authority shall accept or deny the application in accordance with the following:
- (1) the applicant has legal standing by virtue of vested interest (right, title, or interest) in all properties under consideration;
- (2) the application is complete in accordance with these regulations and Title 16 (if Appropriate), or the Authority accepts and approves any requests for waivers of submission contents.
- B. If the Authority accepts the plan, it shall determine if additional information is required prior to Public Hearing, (in which case it may require the applicant to provide such information) and schedule the date for Public Hearing.
- C. The Chairman shall arrange a mutually agreeable time for a site walk by the Authority prior to Public Hearing.

4.4.5. Public Notice

The Chairman shall cause public notice of such hearing to be placed at least seven and not more than fourteen days prior to the scheduled hearing date. The notice must set forth the general nature of the requested approval and be posted at the Municipal Offices and forwarded to the Town Clerks of York and Eliot, in the case of a plan located within five hundred feet of their

municipal boundaries, at least ten days prior to the hearing. Placing of public notices is at the expense of the applicant.

4.4.6. Abutter Notice

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

- B. Notice must also be sent to the Code Enforcement Officer, Town Planner, and where applicable, the BOA, Planning Board, and Conservation Commission, at least seven days prior to the Public Hearing.
- C. Failure to receive said notices does not invalidate any Port Authority action.

4.4.7. Public Hearing

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

- B. The following rules apply to the hearing:
- (1) The Chairman or acting Chairman shall serve as the presiding officer.
- (2) The Port Authority may receive oral and documentary evidence, but must exclude evidence which it considers irrelevant, immaterial, or unduly repetitious.
- (3) The Chairman shall determine the order of presentation by parties represented at the hearing. Each party has the right to proceed without interruption, except that rulings by the Chair prevail.
- (4) Any party may be represented by agent or attorney.
- (5) Any Town official having an interest in the application may present into evidence a written summary of findings and recommendations.
- (6) The Port Authority may continue the hearing to another time and location, including the site of the project, as it deems necessary.

4.4.8. Port Authority Action

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

- B. In the case of an extension such plan must automatically be scheduled for the agenda of the next regularly scheduled meeting after the extended period and action completed whether the applicant has accomplished the purposes for which the continuance was granted or not.
- C. An applicant or interested party may request reconsideration of any decision by the Port Authority as outlined in Section 7 of these Rules and Regulations.
- **4.4.9.** The applicant is responsible for the application fee in addition to all expenses associated with application process.

4.5. Findings of Fact

- **4.5.1.** Action by the Port Authority must be based on sufficient findings of fact which support compliance with all required standards of these Rules and Regulations, (or grant waivers for those things requested) applicable requirements contained in the Title 16, Chapter 16.11 Marine-Related Development, Development Application and Review (Findings of Fact), of the Maine Mandatory Shoreland Zoning Act (Title 38 MRS §435-439), applicable requirements of the Maine Department of Environmental Protection, and applicable requirements of the US Army Corps of Engineers.
- **4.5.2.** If it is mutually agreeable to the Port Authority and the Applicant, the official, approved minutes of the meeting may be accepted as the written findings of fact.

4.6. Conditions of Approval

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

4.7. Performance Standards

- **4.7.1.** All applications for permits under this section must comply wholly with the requirements of Title 16, §3.2.17 (Shoreland Overlay Zone), and Title 38 MRS §435-439, and any other applicable federal or state requirements. These requirements apply to all development within 250 feet, horizontal distance, of the normal high-water mark of any river or saltwater body. These requirements also apply to any structure built on, over, or abutting a dock wharf or pier, or any other structure extending beyond the normal high- water mark of a water body or within a coastal wetland shown on the Official Shoreland Zoning Map.
- **4.7.2.** The construction of any piers, docks, wharves, and other structures and uses extending over or beyond the normal high-water mark of a water body or within a wetland must comply with all applicable requirements of Title 16.
- **4.7.3.** Non-commercial private piers may have a maximum width of 6 feet as measured parallel to the shoreline and be limited to the minimum size necessary to accomplish their purpose. Except for temporary ramps and floats, the total length of a ramp, pier and float structure may not extend more than 150 feet beyond the normal high-water mark and piers not extend more than 100 feet beyond the normal high-water mark nor extend below the mean low water mark, whichever is shorter.

- **4.7.4.** The maximum height of the pier deck may not exceed six (6) feet above the normal highwater mark, and the handrails not exceed 42" without the specific approval of the Port Authority.
- **4.7.5.** Commercial piers are limited to the minimum size necessary to accomplish their purpose. They may not extend beyond the mean low water mark except with credible proof by the applicant that the extension is necessary for the water-dependent use of the pier. The maximum height of the pier deck may not exceed six (6) feet above mean high water mark and the handrails not exceed 42", without a showing of necessity and specific approval of the Port Authority. Documentation required for an application for a commercial pier, in addition to all other requirements of these Rules and Regulations, must set forth credible proof of the commercial usage and include at least the following:
- A. Written documentation as to the nature of the commercial enterprise and why the applicant is requesting a pier that does not meet the non-commercial private pier standards noted in 4.7.3, above:
- B. Written proof of a valid commercial enterprise, such as commercial fishing license, articles or organization/incorporation for the business;
- C. Documentation of their ownership in the commercial business or enterprise;
- D. Any additional documentation required by the Port Authority for determining the commercial use and operation of the commercial pier.
- **4.7.6.** Piers, wharves, and pilings must be set back at least 25 feet from property lines and 50 feet from other structures that are fixed in place below the normal high- water mark and not owned or controlled by the applicant unless a letter of permission is granted by abutting or other controlling property owner. If abutting property owners reach a mutual agreement regarding structures which have a lesser setback, which does not interfere with navigation, is practical and is consistent with the intent of these regulations, that setback may be authorized by the Port Authority if the applicant agrees to record any ensuing permit (which will have that agreement as a condition) and the abutters' letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property in the Town .

FEES APPENDIX A

- H. Pier, Ramp, and Float Application Fees
- 1. New Structure Application Fee.

2. Repair / Replace Application Fee.

\$125

\$ No Charge



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

Phone: 207-439-0452 ext 301 Email:kpa@kitteryme.org www.kittery.org

March 18, 2021

Steven F. Greco Linda A. Greco 25 Chauncey Creek Road Kittery Point ME 03905

Dear Steven and Linda

Your request for in-kind repair/replacement, consisting of removal of an existing damaged float pile and replacing it with a new float pile, replace in kind a 16' x 24' float and replace in kind a 3' x 30' gangway has been approved by the Chair of the Kittery Port Authority.

This is your letter to proceed from the Kittery Port Authority. A copy has been provided to the Code Enforcement Officer. This approval is contingent on the approval of any other governing bodies that may be required before building commences.

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed. If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully.

Kelly L. Philbrook

Kittery Port Authority Chair

cc: Code Enforcement Officer Town Planner File



TOWN HALL 200 ROGERS RD. KITTERY, ME 03904

Phone: 207-439-0452 ext 301 Email:kpa@kitteryme.org www.kittery.org

March 18, 2021

Philip M. Lowe Delphine Lowe Proelss 74 Chauncey Creek Road Kittery Point ME 03905

Dear Philip and Delphine

Your request for in-kind replacement of an existing docking structure, consisting of replacing a 5' x 4' landing, a 6' x 5' stairway, a 6' x 28' fixed pier, a 3.3' x 16' gangway and a 10' x 20' float, has been approved by the Chair of the Kittery Port Authority.

This is your letter to proceed from the Kittery Port Authority. A copy has been provided to the Code Enforcement Officer. This approval is contingent on the approval of any other governing bodies that may be required before building commences.

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed. If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully,

Kelly L. Philbrook

Kittery Port Authority Chair

cc: Code Enforcement Officer
Town Planner



REMARKS

TO: Town of Kittery

Kittery Port Authority

200 Rogers Rd Ext.

LETTER OF TRANSMITTAL

FROM:

AMBIT ENGINEERING, INC.

Civil Engineers and Land Surveyors 200 Griffin Road, Unit 3 Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

Kit	tery, ME 0390	4	Phone (603) 430-9282 Fax 436-2315
DATE.	2/17/2021		TOD NO. 2202
DATE:	3/17/2021	D 4 4 4	JOB NO. 3302
ATTENT		y Port Author	
RE:			k Repair/Replacement
	74 Ch	auncey Creek	Road, Kittery Point, ME
		OPY COPY	OF LETTER PRINTS IGE ORDER SPECIFICATIONS
COPIES	DATE	REVISION	DESCRIPTION
10	3/17/22		KPA Application Packages
10	2/21	3/5/21	Plan Set (full size)
1	3 17 21		CHECK FOR \$125.00
	•		
THESE A	RE TRANSMI	ITTED AS CH	HECKED BELOW
	OUR APPROVIDS DUE	VAL	FOR YOUR USE AS REQUESTED
FOR R	EVIEW AND	COMMENT	RETURNED AFTER LOAN TO US

COPY TO File

MISCELLANEOUS PAYMENT RECPT#: 652196 TOWN OF KITTERY - LIVE 200 ROGERS ROAD KITTERY ME 03904

DATE: 03/17/21 TIME: 15:32 CLERK: 220codeca DEPT: CUSTOMER#: 0

PARCEL: 74 CHAUNCEY CREEK RD

DESIGNATED ACCO CHG: 10 125.00

REVENUE: 125.00

KPA APPLICATION FEES

REF1: REF2:

CASH: 1000 11011 CHECKING 125.00

AMOUNT PAID: 125.00

PAID BY: AMBIT ENGINEERING PAYMENT METH: CHECK 11679

REFERENCE:

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

TOWN OF KITTERY KITTERY PORT AUTHORITY

Map: 45
Lot: 67
Date Submitted: March 17, 2021

Application for

PIERS, WHARFS, FLOATS AND OTHER MARINE-RELATED STRUCTURES

	Contact: kpa@kitteryme.org Website: kitteryme.gov					
The	TE: Ten (10) sets of plans, applications, maps and other necessary information are required at submittal. e following application is submitted for the construction, modification, reconstruction of a:					
Llar	The project proposes the repair/replacement of the existing tidal docking structure consisting of a 5' x 4' landing, a 6' x 5' stairway, a 6' x 28' fixed pier, a 3.3' x 16' gangway and a 10' x 20' float along Chauncey Creek. 1. This project is an in-kind repair/replacement, which will not expand, move, or modify the style of the existing structure:					
	X Yes, it is in-kind repair No, there will be modifications					
2.	Property Owner(s): Philip M. Lowe & Delphine Lowe Proelss					
3.	Property Address: 74 Chauncey Creek Road, Kittery Point, ME 03905					
4.	Telephone Number: 617-835-6427 Email: plowe@bentley.edu (REQUIRED)					
5.	Property Size (Acres/SF):7 AC Zoning District(s): _R-KPV, OZ-RP & OZ-SL-250					
6.	The shore frontage of this property is 231 feet, measured at the high water line in a straight line, stake to stake.					
7.	7. This is my first Kittery Port Authority application for this property: Yes X No If No, please explain:					
8.	8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement					
	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.					
App	plicant Signature:Date:					
Pro	Property Owner Signature: Agent-See Authorization Date: 3/17/21					
Age	ent Name: Steven D. Riker Agent Firm: Ambit Engineering, Inc.					
_	ent Phone: 603-430-9282 Agent Email: sdr@ambitengineering.com QUIRED) (REQUIRED)					
dire To	PLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional fees may be charged for ect costs (i.e. legal notices, engineering review, etc.) necessary to complete the review of the application per wn Code, Title 3, Chapter 3.3 Paid, Amount: 125.00 Date: 3117/2071					

12 March 2021

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

Re:

Maine DEP Permit by Rule Application Tax Map 45, Lot 67 74 Chauncey Creek Road Kittery Point, ME

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act, Permit by Rule Application request for the replacement of a tidal docking structure on the above referenced site along Chauncey Creek.

The proposed replacement consists of a 5' x 4' landing, a 6' x 5' stairway, a 6' x 28' fixed pier, a 3.3' x 16' gangway, and a 10' x 20' float. The components of the structure proposed to be replaced are depicted on the attached "Existing Conditions & ME DEP Permit Plans". Please note that the float and gangway were not in place at the time of survey.

The new docking structure will be installed utilizing a barge and crane allowing for work to be performed from the "water side" eliminating impacts to the shoreline adjacent to the existing docking structure. Construction of the dock is anticipated to take less than one week. A crane barge and a spud barge will mobilize to the site with equipment and materials.

No erosion control devices are required for this project. There will be no exposed soils or vegetation removal required to complete the construction. Foot traffic and trenching for standard silt fence installation would cause disturbance far in excess of those from the project itself. There is nothing in regards to the proposed construction that would provide an opportunity for erosion. All work will be performed utilizing a crane barge and a spud barge at low tide eliminating erosion and potential for sedimentation.

Attached to this application you will find a plan set which depicts the existing lot, jurisdictional areas, abutting parcels, the existing docking structure, and the proposed repair/replacement of the structure. Also attached to this application you will find the following: a USGS locus map, a tax map, a signed client authorization, an approved Request for Timing from the Maine Department of Marine Resources, a photo log, and the recorded deed for the current property owners.

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

Respectfully submitted,

Reven D. Riker, CWS

NH Certified Wetland Scientist/Permitting Specialist

Ambit Engineering, Inc.

16 February, 2021

To Whom It May Concern

RE: Maine Department of Environmental Protection NRPA Application for tidal dock repair/replacement for Philip M. Lowe, 74 Chauncey Creek Road, Kittery Point, ME.

This letter is to inform the Maine Department of Environmental Protection and the Town of Kittery, in accordance with State Law that Ambit Engineering is authorized to represent me as my agent in the approval process.

Please feel free to call me if there is any question regarding this authorization.

Sincerely,

Philip M. Lowe 74 Chauncey Creek Road

Kittery Point, ME 617-835-5427

Steve Riker

From:

Maine Dept. of Environmental Protection <noreply@informe.org>

Sent:

Friday, March 12, 2021 3:03 PM

To:

Steve Riker

Subject:

Dept. of Environmental Protection Payment Portal

Thank you for submitting this payment to the Dept. of Environmental Protection. Below is a copy of the information and payment the agency will receive.

Applicant Name: Philip M. Lowe

Activity Location: 74 Chauncey Creek Road, Kittery Point, ME 03905

First Name: SteveLast Name: Riker

Company Name: Ambit Engineering, Inc
 Street Address: 200 Griffin Road, Unit #3

• Town/City: Portsmouth

• State or Province: New Hampshire

Country: United States

• Zip Code: 03801

• Phone Number: 603-430-9282

• Email Address: sdr@ambitengineering.com

• Fee Type: Natural Resources Protection Act (Permit-by-Rule)

Customer Number:

• Invoice Number:

Spill Number:

• Payment Amount: 256.00

Additional Comments:

Your information will be reviewed and you may be contacted if more information is needed or if there are additional questions.

Steve Riker

From:

noreply@informe.org

Sent:

Friday, March 12, 2021 3:03 PM

Subject:

DEP Payment Receipt

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

Description	Amount
DEP Payment Portal	\$256.00
Service Fee	\$2.00
Maine.gov Total	\$258.00

Customer Information

Customer Name

John Chagnon

Company Name

Ambit Engineering, Inc.

Local Reference ID

1220015558

Receipt Date

3/12/2021

Receipt Time

03:03:05 PM EST

Payment Information

Payment Type

Credit Card

Credit Card Type

VISA

Credit Card Number

*****6396

Order ID

55604216

Billing Name

John R Chagnon

Billing Information

Billing Address

200 Griffin Road, Unit #3

Billing City, State **ZIP/Postal Code**

Portsmouth, NH

Country

03801 US

Phone Number

603-430-9282

This receipt has been emailed to the address

below.

Email Address

sdr@ambitengineering.com

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PERMIT BY RULE NOTIFICATION FORM

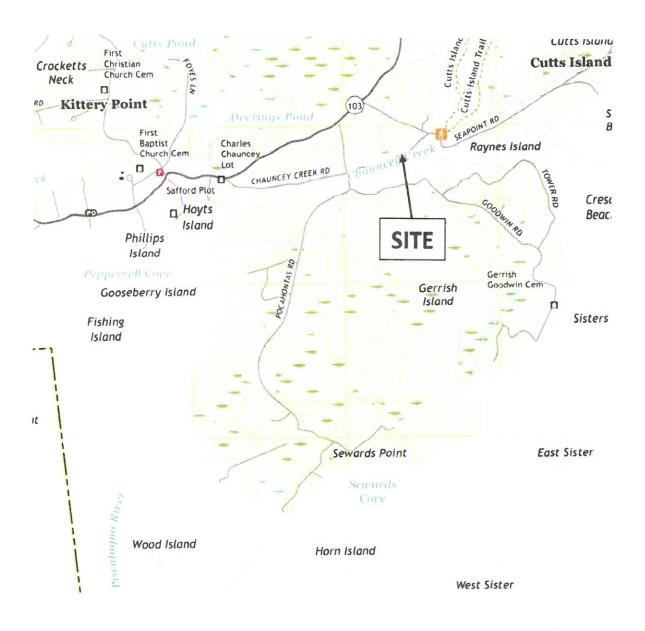
(For use with DEP Regulation, Natural Resources Protection Act - Permit by Rule Standards, Chapter 305)

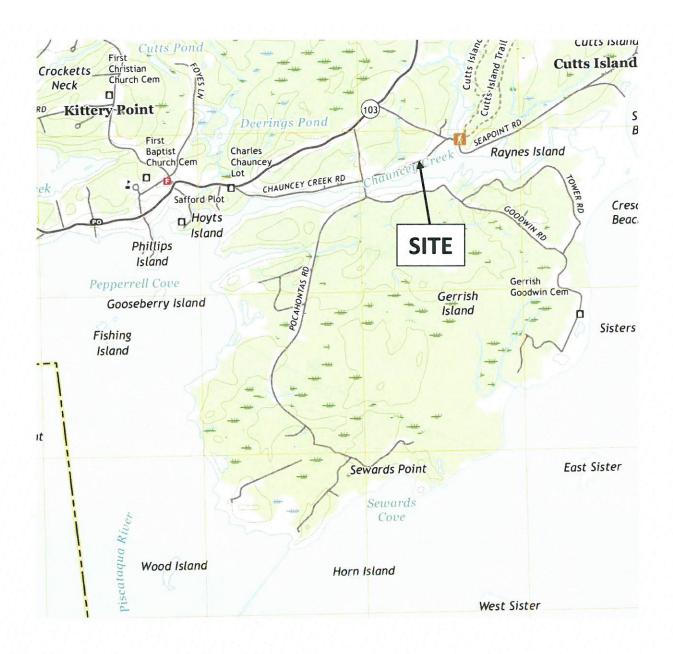
Description: 6' x 5' stairway, a 6' x 28' fixed pier, a 3.3' x 16' gangway, and a 10' x 20' float. Project Location & Brief Directions to Site: PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the results of the property is located 1/2 mile on t				
Mailing Address: 74 Chauncey Creek Road Mailing Address: 200 Griffin Road, Unit 3 Mailing Address: Mailing Address: 200 Griffin Road, Unit 3 Mailing Address: Mailing Address: Pown/State/Zip: Portsmouth, NH 03801 Daytime Phone #: 617-835-5427 Ext: Daytime Phone #: 603-430-9282 Ext: Email Address: plowe@bentley.edu Email Address: sdr@ambitengineering.con PROJECT INFORMATION Part of a larger project? (check 1): No Project involves work below mean low water? (check 1): No Waterbody: Chauncey Map and Lot Number:	, me.			
Mailing Address: Town/State/Zip: Kittery Point, ME 03905 Town/State/Zip: Portsmouth, NH 03801 Daytime Phone #: 617-835-5427 Ext: Daytime Phone #: 603-430-9282 Ext: Email Address: plowe@bentley.edu Email Address: sdr@ambitengineering.com PROJECT INFORMATION Part of a larger project? (check 1): No (check 1): No Project involves work below mean low water? (check 1): No waterbody: Chauncey (check 1): No waterbody: No waterbody: No waterbody: No waterbody: Chauncey (check 1): No No waterbody: No waterbody: No No waterbody: No waterbody: No No waterbody: No No waterbody: No No waterbody: No				
Town/State/Zip: Kittery Point, ME 03905 Town/State/Zip: Portsmouth, NH 03801 Daytime Phone #: 617-835-5427 Ext: Daytime Phone #: 603-430-9282 Ext: sdr@ambitengineering.com PROJECT INFORMATION Part of a larger project? (check 1): No After the Fact? No Project involves work below mean low water? (check 1): No waterbody: Chauncey (check 1): No No No No No Waterbody: Chauncey (check 1): No				
Daytime Phone #: 617-835-5427 Ext: Daytime Phone #: 603-430-9282 Ext: Email Address: plowe@bentley.edu Email Address: sdr@ambitengineering.com PROJECT INFORMATION Part of a larger project? (check 1): No After the Fact? No No Project involves work below mean low water? (check 1): No waterbody: Chauncey (check 1): No No Project Involves work below mean low water? (check 1): No waterbody: Chauncey (check 1): No No Project Involves work below mean low water? (check 1): No No Waterbody: Chauncey (check 1): No No No Project Involves No No No Project Involves No				
Project Town: Wittery Point Town Email Address: After the Fact? Was project? (check 1): Was project proposes the in kind replacement of an existing tidal docking structure consisting of a 5' x 4'				
PROJECT INFORMATION Part of a larger project? (check 1):	1			
Part of a larger project? (check 1): Project Town: Kittery Point Town Email Address: The project proposes the in kind replacement of an existing tidal docking structure consisting of a 5' x 4' doctorion: Project Location & Brief Directions to Site: PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the rements for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all standards in the Sections checked below. Sec. (2) Act. Adj. to Prot. Natural Res. Sec. (4) Replacement of Rocks or Veg. Sec. (7) Outfall Pipes After the Fact? Yes Name of waterbody: Project involves work below mean low water? (check 1): No Map and Lot Number: Map 45, Lot Natural Res and Lot Number: Map 45, Lot Natural Res and Lot Number: The project proposes the in kind replacement of an existing tidal docking structure consisting of a 5' x 4' doctorion and location and	provedento/rea			
Brief Project Description: The project proposes the in kind replacement of an existing tidal docking structure consisting of a 5' x 4' 6' x 5' stairway, a 6' x 28' fixed pier, a 3.3' x 16' gangway, and a 10' x 20' float. Project Location & Brief Directions to Site: PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the rements for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all standards in the Sections checked below. Sec. (2) Act. Adj. to Prot. Natural Res. Sec. (3) Intake Pipes Sec. (4) Replacement of Structures Sec. (11) State Transportation Facilities Sec. (12) Restoration of Natural Areas Sec. (20) Act. Near Waterfow//B Sec. (20) Act. Near Waterfow//B	Creek			
Project Location & Brief Directions to Site: From ME Route 103 eastbound, take a right onto Chauncey Creek Road. The property is located 1/2 mile on the rest of Site: PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the rest ments for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all standards in the Sections checked below. Sec. (2) Act. Adj. to Prot. Natural Res. Sec. (9) Utility Crossing Sec. (16) Coastal Sand Dune Property is located 1/2 mile on the rest of th	5000 E00005			
Brief Directions to Site: PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the rements for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all standards in the Sections checked below. Sec. (2) Act. Adj. to Prot. Natural Res. Sec. (3) Intake Pipes Sec. (4) Replacement of Structures Sec. (10) Stream Crossing Sec. (17) Transfer/Permit Extensions Sec. (18) Maintenance Dredging Sec. (19) Act. Near SVP Habitat Sec. (10) Outfall Pipes Sec. (13) F&W Creat./Water Qual. Improv. Sec. (20) Act. Near Waterfowl/B				
ments for Permit-by-Rule (PBR) under DEP Rules, Chapter 305. I and my agent(s), if any, have read and will comply with all standards in the Sections checked below. Sec. (2) Act. Adj. to Prot. Natural Res. Sec. (3) Intake Pipes Sec. (4) Replacement of Structures Sec. (4) Replacement of Rocks or Veg. Sec. (6) Movement of Rocks or Veg. Sec. (7) Outfall Pipes Sec. (13) F&W Creat./Water Qual. Improv.	Brief Directions From ME Route 103 eastbound, take a right onto Chauncey Creek Road. The property is located 1/2 mile on the right			
□ Sec. (3) Intake Pipes □ Sec. (10) Stream Crossing □ Sec. (17) Transfer/Permit Exten □ Sec. (4) Replacement of Structures □ Sec. (11) State Transportation Facilities □ Sec. (18) Maintenance Dredging □ Sec. (6) Movement of Rocks or Veg. □ Sec. (12) Restoration of Natural Areas □ Sec. (19) Act. Near SVP Habitat □ Sec. (7) Outfall Pipes □ Sec. (13) F&W Creat./Water Qual. Improv. □ Sec. (20) Act. Near Waterfowl/B	PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, Chapter 305 . I and my agent(s), if any, have read and will comply with all of the standards in the Sections checked below.			
	sion 3 ird Habitat			
NOTE: Municipal permits also may be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.				
NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE				
Attach all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.				
Attach a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).				
Attach Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x). Individuals and municipalities are not required to provide any proof of identity.				
FEE: Pay by credit card at the <u>Payment Portal</u> . The Permit-by-Rule fee may be found here https://www.maine.gov/dep/feeschedule.pdf and is currently \$256.				
Attach payment confirmation from the Payment Portal when filing this notification form.				
Signature & Certification:				
 I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. 				
 I understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, unless the Department approves or denies the PBR prior to that date. 				
By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.				
Signature of Agent or Applicant (may be typed): Steven D. Riker March 12. 2021	the			

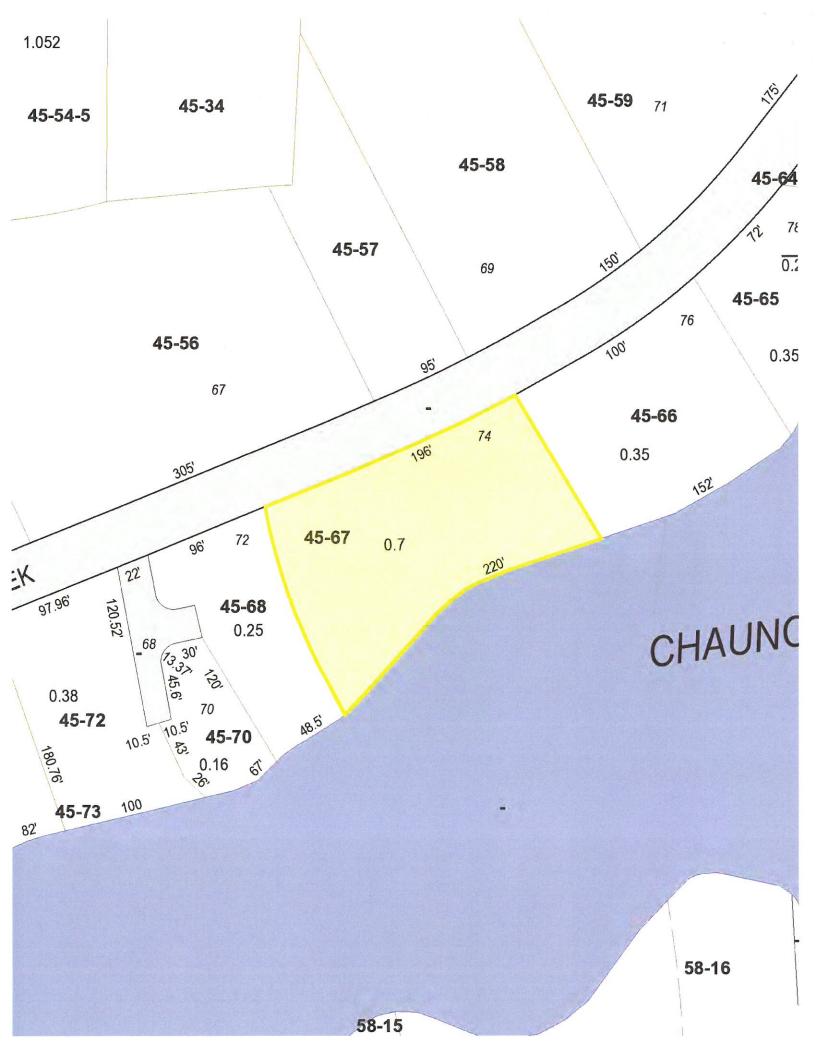
REQUEST FOR APPROVAL OF TIMING OF ACTIVITY (DMR)

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

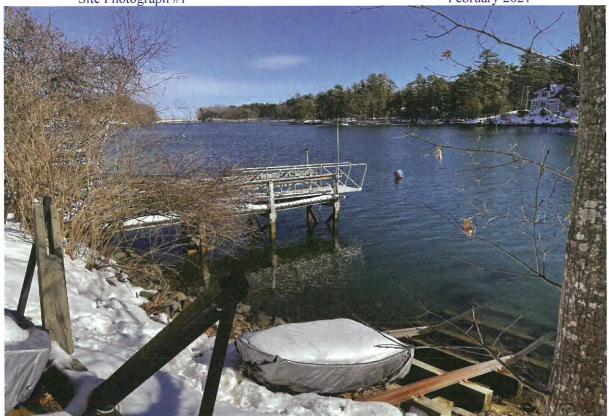
To be filled out by applicant: (Instructions are on the back of this form) 1. Applicant's name: Philip M. Lowe Address: 74 Chauncey Creek Road, Kittery Point, ME 03905 telephone: 6127-835-5427 Agent Email: sdr@ambitengineering.com I plan to perform the following activity (please check the appropriate box): 2. ☐ Sec. 3 Intake pipes (tidal waters only) ■ Sec. 4 Replacement of structures (tidal waters only) ☐ Sec. 7 Outfall pipes (tidal waters only) ☐ Sec. 9 Utility crossings (any location if performed between Oct. 2 and July 14) ☐ Sec. 12 Restoration of natural areas (tidal waters only) ☐ Sec. 15 Public boat ramps (tidal waters only) ☐ Sec. 18 Maintenance dredging (tidal waters only) Brief description of project: [please include the name of the stream or waterbody, if known] The project proposes to replace an existing tidal docking structure "in-kind" associated with the subject property located along Chauncey Creek. 4. I plan to perform this activity between the dates of March 30, 2021 and June 30, 2021 (start date) (end date) 5. I have included a map showing the location of my project. *[Please note that if no location map is provided, no approval will be granted by DMR] Send completed form to: DMR Environmental Coordinator P.O. Box 8, West Boothbay Harbor, ME 008-04575 For agency use only: The Department has reviewed the proposed timing of the activity identified above and: A approves of the project's timing as proposed. ☐ requires that the project's timing be changed to occur between (start date) (end date) ☐ Other comments: 17 Feb 2020 MR Environmental Coordinator





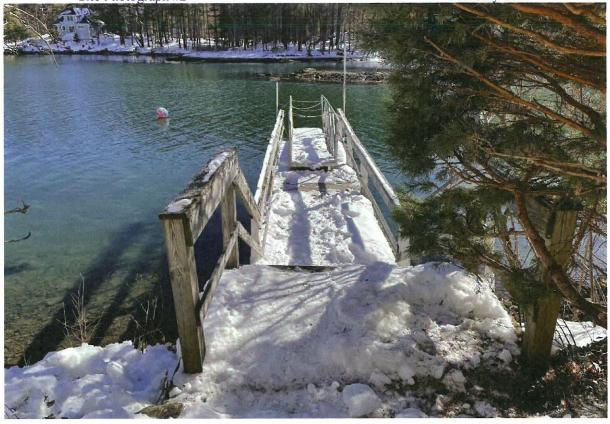


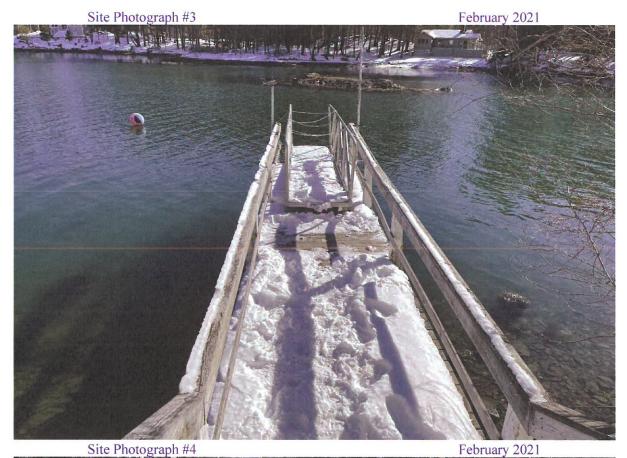
Site Photograph #1 February 2021

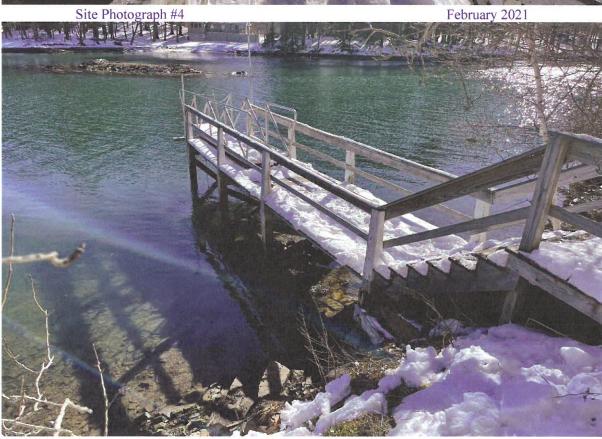


Site Photograph #2

February 2021







MAINE R.E. TRANSFER TAX PAID

KNOW ALL MEN BY THESE PRESENTS that I, Katherine K. Hallett, a widow, of 74 Chauncey Creek Road, Kittery Point, York County, Maine,

for consideration paid grant to Philip M. Lowe and Delphine Lowe Proelss, of 56 Chauncey Creek Road, Kittery Point, York County, Maine, as Joint Tenants with Rights of Survivorship

with WARRANTY COVENANTS

A certain lot or parcel of land with the buildings thereon situate in Kittery. County of York and State of Maine on the westerly tract of land now or formerly of Helen B. Knapp and beginning on the southerly side of Chauncey Creek Road at an iron pipe, being the northwest corner of land retained by Helen B. Knapp, and thence running South 10° East a distance of 120 feet, more or less, to an iron pipe at Chauncey Creek; thence turning and running along said Creek South 70° West a distance of 235 feet, more or less; thence turning and running North 1° East through an old pine tree, a distance of 78 feet more or less to a ledge; thence turning and running N 4° E, a distance of 91 feet, more or less, to an iron shaft at the ground at Chauncey Creek Road; thence turning and running North 80° East a distance of 196 feet, more or less, to the point of beginning.

Also a certain parcel of land situate on the northerly side of Chauncey Creek Road and being an extension of the westerly dividing line of land now or formerly of Helen B. Knapp and George F. Sawyer and Isabelle D. Sawyer, commencing at a pipe in the ground on the northerly side of Chauncey Creek Road and thence running North 11° 15′ West, 92.13 feet to a pipe in the ground; thence North 11° 15′ West, 76.80 feet to a pipe in the ground and thence North 11° 15′ West, 99.77 feet to a pipe in the ground at land now or formerly of Ernest T. Hoyt and including all the land now or formerly of Helen B. Knapp to the West of the aforesaid land on the North side of Chauncey Creek Road and more particular being bounded by Chauncey Creek Road on the south, by land retained by Helen B. Knapp on the East, by land of Ernest T. Hoyt and others and land of Amee to the North and to the West respectively.

Being the same premises conveyed to Katherine K. Hallett by deed of John F. Hallett dated September 13, 1973 and recorded in the York County Registry of Deeds at Book 2011, Page 559.

I, Katherine K. Hallett hereby relinquish and convey all rights by descent and all other rights in the above described premises.

Executed this 15 day of September, 1998.

Kotherine K. Hallett Samuelathalast PON

Katherine K. Hallett By: Samuel G. Hallett under Power of Attorney

NORTHEAST LAND TITLE ORCHARD PARK, SUITE B-8 875 GREENLAND ROAD PORTSMOUTH, NH 03801

BK9029 PG028

State of New Hampshire Rockingham as

On this \(\sum_{\text{op}} \) day of September, 1998 personally appeared Samuel G. Hallett known to me or satisfactorily proven to be the person whose name is subscribed as Attorney in Fact for Katherine K. Hallett and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I set my hand and seal.

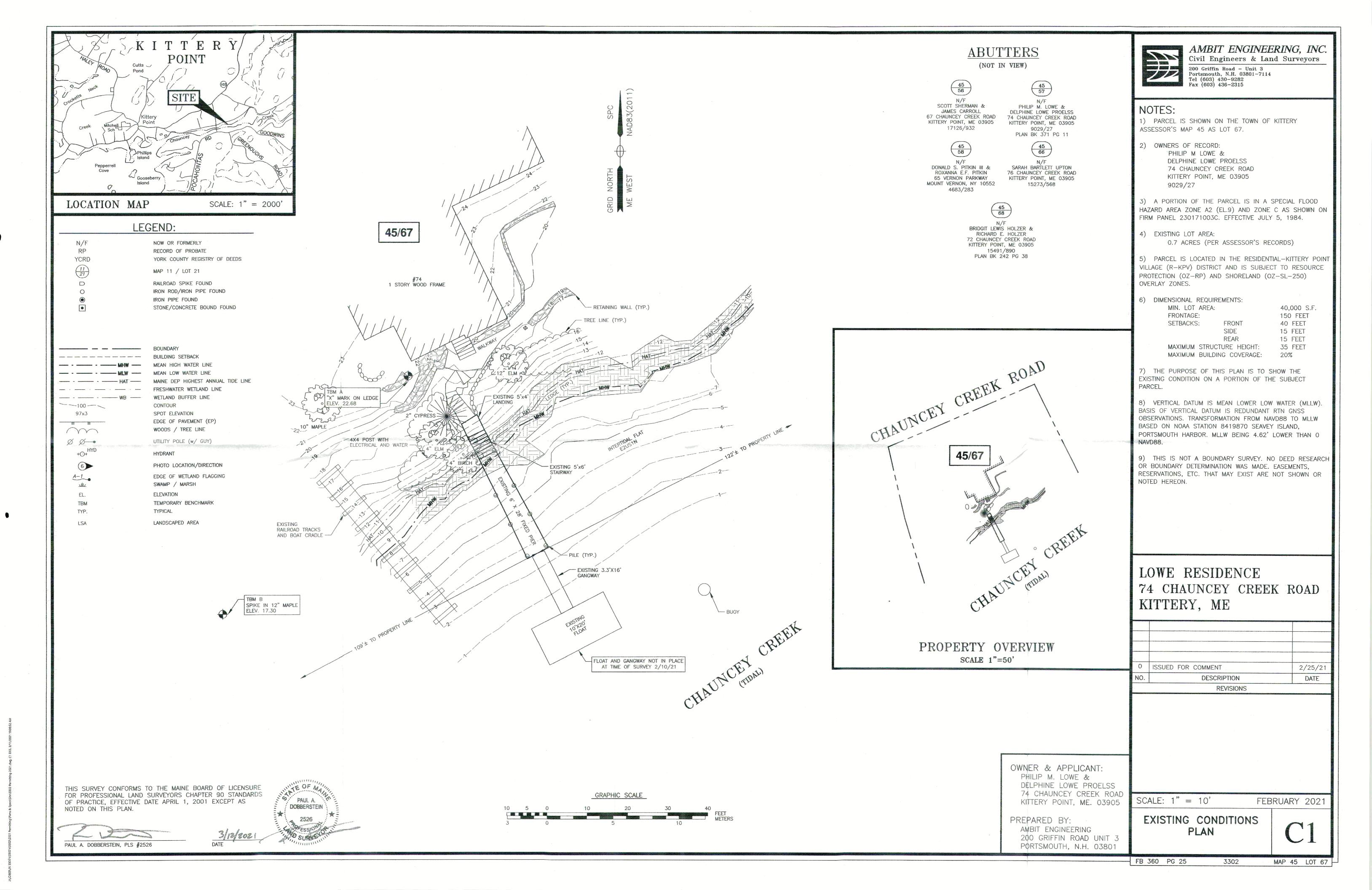
Notary Public/Justice of the Peace Attorney at Law

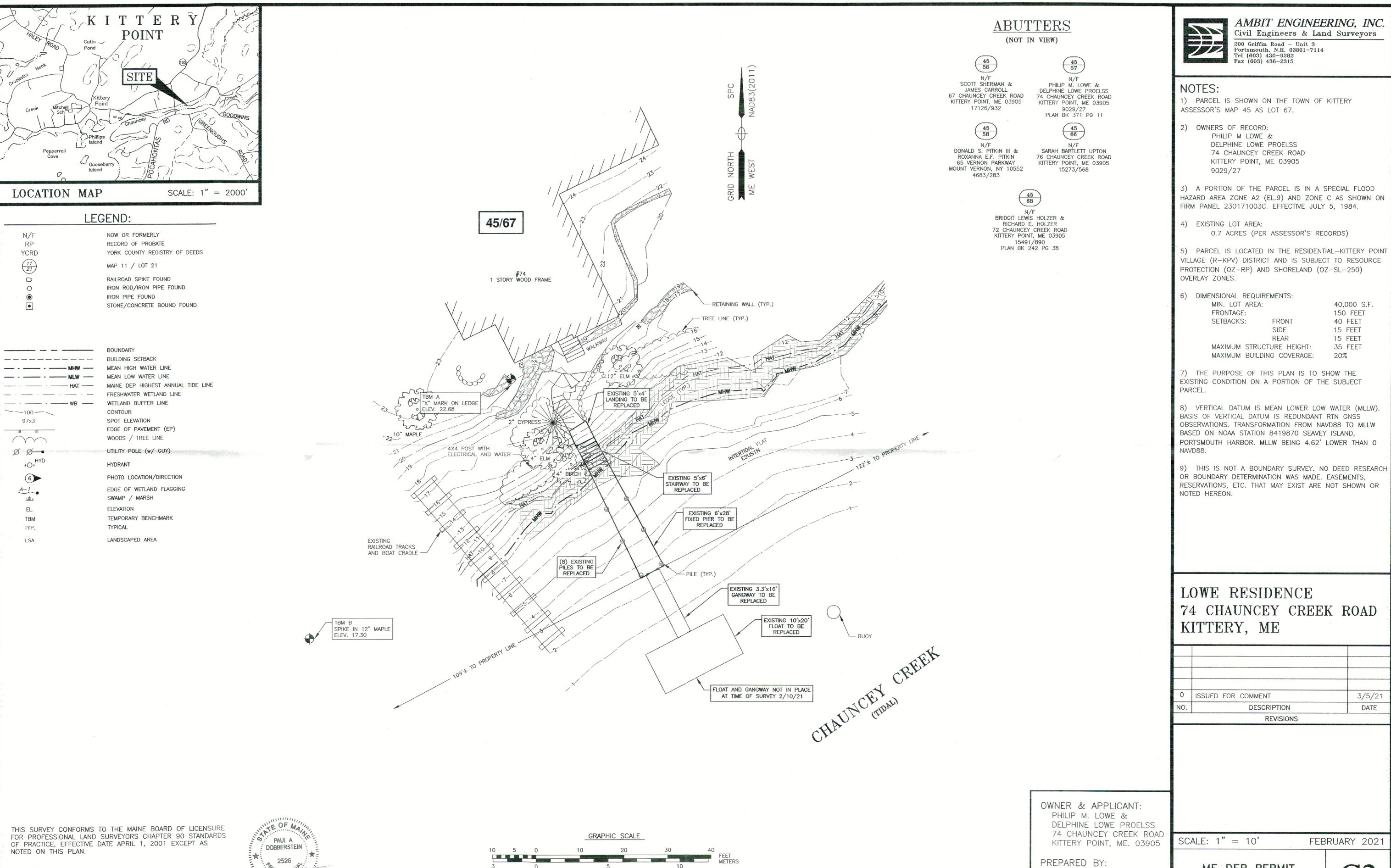
LYNN C. McLAREN, Notary Public My Commission Expires August 26, 2003

RECEIVED YORKSS.

ATTEST: Jais M. Muer REGISTER OF DEEDS 7557

278





PAUL A. DOBBERSTEIN, PLS #2526

AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3 Portsmouth, N.H. 03801-7114 Tel (603) 430-9282

1) PARCEL IS SHOWN ON THE TOWN OF KITTERY

DELPHINE LOWE PROELSS 74 CHAUNCEY CREEK ROAD KITTERY POINT, ME 03905

3) A PORTION OF THE PARCEL IS IN A SPECIAL FLOOD HAZARD AREA ZONE A2 (EL.9) AND ZONE C AS SHOWN ON FIRM PANEL 230171003C. EFFECTIVE JULY 5, 1984.

0.7 ACRES (PER ASSESSOR'S RECORDS)

5) PARCEL IS LOCATED IN THE RESIDENTIAL-KITTERY POINT VILLAGE (R-KPV) DISTRICT AND IS SUBJECT TO RESOURCE PROTECTION (OZ-RP) AND SHORELAND (OZ-SL-250)

40,000 S.F. 150 FEET FRONT 40 FEET 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 CONDITION ON A PORTION OF THE SUBJECT

8) VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW). BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS. TRANSFORMATION FROM NAVD88 TO MLLW BASED ON NOAA STATION 8419870 SEAVEY ISLAND, PORTSMOUTH HARBOR. MLLW BEING 4.62' LOWER THAN O

OR BOUNDARY DETERMINATION WAS MADE. EASEMENTS, RESERVATIONS, ETC. THAT MAY EXIST ARE NOT SHOWN OR

LOWE RESIDENCE 74 CHAUNCEY CREEK ROAD

3/5/21 DESCRIPTION DATE REVISIONS

FEBRUARY 2021

ME DEP PERMIT PLAN

FB 360 PG 25 3302

AMBIT ENGINEERING

200 GRIFFIN ROAD UNIT 3

PORTSMOUTH, N.H. 03801

MAP 45 LOT 67



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

Phone: 207-439-0452 ext 301 Email:kpa@kitteryme.org www.kittery.org

March 18, 2021

Jim Stott 100 Pepperrell Road Kittery Point ME 03905

Dear Jim Stott

Your request for in-kind maintenance and repair, consisting of removal of existing decking on the existing 6' x 51' fixed pier and existing 10' x 40' float system and installing IPE decking. In addition, the existing handrails on the existing 6' x 51' fixed pier will be replaced with IPE and an Atlantis Cable Handrail System, has been approved by the Chair of the Kittery Port Authority.

This is your letter to proceed from the Kittery Port Authority. A copy has been provided to the Code Enforcement Officer. This approval is contingent on the approval of any other governing bodies that may be required before building commences.

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed. If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully,

Kelly . Philbrook

Kittery Port Authority Chair

cc: Code Enforcement Officer

File



Kelly Philbrook Kittery Port Authority Town of Kittery 200 Rogers Rd. Kittery, ME 03904

Re: Proposed Tidal Dock Repairs Map 27 Lot 45 100 Pepperrell Road Kittery, ME 03905

Dear Kelly,

This letter transmits a request for the repair of a tidal docking structure at the above referenced site along the Piscataqua River.

The proposed maintenance consists of removing existing PTSYP decking on the existing $6' \times 51'$ fixed pier and existing $10' \times 40'$ float system and installing IPE decking. In addition, the existing PTSYP handrails on the existing $6' \times 51'$ fixed pier shall be removed and replaced with IPE and an Atlantis Cable Handrail System.

No erosion control devices are required for this project. There will be no exposed soils or vegetation removal required to complete the construction. Foot traffic and trenching for standard silt fence installation would cause disturbance far in excess of those from the project itself. Gangway installation will be performed utilizing a crane barge and a spud barge at low tide eliminating erosion and potential for sedimentation.

Also Attached to this letter you will find the following: USGS locus map, tax map, aerial photo, photo log, deed, and Letter of Agency.

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

Respectfully Submitted,

Kuerstin Fordham

Construction Administrator.



March 17, 2021

To:

Town of Kittery

Re: Town of Kittery application for proposed repairs to an existing structre for Mr. Jim Stott. 100 Peppercell Road, Kittery. ME

To Whom It May Concern:

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

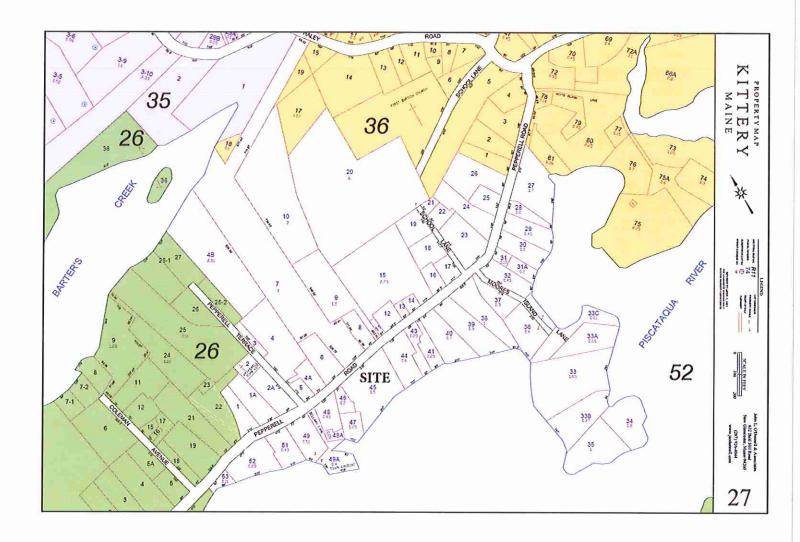
Riverside & Pickering Marine Contractors

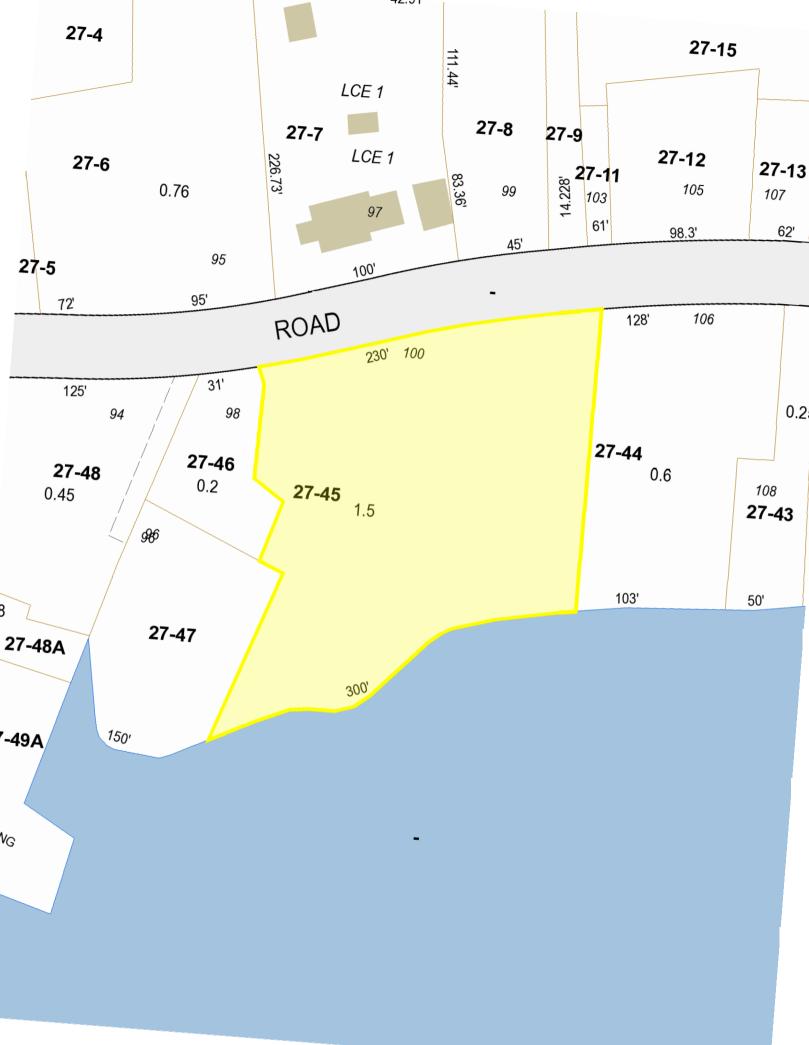
Is individually authorized to represent us as our agents in the approval process. Please feel free to call me if there is any question regarding this authorization.

Sincerely,

Jim Stott

100 Pepperrell Road Kittery, ME 03905











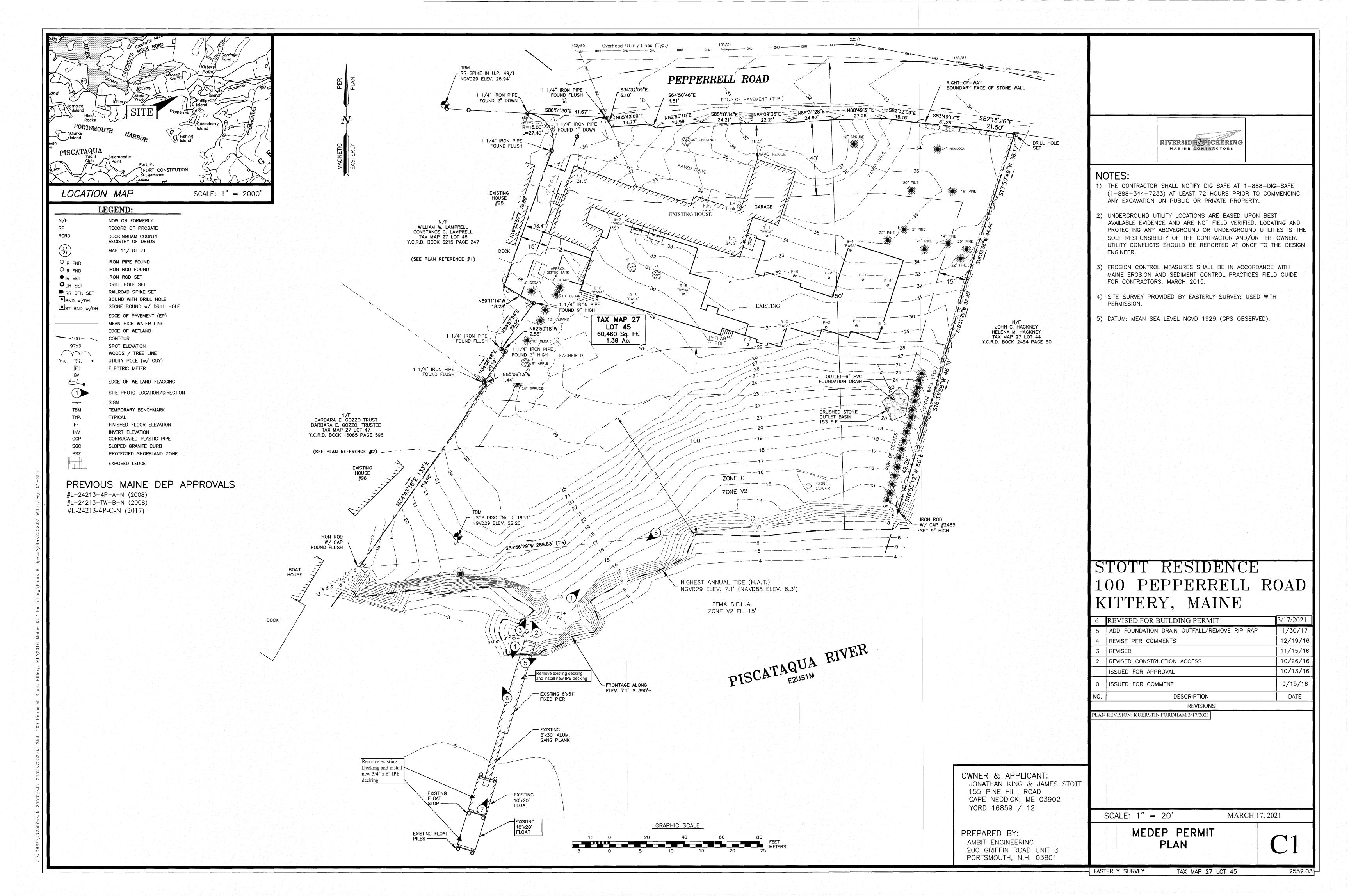
Site Photos

For:

100 Pepperell Rd Kittery, ME 03905 Map 27 Lot 45

RIVERSIDE PICKERING

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



PIER CONSTRUCTION

1) REMOVE EXISTING DECKING FROM THE PIER AND DISPOSE OF OFF SITE 2) REMOVE EXISTING HANDRAILS ON THE EXISTING FIXED PIER AND DISPOSE OF OFF SITE

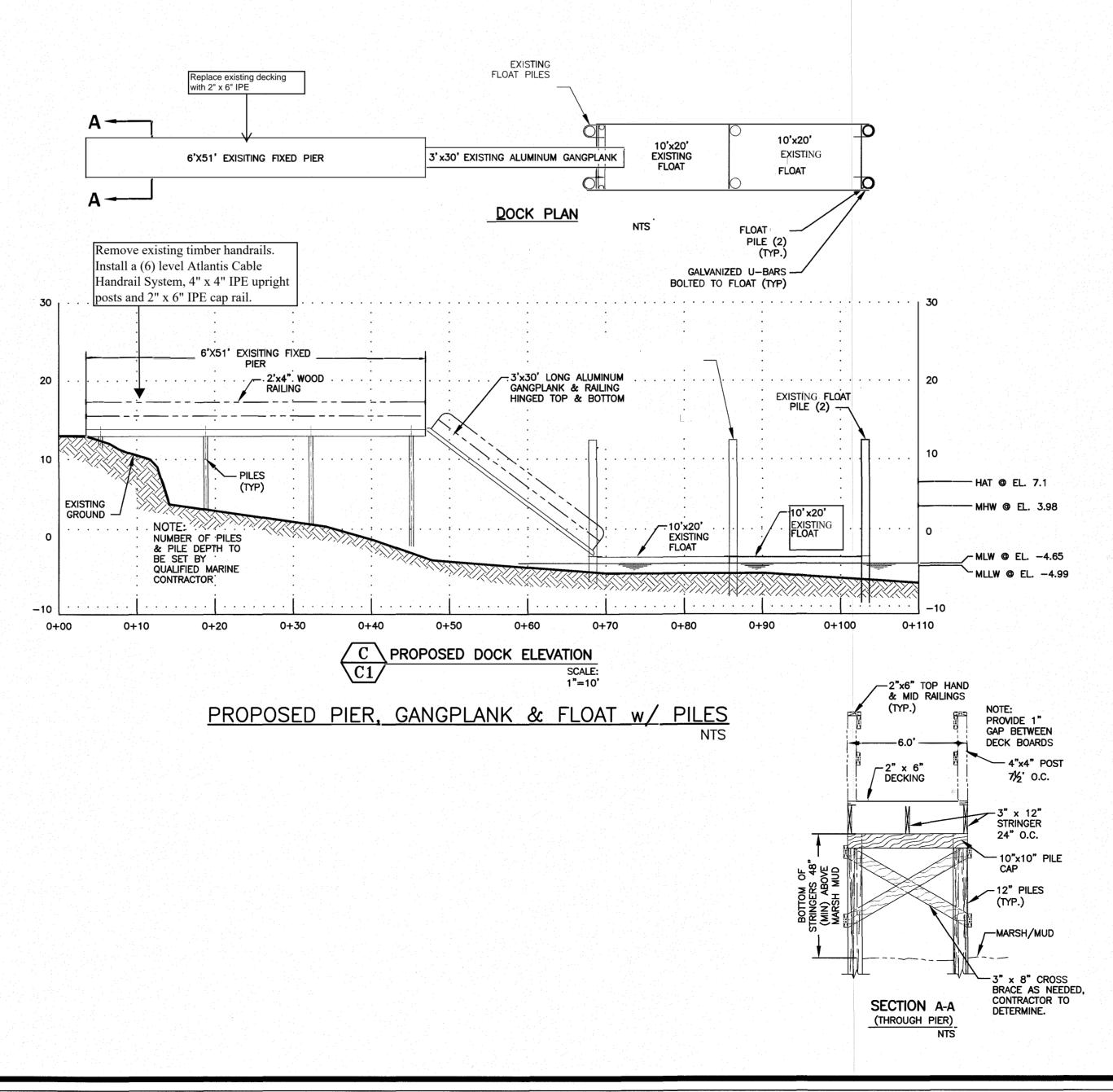
3) INSTALL NEW 5/4" X 6 DECKING ON THE EXISTING PIER USING 316 SS SCREWS

4) INSTALL NE W 4" X 4" IPE UPRIGHT POSTS

5) INSTALL 5/32 ATLANTIS STAINLESS STEEL CABLE HANDRAIL SYSTEM

FLOAT CONSTRUCTION

1) TRANSPORT FLOATS OFF SITE
2) REMOVE EXISTING DECKING AND DISPOSE OF
3) INSTALL 5/4" X 6" IPE DECKING WITH 316 SS STEEL SCREWS



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.

STOTT RESIDENCE 100 PEPPERRELL ROAD KITTERY, ME 3/17/2021

REVISIONS PLAN REVISION: KUERSTIN FORDHAM 3/17/2021

SCALE: AS SHOWN

SEPTEMBER 2016

DETAILS

D1

1 2552 0



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

Phone: 207-439-0452 ext 301 Email:kpa@kitteryme.org www.kittery.org

March 22, 2021

T&K Reality LLC Seaview Lobster 43 Government Street Kittery ME 03904

Dear Kevin Flannagan

Your request for in-kind maintenance and repair consisting of removing and replacing 3 damaged float piles and reinstalling the existing 2" x 8" pile stiffener and pile guide, has been approved by the Chair of the Kittery Port Authority.

This is your letter to proceed from the Kittery Port Authority. A copy has been provided to the Code Enforcement Officer. This approval is contingent on the approval of any other governing bodies that may be required before building commences.

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed. If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully,

Kelly . Philbrook

Kittery Port Authority Chair

cc: Code Enforcement Officer
File