



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

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearing and public segment portion of the meeting. Please note: every effort will be made to make this run smoothly; however, some technical difficulties may occur. To register via Zoom visit:

https://us02web.zoom.us/webinar/register/WN_4H-x2FPSSeWmyC8snntl0Q

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: none
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or Invited Guests
7. Public Hearing
 - a. The Kittery Port Authority moves to hold a public hearing on an application from Ryan Harmon, 67 Depot Rd, Eliot ME 03903, to install a 10' x 24' float secured by two (2) 3,000-pound granite blocks, in the Piscataqua River's back channel.
8. Piers, Wharves & Floats
 - a. The Kittery Port Authority moves to accept an application from Judith McKenna, 42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18, Lot 27) for the construction of a 4' x 85' pier, 3' x 35' ramp, and 30' x 10' float. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.
 - b. The Kittery Port Authority moves to accept an application from David Daniels, Island Seafood, 21 Badgers Island West, Kittery, ME 03904 (Tax Map 1, Lot 27) for the installation of an 8' x 24' float.
9. Public Segment (Three Mins.)

10. Unfinished Business
11. New Business
12. Committee and Other Reports
13. Communications from the Chairperson
14. Board Member Issues or Comments
15. Executive Session
16. Adjournment

KPA-22-11

Kittery Port Authority Application

Status: Active

Date Created: Dec 21, 2022

Applicant

RYAN HARMON
pgnts@comcast.net
67 depot road
Eliot, ME 03903
2077030393

Primary Location

200 ROGERS ROAD
KITTERY, ME 03904

Owner:

Ryan Harmon
67 depot rd Eliot, ME 03903

Project Discription

Description of Project

moored Float 10' x 24'

Is any work being performed upland of the Highest Annual Tide?

No

Type of Project

Is this project an in-kind repair/replacement?

No

Property Information

Name of the property owner(s)

Ryan Harmon

Property Address

Piscataqua "Back Channel"

Telephone Number

2077033456

Email Address

pgnts@comcast.net

Size of the Property

--

Zoning District

--

Shore Frontage Footage

--

Acknowledgements

I understand that additional permits and/or approvals may be required by the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Conservation, and/or another legal entity not listed here. Furthermore, I have submitted the additional permits and/or approvals with this application.



I certify that all information on this application is complete and true to the best of my knowledge. I understand any false, misleading, or incomplete information will result in the denial of this application.



I certify that I have submitted this application at least 21 days prior to a scheduled Kittery Port Authority Meeting. I understand that failure to submit this application at least 21 days prior will result in my request going before the Kittery Port Authority at a later date.




I certify that in addition to uploading the required documentation, I will also provide 10 paper copies of each document to the Kittery Planning and Development Office at least 21 days prior to a scheduled Kittery Port Authority Meeting.



Applicant Information

Name of Applicant ryan harmon	Date Application Completed 12-21-22
Name of Property Owner ryan harmon	Agent Name --
Agent Firm --	Agent Phone --
Agent Email --	




Attachments

 NAE-2023-00223-PERMIT.pdf
Uploaded by Carrie Varao on Feb 14, 2023 at 8:48 am

History

Date	Activity
Dec 21, 2022 at 8:16 am	RYAN HARMON started a draft of Record KPA-22-11
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerCity from "KITTERY" to "Eliot"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerEmail from "" to "pgnts@comcast.net"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerName from "INHABITANTS OF KITTERY" to "Ryan Harmon"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerPhoneNo from "207-439-0452" to "207 703 3456"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerPostalCode from "03904" to "03903"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerStreetName from "" to "depot rd"
Dec 21, 2022 at 8:19 am	RYAN HARMON altered Record KPA-22-11, changed ownerStreetNo from "200 ROGERS ROAD" to "67"
Dec 21, 2022 at 8:24 am	RYAN HARMON submitted Record KPA-22-11
Dec 21, 2022 at 11:30 am	completed payment step Fee Payment on Record KPA-22-11
Dec 21, 2022 at 11:30 am	approval step Application Completeness Review was assigned to Carrie Varao on Record KPA-22-11
Dec 21, 2022 at 11:48 am	Craig Alfis altered approval step Application Completeness Review, changed status from Active to On Hold on Record KPA-22-11
Feb 14, 2023 at 8:48 am	Carrie Varao altered approval step Application Completeness Review, changed status from On Hold to Active on Record KPA-22-11
Feb 14, 2023 at 8:55 am	Carrie Varao changed Property Address from "67 depot rd " to "Piscataqua "Back Channel"" on Record KPA-22-11
Feb 21, 2023 at 10:12 am	Carrie Varao approved approval step Application Completeness Review on Record KPA-22-11
Feb 21, 2023 at 10:12 am	approval step Code Enforcement Upland Development Review was assigned to Craig Alfis on Record KPA-22-11

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Dec 21, 2022 at 8:24 am	Dec 21, 2022 at 11:30 am	-	-
 Application Completeness Review	Complete	Dec 21, 2022 at 11:30 am	Feb 21, 2023 at 10:12 am	Carrie Varao	-
 Town Planner Upland Development Review	Active	Feb 21, 2023 at 10:12 am	-	-	-

Label	Status	Activated	Completed	Assignee	Due Date
 Code Enforcement Upland Development Review	Active	Feb 21, 2023 at 10:12 am	-	Craig Alfis	-
 Port Authority Approval Uploaded	Inactive	-	-	-	-
 Building Permit Received	Inactive	-	-	-	-



REPLY TO
ATTENTION OF

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

Regulatory Division
File No. NAE-2023-00223

February 10, 2023

Ryan Harmon
67 Depot Road
Eliot, Maine 03903

Dear Mr. Harmon:

We recently reviewed your proposal to install and maintain a 10 ft. x 24 ft. float to be located below the mean high water mark of the Piscataqua River's "Back Channel" at Kittery, Maine (Lat/Lon 43.083825°N; -70.743768°W). The float would be moored on each side by 3,000-lb. granite blocks. This work is shown on the attached plans entitled "RYAN HARMON FLOAT LOCATION" and "Harmon Float Mooring Diagram" in two sheets undated.

On October 14, 2020, we issued General Permits that, subject to our discretion, eliminates the need for individual Department of the Army permits for certain work that is regulated in the State of Maine (www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit). Your activity as proposed qualifies for self-verification under Maine General Permit 3, Structures, Floats, and Lifts. No further action is necessary from the Corps on this project.

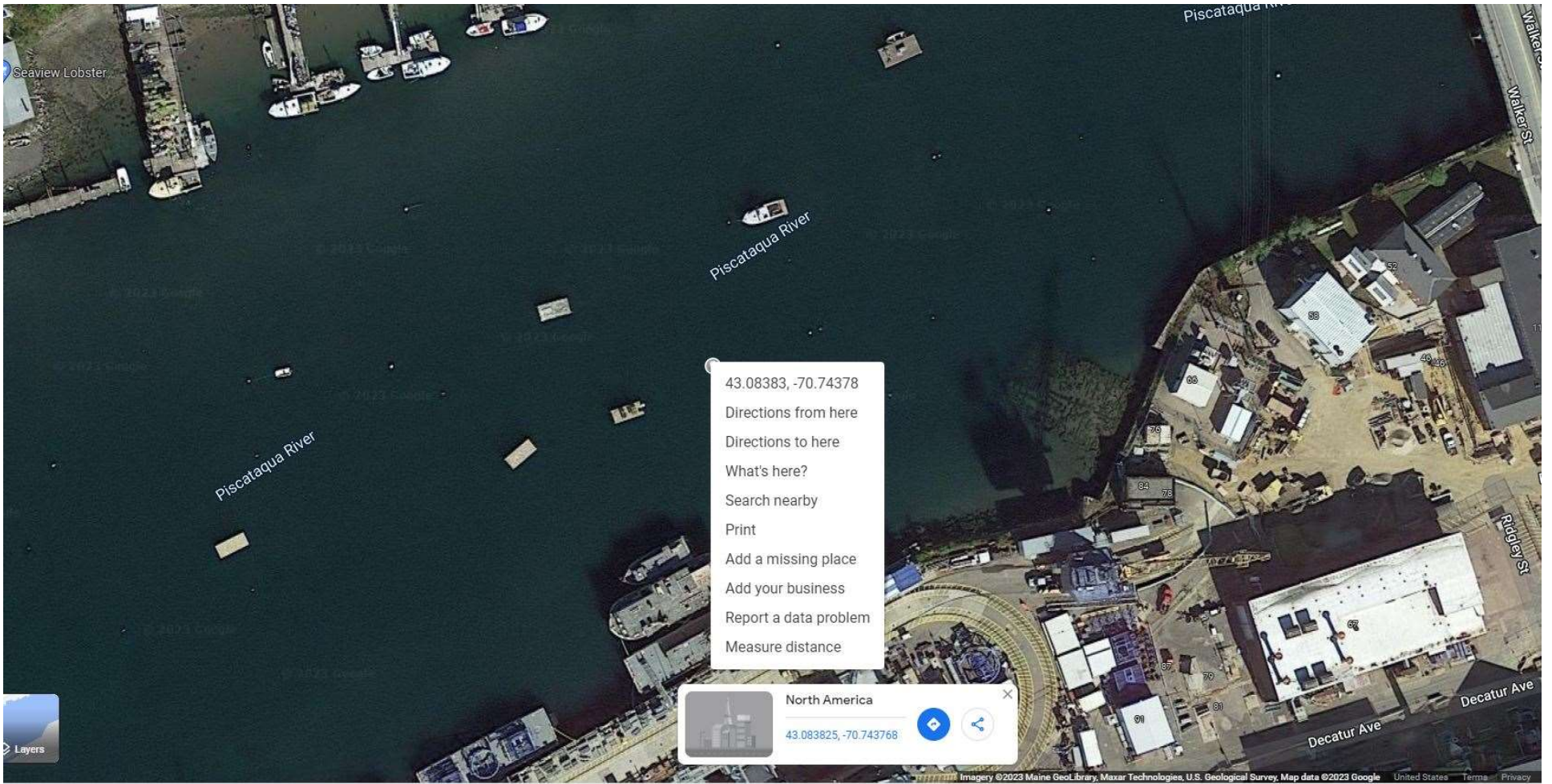
Please note that all work is subject to the terms and conditions contained in the general permit. Condition 45 provides for one year for completion of work that has commenced or is under contract to commence prior to the expiration of the general permit on October 25, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. If any change in the plans or construction methods is found necessary, please contact us immediately to discuss modification of your permit. Any change must be approved before it is undertaken.

If you have any questions on this matter, please contact Colin Greenan of my staff at 978-318-8676 or colin.m.greenan@usace.army.mil at our Augusta, Maine Project Office.

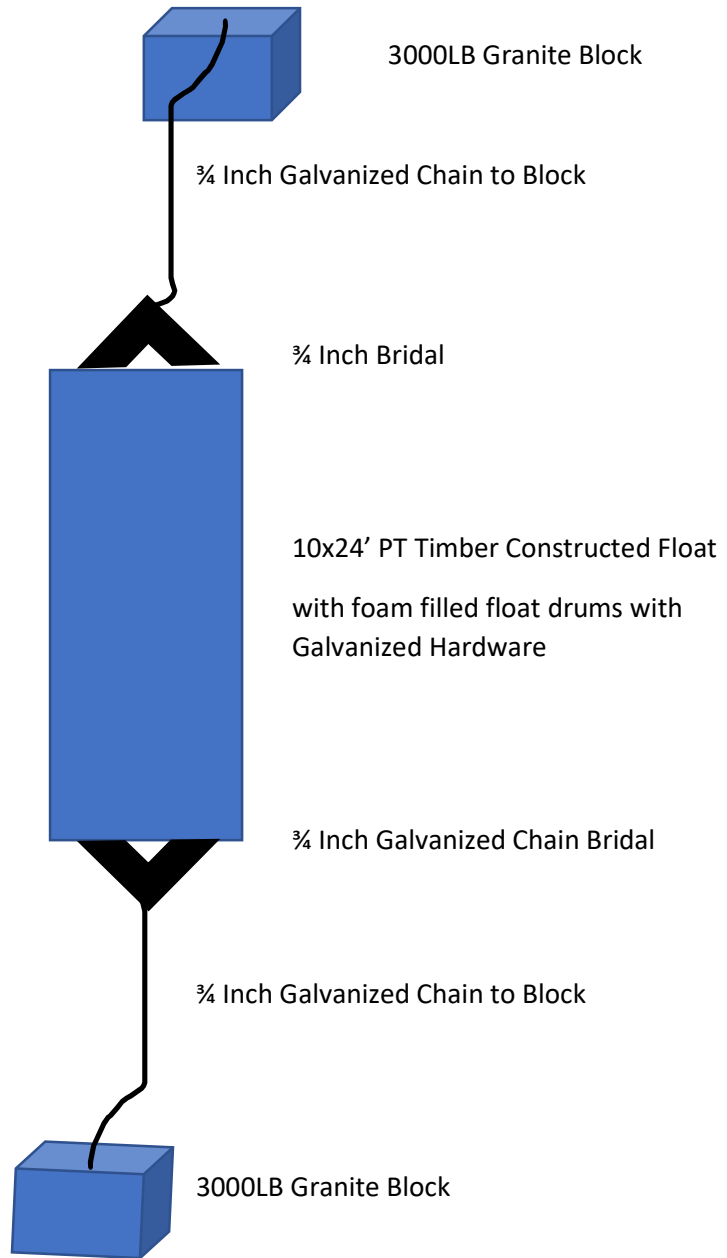
Sincerely,

For Frank J. Del Giudice
Chief, Permits & Enforcement Branch
Regulatory Division



RYAN HARMON FLOAT LOCATION

**Harmon Float Mooring
Diagram**



KPA-23-4

Kittery Port Authority Application

Status: Active**Date Created:** Feb 19, 2023**Applicant**

Ryan McCarthy
ryan@tidewatercivil.com
1021 Goodwin Road Unit 1
Eliot, ME 03903
2074392222

Primary Location

42 PEPPERRELL ROAD
KITTERY, ME 03905

Owner:

Judith A. McKenna Revocable Trust of 1997
42 Pepperrell Road Kittery Point, ME 03905

Project Discription**Description of Project**

Proposed construction of a fixed pier with seasonal gangway and float.

Is any work being performed upland of the Highest Annual Tide?

Yes

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

No

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

Judith A. McKenna Rev. Trust of 1997

Property Address

42 Pepperrell Road

Telephone Number

603-398-2606

Email Address

judith.mckenna@comcast.net

Size of the Property

0.81 Acres

Zoning District

Residential - Kittery Point Village

Shore Frontage Footage

180 feet

Property History

This is my first Kittery Port Authority Application for this property



I have submitted an application to the Kittery Port Authority in the past for this property



If you have submitted a previous application to the Kittery Port Authority for this property, please explain:

Acknowledgements

I understand that additional permits and/or approvals may be required by the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Conservation, and/or another legal entity not listed here. Furthermore, I have submitted the additional permits and/or approvals with this application.



I certify that all information on this application is complete and true to the best of my knowledge. I understand any false, misleading, or incomplete information will result in the denial of this application.



I certify that I have submitted this application at least 21 days prior to a scheduled Kittery Port Authority Meeting. I understand that failure to submit this application at least 21 days prior will result in my request going before the Kittery Port Authority at a later date.



I certify that in addition to uploading the required documentation, I will also provide 10 paper copies of each document to the Kittery Planning and Development Office at least 21 days prior to a scheduled Kittery Port Authority Meeting.



Applicant Information

Name of Applicant

Judith A. McKenna

Date Application Completed

2/19/2023

Name of Property Owner

Judith A. McKenna Rev. Trust

Agent Name

Ryan McCarthy, PE, PLS

Agent Firm

Tidewater Engineering & Surveying, Inc.

Agent Phone

207-439-2222

Agent Email

ryan@tidewatercivil.com

Attachments

 02 Deed.pdf

Uploaded by Ryan McCarthy on Feb 19, 2023 at 1:45 pm

 ACOE Approval.pdf


Uploaded by Ryan McCarthy on Feb 20, 2023 at 8:40 am

 22-133 McKennaPierPlan.pdf


Uploaded by Ryan McCarthy on Feb 19, 2023 at 2:03 pm

 22-133 McKenna-MDEP Application.pdf

Uploaded by Ryan McCarthy on Feb 19, 2023 at 2:01 pm

 GIS Location Map.pdf

Uploaded by Ryan McCarthy on Feb 19, 2023 at 1:58 pm

 Abutters_MultipleSubject.pdf

Uploaded by Ryan McCarthy on Feb 19, 2023 at 1:52 pm

 McKennaCoverLetter-Revised.pdf






Uploaded by Ryan McCarthy on Feb 20, 2023 at 8:47 am

History

Date	Activity
Feb 19, 2023 at 1:20 pm	Ryan McCarthy started a draft of Record KPA-23-4
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerCity from "NANAIMO, CANADA" to "Kittery Point"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerEmail from "" to "judith.mckenna@comcast.net"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerName from "RODONETS, BRIAN M" to "Judith A. McKenna Revocable Trust of 1997"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerPhoneNo from "" to "603-398-2606"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerPostalCode from "V9T 5N1" to "03905"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerState from "BC" to "ME "

Date	Activity
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerStreetName from "5483 NORTON ROAD " to "42 Pepperrell Road"
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerStreetNo from "" to ""
Feb 19, 2023 at 1:24 pm	Ryan McCarthy altered Record KPA-23-4, changed ownerUnit from "" to ""
Feb 19, 2023 at 2:11 pm	Ryan McCarthy added attachment Cover Letter to Record KPA-23-4
Feb 19, 2023 at 2:11 pm	Ryan McCarthy submitted Record KPA-23-4
Feb 21, 2023 at 8:50 am	completed payment step Fee Payment on Record KPA-23-4
Feb 21, 2023 at 8:50 am	approval step Application Completeness Review was assigned to Carrie Varao on Record KPA-23-4
Feb 21, 2023 at 9:04 am	Carrie Varao approved approval step Application Completeness Review on Record KPA-23-4
Feb 21, 2023 at 9:04 am	approval step Code Enforcement Upland Development Review was assigned to Craig Alfis on Record KPA-23-4
Feb 22, 2023 at 9:50 am	Craig Alfis assigned approval step Town Planner Upland Development Review to Jason Garnham on Record KPA-23-4
Feb 22, 2023 at 9:50 am	Craig Alfis approved approval step Code Enforcement Upland Development Review on Record KPA-23-4
Mar 20, 2023 at 9:36 am	Jason Garnham approved approval step Town Planner Upland Development Review on Record KPA-23-4
Mar 20, 2023 at 9:36 am	approval step Port Authority Approval Uploaded was assigned to Carrie Varao on Record KPA-23-4

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Feb 19, 2023 at 2:11 pm	Feb 21, 2023 at 8:50 am	-	-
 Application Completeness Review	Complete	Feb 21, 2023 at 8:50 am	Feb 21, 2023 at 9:04 am	Carrie Varao	-
 Code Enforcement Upland Development Review	Complete	Feb 21, 2023 at 9:04 am	Feb 22, 2023 at 9:50 am	Craig Alfis	-
 Town Planner Upland Development Review	Complete	Feb 21, 2023 at 9:04 am	Mar 20, 2023 at 9:36 am	Jason Garnham	-
 Port Authority Approval Uploaded	Active	Mar 20, 2023 at 9:36 am	-	Carrie Varao	-
 Building Permit Received	Inactive	-	-	-	-



TOWN OF KITTERY

Code Enforcement Office

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 Fax: 207-439-6806

CEO@kitteryme.org

KITTERY PORT AUTHORITY APPLICATION ACCEPTANCE MEMO

From: Craig Alfis, Code Enforcement
To: Charles Patten, Port Authority Chair

Subj: Acceptance of Application, 42 Pepperrell Road

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 42 Pepperrell Road, proposing the installation of a residential pier, gangway, and float, and found it to be complete. The application requests the following modifications:

1. The installation of an 4' x 85' pile supported pier;
2. a 3' x 35' gangway; and
3. one 10' x 30' float with skids.

Based on a cursory review of the information provided in the application, Staff believes and recommends that the Port Authority accept the application for further review. Information submitted includes:

- Kittery Port Authority application with cover letter;
- Proof of ownership;
- Plans showing the actual dimensions and shape of the pier, ramp and float;
- Army Corps of Engineering authorization letter; and
- Maine DEP NRPA application including abutters list.

If the Port Authority votes to accept the application, an in-depth review will be performed by Code and Planning staff, and a staff report will be provided to the Port Authority prior to the meeting on which the application is scheduled.

Signed,

Craig Alfis, Code Enforcement Officer
207-475-1308

ceo@kitteryme.org

February 20, 2023



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

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

To Whom It May Concern:

Attached is an application submitted on behalf of Judith A. McKenna for a proposed residential pier, gangway and float located on 42 Pepperrell Road (Tax Map 18 Lot 27) in Kittery, Maine. An Individual NRPA application was submitted to Maine DEP (MDEP) on November 18, 2022 and is currently being reviewed. We will forward a copy of the MDEP permit to you once approved. The Army Corps of Engineers approved the project on January 12, 2023 under permit #NAE-2022-02668 (enclosed). A copy of the full Individual NRPA application is enclosed for your review.

Thank you for considering this application. Should you have any questions while reviewing the enclosed documents, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

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

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

Enclosures



REPLY TO ATTENTION OF

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

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

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

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

DESCRIPTION OF WORK:

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

See GENERAL and SPECIAL CONDITIONS attached.

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

I. CORPS DETERMINATION:

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

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

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

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

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

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

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

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

III. FEDERAL ACTIONS:

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

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

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

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

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

Signature of Colin M. Greenan
COLIN M. GREENAN
SENIOR PROJECT MANAGER
MAINE PROJECT OFFICE

Signature of Frank J. Del Giudice
FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

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

GENERAL CONDITIONS

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

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

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

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

SPECIAL CONDITION

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

November 21, 2022

Maine Dept. of Environmental Protection
Bureau of Land & Water Quality
312 Canco Road
Portland, ME 04103



Re: NRPA Application: Judith A. McKenna
42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18 Lot 27) - Reference No. 22-133

To Whom It May Concern:

Attached is an NRPA application on behalf of Judith A. McKenna associated with a proposed docking structure at 42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18 Lot 27) . This application, along with supplemental attachments, have been forwarded to the ACOE, Kittery Town Office, Maine Historic Preservation Commission and the five Indian tribes of Maine. All abutting property owners have been notified by certified mail and a notice of intent to file was circulated in the Portsmouth Herald.

Thank you for considering this application. Should you have any questions while reviewing the enclosed documents, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

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

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

cc w/ enclosures: U.S. Army Corps of Engineers
Kittery Town Office
Maine Historic Preservation Commission
Mi'kmaq Nation
Passamaquoddy Tribe of Indians (Perry, ME)
Passamaquoddy Tribe of Indians (Princeton, ME)
Houlton Band of Maliseet Indians
Penobscot Indian Nation
Riverside & Pickering Marine Contractors
Judith A. McKenna

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant: Judith A. McKenna, Trustee Judith A. McKenna Rev. Trust of 1997		5. Name of Agent: Tidewater Engineering & Surveying, Inc.							
2. Applicant's Mailing Address: 42 Pepperrell Road Kittery Point, ME 03905		6. Agent's Mailing Address: 1021 Goodwin Road, Unit #1 Eliot, ME 03903							
3. Applicant's Daytime Phone #: (603) 398-2606		7. Agent's Daytime Phone #: (207) 439-2222							
4. Applicant's Email Address (Required from either applicant or agent): judith.mckenna@comcast.net		8. Agent's Email Address: ryan@tidewatercivil.com							
9. Location of Activity: (Nearest Road, Street, Rt.#) 42 Pepperrell Road		10. Town: Kittery	11. County: York						
12. Type of Resource: (Check all that apply) <input checked="" type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Piscataqua River							
		14. Amount of Impact: (Sq.Ft.)							
		<input type="checkbox"/> Potential Indirect Impacts → <div style="float: right; border: 1px solid black; padding: 2px;"> Direct Impacts </div>							
15. Type of Wetland: (Check all that apply) <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Tidal</u>		FOR FRESHWATER WETLANDS							
		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 33%;"><i>Tier 1</i></td> <td style="text-align: center; width: 33%;"><i>Tier 2</i></td> <td style="text-align: center; width: 33%;"><i>Tier 3</i></td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td style="text-align: center;"> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </td> <td style="text-align: center;"> <input type="checkbox"/> > 43,560 sq. ft. or <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>		<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>							
<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1							
16. Brief Activity Description: Construct a 4' x 85' permanent timber pier, 3' x 35' seasonal gangway, and a 10' x 30' main float with 4 mooring blocks on the applicant's property in Kittery Point. Mooring blocks will be secured with 200' of 1/2" marine-grade chain. Access to the timber pier will be by permanent timber steps that connect to a permanent 4' x 6' landing at the top of the bank.									
17. Size of Lot or Parcel & UTM Locations: <input checked="" type="checkbox"/> 35,270 square feet, or <input type="checkbox"/> _____ acres		UTM Northing: <u>4771257.30 m</u> UTM Easting: <u>360731.22 m</u>							
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement									
19. Deed Reference Numbers: Book#: 18088 Page: 786		20. Map and Lot Numbers: Map #: 18 Lot #: 27							
21. DEP Staff Previously Contacted: No		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		26. Detailed Directions to the Project Site: South on Rt. 95 to Kittery (Rt. 236) take exit 2 onto Rt. 236 South. Follow for .4 miles. At the traffic circle, take the 3rd exit onto ME-236 S. Road will become Whipple Road/Route 103, then Pepperrell Road. Follow this road for 1.1 miles. Property is located on the right hand side of Pepperrell Road shortly after Lawrence Lane and is the second of adjoined driveways.							
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS							
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required							
28. FEES Amount Enclosed: \$489 processing fee + \$122 licensing = \$611 Total									

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

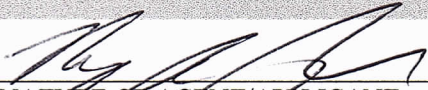
CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

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



SIGNATURE OF AGENT/APPLICANT

Date: 11/18/2022

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



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



AGENT LETTER OF AUTHORIZATION

August 12, 2022

Re: Letter of Agent Authorization
Proposed Pier & Float Structure: 42 Pepperrell Road, Kittery Point, ME 03905
Reference Job No. 22-133

To Whom It May Concern:

This letter is to inform the Town of Kittery, the Maine Department of Environmental Protection, and the U.S. Army Corps of Engineers that Tidewater Engineering & Surveying, Inc. and Riverside & Pickering Marine Contractors, Inc. are hereby authorized to represent us as our agents in permitting a proposed pier and float structure on our property. Said property is located at 42 Pepperrell Road in Kittery Point, Maine.

Please contact me if there is any question regarding this authorization.

Sincerely,

A handwritten signature in black ink that reads "Judith A. McKenna". The signature is written in a cursive style with a large, looping initial "J".

Judith A. McKenna, Trustee
Judith A. McKenna Revocable Trust of 1997
42 Pepperrell Road
Kittery Point, ME 03905

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



PROPERTY DEED

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

WARRANTY DEED

Maine R.E. Transfer Tax Paid

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

Tract 1:

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

Tract 2:

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

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





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

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


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

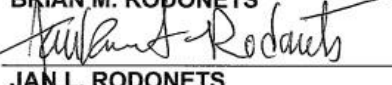
IN WITNESS WHEREOF, **BRIAN M. RODONETS** and **JAN L. RODONETS** has caused this instrument to be signed this 1 day of November, 2019.



Witness


Witness



BRIAN M. RODONETS


JAN L. RODONETS


STATE OF *New Hampshire*
County of *Rockingham*

November 1, 2019

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

Before me,





Notary Public
Print Name: _____

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



ATTACHMENT #1- PROJECT DESCRIPTION:

A. INTRODUCTION/PURPOSE:

The subject parcel has frontage on the Piscataqua River in Kittery Point and the owner/applicant is seeking approval of a proposed docking structure to provide them with safe and efficient access to the coastal resource for recreational purposes such as boating, rowing and fishing. The applicant currently owns a 9' sailboat they plan to keep secured to the main float once constructed. Should the permitting be approved, the applicant hopes to purchase a 19'-24' center console motorboat. Additionally, the dock will be used to launch kayaks and paddleboards.

B. PROJECT SUMMARY:

The proposed project consists of installing timber stairs that provides access to a 4' x 85' permanent fixed timber pier. The fixed pier will be supported by fourteen (14) 12" diameter timber piles, with four (4) batter piles supporting the seaward-most sets of piles. Ten (10) of the 14 support piles are located below the H.A.T. line. A 3' x 35' aluminum gangway will extend from the end of the fixed pier to a 10' x 30' main float. Four concrete mooring blocks will anchor the main float, connected with ½" marine grade chain. The proposed fixed pier, gangway and float system will extend southeast from a rocky outcropping on the applicant's shoreline and will not be located within the riparian setbacks. No other docking structure is proposed.

C. HISTORICAL KNOWLEDGE:

The property was purchased by the applicant in 2019 and the historical use or access to the water is unknown. Review of aerial photographs from 1992 to present do not show evidence of previously existing docks or boats being launched from the property. The property located to the southwest of the applicant's property (Tax Map 18, Lot 28), contains a 105 foot +/- fixed pier with float. Additionally, the property directly east of Fort McClary (Tax Map 18, Lot 46), contains a 105 foot +/- fixed pier with float.

D. IMPACT CALCULATIONS:

The total permanent impacts below the H.A.T. is estimated as follows...

10 piles @ 12" diameter = 8 sf
4 batter piles @ 12" diameter = 3 sf
Four (4) 4' x 4' concrete mooring blocks = 64 sf
Total Permanent Impacts = 75 sf +/-

The total indirect impacts below the H.A.T. is estimated as follows...

Fixed Pier = (4' x 85') = 288 sf (portion below the HAT line only)
Gangway = (3' x 32.5') = 98 sf (portion not on top of main float)
Main Float = (10' x 30') = 300 sf
Total Indirect Impacts = 686 sf +/-

E. ADJACENT STRUCTURES:

Tax Map 18 Lot 28: Contains a 105 foot +/- fixed pier with float.

Tax Map 18 Lot 46: Contains a 105 foot +/- fixed pier with float.

F. OFF-SEASON STORAGE:

During the off-season, the 3' x 35' gangway will be stored on the fixed pier. The 10' x 30' float will be removed and stored off-site on uplands by a third-party company.

G. LOCATION-BASED IMPACT MITIGATION:

After thoroughly evaluating the shoreline, intertidal and subtidal zone along this property, we are recommending the proposed docking structure location shown on the enclosed plans for the following reasons:

- 1) Provides the shortest length required to reach a sufficient depth of water for their watercraft at low tide, thereby minimizing impacts to the resource.
- 2) The proposed float is positioned beyond the mean low water and will not rest on the substrate at most low tides. This will eliminate scour, surface impacts and the need for float skids.
- 3) The proposed fixed pier does not extend beyond the mean low water mark and will remain in the intertidal zone.
- 4) All components of the docking system comply with the 25-foot riparian setbacks.
- 5) Access to the pier will be via a staircase that extends from a landing at the top of the bank to the fixed pier. This will provide direct access to the pier, gangway and float from the lawn, without impacting the coastal bluff or sensitive intertidal zone.
- 6) The uplands adjacent to the proposed pier are developed as lawn area and will not require the removal of any trees or other vegetation to provide access to the proposed dock system.

ATTACHMENT #2- ALTERNATIVES ANALYSIS:

- 1) Do Nothing: This alternative would be for the applicant to access the shoreline and waterway directly, without using a dock or float system. This alternative was not pursued for the following reasons:
 - a. The existing shoreline and tide fluctuations do not provide safe access and berthing of recreational watercraft. Vessels would rest directly on the intertidal surface, causing direct impacts and damage to the intertidal zone.
 - b. Without a docking structure that permits access to deep water, the owners will continue to walk and drag smaller boats across the sensitive intertidal habitat instead. This will cause more impacts to the resource than the proposed option.
 - c. The owners will be limited in the type of activities they seek to enjoy on the Piscataqua River and connected waterbodies.

- 2) Seasonal Dock and Float System: This alternative would be for the applicant to purchase and install a seasonal docking system that would allow access to the Piscataqua River during a portion of the year. This alternative was not pursued for the following reasons:
 - a. The installation and removal of a seasonal dock system would cause bi-annual impact to the intertidal zone when sections of the dock are installed and removed during spring and fall months.
 - b. The nature of the intertidal zone at the site would require a seasonal dock system that was prohibitively long (similar in length to the proposed permanent fixed pier) to allow watercraft to remain waterborne during low tides. A seasonal dock of such length would be prohibitively high above the water and subject to extreme tidal forces and weather conditions, something beyond the capacity and rating of most seasonal dock systems.
 - c. A shortened seasonal dock system would mean any watercrafts attached to the seasonal floats would sit on the surface of the intertidal zone during low tide, increasing impacts to the sensitive resource and habitats.

- 3) Reduce Length: Another alternative would be to reduce the length of the proposed docking structure. This was not pursued for the following reasons:
 - a. The main float will rest on the surface of the intertidal zone during all low tides, increasing impacts to the sensitive resource and habitats.
 - b. Any watercraft attached to the floats will also sit on the surface of the intertidal zone, increasing impacts to the sensitive resource and habitats.
 - c. The surface of the intertidal zone consists of a mixture of exposed ledge, and cobble. These surfaces will cause the floats to sit unbalanced and increase the likelihood of damage. The watercrafts would also rest, rock and scrape

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



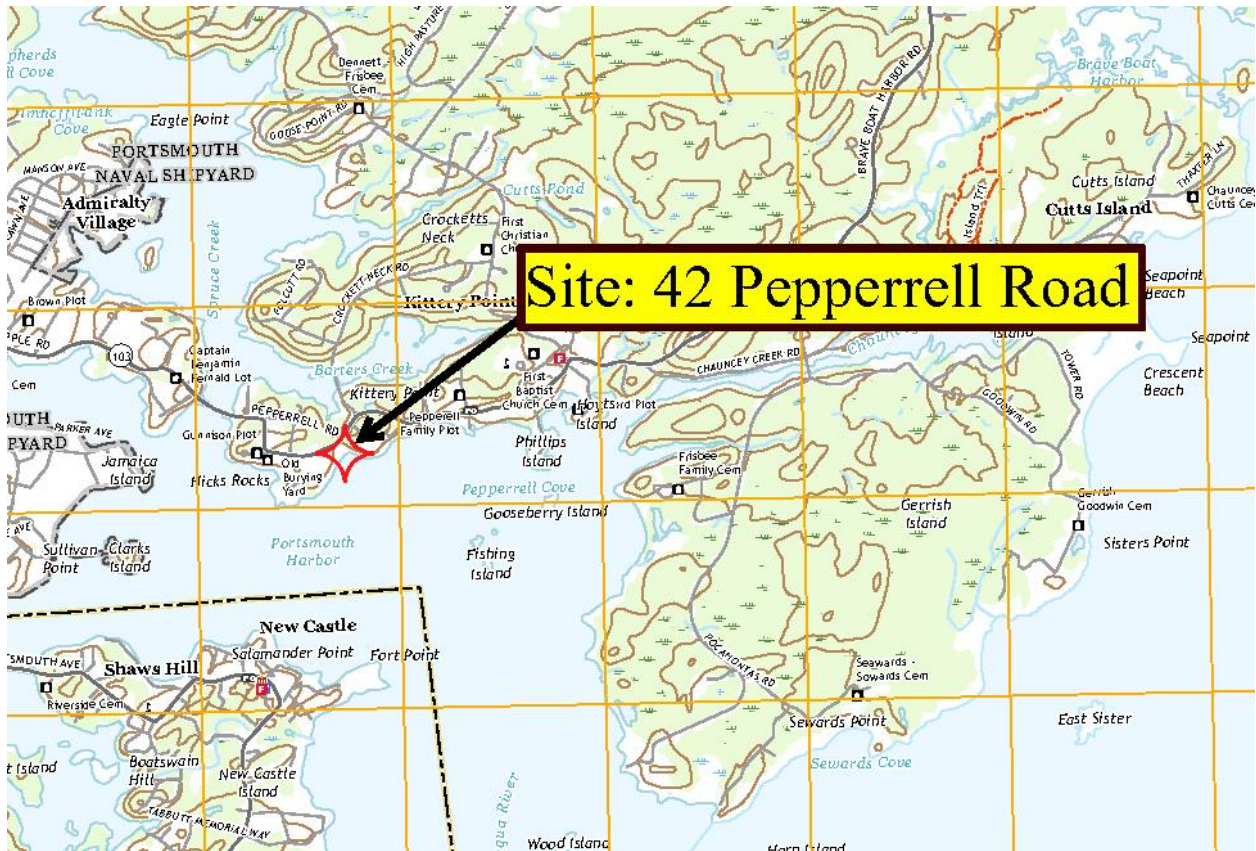
on abrasive surfaces, causing significant damage to the hull of the vessel. This could lead to holes in the hull, submerging the watercraft and potential discharge of fuel into the river, all of which would be harmful to the resource.

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

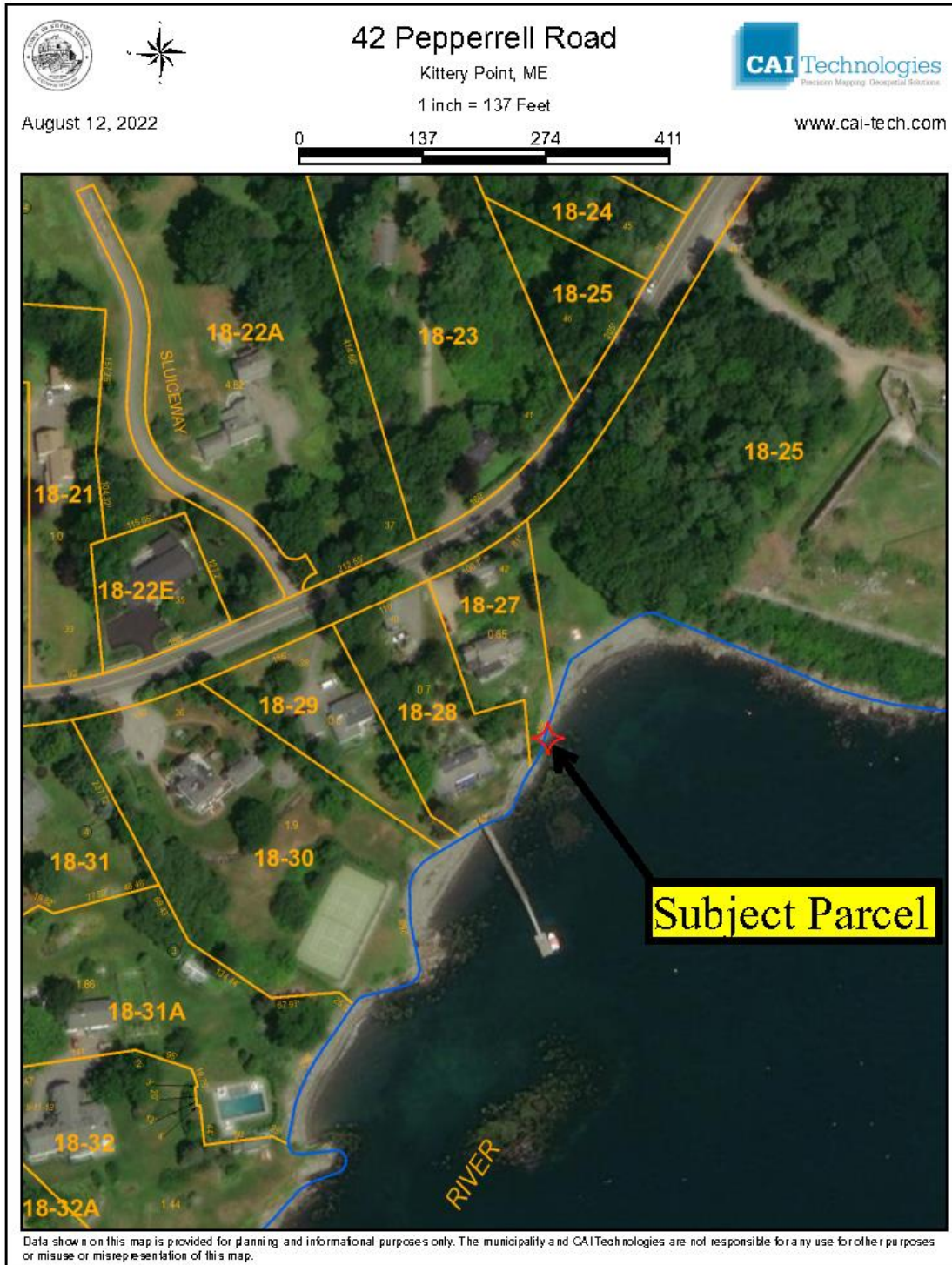


ATTACHMENT #3- LOCATION MAPS:

A. USGS PROJECT LOCATION MAP



B. TOWN GIS PROJECT LOCATION MAP



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



ATTACHMENT #4- PROJECT SITE PHOTOS:

Photo 1: View showing proposed Fixed Pier location (11/14/2022)



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



Photo 2: View showing rocky shoreline, boulder/cobble beach (5/4/2022)



MAINEDEP NRPA PERMIT APPLICATION
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Photo 3: Panorama of shoreline from water (11/4/2022)



MAINEDEP NRPA PERMIT APPLICATION
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Photo 4: View showing abutting pier (Tax Map 18, Lot 28), ledge outcrop (11/14/2022)



MAINEDEP NRPA PERMIT APPLICATION
APPLICANT: JUDITH MCKENNA
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ATTACHMENT #5- PROPOSED PIER & FLOAT PLAN:

GENERAL NOTES:

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

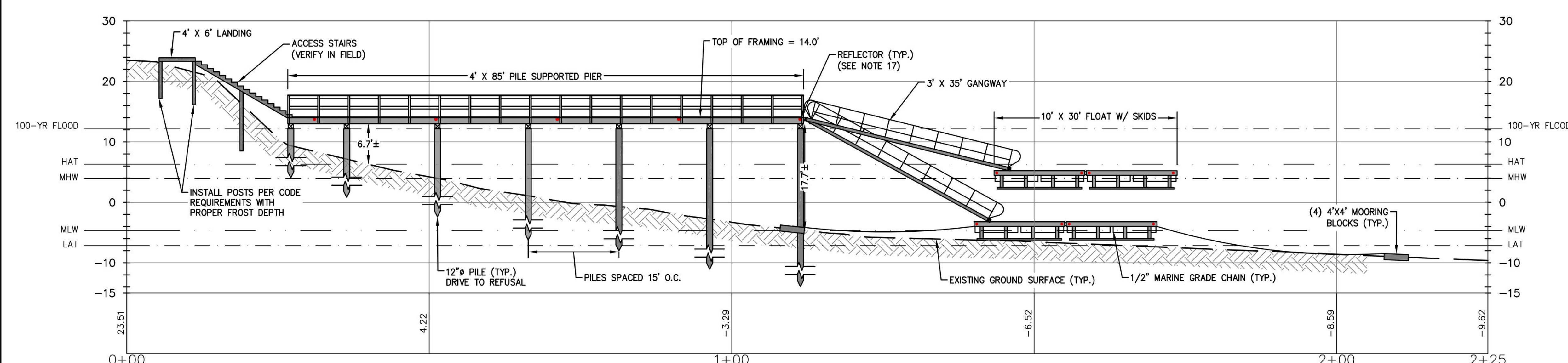
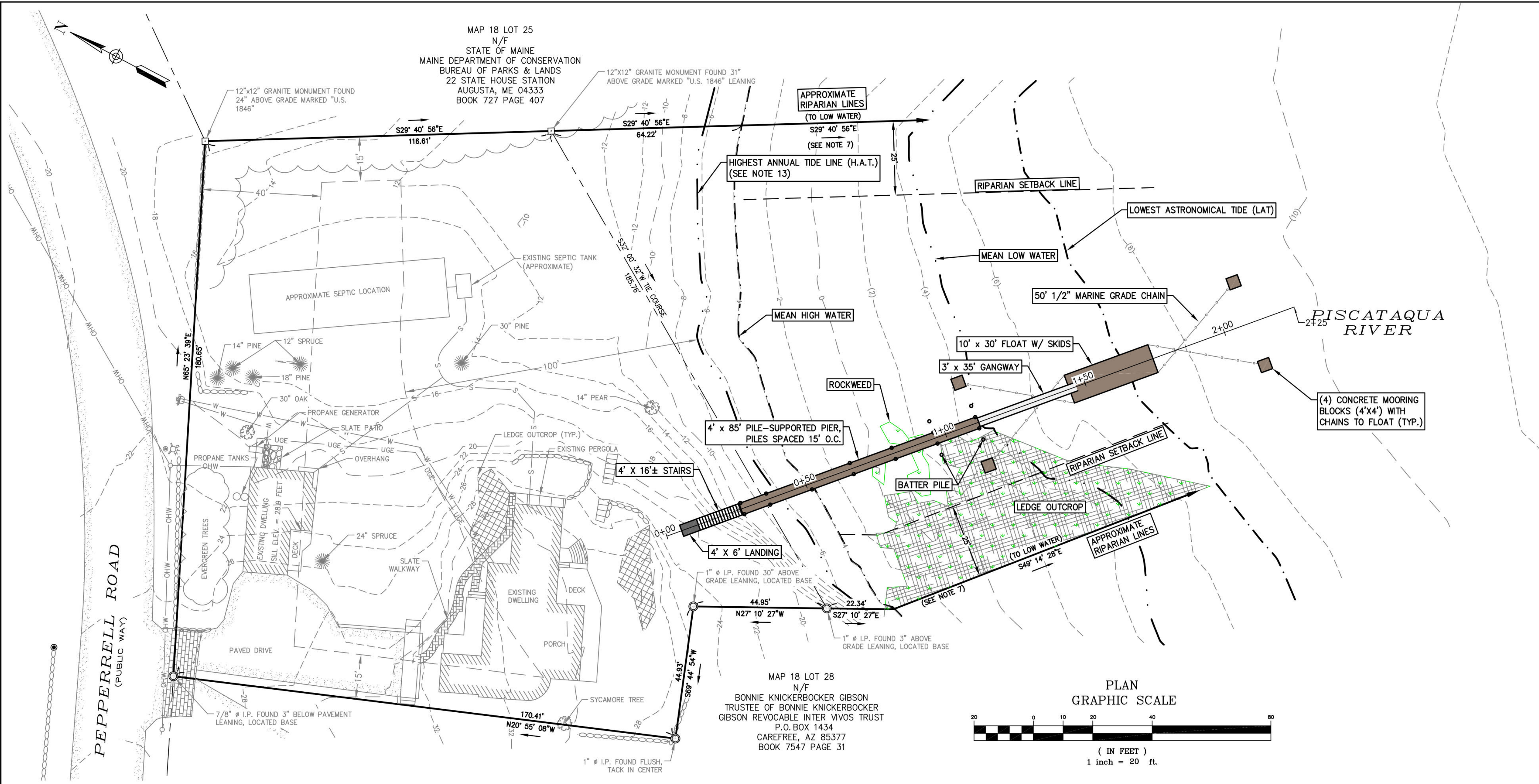
MEAN HIGHER-HIGH WATER (MHHW)	4.39'
MEAN HIGH WATER (MHW)	3.97'
MEAN LOW WATER (MLW)	-4.66'
MEAN LOWER-LOW WATER (MLLW)	-5.00'
LOWEST ASTRONOMICAL TIDE (LAT)	-7.14'±
15. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE V2 (EL 13) ON FEMA FIRM MAP COMMUNITY-PANEL NUMBER 230171 0005 D, REVISED JULY 3, 1986. THE 100-YEAR FLOOD ELEVATION WITHIN THIS ZONE IS LISTED AT ELEVATION 13.0' (NGVD29). THIS ELEVATION CONVERTED TO THE DATUM SHOWN HEREON IS 12.25' (NAVD88).
16. THE PROPOSED DEVELOPMENT SHOWN HEREON IS SUBJECT TO REVIEW AND APPROVAL BY THE TOWN OF KITTEERY, MAINE DEP AND U.S. ARMY CORPS OF ENGINEERS. OWNER/CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY PRIOR TO ANY CONSTRUCTION AND IS RESPONSIBLE FOR COMPLYING WITH ALL CONDITIONS OF SAID PERMITS.
17. REFLECTORS SHALL BE NO LESS THAN 3 INCH DIAMETER AND SHALL BE INSTALLED AS FOLLOWS:
• PIER: EVERY 20 FEET FROM END OF PIER, BOTH SIDES
• FLOATS: WITHIN 12 INCHES OF EACH CORNER

REFERENCE PLANS:

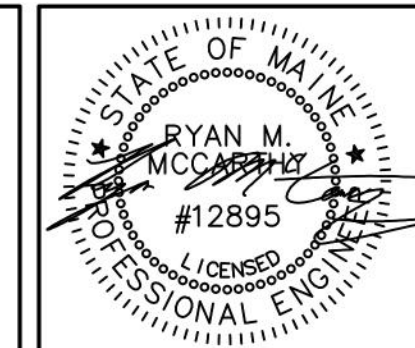
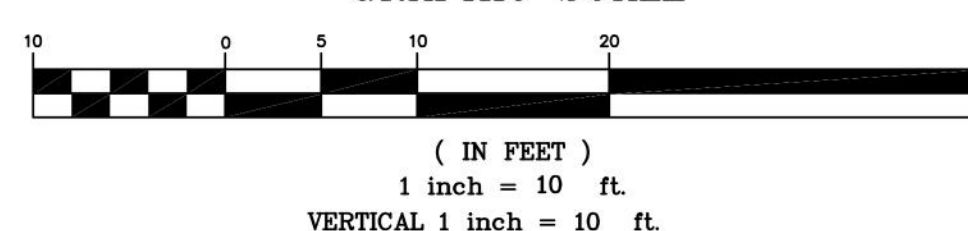
1. "EXISTING CONDITIONS SURVEY OF LAND OWNED BY JUDITH A. MCKENNA" PREPARED BY TIDEWATER ENGINEERING & SURVEYING, LLC, DATED MAY 2020.
2. "B. & J. RODONETS OFFICE MUDROOM: SHORELAND DEVELOPMENT PLAN" PREPARED BY COASTAL ARCHITECTS, P.A. DATED JULY 15, 2015 AND RECORDED AT THE Y.C.R.D. IN PLAN BOOK 377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

LEGEND

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



PROFILE GRAPHIC SCALE



NOVEMBER 18, 2022
NOT VALID UNLESS SIGNED AND STAMPED

NO.	DATE:	SUBMISSION/REVISION DESCRIPTION

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

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

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

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



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



ATTACHMENT #7- CONSTRUCTION PLAN:

The construction and installation of the fixed pier, gangway and floats shall take place from the water side of the property. A small barge mounted crane will be brought to the site via the Piscataqua River. This barge will be used to position/install the pilings and deliver materials. Following mobilization, the first step in the process is to install the pilings. This is completed using a crane mounted vibrator hammer for pilings driven in earthen substrates. If the pilings are located on a ledge surface, the pilings are secured into position using pins and chains, as needed, depending on site conditions. Pilings will be made of pressure treated southern yellow pine.

Construction of the fixed pier occurs immediately following installation of the piles. This includes the joists, decking, bracing, railings, hardware and post caps. The installation of the fixed pier primarily occurs from the barge and from staging supported by the pilings. This allows for the crew to stay above the water during periods of high tide and minimizes foot traffic on the surface of the intertidal zone. All dimensional lumber will be made of pressure treated southern yellow pine. The owner may choose to install untreated decking and rails as an alternate to pressure-treated products.

The gangway and floats are constructed offsite and brought to the site. The aluminum gangway is connected directly to both the fixed timber pier and the main float. Four precast concrete mooring blocks with chains connect to and secure the main float in the proper position.

The last step in the process is the installation of the access stairway and landing that extends from the fixed pier to the lawn area. All materials will be constructed from pressure treated southern yellow pine, unless the owner specifies the use of alternative decking products.

The following is an estimate of the construction duration for each phase

Piling Installation	3 days
Fixed Pier Installation	5 days
Gangway/Float Installation	3 days
Access Stairs/Landings	5 days
Total Construction Duration	16 days

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



ATTACHMENT #8- EROSION CONTROL PLAN:

Riverside & Pickering Marine Contractors will construct the docking system for the applicant. They have many years of experience installing pier and float systems throughout New England. As the proposed activity does not include grading, bulldozing, digging, scraping the earth or filling, it is their opinion that erosion control measures are not necessary for this project due to the minimal ground disturbance anticipated.

The fixed pier will be supported by piles driven into the substrate where possible and pinned directly to ledge in the event appropriate depth cannot be achieved. No open excavation is proposed or necessary within the resource or below the highest annual tide. Installation of the fixed pier primarily occurs from the barge and from staging supported by the pilings/pier to minimize foot traffic on the intertidal substrate. As such, the disturbance from foot traffic and digging on the resource to install siltation barriers (i.e. silt fence, filtration socks, etc.) around the perimeter of the project site will exceed the disturbance from installing the pilings. In addition, maintaining said siltation measures through tide cycles, strong currents and wave action would be difficult and result in further foot traffic on the resource.

Overall, Riverside & Pickering Marine Contractors anticipates minimal sedimentation or suspension of sediments from the installation of the docking system.

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



ATTACHMENT #9- SITE CONDITION REPORT

The site plan enclosed as Attachment 5 depicts two-foot contours, existing resource boundaries, the area of the resource to be altered, activity location and dimensions and wetland/waterbody classification. The permanent section of the proposed docking system is located within both upland areas and the intertidal zone. The fixed pier is supported on timber pilings and extends approximate 72 feet beyond the highest annual tide line. As depicted in the site plan, the fixed pier is not proposed to extend beyond mean low water.

As this project is associated with a coastal resource subject to tidal action, the upland edge of the resource was delineated by the highest annual tide (HAT) elevation published by Maine DEP for 2018. The HAT for Kittery Point is elevation 6.3' referenced to the North American Vertical Datum of 1988 (NAVD88). This method for delineating the coastal resource is widely accepted by the State of Maine pursuant to the Mandatory Shoreland Zoning Act.

The surface of the resource and intertidal zone within the project limits is comprised primarily of ledge and cobble stones. A portion of the property, as depicted on the site plan, shows a large ledge outcropping extending along the southern riparian line. Large boulders are scattered close to the shoreline embankment and rest on a mixed cobble and gravel surfaces. Extending toward the Piscataqua river, large rock becomes less prevalent, and cobble predominates. Rockweed covers areas where ledge is exposed but is largely absent in areas covered by cobble. For more detailed information, please refer to the enclosed *Appendix B: MDEP Coastal Wetland Characterization: Intertidal and Shallow Subtidal Field Survey Checklist*.

A profile view of the proposed docking system is provided within Attachment 5. This view provides a clear representation of the proposed docking system with respect to the substrate and the tidal elevations experienced at this site, including LAT, MLW, MHW, HAT and the 100-year flood elevation. The 100-year flood elevation published by FEMA is elevation 13.0 feet (NGVD29) which corresponds to elevation 12.25' (NAVD88), the elevation datum depicted on the plans. As depicted in the profile view, the bottom surface of the lowest horizontal member of the pier is located approximately 9 inches above the 100-year flood elevation.

The shoreline at the location of the proposed pier is considered stable and consists of exposed ledge outcroppings. The adjacent uplands are developed with landscaped areas and residential structures. No trees or upland vegetation will be impacted by the proposed pier, gangway or float.

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



ATTACHMENT #10- NOTICE OF INTENT TO FILE, CERTIFICATION & ABUTTER NOTICES:

The following documents are enclosed under this section...

- A. PUBLIC NOTICE: NOTICE OF INTENT TO FILE
- B. PUBLIC NOTICE FILING AND CERTIFICATION
- C. TAX MAP
- D. LIST OF ABUTTERS
- E. ABUTTER CERTIFIED MAIL RECEIPTS

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



A. PUBLIC NOTICE OF INTENT TO FILE

08/08

PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

Applicant: Judith A. McKenna

Agent: Tidewater Engineering & Surveying, Inc.
1021 Goodwin Road, Unit 1, Eliot, ME 03903

Phone: (207) 439-2222

(Name, Address and Phone # of Applicant)

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

11/18/22

(anticipated filing date)

The application is for

The construction of a residential timber pier with a seasonal gangway and float to provide access to the Piscataqua River.

(description of the project)

at the following location:

42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18, Lot 27)

(project location)

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

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

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

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

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

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

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

(goldenrod)

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



C. PUBLIC NOTICE- NOI NEWSPAPER LISTING

8B | WEDNESDAY, NOVEMBER 16, 2022 | PORTSMOUTH HERALD/FOSTER'S DAILY DEMOCRAT

classifieds

to advertise, visit our website: classifieds.seacoastonline.com
 classifieds phone: 866.228.5694
 classifieds/auto/real estate email: SeacoastClassifieds@gannett.com
 public notices/legals email: Seacoastlegals@gannett.com
 business & services email: SeacoastBusServ@gannett.com
 jobs website: seacoastonline.com/jobs jobs email: recruitads@localiq.com jobs phone: 833.516.0229

**TO ADVERTISE
 IN THIS SPOT
 PLEASE CALL
 866.228.5694 option 6**

All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Seacoastonline.com reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Seacoastonline.com shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

Professional Service
 all your needs...

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 Ceilings - REPAIRED, INSTALLED, Drywall, Plaster, etc. We do WALLS too! Steve 603-964-8528

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 The Seacoast Handyman High ladder work, gutter cleaning, roofing repairs & leaf screen installation. Call 207-439-6416
www.seacoasthandyman.com

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 A+ Painting/Powerwashing Free Estimates-32 years Senior Discount References: Galley Hatch/Dinnerhorn (603) 964-1826

Septic Tanks & Wells

EPPING WELL & PUMP CO. INC.
 Your Water Professionals Pumps. Certified Testing. Treatment. Irrigation. 603-679-5299, epingswell.com

We can sell it in CLASSIFIED

Real Estate Rentals

PUBLISHER'S NOTICE
 All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination. "We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis."

Apartments
 Hampton Beach Motel rooms, 1, 2 & 3 bedroom apartments for rent. Close to the beach. Call Sue & Erin 603-929-3322

Your Source Public Notices
 for the latest...

Bids & Proposals
STRAFFORD COUNTY COMMISSIONERS Request for Bid/Proposal Mandatory Site Review
 November 17th, 9 AM Jail Main Entrance
 266 County Farm Rd.
 Dover, NH
 All Bidders are required to attend this site review
 Specifications for the above are available by contacting Gwen Weisgarber @ 603-516-5132 or by visiting the Current Bids section of the county website. Bid proposals must be received by December 8th @ 9AM. All proposals must be submitted in a sealed envelope clearly marked "Copiers" to the Strafford County Commissioners Office, 259 County Farm Road - Suite

Bids & Proposals
 204, Dover, NH 03820. All bid proposals must include delivery and set-up. The Strafford County Commissioners reserve the right to reject any and all bids/ proposals. To award the bid to other than the lowest bidder if deemed "bid most advantageous to the County" and to waive any defects in bids.

Govt Public Notices
RYE PLANNING BOARD PUBLIC HEARING NOTICE
AMENDMENTS TO LAND DEVELOPMENT REGULATIONS
 The Rye Planning Board will hold public hearing on December 13, 2022, at 6:00 p.m. at the Rye Public Library on a proposed amendment to the Rye Planning Board Land Development Regulations, which is Chapter 202 of the Rye Town Code. LDR 2022-27 amends Article 111, 202-3.5.B(1)(e) as follows (Note: New text **emboldened and italicized**. Deleted text **struck through**)

(e) **Site Impact Analysis**. The Site Impact Analysis shall be a written report that describes the impact of the proposed land development. ~~It shall be prepared by an environmental engineer and shall comply with the requirements of 202-3.4.E (4) (7).~~
 Copies of the proposed amendments is posted at the Rye Town Hall and on the Town Website and is available at the Planning Department Office. The Rye Planning Board Land Development Regulations may be found at Chapter 202 of the Town Code, which is

Govt Public Notices
 available on the Town Website of the menu for the Selectmen's Office. The Town Code may also be inspected and copied at the Selectmen's Office, the Town Clerk's Office or the Planning Board Office. November 14, 2022
 Steve Carter, Clerk
 Rye Planning Board

LEGAL/PUBLIC NOTICE OF PUBLIC HEARING PLANNING BOARD TOWN OF STRATHAM
 Notice is hereby given that a public hearing will be held on Wednesday, November 16, 2022 at 7:00 PM, at the Stratham Municipal Center, 10 Bunker Hill Avenue, Stratham, NH for the Planning Board to consider the following:

Joy and Celeste Ward (Owners) - Request for approval of a conditional use permit to allow the installation of a small-scale ground mounted solar array at 10 Boat Club Drive (Tax Map 12, Lot 2), Zoned Residential Agricultural. Owner/Applicant's representative is Harmony Energy Works, 10 Gale Road, Hampton, NH 03842. Members of the public may attend this meeting in person at the date and time above or participate using the following conference call information. Please dial 1-800-764-1559 and input 4438 when prompted for a user pin/code. Please follow the Chair's instructions delivered at the meeting in order to register comments during the public hearing. If of any time during the meeting you have difficulty hearing the proceedings, please contact the Planning Department at mconnors@strathamnh.gov.

Govt Public Notices
 The proposed plans and application materials are on file with the Stratham Planning Department. For more information, including to view the application materials or to request special accommodations to participate in the public hearing, please contact the Planning Department at (603) 772-7391, ext. 184.

Public Notices
TOWN OF NORTHWOOD PUBLIC NOTICE
 To all interested and aggrieved persons, you are hereby notified of the following: To all interested and aggrieved persons, you are hereby notified of the following: The Northwood Zoning Board of Adjustment will meet at the Northwood Town Hall on November 28, 2022 at 6:30 p.m. to hear the following cases:
Case 22-18: Brian Gardner, 1451 First NH Turnpike, Map 109; Lot 99. Applicant seeks an Appeal from an Administrative Decision of the Building Inspector for a sign permit to allow an off-premise sign.
 The agenda to include any other business that may properly come before the board at this time.
 Pamela Sanderson, Vice-Chair 11/14/2022

PUBLIC NOTICE: NOTICE OF INTENT TO FILE
 Please take notice that Applicant: Judith A. McKenna
 Agent: Tidewater Engineering & Surveying, Inc. 1021 Goodwin Road, Unit 1, Eliot, ME 03903
 Phone: (207) 439-2222
 is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about 11/18/2022.
 The application is for the construction of a residential timber pier with a seasonal gangway and float to provide

Public Notices
 access to the Piscataqua River.
 of the following location: 42 Pepperrell Road, Kittery Point, ME 03905 (Tax Map 18, Lot 27)
 A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.
 For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

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

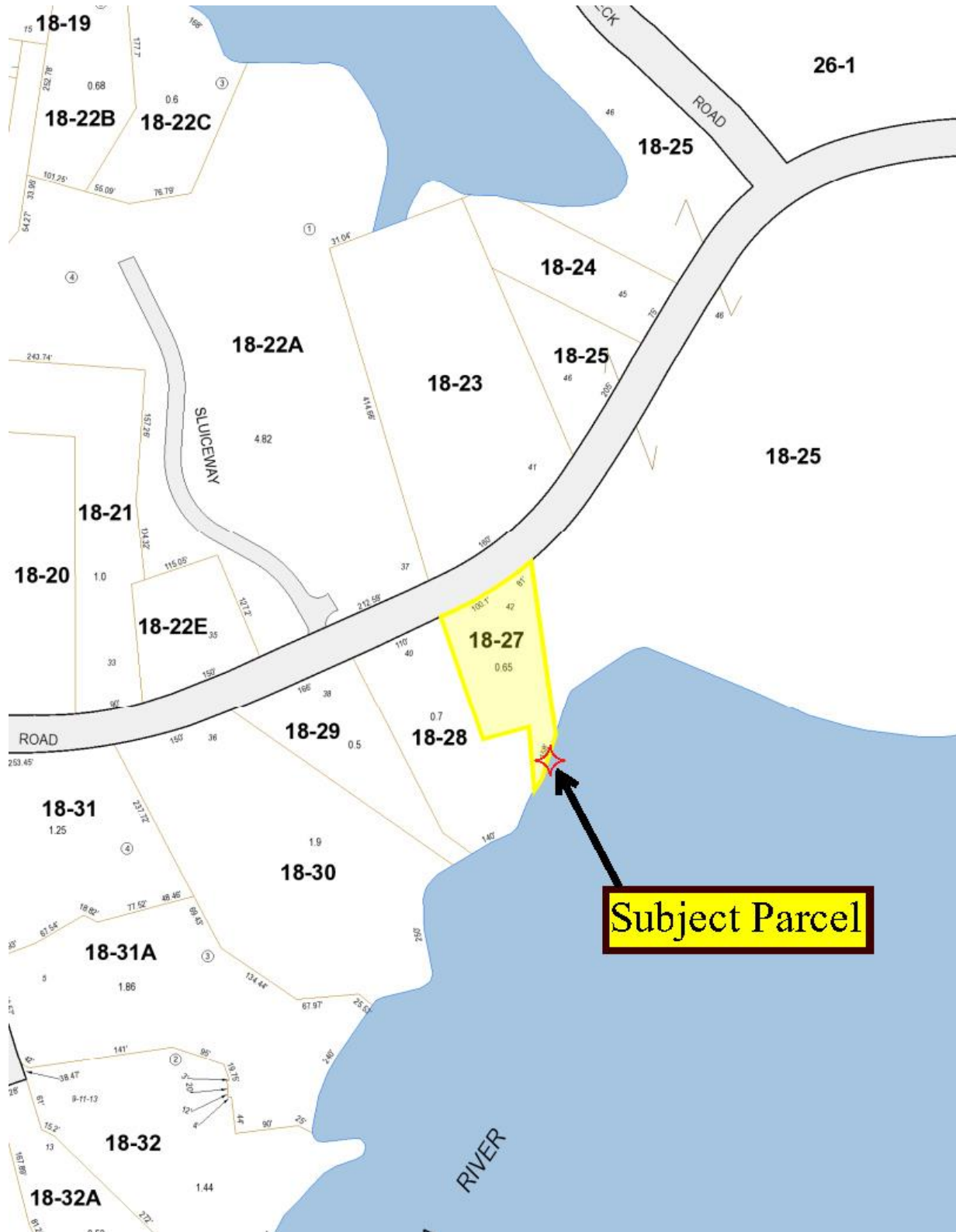
Public Sale
PUBLIC NOTICE NOTICE OF SALE
 November 28, 2022 - 9 a.m.
 JF10PAD62CG202225
 50 Wakefield Street
 Rochester, NH 03867

SELL IT BUY IT FIND IT
 Place your classified ad today.

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



D. TAX MAP



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



E. ABUTTERS LIST



75 foot Abutters List Report

Kittery, ME
 November 15, 2022

Subject Property:

Parcel Number: 18-23
 CAMA Number: 18-27
 Property Address: 42 PEPPERRELL ROAD

Mailing Address: JUDITH A. MCKENNA REV. TRUST OF
 1997 JUDITH A. MCKENNA REV. TRUST
 OF 1997
 42 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

Abutters:

Parcel Number: 18-22A
 CAMA Number: 18-22A
 Property Address: 37 PEPPERRELL ROAD

Mailing Address: STEIDLE, CRAIG E STEIDLE, CRAIG E
 37 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

Parcel Number: 18-23
 CAMA Number: 18-23
 Property Address: 41 PEPPERRELL ROAD

Mailing Address: KITTERY PARTNERS LLC KITTERY
 PARTNERS LLC
 300 EAST LIONSHEAD CIRCLE
 VAIL, CO 81657

Parcel Number: 18-25
 CAMA Number: 18-25
 Property Address: 46 PEPPERRELL ROAD

Mailing Address: STATE OF MAINE STATE OF MAINE
 BUREAU OF PARKS & LANDS 22 STATE
 HOUSE STATION
 AUGUSTA, ME 04333-0022

Parcel Number: 18-28
 CAMA Number: 18-28
 Property Address: 40 PEPPERRELL ROAD

Mailing Address: GIBSON TR, BONNIE KNICKERBOCKE
 GIBSON TR, BONNIE KNICKERBOCKE
 PO BOX 1434
 CAREFREE, AZ 85377



www.cai-tech.com

11/15/2022

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 1

Abutters List Report - Kittery, ME

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



F. ABUTTER NOTIFICATION RECEIPTS

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

Augusta, ME 04333

OFFICIAL USE

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

Sent To
 STATE OF MAINE - BUREAU OF PUBLIC LANDS
 22 STATE HOUSE STATION
 AUGUSTA, ME 04333-0022

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

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Kittery Point, ME 03905

OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

Sent To
 CRAIG E STEIDLE
 37 PEPPERRELL ROAD
 KITTERY POINT, ME 03905

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

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Vail, CO 81657

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

Sent To
 KITTERY PARTNERS, LLC
 300 EAST LIONSHEAD CIRCLE
 VAIL, CO 81657

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

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Carefree, AZ 85377

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

Sent To
 BONNIE KNICKERBOCKER
 P.O. Box 1434
 CAREFREE, AZ 85377

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

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

Kittery, ME 03904

OFFICIAL USE

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60

Sent To
 JORDAN KELLY
 ATTN: TOWN PLANNER 200 ROGERS ROAD
 KITTERY, ME 03904

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

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



ATTACHMENT #11- FOR ARMY CORPS OF ENGINEERS:

A copy of the entire application package has been submitted to the MHPC and the five recognized Native American tribes simultaneously with filing it with other agencies. Any correspondence received will be forwarded to the Army Corps of Engineers immediately. Also enclosed as Attachment 11A is the EPA IPaC "Official Species List" that was requested by Rob Hopkinson using the email address rob@tidewatercivil.com.

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



A. USFWS IPAC OFFICIAL SPECIES LIST



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588
Submitted via rob@tidewatercivil.com



In Reply Refer To:
Project Code: 2022-0074384
Project Name: McKenna: Proposed Dock System

August 12, 2022

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

To Whom It May Concern:

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

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

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evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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

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Attachment(s):

- Official Species List

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Official Species List

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

This species list is provided by:

Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
(207) 469-7300

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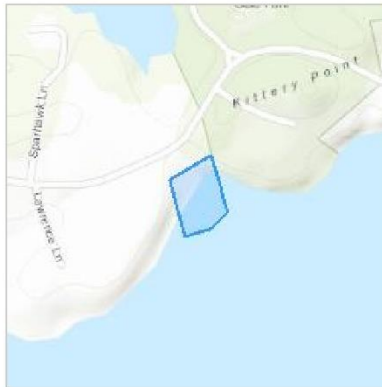
2

Project Summary

Project Code: 2022-0074384
Project Name: McKenna: Proposed Dock System
Project Type: Boatlift/Boathouse/Dock/Pier/Piles - New Construction
Project Description: Construction of a fixed pier, gangway, and main float for recreational use and access to the Piscataqua River.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.0810351,-70.71090166500015,14z>



Counties: York County, Maine



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Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

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

Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

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

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IPaC User Contact Information

Agency: Tidewater Engineering & Surveying, Inc.
Name: Robert Hopkinson
Address: 1021 Goodwin Road, Unit #1
City: Eliot
State: ME
Zip: 03903
Email: rob@tidewatercivil.com
Phone: 2074392222

Lead Agency Contact Information

Lead Agency: Army Corps of Engineers
Name: Colin Greenan
Email: Colin.M.Greenan@usace.army.mil
Phone: 9783188676

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B. USFWS VERIFICATION LETTER



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588
Submitted via rob@tidewatercivil.com



In Reply Refer To:
Project code: 2022-0074384
Project Name: McKenna: Proposed Dock System

August 12, 2022

Subject: Verification letter for the 'McKenna: Proposed Dock System' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Robert Hopkinson:

The U.S. Fish and Wildlife Service (Service) received on August 12, 2022 your effects determination for the 'McKenna: Proposed Dock System' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"¹¹ prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

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This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Roseate Tern *Sterna dougallii dougallii* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

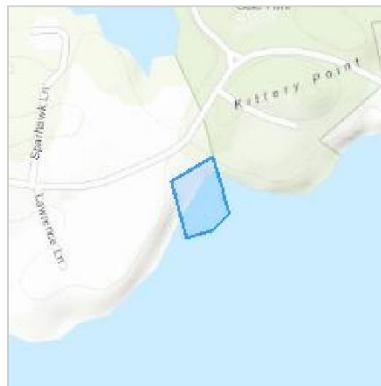
McKenna: Proposed Dock System

2. Description

The following description was provided for the project 'McKenna: Proposed Dock System':

Construction of a fixed pier, gangway, and main float for recreational use and access to the Piscataqua River.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.0810351,-70.71090166500015,14z>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may

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affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?
Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency
Automatically answered
No
6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?
Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency
Automatically answered
No



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Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below.

Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below.

Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below.

Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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IPaC User Contact Information

Agency: Tidewater Engineering & Surveying, Inc.
Name: Robert Hopkinson
Address: 1021 Goodwin Road, Unit #1
City: Eliot
State: ME
Zip: 03903
Email: rob@tidewatercivil.com
Phone: 2074392222

Lead Agency Contact Information

Lead Agency: Army Corps of Engineers
Name: Colin Greenan
Email: Colin.M.Greenan@usace.army.mil
Phone: 9783188676

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ATTACHMENT #12- FUNCTIONAL ASSESSMENT:

It is our understanding that the impacts associated with the proposed docking structure does not meet the threshold for requiring compensation, therefore it is assumed this attachment is not required. As such, a functional assessment has not been completed by the applicant. If this is not the case, please contact us and a functional assessment will be completed.

ATTACHMENT #13- COMPENSATION:

It is our understanding that the impacts associated with the proposed docking structure are too minor to warrant compensation. If this is not the case, please contact us to discuss compensation requirements.

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APPENDIX A:

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

Name of applicant: Judith A. McKenna Phone: 603-398-2606
 Application Type: NRPA-Individual
 Activity Type: (brief activity description) Construction of boardwalk, fixed pier, seasonal gangway, and floats.
 Activity Location: Town: Kittery Point County: York
 GIS Coordinates, if known: UTM Northing: 4771237.24 UTM Easting: 360719.36
 Date of Survey: 11/2/2022 Observer: Ryan McCarthy, President Phone: (207) 439-2222
Tidewater Engineering & Surveying, Inc.

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

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

(pink)

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APPENDIX B:

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

NAME OF APPLICANT: Judith A. McKenna PHONE: (603) 398-2606
 APPLICATION TYPE: NRPA- Individual
 ACTIVITY LOCATION: TOWN: Kittery Point COUNTY: York

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: _____

DATE OF SURVEY: 11/2/2022 OBSERVER: Ryan McCarthy, P.E.

TIME OF SURVEY: 1:30 PM TIDE AT SURVEY: Low 1.8'

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
 Intertidal area: 10 pilings= 8 SF, 4 batter piles= 3 SF Subtidal area: 4 mooring blocks= 64 SF

SIZE OF INDIRECT IMPACT, if known (square feet): _____
 Intertidal area: 288 SF Subtidal area: 98 SF + 300 SF= 398 SF
(fixed pier) (gangway & float)

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

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

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

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

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

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

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

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

PLEASE SUBMIT THE FOLLOWING:
 Photographs Overhead drawing (pink)

APPENDIX D:

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



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



THIS IS AN APPLICATION FOR A.....

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



TELL US ABOUT YOUR BOAT....

Future Boat: 24' center console

My boat(s) requires a draft of 1.5 feet.
 My boat(s) is 9 feet long.



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



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



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Kittery approximately 0.75 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Kittery approximately 0.5 miles from the project location.
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
 - Yes, a slip or mooring is available. No, a slip or mooring is not available.
 - Approximate expected time on waiting list: >1 year
- I have contacted the local Harbor Master.

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APPENDIX D: SLIP & MOORING REQUESTS:

From: Sean McKenna <sean@greatbaymarine.com>
Sent: Thursday, September 1, 2022
To: Kuerstin Fordham <kuerstin@riversideandpickering.com>
Subject: Lack of Dockage In The Area

Kuerstin,

I am writing to let you know that Great Bay Marine is totally full for slips and moorings for the coming boating season as well having sold out earlier than ever before. We also have over 190 on a waiting list for space here at the marina for future years. I do not know of any space on either the Maine or New Hampshire sides of the river.

Regards,

Sean

Sean McKenna, CMM
Great Bay Marine, Inc
61 Beane Lane
Newington, NH 03801
(603) 436-5299 Main

(603) 380-9242 Direct
Greatbaymarine.com

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APPENDIX D: SLIP & MOORING REQUESTS:

From: Great Cove Boat Club <greatcove@comcast.net>
Sent: Thursday, September 1, 2022 10:52 AM
To: Kuerstin Fordham <kuerstin@riversideandpickering.com>
Subject: Available Slips

Hi Kuerstin we at Great Cove Boat Club have all slips and moorings leased for the 2022 season and have a waitlist of close to 100 names of people looking for any space if it comes available John "Butch" Madden Operations manager GCBC

-----Original Message-----

From: Kuerstin Fordham [mailto:kuerstin@riversideandpickering.com]
Sent: Thursday September 1, 2022 3:45 PM
To: 'Butch Madden (greatcove@comcast.net)'
Subject: Available Slips

Hi Butch,

I am reaching out to local marinas in search of any available slips for boat rentals for the upcoming year . When you have a moment please let me know what you have available for rentals.

If you have any questions do not hesitate to contact me.

Thanks again for your help Butch.

Best,

Kuerstin Fordham
Construction Administrator
Riverside & Pickering Marine Contractors
34 Patterson Lane
Newington, NH 03801
603-427-2824 ext. 1000 Office
866-571-7132 Fax
(A division of Riverside Marine Construction Inc)

Confidentiality Notice: This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipients and may contain information that is confidential, valuable and/or legally protected. If you are not the intended recipient, you are hereby notified that any review, copying, dissemination, distribution, or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return email message and delete the original and all copies of the communication including but not limited to those in the Delete Folder, along with any attachments hereto or links herein, from your system.

KPA-23-5

Kittery Port Authority Application

Status: Active**Date Created:** Mar 17, 2023**Applicant**

dave daniels
kneed33p@gmail.com
21 badgers island west
kittery, me 03904
6039971700

Primary Location

21 BADGERS ISLAND WEST
KITTERY, ME 03904

Owner:

Island Seafood
21 badgers island west kittery, me 03904

Project Discription**Description of Project**

Moored floating dock

Is any work being performed upland of the Highest Annual Tide?

No

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

No

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

Dave Daniels

Property Address

21 badgers island west

Telephone Number

603-997-1700

Email Address

kneed33p@gmail.com

Size of the Property

6648 sq/ft

Zoning District

Tax map 1 Lot 27

Shore Frontage Footage

65'

Acknowledgements

I understand that additional permits and/or approvals may be required by the Army Corps of Engineers, the Maine Department of Environmental Protection, the Maine Department of Conservation, and/or another legal entity not listed here. Furthermore, I have submitted the additional permits and/or approvals with this application.



I certify that all information on this application is complete and true to the best of my knowledge. I understand any false, misleading, or incomplete information will result in the denial of this application.



I certify that I have submitted this application at least 21 days prior to a scheduled Kittery Port Authority Meeting. I understand that failure to submit this application at least 21 days prior will result in my request going before the Kittery Port Authority at a later date.



I certify that in addition to uploading the required documentation, I will also provide 10 paper copies of each document to the Kittery Planning and Development Office at least 21 days prior to a scheduled Kittery Port Authority Meeting.



Applicant Information

Name of Applicant Dave Daniels	Date Application Completed 2/13/23
Name of Property Owner Dave Daniels	Agent Name --
Agent Firm --	Agent Phone --
Agent Email --	





Attachments

-  21 Badgers Island DANIELS_FINALBUYERHUD (1).pdf
Uploaded by dave daniels on Mar 17, 2023 at 1:29 pm
-  NAE-2023-00573-PERMIT.pdf
Uploaded by dave daniels on Mar 17, 2023 at 9:28 am
-  drawing.pdf
Uploaded by dave daniels on Mar 17, 2023 at 1:15 pm
-  KitteryME_1_27___a9a48533-d1be-48af-94f6-1eb39836d996.pdf
Uploaded by dave daniels on Mar 17, 2023 at 1:18 pm
-  lot26.pdf
Uploaded by dave daniels on Mar 17, 2023 at 1:20 pm
-  lot28.pdf
Uploaded by dave daniels on Mar 17, 2023 at 1:21 pm

History

Date	Activity
Feb 13, 2023 at 5:20 pm	dave daniels started a draft of Record KPA-23-5
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerCity from "ROLLINGSFORD " to "kittery"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerEmail from "" to "kneed33p@gmail.com"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerName from "BDT ENTERPRISES" to "Island Seafood"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerPhoneNo from "" to "6039971700"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerPostalCode from "03869" to "03904"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerState from "NH" to "me"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerStreetName from "10 NORDIC LANE " to "badgers island west"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerStreetNo from "" to "21"
Feb 13, 2023 at 5:23 pm	dave daniels altered Record KPA-23-5, changed ownerUnit from "" to ""
Mar 17, 2023 at 9:30 am	dave daniels submitted Record KPA-23-5
Mar 17, 2023 at 1:21 pm	dave daniels added attachment lot28.pdf to Record KPA-23-5
Mar 20, 2023 at 8:40 am	completed payment step Fee Payment on Record KPA-23-5
Mar 20, 2023 at 8:40 am	approval step Application Completeness Reviewwas assigned to Carrie Varao on Record KPA-23-5

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Mar 17, 2023 at 9:30 am	Mar 20, 2023 at 8:40 am	-	-
 Application Completeness Review	Active	Mar 20, 2023 at 8:40 am	-	Carrie Varao	-
 Town Planner Upland Development Review	Inactive	-	-	-	-
 Code Enforcement Upland Development Review	Inactive	-	-	-	-
 Port Authority Approval Uploaded	Inactive	-	-	-	-
 Building Permit Received	Inactive	-	-	-	-



TOWN OF KITTERY

Code Enforcement Office

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1308 Fax: 207-439-6806

CEO@kitteryme.org

KITTERY PORT AUTHORITY APPLICATION ACCEPTANCE MEMO

From: Craig Alfis, Code Enforcement
To: Charles Patten, Port Authority Chair

Subj: Acceptance of Application, 21 Badgers Island West

Mr. Chair,

Code Enforcement and Planning staff have reviewed the application for 21 Badgers Island West, proposing the installation of an 8' x 24' float and found it to be complete. The application requests the following modifications:

1. The installation of an 8' x 24' float.

Based on a cursory review of the information provided in the application, Staff believes and recommends that the Port Authority accept the application for further review. Information submitted includes:

- Kittery Port Authority application with cover letter;
- Proof of ownership;
- Plans showing the approximate location and shape of the float;
- Army Corps of Engineering General Permit letter; and
- Abutters list.

If the Port Authority votes to accept the application, an in-depth review will be performed by Code and Planning staff, and a staff report will be provided to the Port Authority prior to the meeting on which the application is scheduled.

Signed,

Craig Alfis, Code Enforcement Officer

207-475-1308

ceo@kitteryme.org



REPLY TO
ATTENTION OF

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

Regulatory Division
File No. NAE-2023-00573

March 17, 2023

David Daniels
Island Seafood
21 Badgers Island West
Kittery, Maine 03904

Dear Mr. Daniels:

We recently reviewed your proposal to install and maintain an 8 ft. x 24 ft. float to be located below the mean high water mark of the Piscataqua River's off 21 Badgers Island West at Kittery, Maine (Lat/Lon 43.081190°N; -70.754040°W). This work is described and shown on the attached documents received by our office.

On October 14, 2020, we issued General Permits that, subject to our discretion, eliminates the need for individual Department of the Army permits for certain work that is regulated in the State of Maine (www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit). Your activity as proposed qualifies for self-verification under Maine General Permit 3, Structures, Floats, and Lifts. No further action is necessary from the Corps on this project.

Please note that all work is subject to the terms and conditions contained in the general permit. Condition 45 provides for one year for completion of work that has commenced or is under contract to commence prior to the expiration of the general permit on October 25, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. If any change in the plans or construction methods is found necessary, please contact us immediately to discuss modification of your permit. Any change must be approved before it is undertaken.

If you have any questions on this matter, please contact Colin Greenan of my staff at 978-318-8676 or colin.m.greenan@usace.army.mil at our Augusta, Maine Project Office.

Sincerely,

For Frank J. Del Giudice
Chief, Permits & Enforcement Branch
Regulatory Division

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -
 OMB No. 0710-0003
 Expires: 01-08-2018*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - David Middle - Last - Daniels Company - Island Seafood E-mail Address - kneed33p@gmail.com			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- 21 Badgers Island West City - Kitterry State - ME Zip - 03904 Country - US			9. AGENT'S ADDRESS: Address- City - State - Zip - Country -		
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 603-997-1700			10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Island Seafood Moored float			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Piscataqua River		14. PROJECT STREET ADDRESS (if applicable) Address 21 Badgers Island West	
15. LOCATION OF PROJECT Latitude: +N 43.08119 Longitude: +W 70.75404		City - Kitterry State- ME Zip- 03904	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Tax Map 1 Lot 27 Municipality Kitterry Section - Township - Range -			

17. DIRECTIONS TO THE SITE

Follow directions to property address and proceed west to waterfront.

18. Nature of Activity (Description of project, include all features)

To replace our current mooring ball with a 8'x24' moored float. The float would be secured to the river bed w/ 4 proper size moorings to prevent swing.

The float will be constructed with 2" x 10" PTSYP 0.60ACQ joists and fastened with heavy duty galvanized brackets and fasteners. 2" x 6" PTSYP 0.60ACQ decking shall be installed with SS ring shank gun nails

Floatation shall be 12" rotationally-molded poly float drums with a 15 year warranty (by MFR)

Six (6) 12" galvanized cleats with backing plates shall be installed

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To replace the current mooring ball with a moored float which would eliminate the tidal swing and improve the navigation for the area. The float will be used for a commercial fishing vessel.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

NA

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- 19 Badgers Island West

City - Kittery State - ME Zip - 03904

b. Address- 23 Badgers island West

City - Kittery State - ME Zip - 03904

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

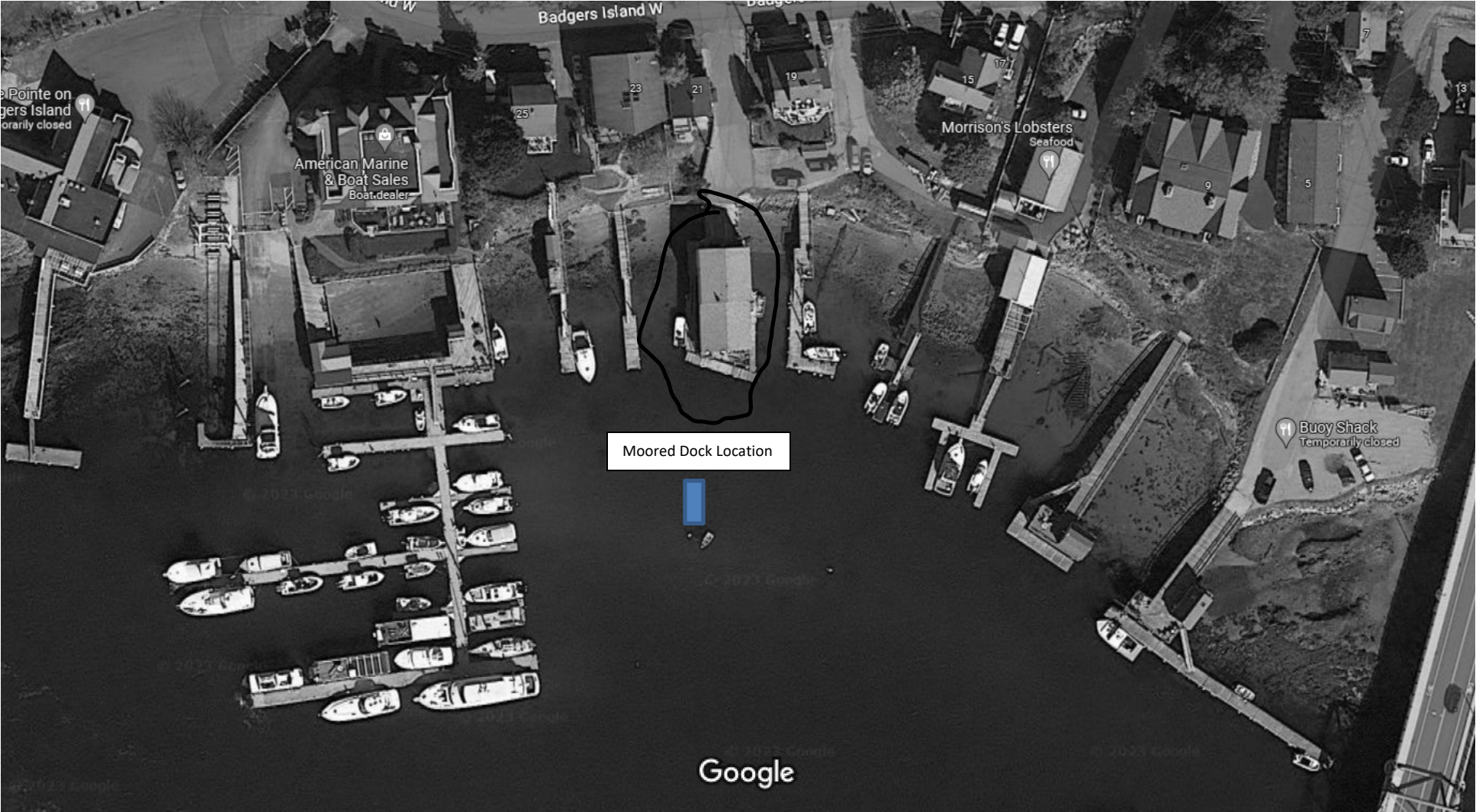
Dave Daniels Digitally signed by Dave Daniels 2023-02-14 2023-02-13
Date: 2023.02.15 11:05:29 -05'00'
 SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

21 badgers Island West

Google Maps



A. Settlement Statement

**U.S. Department of Housing and
Urban Development**

OMB Approval No. 2502-0265

B. Type of Loan

1. FHA 2. RHS 3. Conv. Unins 4. VA 5. Conv. Ins 6. Cash 7. Other

8. File Number 2022-213

9. Loan Number

10. Mortgage Insurance Case Number

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing, they are shown here for informational purposes and are not included in the totals.

D. NAME AND ADDRESS OF BORROWER: Island Girl Properties, LLC
176 Edgewater Drive, Gilford, NH 03249

E. NAME AND ADDRESS OF SELLER: BDT Enterprises
25 Bay Cliff Road, Portsmouth, NH 03801

F. NAME AND ADDRESS OF LENDER:

G. PROPERTY LOCATION: 21 Badgers Island West
Kittery ME 03904

H. SETTLEMENT AGENT Bosen & Associates, P.L.L.C.
266 Middle Street, Portsmouth NH 03801
(603) 427-5500

PLACE OF SETTLEMENT 266 Middle Street, Portsmouth NH 03801

I. SETTLEMENT DATE: 09/29/2022

DISBURSEMENT DATE 09/29/2022

J. Summary of Borrower's Transaction

K. Summary of Seller's Transaction

100. Gross Amount Due From Borrower

400. Gross Amount Due To Seller

101. Contract Sales Price	2,138,961.00
102. Personal Property	
103. Settlement charges to borrower (line 1400)	15,454.28
104. Goodwill	61,039.00
105.	

401. Contract Sales Price	2,138,961.00
402. Personal Property	
403.	
404. Goodwill	61,039.00
405.	

Adjustments for items paid by seller in advance

Adjustments for items paid by seller in advance

106. City/Town taxes 09/29/2022 to 11/01/2022	1,097.57
107. County taxes	
108.	
109.	
110.	
111.	
112.	

406. City/Town taxes 09/29/2022 to 11/01/2022	1,097.57
407. County taxes	
408.	
409.	
410.	
411.	
412.	

120. Gross Amount Due From Borrower 2,216,551.85

420. Gross Amount Due To Seller 2,201,097.57

200. Amounts Paid By Or In Behalf Of Borrower

500. Reductions In Amount Due To Seller

201. Deposit or earnest money	150,000.00
202. Principal amount of new loan(s)	
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	

501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	115,205.80
503. Existing loan(s) taken subject to	
504. KENNEBUNK SAVINGS BANK MORTGAGE 1	438,438.42
505. KENNEBUNK SAVINGS BANK MORTGAGE 2	80,587.63
506. Final Water Bill	36.65
507. REW withholding tax	26,737.01
508. Final Sewer Bill	100.00
509.	

Adjustments for items unpaid by seller

Adjustments for items unpaid by seller

210. City/Town taxes	
211. County taxes	
212. Assessments	
213.	
214.	
215.	
216.	
217.	
218.	
219.	

510. City/Town taxes	
511. County taxes	
512. Assessments	
513.	
514.	
515.	
516.	
517.	
518.	
519.	

220. Total Paid By/For Borrower 150,000.00

520. Total Reduction Amount Due Seller 661,105.51

300. Cash At Settlement From/To Borrower

600. Cash At Settlement From/To Seller

301. Gross Amount due from borrower (line 120)	2,216,551.85
302. Less amounts paid by/for borrower (line 220)	150,000.00


601. Gross Amount due to Seller (line 420)	2,201,097.57
602. Less reductions in amount due seller (line 520)	661,105.51

303. CASH From BORROWER 2,066,551.85

603. CASH To SELLER 1,539,992.06

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on September 29, 2022.


Buyer Island Girl Properties, LLC, By: David Daniels, Managing Member


Seller BDT Enterprises, Randy Townsend, Partner

L. SETTLEMENT CHARGES					
700. Total Real Estate Broker Fees				Paid From	Paid From
Division of commission (line 700) as follows:				Borrower's	Seller's
701. \$110,000.00 to Samonas Realty				Funds at	Funds at
702.				Settlement	Settlement
703. Commission paid at settlement					110,000.00
704.					
705.					
706.					
800. Items Payable In connection with Loan					
801. Loan Origination Fee					
802. Loan Discount					
803.					
804.					
805.					
806.					
900. Items Required By Lender To Be Paid In Advance					
901. Interest from					
From 09/29/2022 To 10/01/2022					
902. Mortgage insurance premium					
903. Hazard Insurance premium					
904.					
905.					
1000. Reserves Deposited With Lender					
1001. Hazard Insurance					
1002. Mortgage Insurance					
1003. City property taxes					
1004. County property taxes months at per month					
1005. Annual assessments					
1006.					
1007.					
1008. Aggregate Adjustments					
1100. Title Charges					
1101. title abstract fee				250.00	
to Bosen & Associates PLLC					
1102.					
1103.					
1104.					
1105.					
1106.					
1107. Attorney's fees				3,000.00	500.00
to Bosen & Associates PLLC					
1108. Title Insurance				6,417.00	
to CATIC					
1109. Lender's coverage @ \$.00					
1110. Owner's coverage \$2,138,961.00 @ \$ 6,417.00					
1111.					
1112.					
1113.					
1200. Government Recording and Transfer Charges					
1201. Recording fees:				34.00	
Deed \$34.00 Mortgage Releases					
1202. City/county tax/stamps					
Deed Mortgage					
1203. State tax/stamps:				4,705.80	4,705.80
Deed \$9,411.60 Mortgage					
1204.					
1205.					
1300. Additional Settlement Charges					
1301. entity documentation fee				1,047.48	
to Bosen & Associates PLLC					
1302.					
1303.					
1304.					
1305.					
1400. TOTAL SETTLEMENT CHARGES				15,454.28	115,205.80

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on September 29, 2022.

Buyer Island Girl Properties, LLC, By: David Daniels, Managing Member

Seller BDT Enterprises, Randy Townsend, Partner

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent:

Date:

9/29/22



THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
 THE HORIZONTAL DATUM IS THE MAINE STATE PLANE COORDINATE SYSTEM, NAD 83.
 ORIGINAL MAPPING BY JOHN E. O'DONNELL & ASSOCIATES, NEW GLOUCESTER, MAINE.

REVISED & REPRINTED BY
CAI Technologies
 Precision Mapping, Geospatial Solutions
 11 Pleasant Street, Littleton, NH 03561
 603.322.4540 - www.caitech.com

LEGEND

- PARCEL NUMBER 16
- PARCEL ACREAGE 0.25
- RECORD DIMENSION 100'
- STREET ADDRESS NUMBER 18
- SUBDIVISION LOT NUMBER (4)
- RIGHT OF WAY/ACCESS 600'
- COMMON OWNERSHIP 100'
- WATER 100'

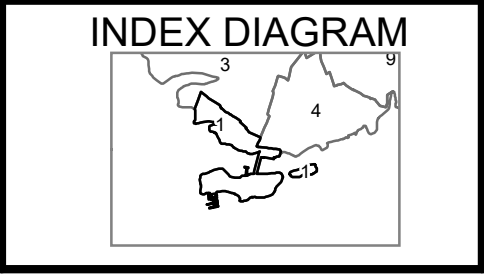
SCALE: 1" = 100'

100 50 0 100 200 300
 FEET

25 12.5 0 25 50 75
 METERS

REVISED TO: APRIL 1, 2022

PROPERTY MAPS
KITTERY
 MAINE



MAP NO.
1



150 foot Abutters List Report

Kittery, ME
March 28, 2023

Subject Property:

Parcel Number: 1-27
CAMA Number: 1-27
Property Address: 21 BADGERS ISLAND WEST

Mailing Address: ISLAND GIRL PROPERTIES, LLC ISLAND GIRL PROPERTIES, LLC
176 EDGEWATER DRIVE
GILFORD, NH 03249

Abutters:

Parcel Number: 1-24
CAMA Number: 1-24
Property Address: 11 BADGERS ISLAND WEST

Mailing Address: MCGARRY, EDWARD I MCGARRY, EDWARD I
11 BADGERS ISLAND WEST
KITTERY, ME 03904-1601

Parcel Number: 1-25
CAMA Number: 1-25
Property Address: 17 BADGERS ISLAND WEST

Mailing Address: BLAKE, GORDON C BLAKE, GORDON C
15 BADGERS ISLAND WEST
KITTERY, ME 03904-1601

Parcel Number: 1-25A
CAMA Number: 1-25A
Property Address: 15 BADGERS ISLAND WEST

Mailing Address: BLAKE, GORDON C BLAKE, GORDON C
15 BADGERS ISLAND WEST
KITTERY, ME 03904-1601

Parcel Number: 1-26
CAMA Number: 1-26
Property Address: 19 BADGERS ISLAND WEST

Mailing Address: DESFOSSES, PHILIP R DESFOSSES, PHILIP R
57550 OVERSEAS HIGHWAY
MARATHON, FL 33050

Parcel Number: 1-28
CAMA Number: 1-28
Property Address: 23 BADGERS ISLAND WEST

Mailing Address: SALISBURY, JEFFREY C SALISBURY, JEFFREY C
23 BADGERS ISLAND WEST
KITTERY, ME 03904-1601

Parcel Number: 1-28
CAMA Number: 1-28-A
Property Address: 23 BADGERS ISLAND WEST #A

Mailing Address: RICHARDS, BRIAN LEE RICHARDS, BRIAN LEE
23A BADGERS ISLAND WEST
KITTERY, ME 03904

Parcel Number: 1-28
CAMA Number: 1-28-B
Property Address: 23 BADGERS ISLAND WEST #B

Mailing Address: GEORGE DAVID FLANDERS LIV. TRUST
GEORGE DAVID FLANDERS LIV. TRUST
100 FIRST AVE N UNIT 3504
ST PETERSBURG, FL 33701

Parcel Number: 1-29
CAMA Number: 1-29
Property Address: 25 BADGERS ISLAND WEST

Mailing Address: EAGER, RALPH T EAGER, RALPH T
25 BADGERS ISLAND WEST
KITTERY, ME 03904-1601

Parcel Number: 1-30
CAMA Number: 1-30
Property Address: 27 BADGERS ISLAND WEST

Mailing Address:

Parcel Number: 1-30
CAMA Number: 1-30-1
Property Address: 27 BADGERS ISLAND WEST #1

Mailing Address: FAGAN, HAROLD FAGAN, HAROLD
27 BADGERS ISLAND WEST UNIT 1
KITTERY, ME 03904



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



150 foot Abutters List Report

Kittery, ME
March 28, 2023

Parcel Number: 1-30
CAMA Number: 1-30-2
Property Address: 27 BADGERS ISLAND WEST #2

Mailing Address: SPRATT FAMILY TRUST SPRATT
FAMILY TRUST
27 BADGERS ISLAND WEST UNIT 2
KITTERY, ME 03904

Parcel Number: 1-30
CAMA Number: 1-30-3
Property Address: 27 BADGERS ISLAND WEST #3

Mailing Address: LABRANCHE, TR, JAMES LABRANCHE,
TR, JAMES
27 BADGERS ISLAND WEST, UNIT 3
KITTERY, ME 03904

Parcel Number: 1-30
CAMA Number: 1-30-4
Property Address: 27 BADGERS ISLAND WEST #4

Mailing Address: TRUNCELLITO, LYNDA A TRUNCELLITO,
LYNDA A
27 BADGERS ISLAND WEST UNIT 4
KITTERY, ME 03904

Parcel Number: 1-30
CAMA Number: 1-30-5
Property Address: 27 BADGERS ISLAND WEST #5

Mailing Address: KARALEKAS TRS, PETER S & MARY R
KARALEKAS TRS, PETER S & MARY R
27 BADGERS ISLAND WEST UNIT 5
KITTERY, ME 03904

Parcel Number: 1-30
CAMA Number: 1-30-6
Property Address: 27 BADGERS ISLAND WEST #6

Mailing Address: 27 BIM, LLC 27 BIM, LLC
32 ROUTE 236
KITTERY, ME 03904



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.