



## KITTERY PORT AUTHORITY

Meeting Agenda  
May 6, 2021  
6:00 P.M.

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

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: April 1, 2021
5. Harbormaster Report and Budget Report
6. All Items involving Town Officials or invited guests
7. Public Hearing
  - a. The Kittery Port Authority moves to hold a Public Hearing on changes to the Kittery Port Authority Rules and Regulations to add clarification and consistency for in-kind repair/replace applications and Appendix A, Fees: addition of in kind/repair/replace fees.
8. Piers, Wharves & Floats
  - a. The Kittery Port Authority moves to accept an application from Joseph R. Smith Jr., 5 Duncan Way, Kittery Point, ME 03905 (Map 18, Lot 3) to add an 8' x up to 5.5' privacy fence to an existing structure.
  - b. The Kittery Port Authority moves to accept an application from Bryan Cormier, 12 Goose Point Road, Kittery Point, ME 03905 (Map 34, Lot 16) to add 2' x 50' raised walkway and a 5' x 20' float.
  - c. The Kittery Port Authority moves to accept an application from James Lynch, 178 Whipple Road, Kittery, ME 03904 (Map 17, Lot 22) to replace an existing 67.5' x 5' pier, 24' x 3' gangway, 40' x 10' float, 11.5 x 7' existing deck and a 22' x 12' boat house. Agent is Matt Cardin, Cardin Environmental.
9. Public Segment (Three Mins.)
10. Unfinished Business

- a. Kayak Storage rental at Traip Academy Boat Ramp
- 11. New Business
- 12. Committee and Other Reports
  - a. Communications from the Chairperson
- 13. Board Member Issues or Comments
- 14. Executive Session
- 15. Adjournment

1 1. Call to Order / Attendance

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

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

6 2. Pledge of Allegiance

7 3. Agenda Amendments and Adoption

8 Chair Philbrook cast 1 vote to accept the agenda as written.

9 4. Acceptance of Previous Minutes: March 4, 2021

10 Chair Philbrook moved to approve the March 4, 2021 as amended line 29 to add the  
11 word "he" to say "he is working with." Seconded by Mr. Lawrence.

12 Motion Carried 5-0-0

13 5. Harbormaster Report and Budget Report

14 The Harbormaster stated the Frisbee Ramp project was completed. He also stated he  
15 would be putting out the Frisbee Float and installing ramp with DPW on 4/2/2021. The  
16 Harbormaster mentioned he was still waiting on HMUW plastic to line trap slide with, as  
17 its on backorder.

18 The Harbormaster stated MEDOT said to complete the Traip Float Extension Project's  
19 actual application for the SHIP grant so he can start looking into ways to fund it. They  
20 said they would be down soon for site walk. The Deputy Harbormaster is completing  
21 this application.

22 The Harbormaster stated Floats-In is scheduled for 4/26/2021, the crane has been  
23 booked, and the electricity is scheduled to be turned on 4/28/2021.

24 He mentioned the water backflow preventor inspection was complete, and needs to be  
25 picked up and installed before water can be scheduled to be installed.

26 The Harbormaster said he was still working on PSG, and the application is due on May  
27 14, 2021.

28 The Harbormaster has moved into his new office space at the Police Department, the  
29 office has its own entrance and DPW will be assisting with making a walkway to the  
30 entrance.

31 The Harbormaster met with the property owner of 2-4 Badgers Island West and  
32 approved a Riparian mooring for that property.

33 He also stated a new mooring will be going in at Appledore Island for new property  
34 owners, and will be meeting with them before placement.

35 The Deputy Harbormaster is still working on new mooring assignments as well as Temp  
36 Program assignments.

37 The new credit card payment tablets are being programmed by City Hall systems and  
38 the staff should be trained before the season starts.

39 The Harbormaster said the small boat is bottom painted and ready to be launched on  
40 4/2/2021.

41 The Harbormaster stated he responded to an area of Badgers Island after a Navy boat  
42 reported a dock adrift in the back channel and found a partially submerged wooden  
43 structure resting against a float mooring.

44 Permit Renewals to Date:

45 Moorings – 249 approved, 76 in various stages of approval, and 155 incompletes.  
46 Waitlist – 155 approved renewals, and 46 incompletes.

47 Launch Permits– 29 submitted and approved, 4 under review.

48 6. All Items involving Town Officials or invited guests

49 a. Adam Causey – Title 16 recodification

50 Adam Causey, the Director of Planning & Development, Bart McDonough, the Town  
51 Planner, and Craig Alfis, the Code Enforcement Officer spoke with the KPA about Title  
52 16 recodification. The KPA members requested a workshop with the Planning &  
53 Development department to review the changes in Title 16 recodification.

54 7. Public Hearing -None

55 8. Piers, Wharves & Floats - None

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

57 10. Unfinished Business - None

58 11. New Business

59 a. Kayak Storage Rental Traip Academy Boat Ramp.

60 The KPA board members discussed the kayak storage rental at Traip Academy boat  
61 ramp.

62 The Town Manager stated she wrote and emailed the Harbormaster a draft of rules and  
63 regulations that included kayak and paddle board storage general, assignment of  
64 storage with no waiting list, assignment of storage with waiting list, and storage permits.

65 b. Rules and Regulations addition of repair/replace in-kind language to add clarity. Chair  
66 Philbrook moved the Rules and Regulations changes to add repair/replace in-kind  
67 language to add clarity onto a Public Hearing at the May 6, 2021 KPA meeting,  
68 seconded by Mr. Lawrence.

69 Motion Carried 6-0-0

## 70 12. Committee and Other Reports

### 71 a. Communications from the Chairperson.

#### 72 1. In-person meetings can resume at Rec center.

73 The Board agreed to start having in person meetings the KCC.

74 2. Sam Reid gift of Wood Island Book, Chair Philbrook stated that Sam Reid had gifted  
75 the KPA a new Wood Island book.

76 3. Approved a repair/replace in kind for Steven and Linda Greco, 25 Chauncey Creek  
77 Road - removing an existing damaged float pile and replacing it with a new pile, replace  
78 in kind 16' x 24' float and replace in kind 3' x 30' gangway.

79 Chair Philbrook stated that she had approved and stated she wrote a letter to the board  
80 as well as included the letter in the board members April 1, 2021 packet.

81 4. Approved a repair/replace in kind for Philip and Delphine Lowe, 74 Chauncey Creek  
82 Road – replacing a 5'x 4' landing, 6'x 5' stairway, 6'x 28' fixed pier, 3.3'x16' gangway  
83 and a 10'x20' float.

84 Chair Philbrook stated that she had approved repair/replace in kind to replacing a 5'x 4'  
85 landing, 6'x 5' stairway, 6'x 28' fixed pier, 3.3'x16' gangway and a 10'x20' float.

86 5. Approved a repair/replace in kind for Jim Stott, 100 Pepperrell Road – replacing  
87 decking and railings on a 6'x 51' fixed pier and replacing decking on a 10'x 40' float  
88 system.

89 Chair Philbrook stated that she had approved the repair/replace in kind decking and  
90 railings on a 6'x 51' fixed pier and replacing decking on a 10'x 40' float system.

91 6. Approved a repair/replace in kind for Seaview Lobster, 43 Government Street-  
92 remove and replace 3 damaged piles and reinstall existing 2"x 8" pile stiffener and pile  
93 guide.

94 Chair Philbrook stated that she had approved the repair/replace in kind to remove and  
95 replace 3 damaged piles and reinstall existing 2"x 8" pile stiffener and pile guide.

96 13. Board Member Issues or Comments

97 Mr. Lawrence – None

98 Mr. McCollett – None

99 Mr. Bush stated he was glad the board is resuming in person meetings.

100 Mr. Johnston stated he was glad to be back and wanted to thank the board and the  
101 community for all their support this past month.

102 Vice Chair Patten stated he was glad to have Mr. Johnston back.

103 Chair Philbrook mentioned she had received a request from a resident about getting a  
104 "No Blocking path" sign for the ramp at Chauncey Creek Road and Seapoint by Rachel  
105 Carson.

106 14. Executive Session

107 15. Adjournment

108 Mr. Bush moved to adjourn at 7:09 P.M., seconded by Mr. Lawrence.

109 Motion Carried 6-0-0

Submitted by Kim Tackett

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



**PORT AUTHORITY RULES AND REGULATIONS  
PERTAINING TO THE HARBOR, PORT, AND CHANNELS, WITHIN  
THE TOWN OF KITTERY, MAINE**

**DRAFT: April 1, 2021**



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

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

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

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

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

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

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

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

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

[In Kind Repair means the general repair of pilings, decking, railings, footings, and other components of the structures.](#)

[In Kind Replacement means the replacement of pier structure, float or ramps in the exact same size, location, and footprint of the existing structure.](#)

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

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

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

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

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

**Marina** means a business establishment that has compliant frontage on navigable water and that provides, as its principal use, for hire moorings or docking facilities for vessels and yachts or any pier and float system capable of supplying four (4) or more 15' or greater slip spaces in addition to the main float as of July 5, 2007, but not including float systems in existence before



mooring for less than thirty days between May 1 and October 15. Placement of the mooring in the Temporary Mooring Site Use Program is considered “unused” for the purpose of this section

**3.17. Revocation of Mooring Site Permit**

**3.17.1.** The Harbormaster has the authority to revoke a person's mooring site permit for any violation of these rules and regulations. Upon revocation, the Harbormaster shall promptly notify the person that the mooring site permit has been revoked and the reasons for revocation by certified and first-class mail.

**3.17.2.** Mooring site revocation may be appealed to the Port Authority as specified in Section 7.

**3.17.3.** Any mooring holder who has had their mooring privilege revoked will forfeit any fees paid up to the time of revocation and be subject to any fines that may apply as set forth in Appendix A.

**3.18. Disposal of Mooring Tackle**

Upon the abandonment or revocation of a mooring site permit, the mooring tackle must be disposed of as follows:

Note: For the purpose of this section the term mooring site permit holder includes the mooring tackle owner if the tackle (hardware) is owned by another person.

**3.18.1. Order to Remove by Harbormaster**

The Harbormaster must notify the mooring site permit holder by certified and first-class mail of an Order to Remove a Mooring and include the provision of the Rules and Regulations that serves as the basis for removal and the deadline to remove the mooring. Mooring tackle not removed on or before the date set forth in the notice for removal, shall be removed or caused to be removed by the Harbormaster.

**3.18.2.** The Harbormaster, at the expense of the mooring site permit holder, shall take whatever action is deemed appropriate, including the removal and storage of the mooring tackle pending sale or other disposition by the Harbormaster.

**3.18.3.** An order to remove mooring tackle issued by the Harbormaster may be appealed in accordance with Section 7. An appeal in process does not stay any provisions of this section except that no sale of mooring tackle may occur until an appeal is finally determined.

**3.18.4. Unclaimed Mooring Tackle**

The owner will be responsible to pay all removal and storage fees of mooring tackle caused to be removed by the Harbormaster prior to reclaiming the tackle. If the owner fails to claim the tackle the Harbormaster will dispose of it in accordance with Title 25 MRS. Nothing in this section prevents the Harbormaster from retaining and reusing the unclaimed mooring tackle in lieu of selling it.

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

**4.1. Authority**

The Port Authority is the approving body for all marine-related structures to be built in the Town below the normal high-water mark. The Port Authority is also the approving authority for any integral infrastructure for water-dependent use which falls within one hundred feet above the normal high- water mark. In those cases, the requirements of the Town Code Title 16, Chapter

16.11, Marine-Related Development apply in addition to the requirements of these Rules and Regulations, the Maine Mandatory Shoreland Zoning Act and applicable Federal regulations.

## 4.2. Permits

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

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

## 4.3. Application Requirements

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

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

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

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

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

**4.3.5.** ~~Ten (10) sets of all submissions are required~~ Applications for in-kind repair or replacement must submit two (2) sets of all submissions. All other applications must submit ten (10) sets of all submissions.

## 4.4. Application Process

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

~~4.4.1.~~ **4.4.2.** For in-kind repair or replacement, the Chairman or designated agent may waive the application process Sections 4.4.3 – 4.4.8, and issue an approval of the application upon determining it is complete.

**4.4.2.4.4.3.** Upon acceptance, the Chairman shall place the application on the Authority's agenda for a Scheduling Hearing and issue a dated receipt to the applicant, which constitutes the official date of submission.

**4.4.3.4.4.4.** Where a project contains significant upland development as an integral part of the application, review by the BOA or Planning Board as appropriate is encouraged prior to Port Authority review as indicated in Chapter 16.11.3, Shorefront Development Plan Review of the Kittery Land Use and Development Code.

**4.4.4.4.4.5. Scheduling Hearing**

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

- (1) the applicant has legal standing by virtue of vested interest (right, title, or interest) in all properties under consideration;
- (2) the application is complete in accordance with these regulations and Title 16 (if Appropriate), or the Authority accepts and approves any requests for waivers of submission contents.

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

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

**4.4.5.4.4.6. Public Notice**

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

**4.4.6.4.4.7. Abutter Notice**

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

B. Notice must also be sent to the Code Enforcement Officer, Town Planner, and where applicable, the BOA, Planning Board, and Conservation Commission, at least seven days prior to the Public Hearing.

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

**~~4.4.7.~~4.4.8. Public Hearing**

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

B. The following rules apply to the hearing:

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

**~~4.4.8.~~4.4.9. Port Authority Action**

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

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

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

**~~4.4.9.~~4.4.10.** The applicant is responsible for the application fee in addition to all expenses associated with application process.

**4.5. Findings of Fact**

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

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

**4.6. Conditions of Approval**

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

**4.7. Performance Standards**

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

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

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

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

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

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

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

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



**KITTERY PORT AUTHORITY  
RULES & REGULATIONS  
APPENDIX A**

**PORT and HARBOR FEE SCHEDULE**

**A. Fines**

- |   |       |
|---|-------|
| 1. Rules and Regulations violation unless otherwise specified | \$50  |
| 2. Failure to remove dinghy by float-out                      | \$100 |

**B. Mooring Site Fees (Commercial & Recreational)**

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

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

**NOTE:** If, with the permission of the KPA and any other agency with jurisdiction, one side is used for rental, the fees noted in 2 and 3 above apply to the rented side. The Harbormaster may approve occasional use of an unused side by a visiting vessel at his discretion.

**C. Facility Use Permits**

Kittery Mooring Holders are exempt

- |  |                 |
|--|-----------------|
| 1. Kittery Resident Commercial Vessels     |                 |
| a. Single Use                              | \$50 per visit  |
| b. Seasonal Use                            | \$10 per foot   |
| 2. Non-Kittery Resident Commercial Vessels |                 |
| a. Single Use                              | \$100 per visit |
| b. Seasonal Use                            | \$20 per foot   |

**D. Transient Mooring and Slip Fees**

Maximum 14 consecutive days or at the discretion of the Harbormaster

- |   |                                      |
|---|--------------------------------------|
| 1. Town Transient Mooring Rental                                  | \$35 per night                       |
| 2. Town Transient Slip Rental Per Night:                          |                                      |
| a. Off Season from Float-In to June 14 and Labor Day to Float-Out | \$45 per night                       |
| b. In Season June 15 to Labor Day                                 | \$2 per foot; Minimum \$65 per night |
| 3. Receptacle Hook-Up   |                                      |
| a. First two consecutive nights                                   | \$15                                 |
| b. Each consecutive night thereafter                              | \$10                                 |

Maximum 2 hour

- |   |      |
|---|------|
| 1. Kittery Residents and Mooring Permit Holders |      |
| a. Vessels 30 Feet or Less Per Hour             | \$5  |
| b. Vessels 31 Feet or More Per Hour             | \$10 |
| 2. Non-Residents                                |      |
| a. Vessels 30 Feet or Less Per Hour             | \$10 |
| b. Vessels 31 Feet or More Per Hour             | \$20 |

**E. Boat Launch Ramp Fees**

Passes must be visible on trailer or vehicle dashboard

	Motorized	Non-Motorized
1. Season Launch Fee		
a. Resident	\$50	\$20
b. Non-Resident	\$125	\$75
c. Resident Elders (65 and over) & Active Duty Military	\$0	\$0
d. Non-Resident Elders (65 and over) & Active Duty Military	\$40	\$20
2. Daily Launch Fee		
a. Resident	\$10	\$5
b. Non-Resident	\$20	\$10
c. Resident Elders (65 and over) & Active Duty Military	\$0	\$0
d. Non-Resident Elders (65 and over) & Active Duty Military	\$10	\$5

**F. Dinghy Fees**

Seasonal tie-up to Town facilities

1. Resident	\$50
2. Non-Resident	\$120

**NOTE:** Only mooring holders may tie up dinghies on a seasonal basis.

**G. Other Fees**

1. Outhaul (one-time)	\$20
2. Mooring Site Wait List (Annual)	
a. Applicants on the Wait List prior to January 1, 2019	\$10
b. All Others	\$20
3. Town Storage of Vessels, Mooring Tackle, or Equipment*	\$50 per day
4. Swim Floats (one-time)	\$20

**NOTE:** Owner is responsible to pay removal costs incurred by the Harbormaster, in addition to Town storage fee prior to reclaiming vessels, mooring tackle, or equipment.

**H. Pier, Ramp, and Float Application Fees**

1. In Kind Repair or Replacement Application	\$0
2. All Other Applications	\$125

Map: \_\_\_\_\_  
 Lot: \_\_\_\_\_  
 Date Submitted: \_\_\_\_\_

**TOWN OF KITTERY  
 KITTERY PORT AUTHORITY**

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

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

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

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

partial privacy railing extending beyond the 42" limit, only on far end of bathroom deck.

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

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

2. Property Owner(s): Joseph R. Smith Jr.

3. Property Address: 5 Duncan Way Kittery Point, ME 03905

4. Telephone Number: 207-563-5208 Email: sues@tidewater.net  
 (REQUIRED) 207-631-1479 (REQUIRED) sarah@maine.rr.com

5. Property Size (Acres/SF): .25 Zoning District(s): Kittery Point Village, Commercial Fisheries, Resource Protection, Shoreland Protection

6. The shore frontage of this property is 69 feet, measured at the high water line in a straight line, stake to stake.

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

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

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

Applicant Signature: Joseph R. Smith Jr Date: 4/7/21

Property Owner Signature: Joseph R. Smith Jr Date: 4/7/21

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

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

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

Fee Paid, Amount: \$125.00 Date: 4/13/2021



## INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

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

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

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

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

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

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

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

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

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

MISCELLANEOUS PAYMENT RECPT#: 654634  
TOWN OF KITTEERY - LIVE  
200 ROGERS ROAD  
KITTEERY ME 03904

DATE: 04/13/21            TIME: 10:32  
CLERK: 220codeca        DEPT:  
CUSTOMER#: 0

PARCEL: 5 DUNCAN WAY

CHG: 10            DESIGNATED ACCO            125.00

AMOUNT PAID:            125.00

PAID BY:            SUSAN SMITH

PAYMENT METH: CHECK

1500

REFERENCE:            CV

AMT TENDERED:            125.00

AMT APPLIED:            125.00

CHANGE:                    .00

Sarah Pierson  
18 Veronica Lane  
Falmouth, ME 04105  
207-415-2165

May 12, 2021

To Members of The Kittery Port Authority,

I am writing this request on behalf of my father, Joseph (Jay) Smith Jr., who owns the property at 5 Duncan Way in Kittery Point. This proposal pertains to the boathouse deck that is below the high water mark on the property. I am proposing to put a privacy railing on an 8 foot section of the boathouse deck. This railing would gain us some privacy from our neighbors and also them from us.

This railing would be a gradual incline that will start at regulation height and then reach 5 1/2 feet where it would meet the boathouse. All other railings will be cable wire. I have attached a picture for you to see an example of what this railing would look like, along with a few other photos of the spot that the railing would go. This is only an 8 foot section and raising this height will not impact anyone's view. My father discussed it with Frank Begley, the abutting neighbor, on May 6 and he does not object to this proposal.

I have attached the proposal form, a copy of the properties deed, a copy of the building permit for this site, a photo of the high water mark and a few other photos for you to look at. If you need any other information pertaining to this proposal you can email me at [sarah@maine.rr.com](mailto:sarah@maine.rr.com) or reach me by phone at 207-415-2165. Also, if you need to reach Jay Smith his number is 207-631-1479.

Thank you for your time and consideration!

Sincerely,



Sarah Pierson

Proposed Railing



↓ Existing deck



Red circle is where the railing would be.

5 Dunman Way



List of Abutters within 150 feet of 5 Duncan Way's shorefront property line include:

Sheela Pierson (1 Pepperrell Road)

Frank and Dianne Begley (7 Duncan Way)

George King (9 Duncan Way)

**Know All Men by These Presents,**

**That** I, J. RUSSELL SMITH, Sr., of Kittery, County of York, State of Maine,

in consideration of One Dollar and other valuable considerations  
(less than One Hundred Dollars)

paid by J. RUSSELL SMITH, Jr., of Kittery, County of York, State of Maine,

the receipt whereof I do hereby acknowledge, do hereby give, grant,  
bargain, sell and convey unto the said J. RUSSELL SMITH, Jr., his

heirs and assigns forever, a certain lot or parcel of land in said Kittery, located on a private way leading northerly from Pepperrell Road and being lot numbered 3W on a "Plan of Property of James H. Walker, Kittery Point, York County, Maine" by C. S. Gerrish, C.E., Revised by H. D. Walker to be filed in the York County Registry of Deeds.

Said lot is bounded and described as follows: Beginning on the westerly side of said private or reserved way at a hub, two hundred thirty-eight (238) feet northerly from said Pepperrell Road; thence North  $70^{\circ}$  West by land of James H. Walker, one hundred fifty-nine (159) feet to the shore of Spruce Creek; thence North  $26^{\circ}$  East by said creek, sixty-nine (69) feet to a hub; thence South  $76^{\circ}$  East, one hundred forty-one (141) feet by lot No. 4W to said reserved way; thence South  $14^{\circ}$  West by said way, eighty-two (82) feet, to the place of beginning.

Together with the land and shore privileges lying between high and low water mark of Spruce Creek on the westerly side of said lot. Also conveying the right to use the twenty-five foot roadway to Pepperrell Road.

Grantor, in making this conveyance, reserves a life estate in the form of a twenty foot right of way leading from Duncan Avenue, so-called, along the north-west side of the land conveyed and that of one Willard to Spruce Creek, and specifically a right to maintain and use a building and wharf presently located on the proposed right of way. This reservation further guarantees the Grantor the right to maintain the said building and wharf, and control thereof.

Being the same premises conveyed to the Grantor by Warranty Deed from A. Lillian Walker dated February 21, 1942, and recorded in York County Registry of Deeds in Book 992 at Page 277.

LIBER 1835 PAGE 206

On this day and in full the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said J. RUSSELL SMITH, Jr.

his heirs and assigns, to his and their use and behoof forever.

And I do covenant with the said Grantee, his heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In witness whereof, I, the said J. RUSSELL SMITH, Sr.

and ELSIE C. SMITH

wife of the said J. RUSSELL SMITH, Sr.

joining in this deed as Grantors, and relinquishing and conveying all our right by descent and all other rights in the above described premises, have hereunto set our hands and seals this twenty-first day of March in the year of our Lord one thousand nine hundred and sixty-nine.

Signed, Sealed and Delivered in presence of

Mary F. Gracher  
Samuel L. Nichols, Jr.

J. Russell Smith, Sr.  
Elsie C. Smith, Sr.

State of Maine. York, ss. March 21, 19 69.

Personally appeared the above named J. RUSSELL SMITH, Sr.

and acknowledged the foregoing instrument to be his free act and deed.

Before me, Mary F. Gracher  
York, ss. Received MAR 24 1969 at 9:48 AM A.M. Justice of the Peace  
and recorded from the original. Notary Public





# Building Permit

## Town of Kittery

200 Rogers Road  
Kittery, ME 03904  
(207) 475-1308  
ceo@kitteryme.org

**Permit Number:**  
BP-21-42  
**Date of Issue:**  
February 18, 2021  
**Permit Expiration:**  
February 18, 2023  
**Construction Cost:**  
\$70,000  
**Permit Fee Paid:**  
\$745

**Owner:** SMITH JR, JOSEPH R  
47 Lakeview Drive  
**Owner Address:** PO Box 140  
Nobleboro, ME 04555-0140  
**Applicant:** Sarah Pierson (Smith)  
**Contractor:** Jason Smith **License:**  
**Contractor Address:** 2 Evergreen Drive Kittery, ME, ME 03904  
**Phone:** 207-415-7782  
**Property Address:** 5 DUNCAN WAY  
**Map/Lot:** 18 3 **Zoning:** R-KPV  
**Building Code:** Maine Uniform Building & Energy Code - ICC Codes 2015 and IECC 2009

### Description of Work:

Remodel of existing boathouse. Keeping the structure the same size and just updating.

### Conditions of Approval/Staff Comments:

### Certification:

The Owner/Applicant has certified that the information contained in this application and any related submissions to be true and accurate to the best of their knowledge. The Owner/Applicant understands that they are responsible for compliance with all applicable Town, State and Federal regulations and that failure to comply may result in the imposition of fines, legal fees, and the abatement of any violations to include abandonment of use and occupancy and corrective action such as the removal or modification of improvements if setbacks or other requirements have not been met and satisfied. The Owner/Applicant understands that this they will not make use of the improvements without first having obtained an Occupancy Permit and will notify the Code Enforcement Officer of any changes to this application. By signing this permit, the Owner/Applicant authorizes property access by town officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

**THIS PERMIT ISSUED IS SUBJECT TO APPLICABLE ORDINANCES AND MUBEC AS ADOPTED BY THE STATE OF MAINE AND TOWN OF KITTERY AND IS ONLY VALID FOR WORK AS DESCRIBED ON THIS PERMIT APPLICATION.**

This permit is expired if substantial work has not commenced within six months from date of issue and substantially completed within two years per Title 16.5.2.4.

**THIS PERMIT CARD SHALL BE POSTED AND VISIBLE FROM THE STREET DURING CONSTRUCTION**

This is an e-permit. To learn more, visit [kitteryme.viewpointcloud.com/#/records/10347](https://kitteryme.viewpointcloud.com/#/records/10347)

<https://kitteryme.viewpointcloud.com/track/10347/step/36484>

TOWN OF KITTERY  
KITTERY PORT AUTHORITY

Map:	<u>34</u>
Lot:	<u>16</u>
Date Submitted:	<u>4/14/2021</u>

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

Contact: kpa@kitteryme.org

Website: kitteryme.gov

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

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

5' x 20' Floating Boat Dock & 2' x 50' Raised Walkway over Marsh Grass.

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

Yes, it is in-kind repair

No, there will be modifications

2. Property Owner(s): BRYAN CORMIER

3. Property Address: 12 Goose Pt, Kittery Pt.

4. Telephone Number: 617 413 0800  
(REQUIRED)

Email: BRICORM@YAHOO.COM  
(REQUIRED)

5. Property Size (Acres/SF): 1.9 AC.

Zoning District(s): RR

6. The shore frontage of this property is 185 feet, measured at the high water line in a straight line, stake to stake.

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

If No, please explain:

APPLIED 2017: WALKWAY OVER GRASS WAS REQUESTED TO ADD. - Reapplying now.

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

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

Applicant Signature: [Signature] Date: 4/4/21

Property Owner Signature: [Signature] Date: 4/4/21

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

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

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

Fee Paid, Amount: \$125.00 Date: 4/14/2021

## INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

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

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

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

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

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

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

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

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

Planning Board review may be required if there is inland development (Title 16-11 Marine Related

MISCELLANEOUS PAYMENT RECPT#: 654815  
TOWN OF KITTERY - LIVE  
200 ROGERS ROAD  
KITTEY ME 03904

DATE: 04/14/21                    TIME: 14:32  
CLERK: 220codeca                DEPT:  
CUSTOMER#: 0

PARCEL: 12 GOOSE POINT

CHG: 10            DESIGNATED ACCO                    125.00

AMOUNT PAID:                    125.00

PAID BY:            BRIAN COMRIER  
PAYMENT METH: CHECK  
                    805  
REFERENCE:            CV

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

Dear Kittery Port Authority;

I had applied for a dock in 2017 and it was requested I add a walkway over grass.

Since I was interested in keeping my project small and low impact both environmentally and visually, I was reluctant to build a walkway due to esthetics.

I believe I now have found a minimalist solution with all components being portable and with the smallest footprint possible.

Attached please find my re-application for a dock float and walkway including:

- Application fee.
- Lettered pages at top right corner corresponding to page 2 instructions.
- Highlighted items corresponding to specific required items of Page 2 instructions.
- Army Corp approved permit.
- Maine DEP letter verifying temporary structures do not require a permit.

Thank You  
Sincerely,  
Bryan Cormier  
12 Goose Point  
Kittery Point, Maine 03905  
[Bricorm@yahoo.com](mailto:Bricorm@yahoo.com)  
617- 413- 0800

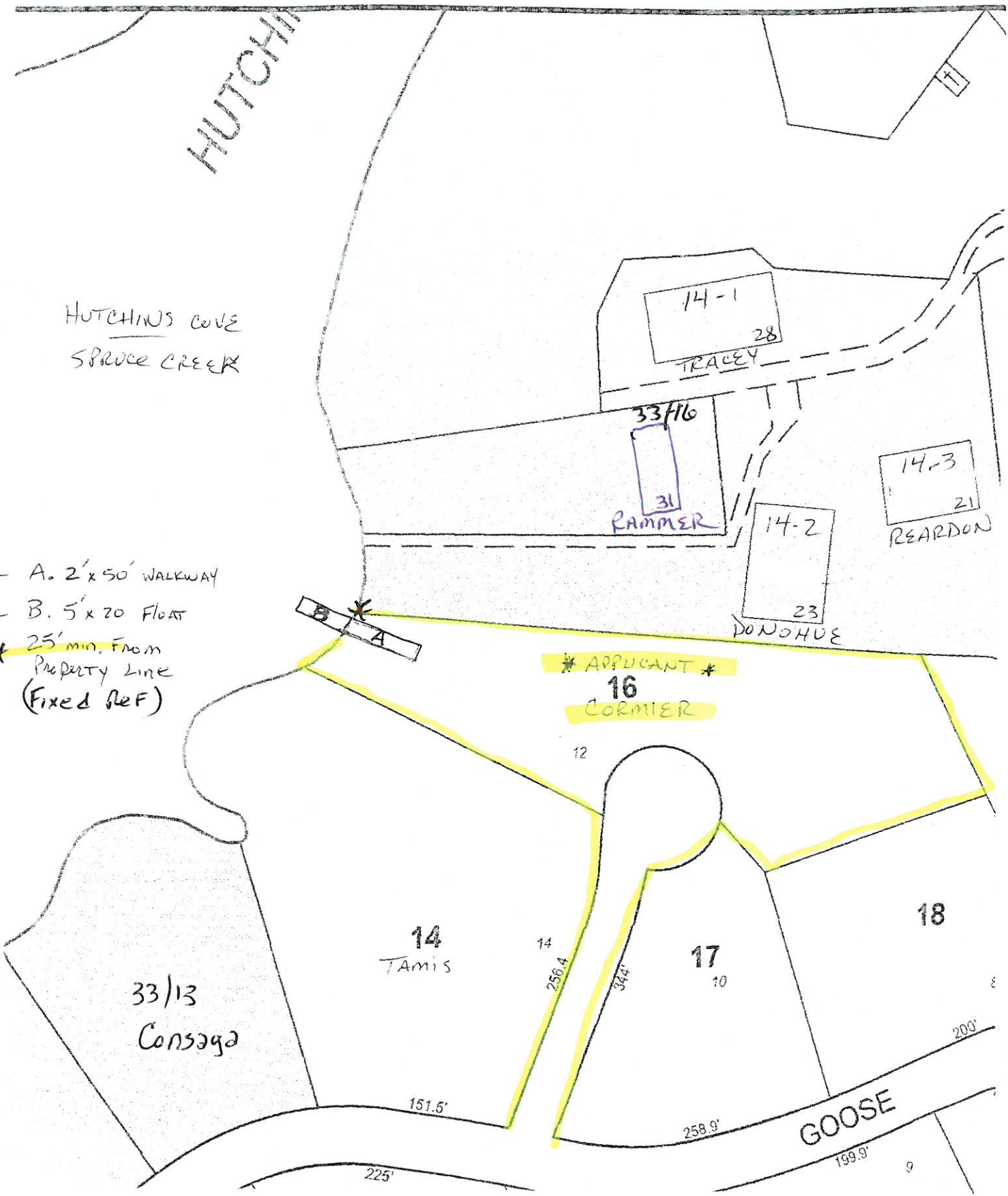
HUTCHINSON

HUTCHINSON COVE  
SPRUCE CREEK

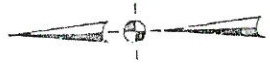
- A. 2' x 50' WALKWAY
- B. 5' x 20' FLOAT
- \* 25' min. From Property Line (Fixed Ref)



\* APPLICANT \*  
**16**  
CORMIER



OBSERVED MAGNETIC NORTH  
DECEMBER 1985



1949/340  
N/F  
DONOHUE  
- REAR DON  
- TRACER  
4/1/14

\* APPLICANT  
CORMIER  
(15) N/F  
DORNEY HOMESITES INC  
1761/365

(16) N/F  
DORNEY HOMESITES INC  
1761/365  
CORMIER

(18) N/F  
DORNEY HOMESITES INC  
1761/365

(17) N/F  
FLETCHER  
2529/194

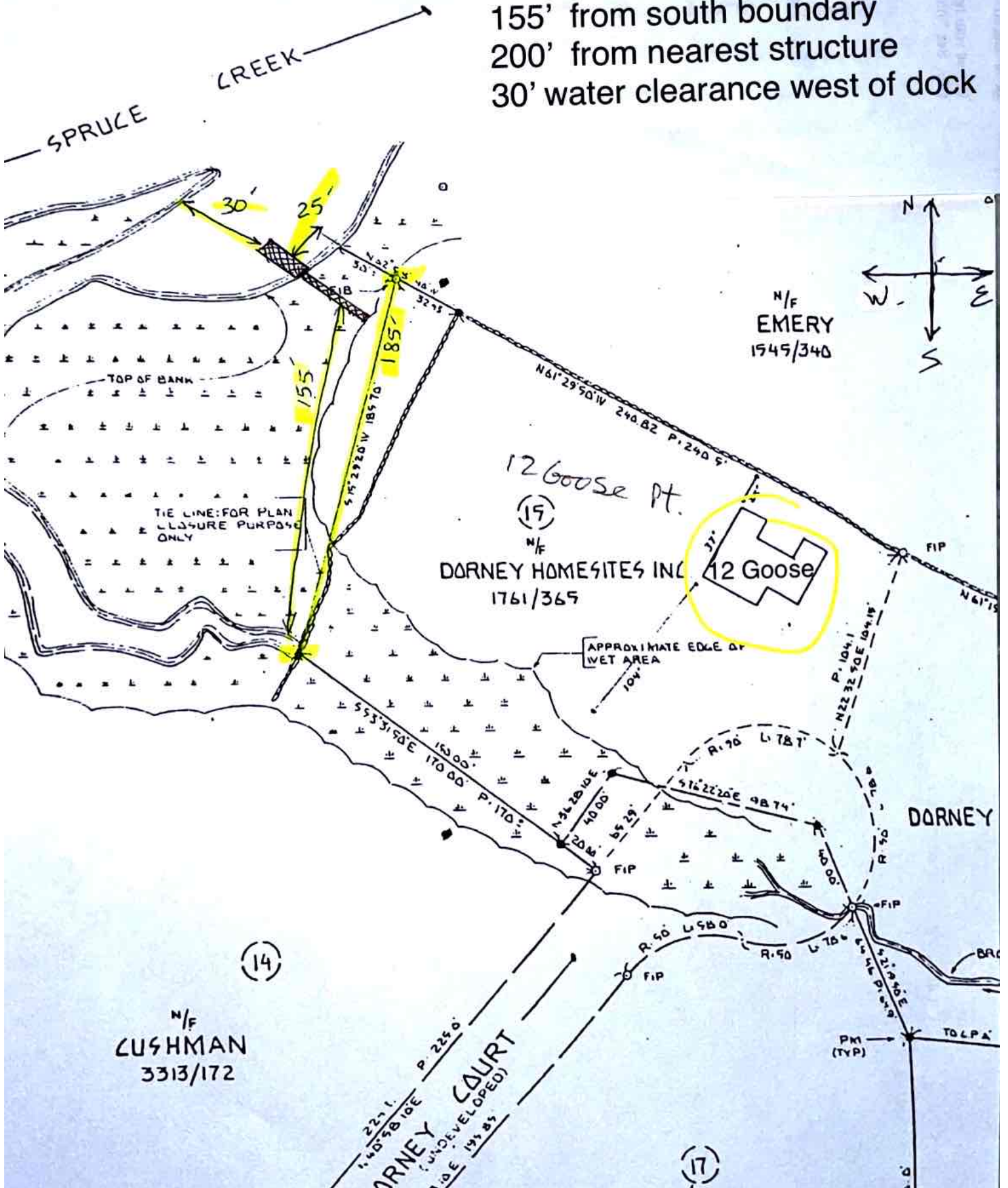
(14) N/F  
TAMIS  
00101/112

SPRUCE

THE LINES FOR PLANNING  
RECREATION PURPOSES  
ARE ONLY

- A. 2' x 50' WALKWAY OVER GRASS
- B. 5' x 20' FLOATING DOCK
- \* 25' MIN FROM PROPERTY LINE (14)  
(Fixed Ref)

25' from north boundary  
 155' from south boundary  
 200' from nearest structure  
 30' water clearance west of dock





9:31



NEAREST  
STRUCTURE

12  
GOOSE  
POINT

1" = 100'  
APPROX

Google

Goose Point Rd

100 ft  
20 m

Go

Goose Point Rd



List of 12 Goose Point Abbutters:

1. Robert Consaga – 16 Goose Point (Map/Lot: 33/13 )
2. James Donahue – 23 Hiltons Run (Map/Lot: 41/14 )
3. Shelly Tamis – 14 Goose Point (Map/Lot: 33/14 )
4. Stephan Rammer – 31 Hiltons Run (Map/Lot: 33/16 )

1

Corrective \*  
**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS: That I, **Lynda I. Riley**, of 12 Goose Point, Kittery, ME 03904, for consideration paid grant to ~~Brian~~ **Cormier**, of 74 Brave Boat Harbor Road, Kittery Point, ME 03905, with WARRANTY COVENANTS: \*Bryan

A certain tract or parcel of land with the buildings thereon, situated on the northwesterly side of "Dorney Drive", so-called, in said Town of Kittery, County of York and State of Maine, and being Lots No. 15 and 16 as shown on amended plan known as "Standard Boundary Survey Plan Showing Proposed Revisions To Lots 15 & 16 of Dorney Homesites Inc., Dorney Court, Kittery, Maine", prepared by Oak Point Associates, Engineers & Surveyors dated December 31, 1985 and recorded at the York County Registry of Deeds in Plan Book 147, Page 11, to which Plan reference may be made for a more particular description.

TOGETHER WITH a right of way over Dorney Court as shown on said Plan.

Subject to conditions, reservations and restrictions recited in deed recorded at the said Registry in Book 3779, Page 331.

Subject to easements, restrictions, agreements and reservations of record, if any, if there be, insofar as the same may be in force and applicable.

Meaning and intending to describe and convey the same premises conveyed to Lynda I. Riley by virtue of a deed from William W. Bowdren and Jeanne C. Bowdren dated September 1, 2000, recorded in the York County Registry of Deeds at Book 10202, Page 064.

Executed this November 30, 2015.

\*The purpose of a corrective deed is to correct the Grantee's name which was misspelled on the deed recorded at Book 17143, Page 402.

Lynda I. Riley  
Lynda I. Riley

State of Maine  
County of York

November 30, 2015

Then personally appeared before me the said Lynda I. Riley and acknowledged the foregoing to be her voluntary act and deed.



Robin E. Estes  
Notary Public/Justice of the Peace  
Commission expiration: 05/31/2021

Red Door Title • 1 New Hampshire Avenue, Suite 320 Portsmouth NH 03801 • (207) 358-7500

**12 GOOSE POINT**

**Location** 12 GOOSE POINT

**Mblu** 34/ 16/ //

**Acct#** 34/16

**Owner** CORMIER, BRYAN

**Assessment** \$609,500

**Appraisal** \$609,500

**PID** 2397

**Building Count** 1

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2015	\$268,800	\$340,700	\$609,500

Assessment			
Valuation Year	Improvements	Land	Total
2015	\$268,800	\$340,700	\$609,500

**Owner of Record**

**Owner** CORMIER, BRYAN

**Sale Price** \$0

**Co-Owner**

**Certificate**

**Address** 12 GOOSE POINT

**Book & Page** 17148/480

KITTERY POINT, ME 03905

**Sale Date** 11/30/2015

**Instrument** 1F

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CORMIER, BRYAN	\$0		17148/480	1F	11/30/2015
BRIAN CORMIER	\$500,000		17143/402-403	1N	11/30/2015
RILEY, LYNDA I	\$442,000		10202/64	00	09/01/2000
BOWDREN, WILLIAM W & JEANNE C	\$0		3779/331		03/07/1986

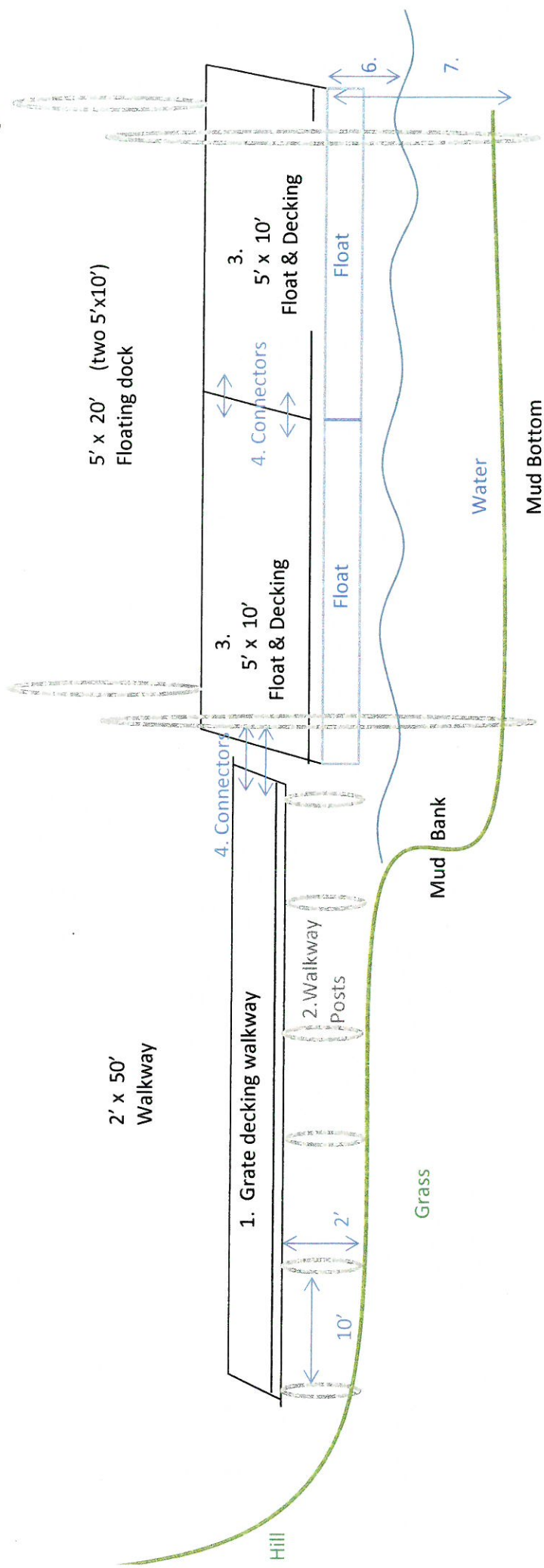
**Building Information**

**Building 1 : Section 1**

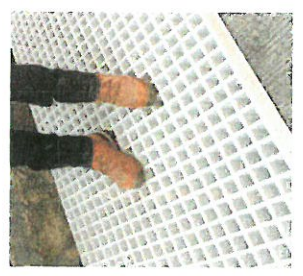
**Year Built:** 1987  
**Living Area:** 2,166  
**Replacement Cost:** \$287,984  
**Building Percent** 90  
**Good:**  
**Replacement Cost**

**Summary:**

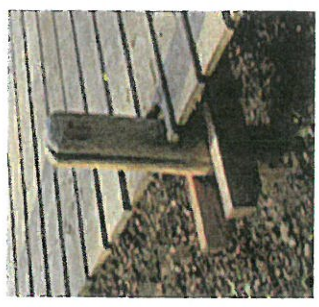
Construction of one 2' x 50' raised walkway 2' high with large grated decking allowing sunlight for marsh grass and leading to a 5' x 20' floating dock composed of two 5' x 10' floating dock sections and stabilized by 4 mud augers securing all to mud bottom.



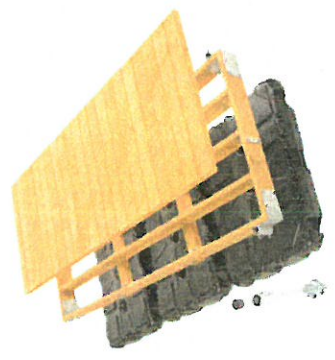
1. Grate decking walkway over grass for sunlight



2. Walkway Posts



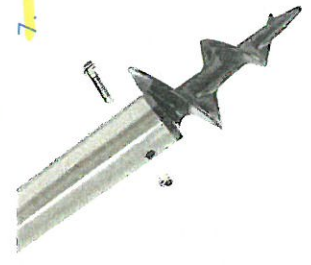
3. Float & decking



4. Connectors



5. Aluminum Posts with mud Auger

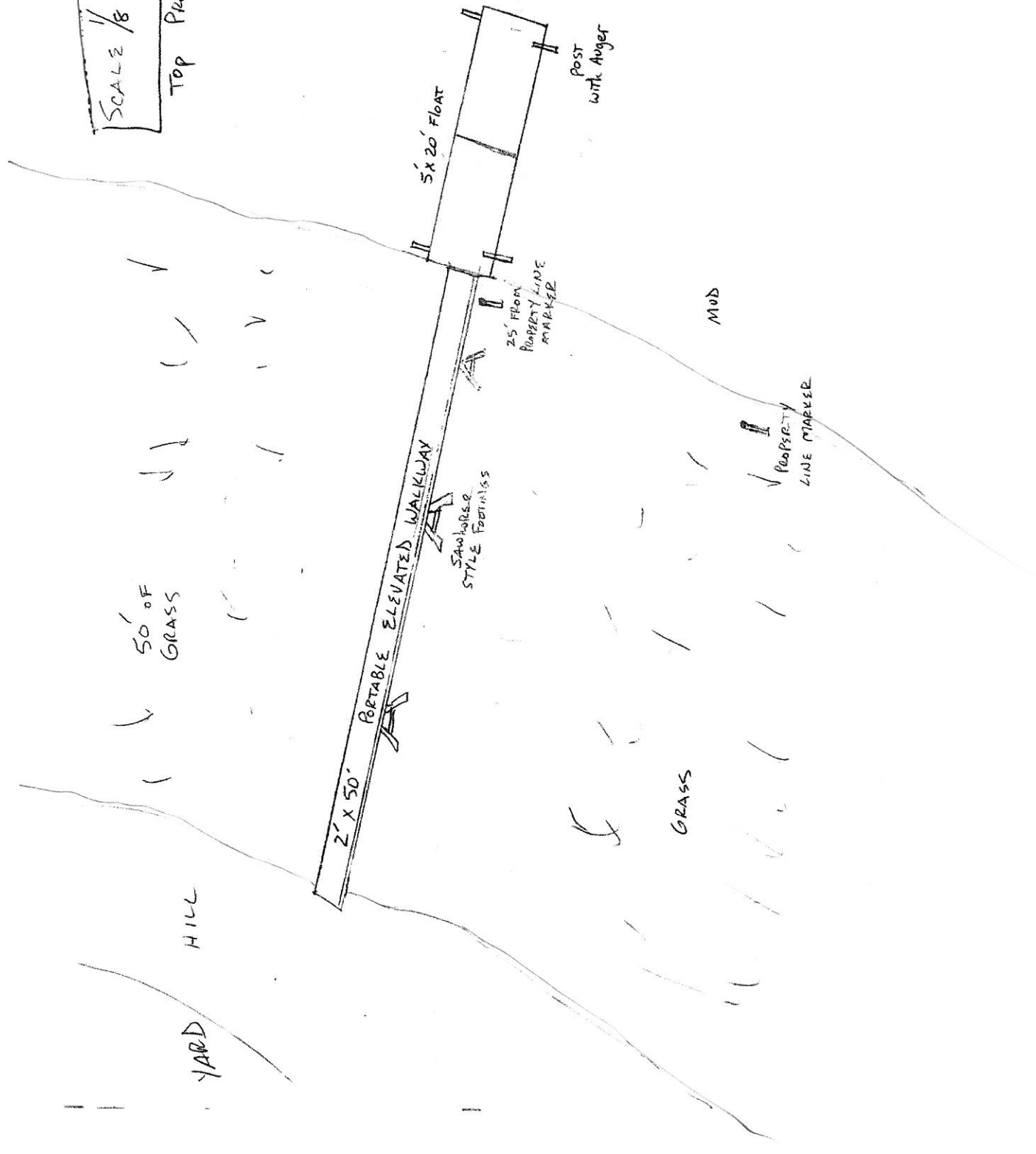


6. 1' Mean high

7. 5' Mean low

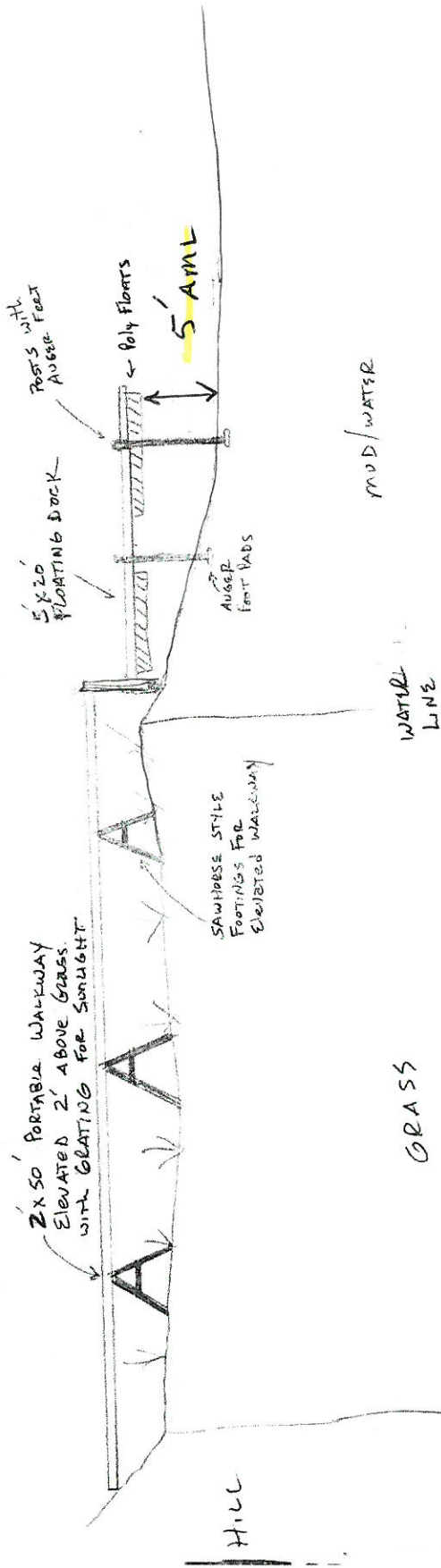
(P)

SCALE 1/8" = 1'  
TOP PROFILE



SCALE 1/8" = 1'

SIDE PROFILE





REPLY TO  
ATTENTION OF

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

*Army Corp  
Permit*

Regulatory Division  
CENAE-RDC

April 7, 2021

Bryan Cormier  
12 Goose Point  
Kittery, Maine 03905

Dear Mr. Cormier:

This concerns Department of the Army general permit, number NAE-2017-00864, issued on July 14, 2017, which authorized the installation of a seasonal pier, ramp and float in Spruce Creek at Kittery Point, Maine.

In accordance with your request, the permit is hereby amended to authorize a modification of the authorized structures. You are hereby authorized to instead install and maintain a 50' x 2' elevated walkway leading from shore to a line of 20' x 5' pipe pile supported floats. All structures will be seasonal. This work is shown on the attached plans entitled "Proposed Seasonal Pier and Floats, Bryan Cormier, 12 Goose Point, Kittery Point, Maine" in three sheets dated "4/7/21".

All conditions of the original permit remain in full force and effect.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Digitally signed by  
CLEMENT.JAY.LANGDON.100635  
0980  
Date: 2021.04.07 15:12:29 -04'00'

FOR Frank J. Del Giudice  
Chief, Permits & Enforcement Section  
Regulatory Division



Army Corp.  
OLD PERMIT 2017



REPLY TO  
ATTENTION OF

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

MAINE GENERAL PERMIT (GP)  
AUTHORIZATION LETTER AND SCREENING SUMMARY

BRYAN CORMIER  
12 GOOSE POINT  
KITTERY POINT, MAINE 03905

CORPS PERMIT # NAE-2017-00864  
CORPS GP ID# 16-222  
STATE ID# Exempt

DESCRIPTION OF WORK:

Construct and maintain a 50'x 4' elevated seasonal pier with a 16'x 4' ramp leading to a 10'x 12' float in Spruce Creek at Kittery Point, Maine. This work is shown on the attached plans entitled "Proposed Pier, Ramp & Float, Bryan Cormier, Kittery Point, ME" in three sheets dated "6/15/17".

LAT/LONG COORDINATES : 43.097679° N -70.715774° W USGS QUAD: KITTERY, ME

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 enclosed Federal Permit, the Maine General Permit (GP). 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 Additional Conditions and any conditions placed on the State 401 Water Quality-Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP 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 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

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: \_\_\_\_\_ LURC: \_\_\_\_\_ DMR LEASE: \_\_\_\_\_ NA: X

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 4/20/17 LEVEL OF REVIEW: CATEGORY 1: \_\_\_\_\_ CATEGORY 2: 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 207-623-8367 at our Manchester, 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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

*Jay V. Clement*  
JAY V. CLEMENT  
SENIOR PROJECT MANAGER  
MAINE PROJECT OFFICE

*for Michael L. Hule* 7/14/2017  
FRANK J. DEL GIUDICE DATE  
CHIEF, PERMITS & ENFORCEMENT BRANCH  
REGULATORY DIVISION

From: Bryan Cormier brycorn@yahoo.com  
Subject: Re: MDEP jurisdiction information  
Date: Apr 13, 2021 at 2:33:12 PM  
To: Sirois, Alison Alison.Sirois@maine.gov

~~ME DEP~~  
~~Not Reg'd~~

Thank you, army permit is already in hand

Thank you.

On Apr 13, 2021, at 1:47 PM, Sirois, Alison <[Alison.Sirois@maine.gov](mailto:Alison.Sirois@maine.gov)> wrote:

Hi Bryan

Based on your sketch and provided no structure, including the anchor piles remain in the ground for longer than a seven month period , your proposed walkway , ramp and float would be consider temporary for the department and would not require permitting. However, this will require Army Corp permitting if there are any impacts (temporary or permanent) below the mean high tide.

Alison Sirois  
Regional Licensing and Compliance Manager, Southern Maine  
Bureau of Land Resources, Maine Department of Environmental Protection  
Phone [\(207\)699-7028](tel:(207)699-7028) Office [\(207\)822-6300](tel:(207)822-6300)  
[www.maine.gov/dep](http://www.maine.gov/dep)

---

**From:** Bryan Cormier <[brycorn@yahoo.com](mailto:brycorn@yahoo.com)>  
**Sent:** Wednesday, April 07, 2021 1:06 PM  
**To:** Sirois, Alison <[Alison.Sirois@maine.gov](mailto:Alison.Sirois@maine.gov)>  
**Subject:** Re: MDEP jurisdiction information

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thank you.

Attached are the items you requested.

Thank you.



TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: \_\_\_\_\_
Lot: \_\_\_\_\_
Date Submitted: \_\_\_\_\_

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

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

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

The following application is submitted for the construction, modification, reconstruction of a:
Replacement of an existing 67.5' x 6' pier, 3' x 24' gangway, 10' x 40' float, 22' x 12' boat house and 11.5' x 8' overwater deck.

- 1. This project is an in-kind repair/replacement, which will not expand, move, or modify the style of the existing structure: [X] Yes, it is in-kind repair [ ] No, there will be modifications
2. Property Owner(s): James Lynch
3. Property Address: 178 Whipple Road, Kittery, Maine
4. Telephone Number: (REQUIRED) Email: James.P.Lynch44@gmail.com (REQUIRED)
5. Property Size (Acres/SF): 1.75 Zoning District(s): Residential-Urban
6. The shore frontage of this property is 558 feet, measured at the high water line in a straight line, stake to stake.
7. This is my first Kittery Port Authority application for this property: Yes [ ] No [ ] Unknown [ ] If No, please explain: Unknown what/if any KPA application has been submitted under prior owner.
8. LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement. Property Deed Enclosed
9. ADDITIONAL PERMITS/APPROVALS THAT MAY BE REQUIRED: (attach applications to submittal)

Table with 4 columns: Permit/Approval Name, Status (X/ ), Department/Category, and Status (X/ ). Rows include Army Corps of Engineers, Dept. of Environmental Protection Permit, Department of Conservation, and Other (specify):.

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

Applicant Signature: [Signature] Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agent Name: Matthew R. Cardin Agent Firm: Cardin Environmental

Agent Phone: 603-988-6635 Agent Email: Matt@CardinEnvironmental.com (REQUIRED)

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

Fee Paid, Amount: \$125 Date: \_\_\_\_\_ ASA Paid, Amount: NA Date: \_\_\_\_\_

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

**INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION**

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

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

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

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

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

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

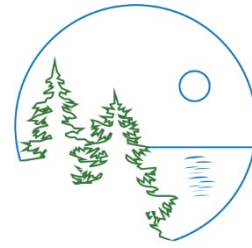
US Army Corps of Engineers  
Maine Project Office  
675 Western Avenue, #3  
Manchester, ME 04351  
(207) 623-8367

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

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

April 15, 2021

Town of Kittery Port Authority  
200 Rogers Road  
Kittery, ME 33904



Re: KPA Application for Pier Replacement  
178 Whipple Road, Map 17, Lot 22, Kittery, Maine

Dear Kittery Port Authority,

Please find enclosed for your review and consideration an application for the replacement of an existing pier, gangway, float, boat house and deck located at 178 Whipple Rd, Map 17, Lot 22, Kittery, Maine. Enclosed are the following:

1. Kittery Port Authority Application & Application Fee - \$125
2. Attachment A – Tax map w/subject property highlighted
3. Attachment B – Application Plans
4. Attachment C – Abutters List
5. Attachment D – Proof of Property Legal Interest – Property Deed
6. Attachment E – Site Photographs
7. Attachment F – Department of Marine Resources Time-of-Year Correspondence

### **Existing Conditions**

The subject property is a 1.75-acre property located off Whipple Road, Kittery Maine with approximately 558 feet of water frontage on the Piscataqua River. The property is a residentially developed property containing a main dwelling, driveway, several ancillary structures, boat house, permanent dock and attached deck area and maintained lawn. The property is stabilized along the waterfront with a combination of natural ledge/boulder shoreline and maintained riprap/stone shoreline. The subject marine structure is located on the property along the southern waterfront edge, approximately 110 feet off the eastern property boundary. The marine structure consists of a 67.5' x 6' (+/-) fixed pier, 24' x 3' gangway, 10' x 40' float, a 22' x 12' boat house pier, and a 11.5' x 8' overwater deck. All portions of the existing structure is in deteriorating condition and are proposed for in-kind, in-place replacement.

The mean high-water line coincides with the existing ledge shoreline. At the location of the marine structure, the mean low water extends approximately 85' feet from the mean high-water.

The intertidal zone extending from the seawall consists of native rock, gravel and sand. The lower intertidal zone contains a high percent cover of rockweed (*Ascophyllum nodosum*). The intertidal zone does not fit the description of a special aquatic site (SAS).

### **Tidal Dock, Boat House and Deck Replacement**

Due to the deteriorating condition of the support fixed pier, gangway, float, boat house pier, deck and associated pilings and cross braces, this application is to replace the entire structure as an in-place replacement. The existing footprint of the pier, boat house and deck will not change. The replacement pier will consist of a uniform set of 12" diameter, Class B CCA treated pilings, top caps, stringers and cross braces typical of modern dock design.

The proposed pier will consist of 5 sets of (2) 12", Class B pilings at approximately 13' bents. A 12" x 12" CCA treated top cap will span the width of the 5 sets of pilings and pinned using a 1" diameter rod. The top cap will extend beyond the outer piles by approximately 12". The boat house will be supported by (2) sets of 5 piles across. The deck will be built using 12" x 12" top cap along the length and 3" x 10" floor joists pinned to the top cap. The deck will be replaced with (4) piles placed at each corner with the deck consisting of 3" x 10" floor joists. The frame and footprint of the pier, boat house and deck will be replaced as an in-kind, in-place replacement with the same dimensions as the existing structures.

Building material used for the pier will be CCA treated lumber and all hardware will be galvanized.

Demolition of the boat house will be done during low-tide in order to contain and dispose of all debris. Polyethylene sheeting or similar will be used to capture construction debris during demolition of the existing boat house. All debris will be disposed into a large dumpster for proper disposal off-site.

#### **Permit Application**

For the Port Authority's review and consideration, all materials required by the KPA are enclosed here in. I trust that the information included in this letter and the attachments enclosed completes the application.

Additionally, a Permit By Rule application will be sent to Maine Department of Environmental Protection and a Self-Verification Form will be sent to the US Army Corps of Engineers. Correspondence with the Department of Marine Resources regarding time-of-year for construction has been received and is enclosed as Attachment F for your information.

If there are any questions regarding the application or completion of the application, please don't hesitate to contact me at [Matt@CardinEnvironmental.com](mailto:Matt@CardinEnvironmental.com) , or by phone at (603) 988-6635.

Best Regards,

A handwritten signature in blue ink, appearing to read "Matt Cardin".

Matthew R. Cardin, NH CWS

Attachment A

Tax Map Figure



# 178 Whipple Road - Property Map

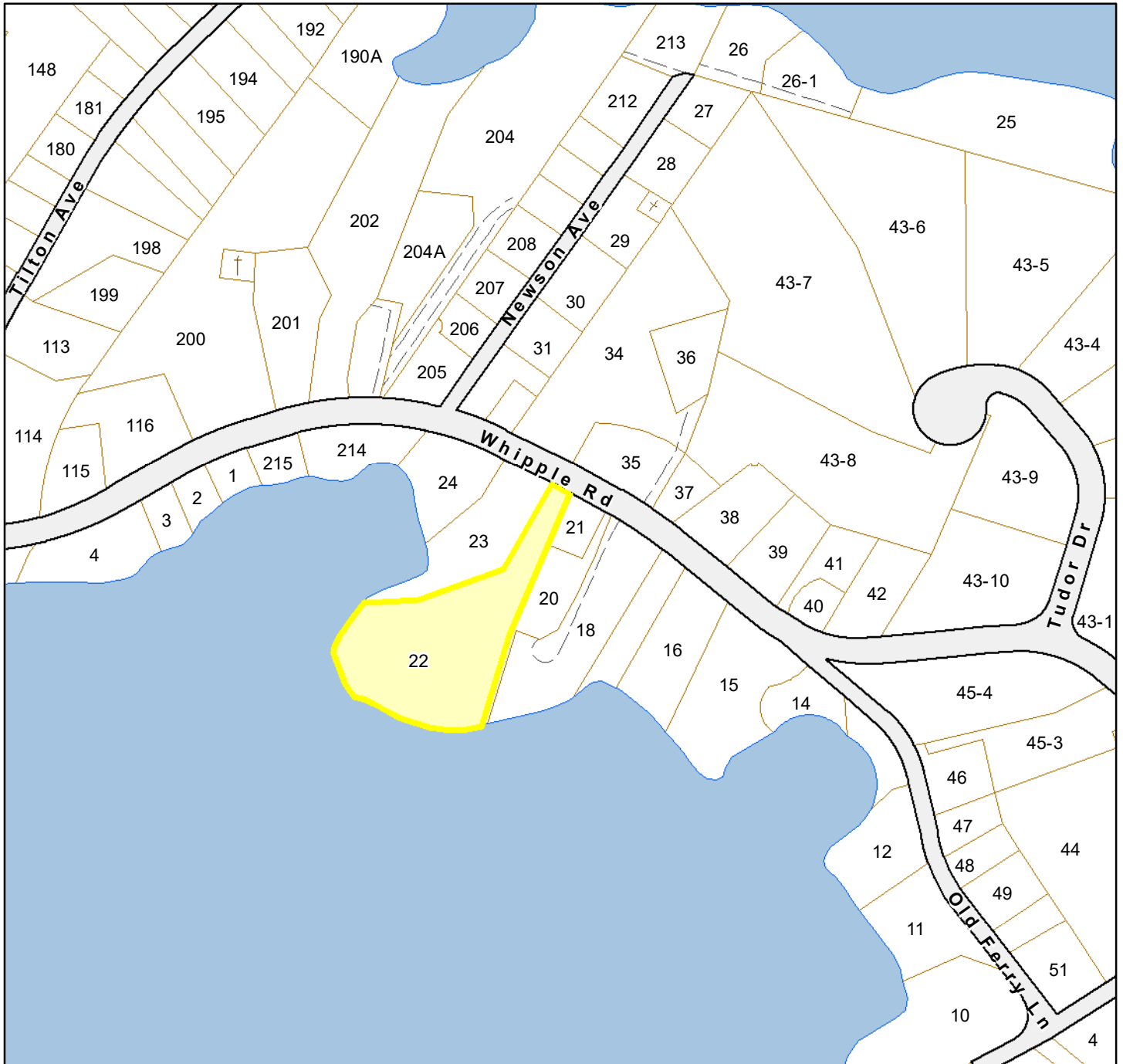
Kittery, ME



1 inch = 275 Feet



April 6, 2021

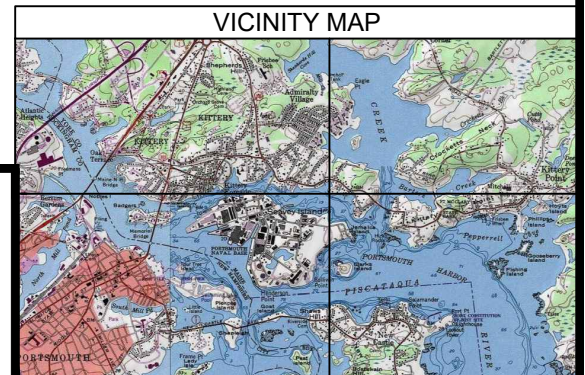
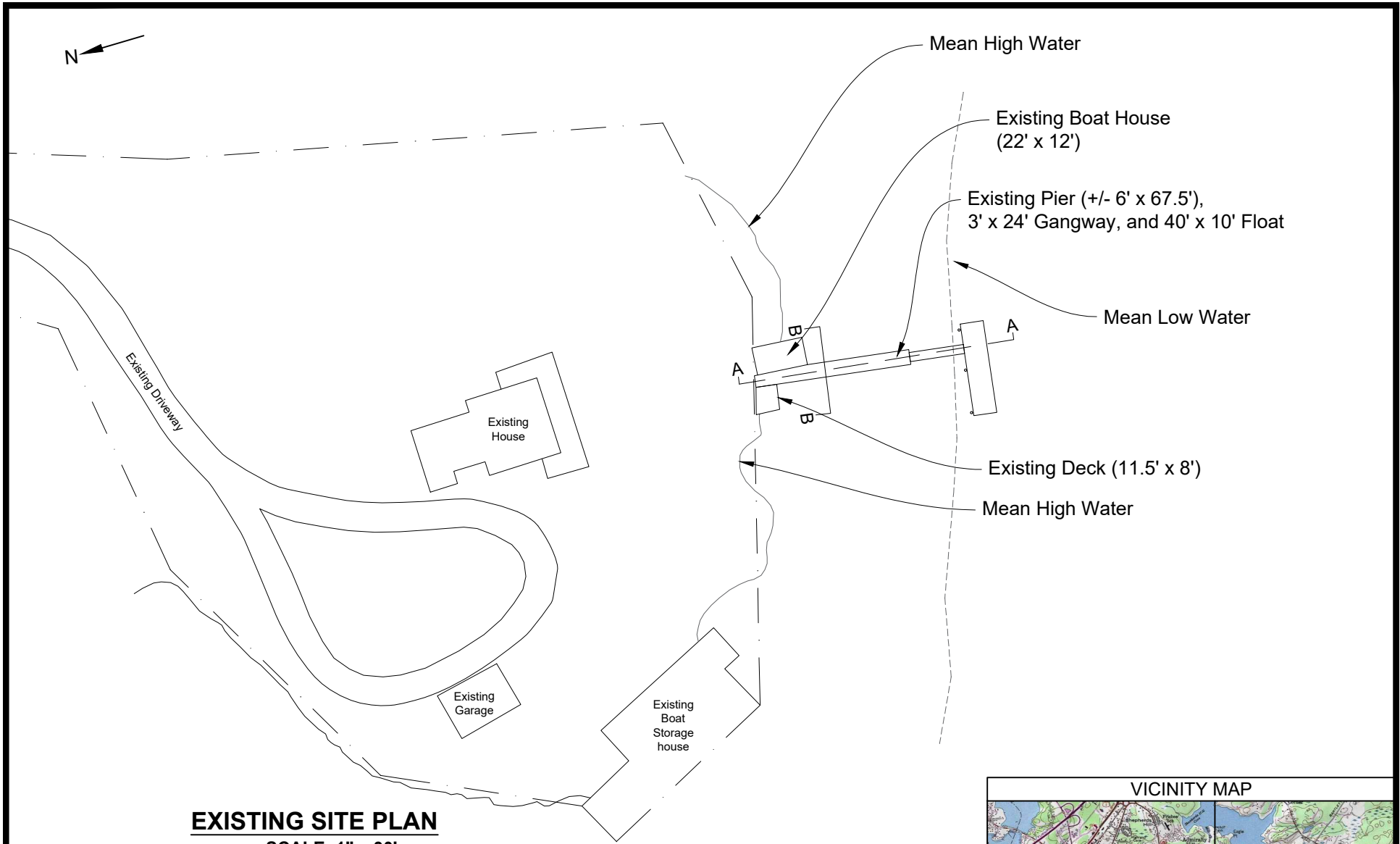


Street Names	--- Right of Way
PWater	— Cemetery
Property Line	■ Right of Ways
Public Road	■ Water-poly

Data shown on this map 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 map.



Attachment B  
Application Plans



Prepared For:  
James Lynch  
178 Whipple Rd  
Kittery, Maine 03854

Prepared By:  
Matthew Cardin, NH CWS

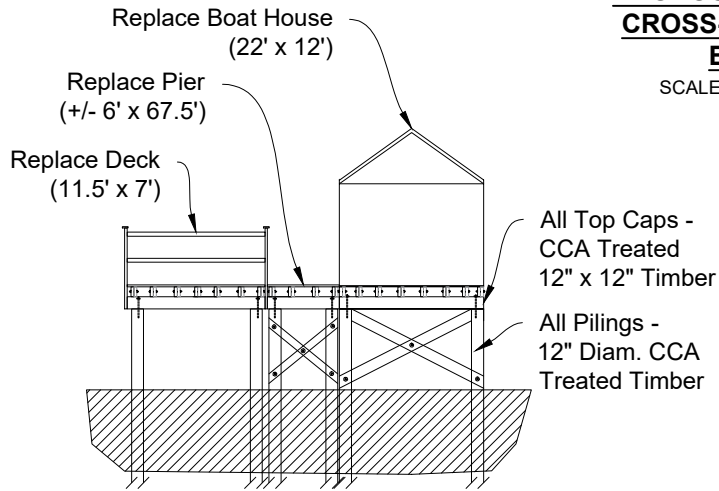
IN-PLACE REPLACEMENT  
ON: PISCATAQUA RIVER  
TOWN: KITTERY  
SHEET: 1 of 2

REPLACE EXISTING PIER, GANGWAY, FLOAT,  
BOAT HOUSE AND ATTACHED DECK  
AT: 178 WHIPPLE RD STATE: ME  
DATE: APRIL 15, 2021

**PROPOSED DOCK  
CROSS-SECTION**

**B-B**

SCALE: 1" = 16'



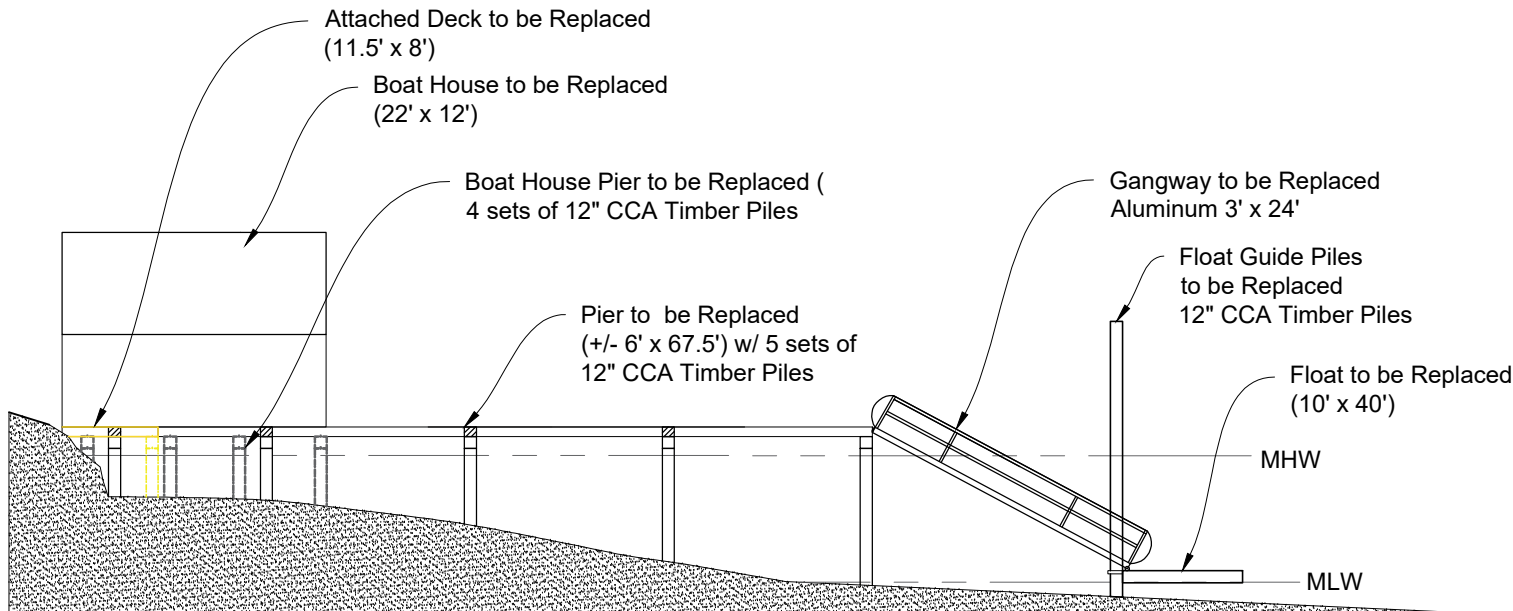
Notes:

1. Replace existing pier (+/- 6' x 67.5'), gangway (3' x 24'), float (10' x 40') and associated float piles; Replace existing boat house (22' x 12'); Replace existing attached deck (11.5' x 8').
2. Total of (27) piles required to replace existing structures.
3. Impact to inter-tidal zone associated with timber piles for structure replacement total 21.21 sq. ft. Area of impact is characterized as mudflat (E2US3).
4. Work to be done via barge staged in inter-tidal zone. Piles to be driven during dry portions of low tide.
5. The work area or proposed dock location contains no SAS. No vegetated shallows were observed within 25' of proposed dock structure.
6. All lumber material below waterline to be CCA pressure treated wood and all hardware to be galvanized steel. CCA treated lumber to be pre-treated before arriving at site.
7. Construction associated with piles, gangway and float to be done from a barge. All construction associated with landing to be done from land within subject property limits.

**PROPOSED DOCK  
CROSS-SECTION**

**A-A**

SCALE: 1" = 16'



Prepared For:

James Lynch  
178 Whipple Rd  
Kittery, Maine 03854

Prepared By:  
Matthew Cardin, NH CWS

IN-PLACE REPLACEMENT REPLACE EXISTING PIER, GANGWAY, FLOAT,  
ON: PISCATAQUA RIVER BOAT HOUSE AND ATTACHED DECK

TOWN: KITTERY

AT: 178 WHIPPLE RD STATE: ME

SHEET: 2 of 2

DATE: APRIL 15, 2021

Attachment C

Abutters List

Town of Kittery Port Authority Application  
Abutters List for Pier Re-construction at  
178 Whipple Road, Kittery, ME  
Map 17, Lot 22

Abutters List:

1. 186 Whipple Road  
Map 17, Lot 18  
David Steward  
33 Lakeview Road  
South Salem, NY 10590
  
2. 182 Whipple Road  
Map 17, Lot 29  
Back Channel Properties, LLC  
33 Lakeview Road  
South Salem, NY 10590
  
3. 180 Whipple Road  
Map 17, Lot 21  
Raymond L Cotillo TR  
Jane A Sewalk TR  
Cotillo-Sewalk Trust 2009  
180 Whipple Road  
Kittery, ME 03904
  
4. 181 Whipple Road  
Map 17, Lot 35  
Geraldine Stevens  
181 Whipple Road  
Kittery, ME 03904
  
5. 173 Whipple Road  
Map 17, Lot 34  
Paul A Withee  
173 Whipple Road  
Kittery, ME 03904
  
6. 171 Whipple Road  
Map 17, Lot 33  
John Shea & Sheila Shea  
34 Ridges Court  
Portsmouth, NH 03801

7. 169 Whipple Road  
Map 17, Lot 32  
Madeleine Johnson  
169 Whipple Road  
Kittery, ME 03904
  
8. 172 Whipple Road  
Map 17, Lot 23  
John Morrison & Vivian Morrison  
172 Whipple Road  
Kittery, ME 03904
  
9. 168 Whipple Road  
Map 17, Lot 24  
Emily Locke & William Locke  
168 Whipple Road  
Kittery, ME 03904

Attachment D

Proof of Legal Interest in Property – Deed

Maine R.E. Transfer Tax Paid

# Warranty Deed

Know all men by these presents that we, **Bruce A. Piche** and **Thomasine Piche**, of Kittery, County of York and State of Maine, with a mailing address of 178 Whipple Road, Kittery, Maine 03904, for consideration paid, grant to **Leslie P. Lynch** and **James P. Lynch** of Wolfeboro, New Hampshire), with a mailing address of PO Box 940, Wolfeboro, NH 03894, with **Warranty Covenants**, as joint tenants and not as tenants in common, the real property in Kittery, County of York and State of Maine, together with the buildings located thereon, bounded and described as follows:

See **EXHIBIT A** attached hereto and incorporated herein by reference.

Being the same premises conveyed to Bruce A. Piche and Thomasine Piche by deed of Margaret E. Meissner and Hilda E. Guenther dated October 13, 1978 and recorded in the York County Registry of Deeds in Book 2450, Page 308 and deed of Florence J. Day, Guardian of Karen Elliot, Charles W. Elliot, Jr. And Bruce Elliot dated November 24, 1978 and recorded in the York County Registry of Deeds in Book 2450, Page 305.

Dated this 23<sup>rd</sup> day of July, 2020.

Signed, sealed and delivered in the presence of:

Duncan A. McEachern

Witness

Duncan A. McEachern

Witness

Bruce A. Piche

Bruce A. Piche

Thomasine Piche

Thomasine Piche

State of Maine  
County of York, ss.

July 23<sup>rd</sup>, 2020

Then personally appeared the above named Bruce A. Piche and Thomasine Piche and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Duncan A. McEachern

Duncan A. McEachern

Notary Public

My Commission Expires: 7/25/26



K:\realest\deeds\piche to lynch wd



Bruce A. Piche and Thomasine Piche to Leslie P. Lynch and James P. Lynch

## **EXHIBIT A**

A certain lot or parcel of land together with the buildings thereon situate on the Southwesterly side of Whipple Road, in said Kittery, York County, Maine, more particularly bounded and described as follows:

Commencing at the Northwest corner at the highway leading from Portsmouth, New Hampshire, to Kittery Point, at land now or formerly of Mary L. Newson; thence running easterly by said highway three (3) rods to a hub on line of land now or formerly of the heirs of Emery R. Currier's land; thence south forty (40) degrees west fourteen (14) rods and eleven (11) links to the end of the stone wall; thence continuing south thirty-one (31) degrees west by said stone wall thirteen (13) rods and three (3) links to the bank near the Piscataqua River; thence same course to the River; thence westerly, northerly, and northeasterly by the said River around a point into a cove on the north side of said point about forty-five (45) rods to the end of a stone wall at high water mark dividing said land from land now or formerly of said Mary L. Newson; thence continuing northeasterly by said stone wall seven (7) rods and twenty-two (22) links; thence running north forty-three and one-half (43 ½) degrees east, by the continuous line of wall of said Mary L. Newson, eleven (11) rods to the highway aforesaid and place of beginning.

Also conveying all of the Grantors' right, title and interest in and to the so-called sewer or septic easement conveyed by Emma Galle and Warren Galle to Bruce A. Piche, William A. Dennett and Mary D. Dennett by deed dated August 20, 1993 and recorded in the York County Registry of Deeds in Book 6689, Page 106.

Attachment E

Photographs



Photo 1. Existing Pier – Facing North from Intertidal Zone



Photo 2. Existing Boat House – Facing North from Intertidal Zone



Photo 3. Existing Pier and Boat House – Facing West from Intertidal Zone



Photo 4. Existing Deck – Facing North from Intertidal Zone



Photo 5. Existing Deck – Facing Northeast from Intertidal Zone

Attachment F

Dept. of Marine Resources Time of Year Review

**REQUEST FOR APPROVAL  
OF TIMING OF ACTIVITY  
(DMR)**

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

**To be filled out by applicant:** (Instructions are on the back of this form)

1. **Applicant's name:** Matt Cardin, CWS  
**Address:** 30 Old Post Road, Newington, NH 03801  
\_\_\_\_\_  
\_\_\_\_\_  
**telephone:** \_\_\_\_\_

2. I plan to perform the following activity (please check the appropriate box):
- Sec. 3 Intake pipes** (tidal waters only)
  - Sec. 4 Replacement of structures** (tidal waters only)
  - Sec. 7 Outfall pipes** (tidal waters only)
  - Sec. 9 Utility crossings** (any location if performed between Oct. 2 and July 14)
  - Sec. 12 Restoration of natural areas** (tidal waters only)
  - Sec. 15 Public boat ramps** (tidal waters only)
  - Sec. 18 Maintenance dredging** (tidal waters only)

3. Brief description of project: [please include the name of the stream or waterbody, if known]  
The project is to replace in-kind/in-place an existing pier (68'x5') supported by 14 wood pilings, existing gangway (24') and floats, existing boathouse (22'x12') supported by 10 piles, existing deck (12'x8') supported by 4 piles located in Kittery, Maine on the Piscataqua River. The pier, gangway, float, boat house pier, and deck are all in need of replacement. Pilings will be class B 12' CCA treated piles and driven from barge staged at the lower edge of the inter-tidal zone. All existing wood material will be removed from the site. Majority of work is within the inter-tidal zone.

4. I plan to perform this activity between the dates of May, 2021 and June 2021.  
(start date) (end date)

5. I have included a map showing the location of my project.  
**\*[Please note that if no location map is provided, no approval will be granted by DMR]**

6. Send completed form to: DMR Environmental Coordinator  
P.O. Box 8, West Boothbay Harbor, ME 008-04575

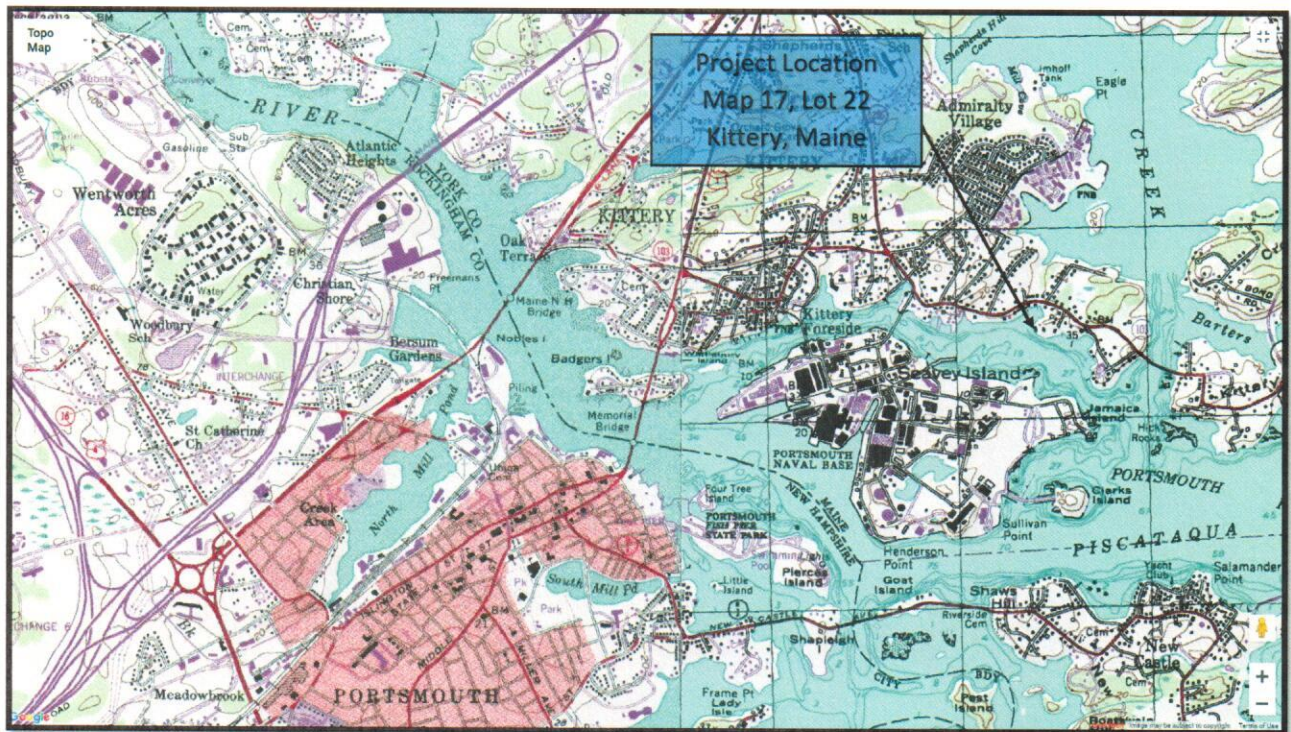
**For agency use only:**

The Department has reviewed the proposed timing of the activity identified above and:

- approves of the project's timing as proposed.
- requires that the project's timing be changed to occur between \_\_\_\_\_ and \_\_\_\_\_  
(start date) (end date)
- Other comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
DMR Environmental Coordinator

6 April 2021  
Date



Full Pier Replacement –  
178 Whipple Road, Kittery, Maine  
Map 17, Lot 22



### **3.19 Kayaks and Paddle Board Storage**

#### **3.19.1 Kayak and Paddle Board Storage General**

A. All storage sites on Town property are under the exclusive control of the Harbormaster. The Harbormaster may establish requirements and procedures for the safe and orderly storage of kayaks and paddle boards on Town property.

B. Only permitted kayaks and paddle boards may be stored on Town property.

C. Failure to follow the requirements and procedures established by the Harbormaster will result in forfeiture of the storage permit.

#### **3.19.2 Assignment of Storage with No Waiting List**

Vacant storage sites will be assigned to resident applicants first, then non-resident applicants.

#### **3.19.3 Assignment of Storage with Waiting List**

A. The Harbormaster shall maintain a waiting list for each storage site area.

B. Person(s) may request their name be added to the storage waiting list by filling out a storage wait list application and paying the application fee. Such fee is due no later than April 15th, on an annual basis in order to remain on the waiting list. Incomplete applications will not be processed.

C. The waiting list will be organized by resident and non-resident status. Vacant storage sites will be offered to residents on the waiting list first. If no resident accepts the vacant storage site, then it will be offered to non-residents on the waiting list.

D. Once a storage site is offered to an applicant on the waiting list, the applicant has ten (10) calendar days to accept the storage, provide required documents, and pay the fee. This may be extended upon approval of the Harbormaster. Failure to comply with this section by the deadline will result in forfeiture of the storage and the removal of the applicant from the waiting list.

#### **3.19.4 Storage Permits**

A. Only kayaks and paddle boards may be stored on Town property.

B. All storage permits begin on May 1 and expire on April 30.

C. The storage permit renewal application and permit fee must be received by April 15. Failure to submit the renewal application and pay the permit fees by April 15 will result in assessment of late fees and the possible forfeiture of the storage permit.

D. All kayaks, paddle boards, or other personal property stored on Town property must be removed upon notice of the Harbormaster. Items not removed will be deemed to be abandoned, and removed in accordance with §2.6.