KITTERY PORT AUTHORITY
REMOTE MEETING

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

Meeting Agenda
June 18, 2020
6:00 P.M.

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

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

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1. Call to Order
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. All Items involving Town Officials or invited guests
5. Public Hearing

   a. The Kittery Port Authority moves to continue a public hearing on an application from Shelly Tamis, 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a seasonal prefab 4'x 16' dock.

   b. The Kittery Port Authority moves to hold a public hearing on an application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for a 6'x 45' extension to an existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total length. Agent: Steven Riker, Ambit Engineering.

   c. The Kittery Port Authority moves to hold a public hearing on an application from Paul J. & Jessica O. McKeon, 96 Pepperrell Road, Kittery Point, ME 03905 (Map 27, Lot 47) for an addition of a 5' x 12' boat cradle to an existing structure. Agent: Steven Ricker, Ambit Engineering.

6. Piers, Wharves & Floats

   a. The Kittery Port Authority moves to accept an application from Martha Ladd, 5 Mill Pond Road, Kittery, ME 03904 (Map 23, Lot 5) to replace an old dilapidated dock with a new 4' x 80' pier, a 3' x 36' ramp, and a 10' x 20' float. Agent is Lisa Vickers of Atlantic Environmental, LLC.

7. Public Segment (Three Mins.)

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

8. Unfinished Business

9. New Business

10. Committee and Other Reports

    a. Communications from the Chairperson

11. Board Member Issues or Comments

12. Executive Session

13. Adjournment

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

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

KENNETH P. & TERRI M. MILLER	) NATURAL RESOURCES PROTECTION ACT
Kittery, York County	) COASTAL WETLAND ALTERATION
RESIDENTIAL PIER EXTENSION	) WATER QUALITY CERTIFICATION
L-24185-4P-C-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310 and 335 of Department rules, the Department of Environmental Protection has considered the application of KENNETH P. & TERRI M. MILLER with the supportive data, agency review comments, public comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-24185-4P-A-N/L-24185-TW-B-N, dated August 29, 2008, the Department approved the construction of a residential pier system, consisting of a six-foot wide by 50-foot long permanent pile supported pier, a three-foot wide by 46-foot long seasonal ramp, and a 20-foot wide by 10-foot long seasonal float. The pier system resulted in approximately ten square feet of direct impacts from ten pilings and 458 square feet of indirect impacts. The project included the installation of 10 piles and float stops and constrcution has been completed

B. Summary: The applicants propose a six-foot wide by 45-foot long extension of the permanent pier structure for all-tide access. The applicants will keep the existing three-foot wide by 46-foot long seasonal ramp and 20-foot wide by 10-foot long seasonal float. The existing two pilings used to support the float will be moved farther seaward to the new location and six additional pilings will be driven to support the pier extension. Once complete, the pier system will have 16 pilings, all of which are within the resource, and be approximately 150 feet long. The proposed project will result in approximately six square feet of new direct impact, resulting from the six new pilings, and approximately 270 square feet of new indirect impact. The proposed pier system extension will result in approximately 16 square feet of total direct impact and approximately 728 square feet of total indirect impact. The proposed project is shown on a set of plans, the first of which is titled “Existing Conditions Plan,” prepared by Ambit Engineering, Inc. with the most recent revision dated May 4, 2020. The project site is located on 4 Lawrence Lane in the Town of Kittery.

C. Current Use of the Site: The project site is a 0.95-acre lot with a residential structure and associated improvements. There is an existing recreational pier system. The parcel is identified as Lot 35 on Map 18 of the Town of Kittery’s tax maps.

D. Public Comments: The Department received comments on the application from abutting residents. Concerns were raised by the abutters about the proposed pier extension limiting their navigational access to the resource, proximity of the proposed pier to a shared right-of-way in-common, impacts to the abutters' scenic and aesthetic uses. Concerns were also raised regarding unpermitted structures missing from the submitted plans. The Department reviewed the plans and finds that all structures are accurately reflected on the plans for the proposed project. Concerns about navigation and scenic and aesthetic uses are further discussed in Section 2.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicants to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicants also submitted several photographs of the proposed project site and surroundings including an aerial photograph of the project site. Department staff visited the project site on February 4, 2020.

The proposed project is located in the Portsmouth Harbor section of the Piscataqua River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities.

Public comments from the abutting property owners were received by the Department stating that the extension of the pier system would block the water view from the shared boat house and partially block the water view from the abutters main residence. The abutter further stated that a boat lift, removed before the Department reviewed the project, would further obstruct the view. In response, the applicants agreed not to re-install the boat lift that was removed and to extend the proposed pier system in a direction which is already occupied by an existing pier system that dominates the viewshed.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area. The proposed pier system expansion will be similar in length and materials to nearby piers. The ramp and float will be removed seasonally, further reducing visual impacts.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

Public comments from the abutting property owners were received by the Department expressing concerns that the proposed project would limit navigation within the right-of-way between the abutting properties. In response to these comments, the applicants redirected the proposed pier extension to angle away from the shared right-of-way providing more space between the pier system and the shared right-of-way.

The Department finds that the proposed activity, and the revised location of the proposed project away from the shared right of way and toward an existing pier system, will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal wetland.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicants to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

Access to the project site will be by crane barge, which will place and drive the pilings. The ramp and float will be constructed off-site and brought to the project site by barge. As a result of these construction methods, minimal sedimentation is expected to occur.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicants to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The project site is a two-foot high bank where ledge, cobble, and gravel are present. The upper intertidal is ledge, cobble, sand, and gravel with a 30-foot band of fringing salt marsh. The mid intertidal is sand and gravel with some cobble and stone. The lower intertidal is sand and silt before transitioning to mud in the subtidal.

According to the Department's Geographic Information System (GIS) database there are no mapped Essential or Significant Wildlife Habitats located at the site.

In its review, the DMR stated that the project as proposed would not cause any significant adverse impact to marine resources, provided that the applicants do not haul the ramp and float onto or through the fringing marsh at any time.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided that the ramp and float are not hauled onto or through the adjacent fringing marsh at any time.

5. WATER QUALITY CONSIDERATIONS:

The applicants propose to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly alter six square feet of coastal wetland to construct the proposed pier extension. The applicants propose to indirectly alter 270 square feet of coastal wetland. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. Applicants must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable.

A pier system is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicants submitted an alternatives analysis for the proposed project completed by Steve Riker. The project purpose is to provide all-tide access for recreational boating. The applicants considered not extending the pier system and continuing to utilize a mooring but have found that the pier system as is does not provide readily available access to the resource for significant parts of the day due to the low tide cycles. The applicants considered the use of a public facility but given the size of the applicants' boat, trailering the boat for occasional use requires a larger vehicle with the ability to the trailer the boat that the applicants do not possess.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, applicants must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants will continue to use float stops in order to keep the float from resting on the substrate during astronomically low tides which will occur a few times a year. The applicants have proposed to move the seasonal float by water in order to avoid impacts to the fringing salt marsh. And the proposed project will also result in deeper water so boats tied to the float will not impact the soft substrate bottom at low tide, minimizing impacts to the resource.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicants have avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341):

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment.

C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the ramp and float are not hauled onto or through the adjacent fringing marsh at any time.

E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA-treated lumber is cured as described in Finding 5.

G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of KENNETH P. & TERRI M. MILLER to extend as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.

2. The applicants shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

5. The applicants shall not haul the ramp and float onto or through the fringing marsh at any time.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 28TH DAY OF MAY, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For: Gerald D. Reid, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L24185CN/ATS#85557

FILED
June 2, 2020
State of Maine
Board of Environmental Protection

Natural Resources Protection Act (NRPA)
Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.

D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.

E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.

G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.

H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

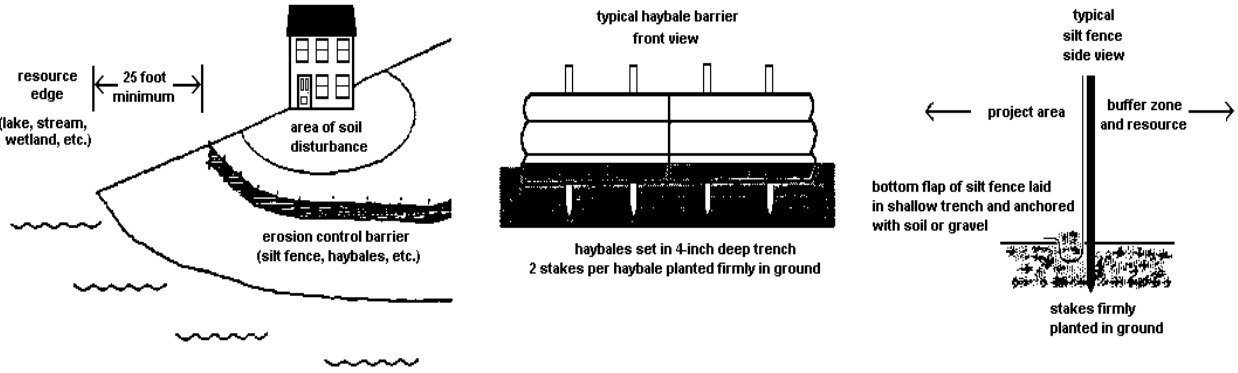
Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but <u>you are both responsible</u> for complying with the permit.

2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.

3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.

4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.

2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.

2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. It usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money ($$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status*. The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested*. The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

RECEIVED
MAY 28 2020
BY: C. Bacon

ATLANTIC Environmental LLC
135 River Road • Woolwich, ME 04579
207-615-1527 • lisa@atlanticenviromaine.com
www.atlanticenviromaine.com

May 15, 2020

Ms. Kelly Philbrook, Chair
Kittery Port Authority
200 Rogers Road
Kittery, Maine 03904

Re: Natural Resources Protection Act (DEP) Application on behalf of Martha Ladd, 5 Mill Pond Road, Kittery, Maine.

Dear Ms. Philbrook,

On behalf of Martha Ladd, Atlantic Environmental, LLC (AE) is pleased to submit an application to the Kittery Port Authority for the construction of a residential dock consisting of a permanent pier that connects to a seasonal ramp and float located at 5 Mill Pond Road. The dock will provide partial tide access to Spruce Creek for recreational pursuits.

As shown in the attached plans, the Applicant proposes to construct a four (4) foot wide by sixty (60) foot long pile supported pier that will connect to a three (3) foot wide by thirty-two (32) foot long seasonal ramp and a ten (10) foot wide by twenty (20) foot long float. Applications have been submitted to the Maine Department of Environmental Protection (MDEP) and the U.S. Army Corps of Engineers (ACOE), Maine Projects Office in Augusta, Maine. Relevant portions of that application are included in the attached application materials.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 – 615 - 1627 or by email at lisa@atlanticenviromaine.com.

Sincerely,
Atlantic Environmental LLC.

Lisa Vickers,
Senior Project Manager

TABLE OF CONTENTS

Exhibit 1. Application Form

Exhibit 2. Tax Map

Exhibit 3. Project Plans

Exhibit 4. List of Abutters within 150 feet

Exhibit 5. Copy of Deed

Exhibit 6. Zoning Standards

Exhibit 7. Copy of DEP and ACOE application

EXHIBIT 1.0: APPLICATION FORM

RECEIVED
MAY 2 8 2020
BY: C. Baron

Map: _____
Lot: _____
Date Submitted: _____

TOWN OF KITTERY
KITTERY PORT AUTHORITY

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

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

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

The following application is submitted for the construction, modification, reconstruction of a:
The Applicant proposes to construct a dock consisting of a 4' x 80' pier, a 3' x 36' ramp, and a 10' x 20' float. There is an old, dilapidated dock that will be removed.

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): Martha Ladd

3. Property Address: 5 Mill Pond Road, Kittery, ME 03904-1113

4. Telephone Number: (207) 438 - 9246 (REQUIRED) Email: marthaladd2@gmail.com (REQUIRED)

5. Property Size (Acres/SF): 0.45 acres Zoning District(s): Residential - Urban (R-U) Overlay Resource Protection(OZ- RP)

6. The shore frontage of this property is +/- 100' feet, measured at the high water line in a straight line, stake to stake.

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

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

9. ADDITIONAL PERMITS/APPROVALS THAT MAY BE REQUIRED: (attach applications to submittal)

Army Corps of Engineers	☒	Department of Conservation	☐
Dept. of Environmental Protection Permit	☒	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: _____ Date: 4/14/2020

Property Owner Signature: _____ Date: _____

Agent Name: Lisa Vickers Agent Firm: Atlantic Environmental, LLC

Agent Phone: (207) 615 - 1527 (REQUIRED) Agent Email: lisa@atlanticenviromaine.com (REQUIRED)

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

Fee Paid, Amount: 125.00 Date: 5/27/20 ASA Paid, Amount: — 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.

135 River Road • Woolwich, ME 04579
207-837-2199 •tim@atlanticenviromaine.com
www.atlanticenviromaine.com

February 3, 2020

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the construction of a dock located at 5 Mill Pond Road in Kittery, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

Martha Ladd
Print Name

Martha Ladd
Signature

2/7/2020
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester, Owner

EXHIBIT 2.0: TAX MAP

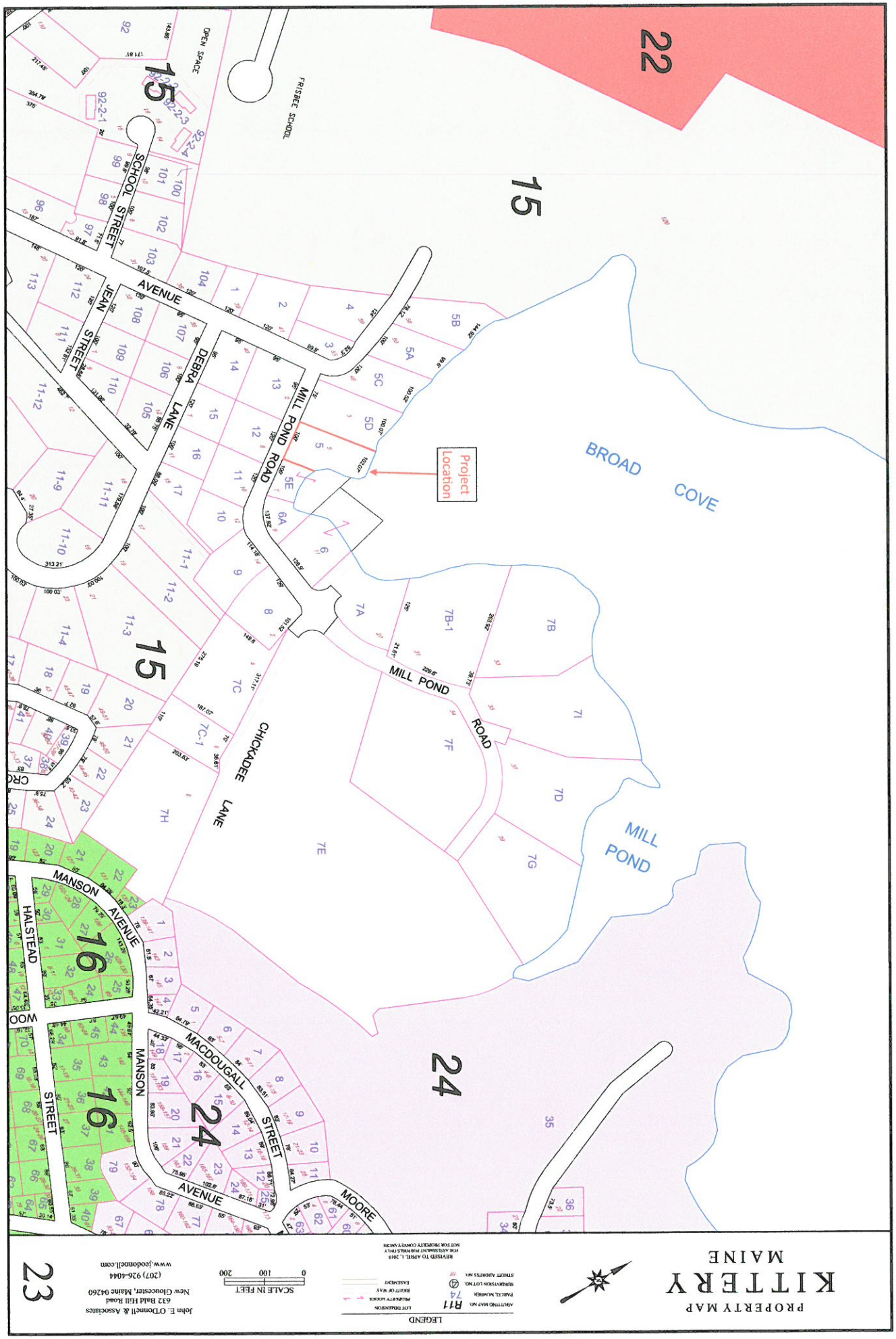
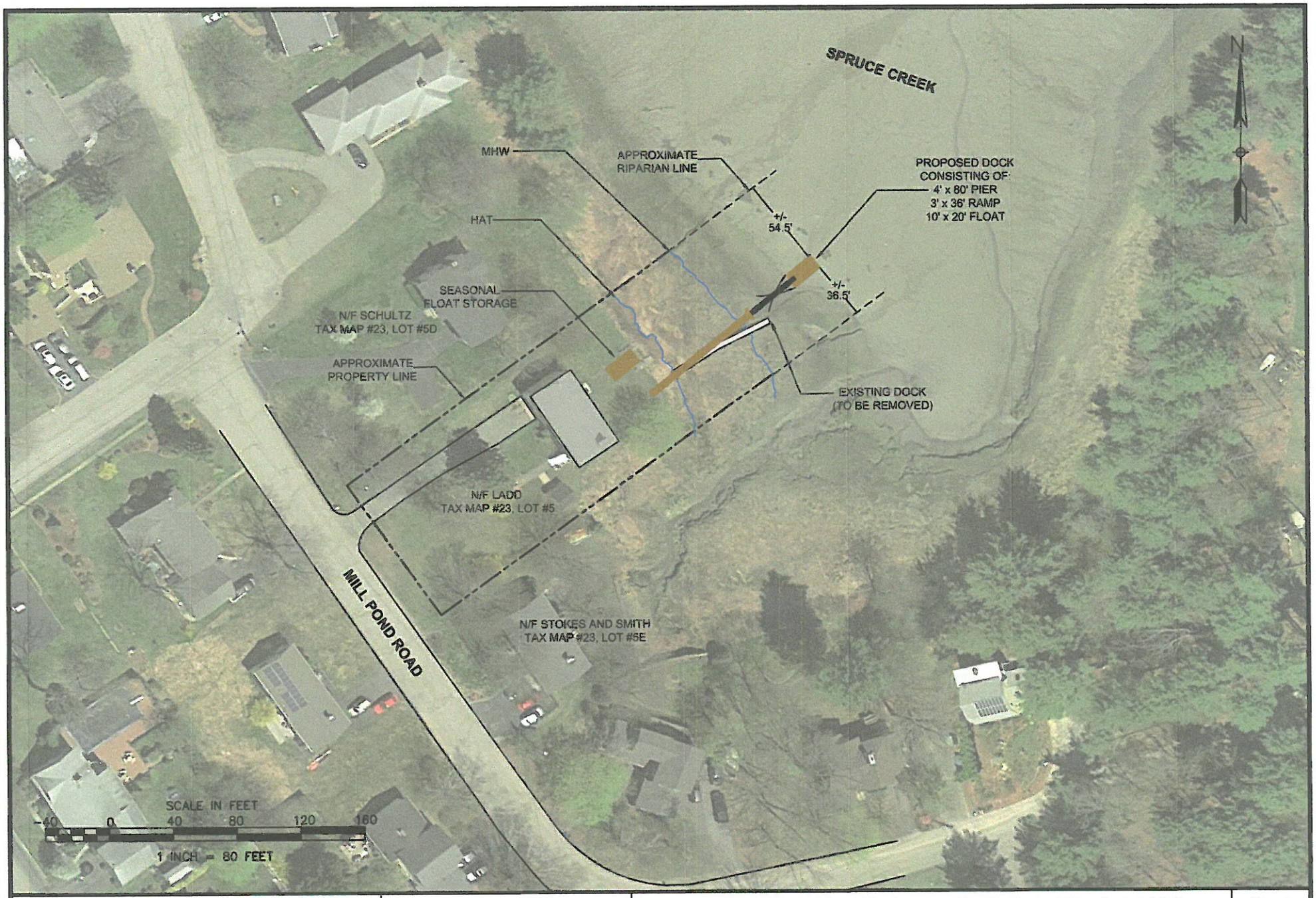
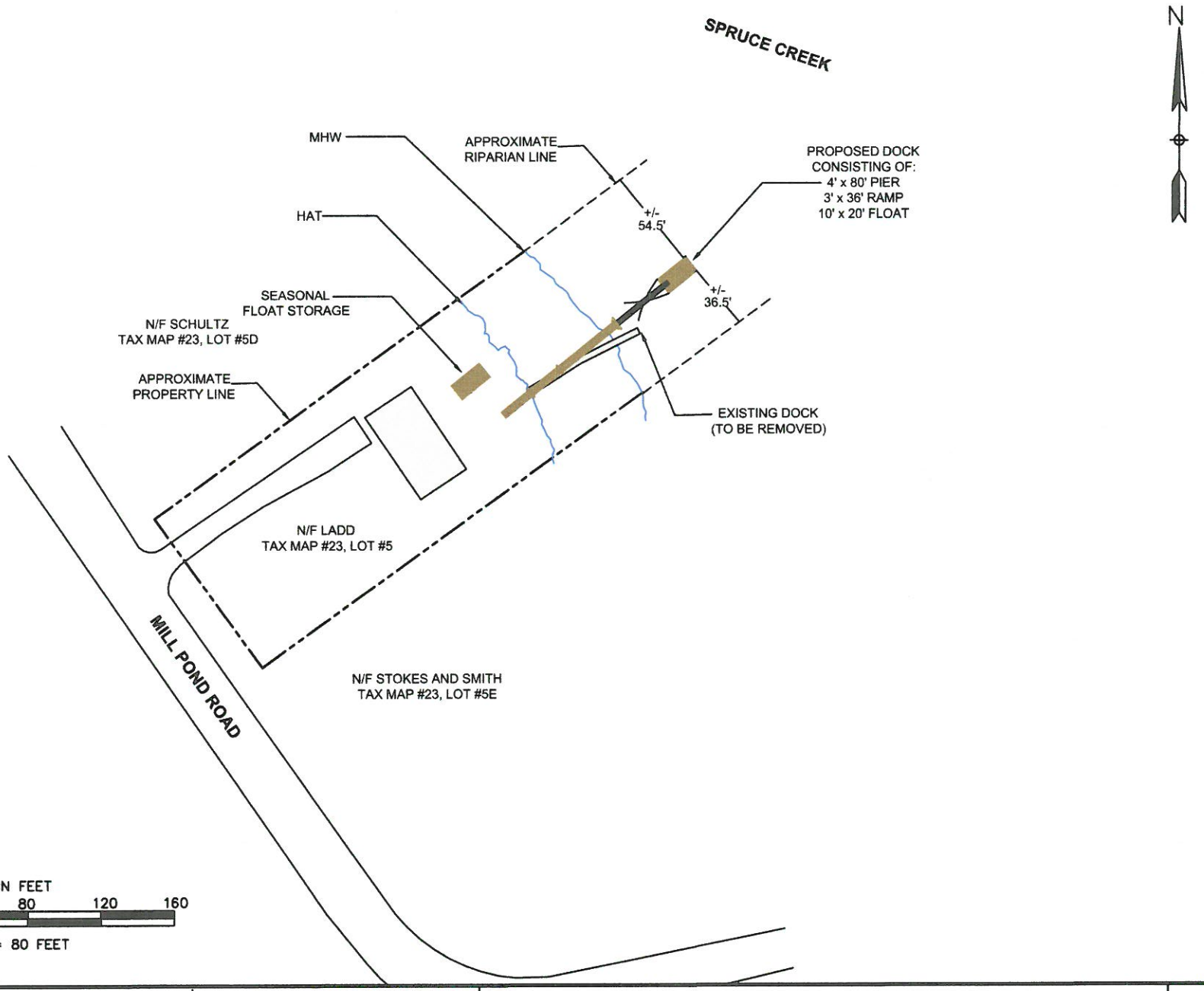


EXHIBIT 3.0: PROJECT PLANS



ATLANTIC ENVIRONMENTAL LLC. **Environmental Consultants** **135 River Road, Woolwich, ME 04579** **(207) 837-2199** **tim@atlanticenviromaine.com**	**Date:** 3/6/2020 **Revised:** **Project:** Ladd, Kittery **Drafted By:** TAF/LCV	**Plan View of the Proposed Dock Replacement for Martha Ladd located at 5 Mill Pond Road in Kittery, Maine.**	**Sheet 1 of 3**



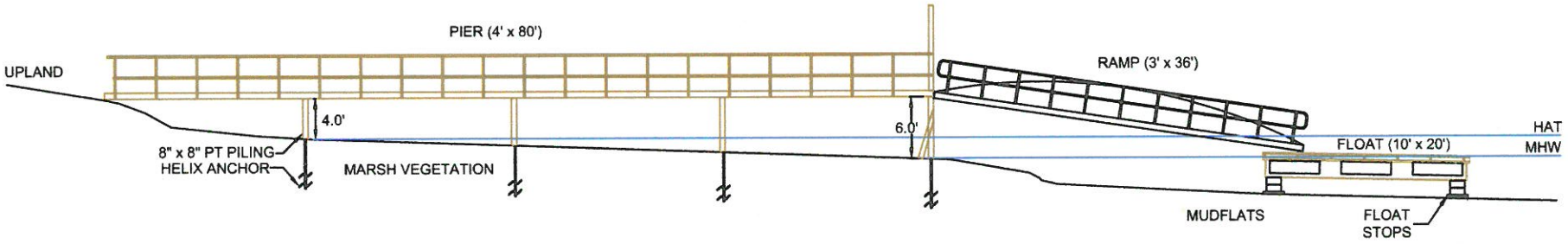
ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 3/6/2020
Revised:
Project: Ladd, Kittery
Drafted By: TAF/LCV

Plan View of the Proposed Dock Replacement for Martha Ladd located at 5 Mill Pond Road in Kittery, Maine.

Sheet 1 of 3

NOTES:
1) OLD DOCK WILL BE REMOVED AND DISPOSED OF ACCORDING TO DEP SOLID WASTE MANAGEMENT RULES.
2) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
3) THE RAMP AND FLOAT WILL BE IN PLACE ON A SEASONAL BASIS AND WILL BE STORED IN UPLAND DURING THE OFF-SEASON.
4) FLOAT WILL BE SECURED IN PLACE WITH CHAINS AND HELIX ANCHORS.



SCALE IN FEET
-8 0 8 16 24 32
1 INCH = 16 FEET

ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 3/10/2020
Revised:
Project: Ladd, Kittery
Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock Replacement for Martha Ladd located at 5 Mill Pond Road in Kittery, Maine.

EXHIBIT 4.0: LIST OF ABUTTERS WITHIN 150 FEET

Name	Map, Block, Lot	Address	City, State/County	Zip Code
Sharon and Raymond Schultz	Map 23, Lot 5D	3 Mill Pond Road	Kittery, ME	03904
Heather Stokes and David Smith	Map 23, Lot 5E	7 Mill Pond Road	Kittery, ME	03904
Eric Stites and Katherine Peternell	Map 23, Lot 6A	9 Mill Pond Road	Kittery, ME	03904
Leonard and Susan Box	Map 23, Lot 11	10 Mill Pond Road	Kittery, ME	03904
Robert Eckert c/o Beth Anne Stokes	Map 23, Lot 12	58 Winter Street	Brattleboro, VT	05301

EXHIBIT 5.0: COPY OF DEED

BK7590 PG298

042746

WARRANTY DEED

RAYMOND S. MARSHALL, JR. and DOROTHY I. MARSHALL, of Kittery, County of York, State of Maine, for consideration paid, grant to **MARTHA LADD** of Windham, County of Rockingham, State of New Hampshire, with **Warranty Covenants**,

the land in Kittery, County of York, State of Maine.

A certain lot or parcel of land, together with the buildings and improvements thereon, situate on Mill Pond Road, so-called, in the Town of Kittery, County of York, and State of Maine, and being shown as Lot No. 38 on a Plan of Portion of Property of Joseph Dion filed in the York County Registry of Deeds in Plan Book 41, Page 46, and being more particuarly bounded and described as follows:

Beginning on said Mill Pond Road at land now or formerly of Lillian Rodier; thence South 19° East by said road, one hundred (100) feet to a hub at Lot No. 37; thence North 71° East by said Lot No. 37, one hundred eighty-one and ninety-nine hundredths (181.99) feet, to a hub at the edge of the marsh; thence south 7° 27′ East, one hundred two and seven hundredths (102.07) feet, to said Lot No. 39 of said Rodier, two hundred two and forty-three hundredths (202.43) feet, to place of beginning.

Togther with the tidelands to low water mark of Spruce Creek lying on the northeasterly side of said lot.

Reserving to Joseph Dion or Dion Lumber Co., Inc., the privilelge of laying and maintaining a drain pipe across said lot to the Creek.

Being the same premises conveyed to Raymond S. Marshall, Jr., and Dorothy I. Marshall by deed of Dion Lumber Co., Inc., dated June 16, 1972, and duly recorded in the York County Registry of Deeds at Book 1952, Page 371.

Witness our hands this 13th day of October, 1995.

Dunn Am Cash

Raymond S. Marshall Jr.
Raymond S. Marshall, Jr.

Dunn Am Cash

Dorothy I. Marshall
Dorothy I. Marshall

MAINE REAL ESTATE TRANSFER TAX PAID

EXHIBIT 6.0

Town of Kittery – Title 16 – Land Use & Development Code
Article XV. Piers, Wharves, Marinas and Other Uses Projecting into Water Bodies

16.8.15.1 Standards.
Development involving piers, wharves, marinas and other uses projecting into water bodies must conform to following standards:

A. In accordance with 38 M.R.S. §435 through 449, all dimensional and other standards (excluding setbacks from water bodies) of this Code apply to structures and uses projecting into a water body beyond the normal high-water mark.
The proposed pier will extend approximately four (4) feet below the normal high water line. The pier, ramp, and float will extend approximately fifty-six (56) feet below the normal high water mark. The dock will not extend below the mean low water mark.

B. Boathouses, while convenient to locate near the water, are not considered functionally water-dependent uses and must meet the same setback requirement as principal structures. The State of Maine no longer issues permits for construction of boathouses below the normal high water line due to the adverse environmental impact; therefore new boathouses must be located on uplands.
The Applicant does not propose to construct a boathouse.

C. Only functionally water-dependent uses are allowed on, over, or abutting a pier, wharf, or other structure beyond the normal high-water line.
The proposed dock is a water-dependent use.

D. Access from shore must be developed on soils appropriate for such use and constructed so as to control erosion.
The Applicant proposes to support the dock with helix anchors which are installed hydraulically and without large equipment. The anchor is held in place while the power head winds the helix into the ground, resulting in minimal soil disturbance and therefore no soil erosion.

E. The location must not interfere with existing developed recreational and maritime commerce or natural beach areas.
The proposed location is close to shore and within the intertidal zone and does not contain existing developed recreation and maritime commerce or natural beach areas.

F. The facility must be located so as to minimize adverse effects on fisheries.
The proposed structures have been positioned to extend a reasonable distance to provide partial tide access. The float will be elevated to minimize impacts to the mudflats during periods of low tides. In addition, the ramp and float will be in place on a seasonal basis, furthering minimizing impacts to fisheries. The project is currently under review with the Maine Department of Environmental Protection (DEP) and any comments from the DEP and their review agencies will be incorporated into the project. The project was reviewed by the

Army Corps of Engineers (ACOE) and their review agencies. They did not identify any issues related to fisheries as a result of the proposed project.

G. The facility must be a water-dependent use and no larger in dimension than necessary to carry on the activity and must be consistent with existing conditions, use and character of the area.
The proposed structures are the minimal length necessary to span the marsh vegetation and provide reasonable partial tide access to the resource. There are other structures of similar scale located in the project vicinity.

H. No new structure may be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
The Applicant does not propose any new structures on, over, or abutting the proposed dock.

I. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland may be converted to residential dwelling units in any district.
There are no existing structures on, over, or abutting the proposed dock and the Applicant does not propose to convert anything to a residential dwelling unit.

J. Except in the Commercial Fisheries/Maritime Uses Overlay Zone, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland must not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
The Applicant does not propose to construct a structure on, over, or abutting the proposed dock.

K. Applicants proposing any construction or fill activities in a waterway or wetland requiring approval by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, Section 9 or 10 of the Rivers and Harbors Act, or Section 103 of the Marine Protection, Research and Sanctuaries Act, must submit proof of a valid permit issued.
The Applicant has included the ACOE approval in the application materials.

L. Proposals for any principal marine structure use, any residential joint and/or shared-use pier, or any residential development use pier require Planning Board approval.
The proposed dock is a is for a single residential use.

M. A residential development containing five (5) or more lots in a zone permitting a residential development use pier may construct only one residential development use pier.
The proposed dock is located on a single, residential lot.

N. Commercial development of the shorefront must provide for access by the general public as part of a shorefront development plan.

N/A

O. Only one pier, ramp and float structure is permitted on any noncommercial or non-industrial lot.
The Applicant is proposing one pier, ramp, and float.

P. Marine-related permanent structures located below the mean low water line require the following permits, leases, and approvals: 1. Port Authority approval; 2. Department of Environmental Protection permit pursuant to the Natural Resources Protection Act, 38 M.R.S. §480C; 3. Army Corps of Engineers permit; 4. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator approval; 5. Building permit.
The dock is not located below the mean low water; therefore, no review by the Submerged Lands Program of the Maine Department of Agriculture, Conservation, and Forestry is required.

The Applicant has submitted applications to the Port Authority, DEP, and ACOE. Upon receipt of these approvals, the Applicant will submit a Building Permit application to the Town of Kittery.

COPY OF APPLICATION

SUBMITTED

TO

DEP

AND ACOE

(DUPLICATE EXHIBITS REMOVED)

ATLANTIC Environmental LLC
135 River Road • Woolwich, ME 04579
207-615-1527 • lisa@atlanticenviromaine.com
www.atlanticenviromaine.com

March 13, 2020

Ms. Alison Sirois
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

Re: Natural Resources Protection Act (DEP) Application on behalf of Martha Ladd, 5 Mill Pond Road, Kittery, Maine.

Dear Alison,

On behalf of Martha Ladd, Atlantic Environmental, LLC (AE) is pleased to submit an Individual Natural Resources Protection Act (NRPA) Permit Application to the Maine Department of Environmental Protection to remove an existing, dilapidated dock and construct a new dock consisting of a pier, ramp, and float located in the Town of Kittery, Maine. Specifically, the Applicant proposes to construct a four (4) foot wide by eighty (80) foot long pile supported pier that will connect to a three (3) foot wide by thirty-six (36) foot long seasonal ramp and a ten (10) foot wide by twenty (20) foot long float. A copy of this Application has been submitted to the U.S. Army Corps of Engineers (ACOE), Maine Projects Office in Augusta, Maine and to the Town of Kittery, Maine. As part of the ACOE requirements, a copy of the IPaC report is included.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 – 615 - 1627 or by email at lisa@atlanticenviromaine.com.

Sincerely,
Atlantic Environmental LLC.

Lisa Vickers,
Senior Project Manager

Natural Resources Protection Act Application

to

Construct a New Dock

Consisting of a Pier, Ramp, and Float

located at

5 Mill Pond Road

Kittery, Maine

Submitted to:

Maine Department of Environmental Protection

312 Canco Road

Portland, ME 04103

Submitted by:

Atlantic Environmental, LLC

135 River Road

Woolwich, ME 04579

March 13, 2020

ATLANTIC Environmental LLC

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

➔PLEASE TYPE OR PRINT IN *BLACK INK ONLY*

1. Name of Applicant:	Martha Ladd	**5.Name of Agent:**	Atlantic Environmental, LLC
2. Applicant's Mailing Address:	5 Mill Pond Road Kittery, ME 03904-1113	**6. Agent's Mailing Address:**	135 River Road Woolwich, ME 04579
3. Applicant's Daytime Phone #:	(207) 438-9246	**7. Agent's Daytime Phone #:**	(207) 615 - 1527
4. Applicant's Email Address (Required from *either* applicant or agent):	Marthaladd2@gmail.com	**8. Agent's Email Address:**	lisa@atlanticenviromaine.com

9. Location of Activity: (Nearest Road, Street, Rt.#)	5 Mill Pond Road	**10. Town:**	Kittery	**11. County:**	York

12. Type of Resource: (Check all that apply)	❑ River, stream or brook ❑ Great Pond X Coastal Wetland ❑ Freshwater Wetland ❑ Wetland Special Significance X Significant Wildlife Habitat ❑ Fragile Mountain	**13. Name of Resource:**	Spruce Creek
		14. Amount of Impact: (Sq.Ft.)	**Fill: ± 12 sq. ft. below HAT** **Dredging/Veg Removal/Other:**

15. Type of Wetland: (Check all that apply)	❑ Forested ❑ Scrub Shrub ❑ Emergent ❑ Wet Meadow ❑ Peatland X Open Water ❑ Other_____	**FOR FRESHWATER WETLANDS**		
		Tier 1	*Tier 2*	*Tier 3*
		❑ 0 - 4,999 sq ft. ❑ 5,000-9,999 sq ft ❑ 10,000-14,999 sq ft	❑ 15,000 – 43,560 sq. ft.	❑ > 43,560 sq. ft. or ❑ smaller than 43,560 sq. ft., not eligible for Tier 1

16. Brief Activity Description:	**The applicant proposes replace an existing, dilapidated dock with a new dock consisting of a pier, ramp, and float.**

17. Size of Lot or Parcel & UTM Locations:	❑ square feet, or X 0.45 acres	UTM Northing: 4884059	UTM Easting: 361331

18. Title, Right or Interest:	X own ❑ lease ❑ purchase option ❑ written agreement

19. Deed Reference Numbers:	Book# 7590 Page#: 298	**20. Map and Lot Numbers:**	Map #: 23	Lot #: 5	
21. DEP Staff Previously Contacted:		**22. Part of a larger project:**	❑ Yes X No	**After-the-Fact:**	❑ Yes X No
23. Resubmission of Application?:	❑ Yes➔ ❑ No	**If yes, previous application #**		**Previous project manager:**	
24. Written Notice of Violation?:	❑ Yes ➔ X No	**If yes, name of DEP enforcement staff involved:**		**25. Previous Wetland Alteration:**	X Yes (Existing Dock) ❑ No

26. Detailed Directions to the Project Site:	From I-95, take exit 2 and follow ramp right for Route 236. At roundabout, take 3rd exit to follow Route 236/Rogers Rd. Travel approximately 0.7 miles and turn left on Dion Avenue. Travel approximately 0.2 miles and turn right on Mill Pond Road. #5 is located on the left.

27. TIER 1	**TIER 2/3 AND INDIVIDUAL PERMITS**	
❑ Title, right or interest documentation ❑ Topographic Map ❑ Narrative Project Description ❑ Plan or Drawing (8 1/2" x 11") ❑ Photos of Area ❑ Statement of Avoidance & Minimization ❑ Statement/Copy of cover letter to MHPC	X Title, right or interest documentation X Topographic Map X Copy of Public Notice/Public Information Meeting Documentation X Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions X Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized	X Erosion Control/Construction Plan X Functional Assessment (Attachment 3), if required X Compensation Plan (Attachment 4), if required X Appendix A and others, if required X Statement/Copy of cover letter to MHPC N/A Description of Previously Mined Peatland,if required

28. FEES Amount Enclosed:	$529.00

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fines 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: March 13, 2020

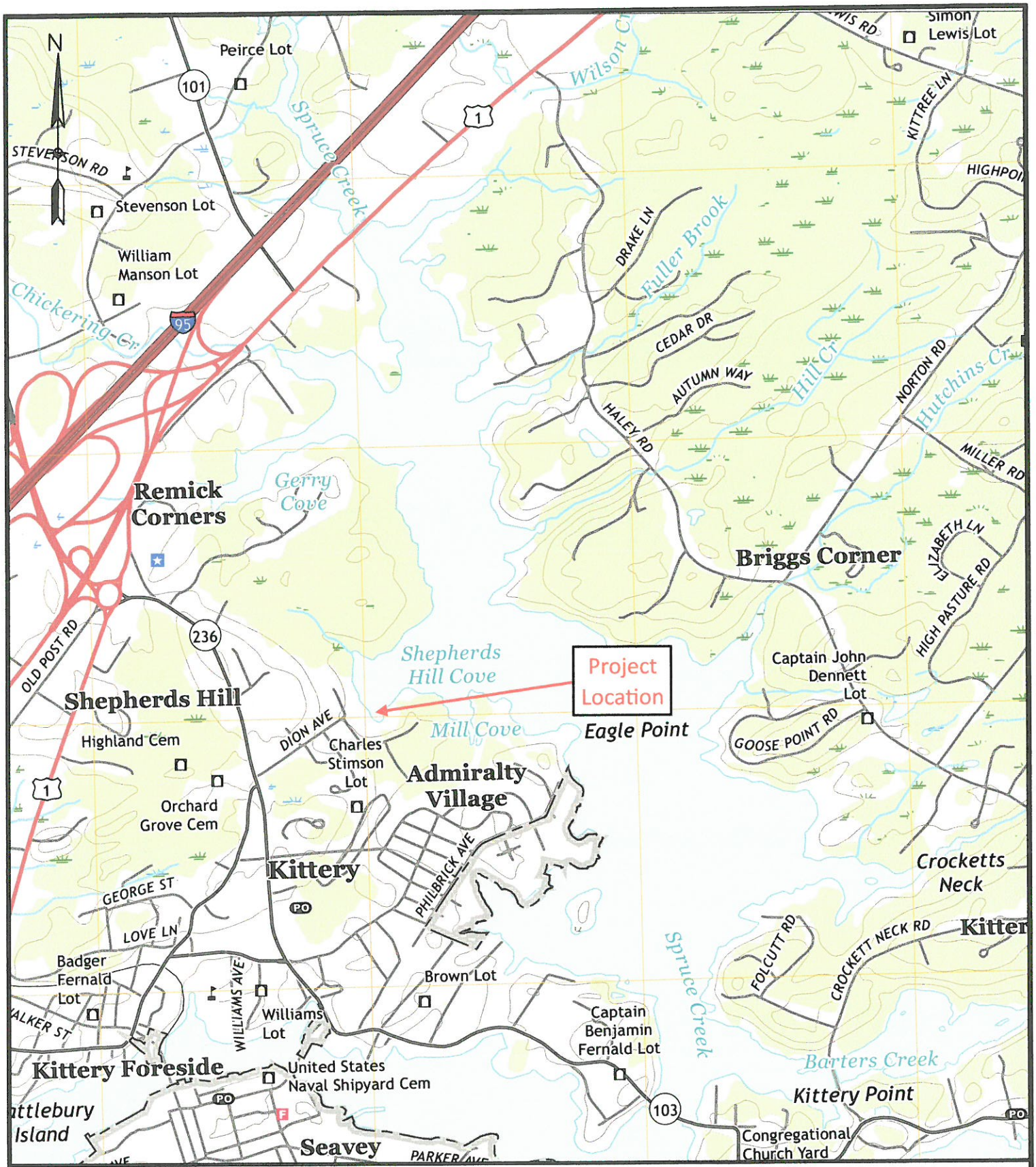
NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximately 0.45 acre parcel of land located on Mill Pond Road and adjacent to Spruce Creek in the Town of Kittery, Maine (see **Exhibit 3.0**). The Applicant previously utilized a walkway and floats to access Spruce Creek but the existing structures are in disrepair and currently not usable. In order to safely and reasonably access the adjacent coastal waters for recreational water pursuits, the Applicant proposes to construct a dock.

Atlantic Environmental, LLC (AE) investigated the site and the surrounding area to determine the feasibility of accessing the resource and constructing a dock that will accommodate the Applicant's watercraft and meet project goals while avoiding and minimizing impacts to the environment. Based on the Applicant's needs, the existing conditions of the site, and the outcome of our investigations, the following design criteria have been determined.

In order to reach navigable waters on a partial-tide basis, the Applicant proposes to construct a dock consisting of a pier, a seasonal ramp, and a seasonal float. The pier will begin in the upland will extend in a northeasterly direction. The pier will measure four (4) feet wide by eighty (80) feet long and will be supported with a total of twelve (12), eight (8) inch by eight (8) inch pilings and helix anchors that will be installed as described in **Exhibit 6.0**. As a result of the pilings, there will be a total of approximately twelve (12) square feet of direct impacts to the coastal wetland. The pier will be constructed with a 1H:1W to minimize the potential for shading impacts on the marsh vegetation. The pier will connect to a three (3) foot wide by thirty-six (36) foot long ramp and a ten (10) foot wide by twenty (20) foot long float. The float will be secured in place with cross chains and helix anchors. The ramp will be stored on the pier and the float will be stored in an upland location as shown on the plan sheets in **Exhibit 5.0.**



DIRECTIONS: From I-95, take exit 2 and follow ramp right for Route 236. At roundabout, take 3rd exit to follow Route 236/Rogers Rd. Travel approximately 0.7 miles and turn left on Dion Avnue. Travel for approximately 0.2 miles and turn right on Mill Pond Road. #5 is located on the left.

ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com	**Date:** 3/11/2020 **Revised:** **Project:** Ladd, Kittery **Drafted By:** —	**PROJECT LOCATION** 5 Mill Pond Road Maine Atlas & Gazetteer Map 1 (Section B-4) 44.096580, -70.7324	**Sheet 1 of 1**

EXHIBIT 4.0: PHOTOGRAPHS

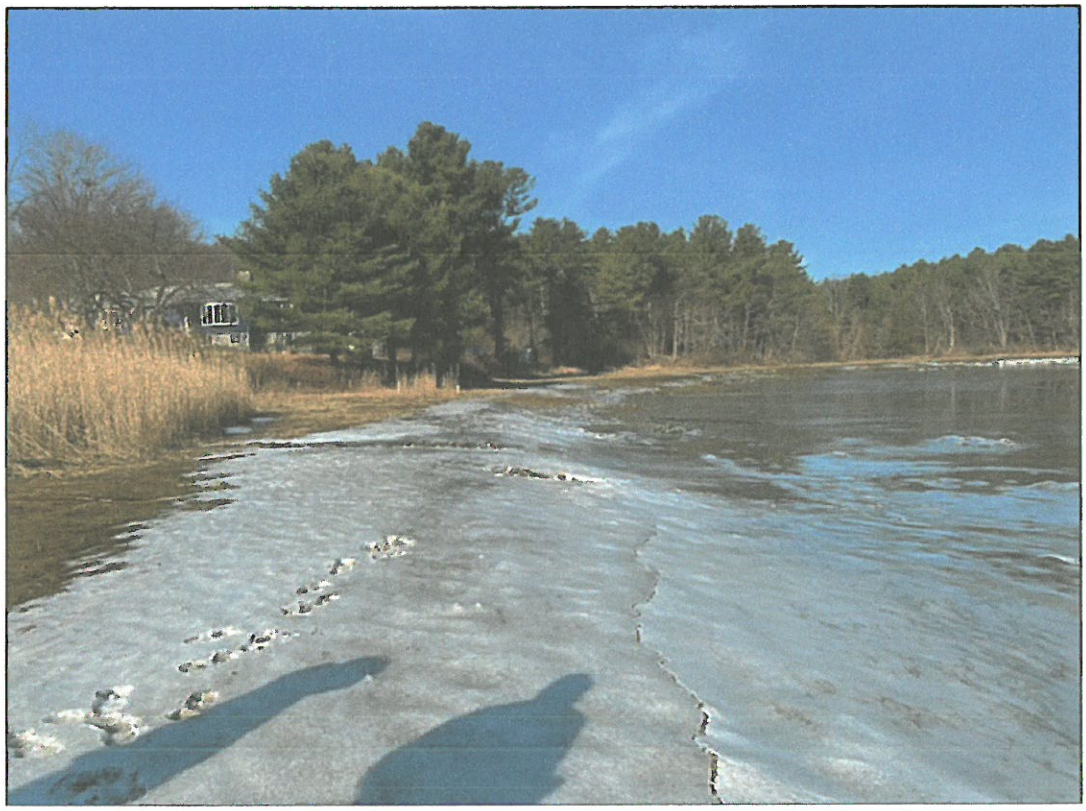
The following photographs are taken from the site of the project and represent the proposed location of the dock located at 5 Mill Pond Road in the Town of Kittery, ME.

Photograph One. Aerial View of Project Site. Red arrow indicates location of existing and proposed dock. Source: Google Maps. Date: Unknown.

Photograph Two. Facing northeasterly - view of seaward end of existing dock. Note dock located to east of project that is similar in scale to the proposed dock. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: November 22, 2019.

Photograph Three. Facing southerly – view of Applicant's residential structure and existing, dilapidated dock. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: November 22, 2019.

Photograph Four. Facing northerly – view of mudflats and showing where float will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 31, 2020.



Photograph Five. Facing westerly, view of surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 31, 2020.

Photograph Six. Facing northerly – overview of existing dock and location of where dock will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 31, 2020.

EXHIBIT 6.0: CONSTRUCTION PLAN

The old pier will be removed and disposed of in accordance with DEP's Solid Waste Management rules. The new pier will be supported with helix anchors as described in **Exhibit 1.0.** Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction.

All materials will be transported to the site from the adjacent upland area. In addition, construction access will take place from the upland. The helix anchors will be installed hydraulically. The anchors are held in place and the power head winds the helix into the ground, resulting in minimal soil disturbance. The ramp and float will be constructed off-site and set in place once the pier is constructed. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the pier given the use of helix anchors. The construction of the dock should take approximately one (1) week.

EXHIBIT 7.0: EROSION CONTROL PLAN

The project involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock, no formal measures are proposed to control erosion or sedimentation.

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

Name of applicant: Martha Ladd Phone: (207) 438 - 9246

Application Type: Individual NRPA

Activity Type: Dock

Activity Location: Town: Kittery, York County

GIS Coordinates, if known: 4884059 Northing 361331 Easting

Date of Survey: January 31, 2020 Observer: Lisa Vickers Phone: 207-615 - 1527

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

ATLANTIC Environmental LLC

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

NAME OF APPLICANT: Martha Ladd PHONE: (207) 438 - 9246
APPLICATION TYPE: Individual NRPA
ACTIVITY LOCATION: Kittery COUNTY: York

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

DATE OF SURVEY: January 31, 2020 OBSERVER: Tim Forrester

TIME OF SURVEY: 2:30 pm TIDE AT SURVEY: Low-Tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: 12 square feet Subtidal area: 0

SIZE OF INDIRECT IMPACT, if known (square feet):
Intertidal area: approximately 450 square feet Subtidal area: 0

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

ENERGY: x protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

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

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

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	x			
clams		x		
marine worms			x	
rockweed	x			
eelgrass	x			
lobsters	x			
other	x			

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes x no

PREVIOUS ALTERATIONS? x yes* no
*Existing Dock (pre-dates NRPA)

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

PLEASE SUBMIT THE FOLLOWING:
xPhotographs xOverhead drawing (pink)

ATLANTIC Environmental LLC

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

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 1' – 3' feet.
My boat(s) includes kayaks to a variable, including shallow bottom motor boat, kayaks, and paddleboards.

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: See Appendix B

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

WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Kittery approximately 1 mile from the project location – *Traip Academy Boat Launch*

The nearest public, commercial, or private marina is located in Kittery approximately 1.8 miles from the project location – *Kittery Point Yacht Yard*

X I have inquired about slip or mooring availability at the nearest marina or public facility.

☐ Yes, a slip or mooring is available. X No, a slip or mooring is not available.
Approximate expected time on waiting list: Unknown

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

I currently use the following for my boat: ☐ Mooring ☐ Marina X N/A

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

MATERIALS:

X The structure will be supported by a total of twelve (12), 8" x 8" timber pilings and helix anchors.

☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet

☐ The structure will be supported by solid fill.
_____ square feet of solid fill

☐ Other: _____

DIMENSIONS:

Length of fixed section:	80 feet
Width of fixed section:	4 feet
Length of ramp:	36 feet
Dimensions of float:	10 feet by 20 feet
Distance the structure will extend below mean low water (MLW): 0 feet	
Depth of water at the fixed end of the structure: (@HAT)	approximately 2 feet
Depth of water at the float at low tide:	approximately 0 feet
Depth of water at the float at high tide:	approximately 6 feet

Dimensions of any proposed buildings (e.g. bait shed):
____feet high by ____ feet wide by ____ feet long

ACCESS:

During construction, my project site will be accessed via:

X Land

☐ Beach/intertidal area

☐ Water/barge

ATLANTIC Environmental LLC
135 River Road • Woolwich, ME 04579
tim@atlanticenviromaine.com • 207-837-2199
www.atlanticenviromaine.com

March 11,2020

Mr. Kirk Mohney
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA) Application to construct a dock located at 5 Mill Pond Road, Kittery, Maine (Tax Map 23, Lot 5).

Dear Mr. Mohney,

Martha Ladd (Applicant) has applied for a NRPA permit requesting approval to construct a dock consisting of a 4' x 80' pier, a 3' x 36' ramp, and a 10' x 20' float located at 5 Mill Pond Road in Kittery, Maine. Please find a copy of a Location Map and Photographs for your review.

If you have any questions or concerns with this project, please feel free to contact me directly at (207) 837 - 2199 or by e-mail at tim@atlanticenviromaine.com. Thank you in advance for your timely comments.

Sincerely,
Atlantic Environmental LLC.

Tim Forrester, Owner

Cc: Jennifer Pictou, Aroostook Band of Micmacs
Donald Soctomah, Passamaquoddy Tribe of Indians, PPR
Susan Young, Houlton Band of Maliseet Indians
Chris Sockalexis, Penobscot Nation
Donald Soctomah, Passamaquoddy Tribe of Indians, IPR

EXHIBIT 12.0: FUNCTIONAL ASSESSMENT

12.1 INTRODUCTION

AE personnel conducted a site visit at the Applicant's property on November 22, 2019 and January 31, 2020. The purpose of the site visits was to gather data to perform a Functional Assessment of the natural resources at the site and to calculate the impacts of the proposed dock. The assessment was conducted at low-tide.

12.2 METHODOLOGIES

The site was evaluated based on DEP methodologies identified in the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application, Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST. A copy of the checklist is attached in **Exhibit 9.0**. Site-specific data were gathered with a survey level and a Trimble GEO 7X GPS unit. Features identified include rock outcrops, Highest Annual Tide (HAT), Mean High Water (MHW), Mean Low Water (MLW), property pins, habitat types, and existing structures. The collected data were then used to generate plan view and cross section drawings (**see Exhibit 5.0**).

12.3 RESULTS

The upland of the Applicant's property is developed with a residential structure and associated development. The upland extends to a stand of Common Reed (*Phragmites australis*) and Saltmeadow cordgrass (*Spartina patens*) and mudflats. Based on the site visit and analysis of aerial imagery, eelgrass (*Zostra marina*) is not located within the vicinity of the project site. According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat map, the project area is mapped in a Tidal Waterfowl and Wading Bird Habitat.

The energy level is considered semi-protected, the site drains completely, and there are

no freshwater wetlands located in the vicinity of the project site. The general slope along the shoreline where the dock will be located is approximately 0 - 5%.

Three (3) general habitat types were identified in the vicinity of the project: Upland, Marsh Vegetation, and Mudflats. The proposed dock will be located over these habitat types.

12.4 DISCUSSION AND CONCLUSIONS

All organisms identified within the footprint of the proposed structures are common within the surrounding area. In addition, the project does not propose to remove any trees that would potentially impact the Northern Long-Eared Bat (*Myotis septentrionalis)*.

Based on the conditions identified during the investigation, no loss of wetland functions or values is expected to occur.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588
http://www.fws.gov/mainefieldoffice/index.html

In Reply Refer To:
Consultation Code: 05E1ME00-2020-SLI-0815
Event Code: 05E1ME00-2020-E-02657
Project Name: Ladd Dock Project

March 06, 2020

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

To Whom It May Concern:

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

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

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

United States Department of the Interior

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

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

Project Summary

Consultation Code: 05E1ME00-2020-SLI-0815

Event Code: 05E1ME00-2020-E-02657

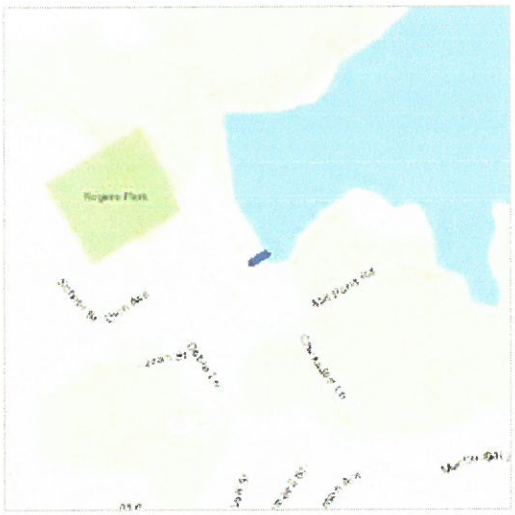
Project Name: Ladd Dock Project

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: The Applicant proposes to remove an existing dock and construct a new dock that consists of a 4' x 80' pier, 3' x 36' ramp, and a 10' x 20' float.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/43.09659586622219N70.73236804948905W



Counties: York, ME

Endangered Species Act Species

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

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], 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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

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

EXHIBIT 13.0: COMPENSATION

The dock will result in approximately twelve (12) feet of direct impacts to the coastal wetland. These impacts are a result of the supports for the pier as previously described.

All organisms identified within the footprint of the proposed structures were noted within adjacent areas. In accordance with Chapter 310 § 5(C)(6)(b), the proposed project does not cover, remove, or destroy marsh vegetation and does not fill more than 500 square feet of intertidal or subtidal area and, presumably, does not have an adverse effect on marine resources or on wildlife habitat given the minimal impacts from the dock. Given this, no compensation is proposed for this project.

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

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

June 5, 2020

Christopher Eckel Trust
3 Knight Ave.
Kittery ME 03904

Dear Christopher Eckel

Your request for the in-kind replacement of an existing boat house and the existing supporting piles for the boat house has been approved by the Kittery Port Authority as a repair in-kind with the following conditions:

- During construction the barge and any other equipment used for the construction can't block or impede navigation to the neighboring piers and floats.

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

Your approval is good for one year from the date the building permit is issued. A permit for which no substantial work has commenced within a year of date of issue will expire. A permit for which work is not substantially complete within two years from date of issue will expire. Expired permits will need to be renewed.

If you have any further questions or make any alterations to your approved plans please contact the Chair of the Kittery Port Authority.

Respectfully,

Kelly L. Philbrook
Kittery Port Authority Chair

cc: Code Enforcement Officer
Town Planner
File