



KITTERY PORT AUTHORITY

Meeting Agenda
August 6, 2020
6:00 P.M.

Star Theater- Kittery Community Center

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

1. Call to Order
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes June 4, 2020; June 18, 2020; & July 8, 2020
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 continue a public hearing from the May 7, 2020 KPA meeting on an application from Shelly Tamis, 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a seasonal 4'x 16' dock.
 - b. The Kittery Port Authority moves to hold a public hearing on an application from Christine and Judson Ludeking, 32 Mendum Ave, Kittery, ME 03904 (Map 3, Lot 50) to replace an existing fixed pier, ramp and float with a 4'x 129' fixed pier, 3'x 40' gangway, and a 10'x 20' float secured by pilings. Agent is Zachary Taylor Riverside and Pickering.
 - c. The Kittery Port Authority moves to hold a public hearing on an application from Christopher and Laurie Barrett, 12 Goodwin Road, Kittery Point, ME 03905 (Map 58, Lot 15) to add 3'x 23' ramp and a 10'x 20' float.
8. Piers, Wharves & Floats
 - a. The Kittery Port Authority moves to accept an application from Ruth Lawrence, 19 Pleasant Street, Kittery, Maine 03904 (Map 4, Lot 35A), to add a 3'x 30' gangway to an existing structure for safety and ease of access. The only access currently is by ladder.
9. Public Segment (Three Mins.)
10. Unfinished Business

a. Future Planning list (Postponed until 9/2020)

11. New Business

a. The Kittery Port Authority moves to reconsider the approval granted by the Port Authority on July 8, 2020, of a 4'x 80' pier, 3'x36' ramp, and a 10'x 20' float at 5 Mill Pond Road as requested by Heather Stokes and David Smith.
(Postponed pending vote of 11b.)

b. The Kittery Port Authority moves to accept a revised plan that was approved at the July 8, 2020 meeting 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. The applicant is requesting to move the proposed structure 5' away from the abutter at 7 Mill Pond Road. Agent is Lisa Vickers, Atlantic Environmental.

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

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

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Agenda Amendments under 8. Piers, Wharves & Floats moving item c. to become item b., and
8 removing under 10. Unfinished Business item a. Frisbee Float repairs.

9 Chair Philbrook cast one vote to accept this agenda as amended to the agenda

10 4. Acceptance of Previous Minutes- May 7, 2020

11 Chair Philbrook moved to accept the May 7, 2020 minutes as amended, seconded by Mr. Bush.

12 Mr. Bush, Mr. Johnston, Vice Chair Patten, and Chair Philbrook approved.

13 Mr. Lawrence abstained due to him being absent at the May 7, 2020 meeting.

14 Motion Carried

15 5. Harbormaster Report and Budget Report

16 Parking lot reconstruction at Pepperrell Cove was completed on Friday, 5/22. Project took a little longer
17 than anticipate due to the Covid19 impact. DPW operated limited crews during the time period in order
18 to maintain social distancing. They did make up time the final week when they were able to run a full
19 crew. A layer of sand was placed on the new asphalt in order to minimize "scuffing" when vehicles turn
20 their wheels. Project came out very nice. Light vehicle traffic was allowed effective 5/22 at noon. Bait
21 trucks were allowed effective Tuesday, 5/26. Water was turned on to the docks on 5/23. Repair was
22 needed in one location at the entry to the Transient Dock that froze and burst over the winter. Electricity
23 was connected to the docks on 5/29. Initially, due to Governor Mills Executive Order, access to the
24 parking lot, piers and docks was restricted to "Maine Residents Only". This created a significant policing
25 demand on us. On 5/27 a complaint was made to Channel 13 I-Team and the news crew came to
26 Pepperrell Cove. Story was run on Channel 13 evening news on 5/29 and reported the clarification we
27 received from Augusta. On Friday, 5/29, the Town received clarification from Augusta that out of state
28 mooring holders could utilize the facilities to access their boats. This required them to come to the
29 facility, immediately go to their dinghy and out to their boat. The reverse is required when they return.
30 They are not to access anywhere else in ME unless 14-day quarantined. An email was sent to all
31 mooring holders and notice placed on the Town website. Out of state boaters are also allowed to use
32 the boat launches, as long as they did not access anywhere else in ME unless 14-day quarantined.

33 Only ME registered boats are allowed to tie up at the Transient docks until further notice per Covid19
34 requirements. Six parking spaces were reserved at Pepperrell Cove for Commercial Fisheries until the
35 Governor's Executive order is lifted. Dumpster was placed at Pepperrell Cove on 5/29. The bathroom at
36 Pepperrell Cove remains closed, but we are exploring options that meet Covid19 requirements to be
37 able to open it. On Saturday, 5/23 an Eliot man drowned off Brave Boat Harbor (in York) when his
38 kayak capsized. On 5/27 we received notice from a homeowner of a kayak washing up on shore in
39 Brave Boat Harbor. On 5/28 Harbormaster went to Brave Boat Harbor via boat and did a shoreline
40 search but was unable to locate an abandoned kayak. Also, on 5/27 we received notice of an
41 abandoned kayak on shore in Spruce Creek near Shepard's Cove. On 5/29 Harbormaster retrieved the
42 kayak and it was taken to Impound Lot KPD. On 5/20, we received a call from a homeowner in Spruce
43 Creek of a loose float drifting. We responded and noted it was anchored and awaiting placement on a
44 dock when the tide was right. On Saturday, 5/30, a distress call from the USCG was received relative to
45 a boat adrift and on the rocks at the entrance to the Back Channel near Bowen Road. Harbormaster
46 and diver Gunnar Ek were off Lawrence Lane in the 21' when received, responded, pulled boat off
47 rocks and towed it to their mooring in the Sound Basin at PNSY. The part-time position that has been
48 previously assigned to monitor Traip has been put on hold for now. Harbormaster and Deputy
49 Harbormaster will be covering both Pepperrell Cove and Traip for now.

50 As of 6/2/2020:

- 51 • 328 mooring holders have paid and renewed for the season (up 20 since last report).
- 52 • 149 mooring holders unpaid.
- 53 • 46 seasonal launch passes have been purchased. This low compared to prior years.
- 54 • Late fees were waived un 7/15 by Town due to Covid19.

55 6. All Items involving Town Officials or invited guests - None

56 7. Public Hearing

57 a. The Kittery Port Authority moves to hold a public hearing on an application from Christopher
58 Eckel Trust, 3 Knight Ave, Kittery, ME 03904 (Map 4, Lot 70) for the reconstruction of an existing
59 shed constructed on piers. Agent: Rykerson Architecture. (Continued from May 7,2020)

60 Chair Philbrook read an e-mail from Tom Choate, which approved of the project, as well as expressed
61 the concern of an abutter at 10 Town Landing that the construction would not impede him from getting
62 to his dock.

63 Chair Philbrook moved to approve the application from Christopher Eckel Trust, 3 Knight Ave, Kittery,
64 ME 03904 (Map 4, Lot 70) for the reconstruction of an existing shed constructed on piers. With the
65 condition that the construction or equipment does not block or impede the resident at 10 Town Landing.
66 Seconded by Mr. Lawrence.

67 Motion Carried 6-0-0

68 b. The Kittery Port Authority moves to hold a public hearing on an application from Shelly Tamis,
69 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a seasonal prefab 4'x 16' dock.

70 Chair Philbrook read emails from Brian Cormier 12 Goose Point Kittery ME. Chair Philbrook read a part
71 of Bart McDonough, the Town Planner's email concerning this application.

72 Chair Philbrook stated that this was a two-part public hearing and would continue at the June 18, 2020
73 KPA meeting and discussed with the applicant about getting clarity concerning the deed of the property.

74 8. Piers, Wharves & Floats

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

79 Mr. McCollett abstained from the discussion.

80 Steven Riker presented the revised plans for a 6'x 45' extension to an existing fixed pier. The existing
81 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total
82 length.

83 All the Board members, Mr. Ryker and the Miller's lawyer had a discussion about the right of way to the
84 water, the location of the current pier, the deeds of the Miller's at 4 Lawrence Lane, and the abutters
85 the Crotty's at 2 Lawrence Lane. The Board decided to do a site walk.

86 Chair Philbrook read a letter from the Crotty's lawyer.

87 Chair Philbrook moved the Kittery Port Authority to accept an application from Kenneth P. & Terri
88 M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for a 6'x 45' extension to an
89 existing fixed pier. The existing 3'x46' gangway and 10'x20' float will be reused. The extension will
90 create a structure with 150' of total length. Seconded by Mr. Bush.

91 Motion Carried 5-1-0

92 Mr. McCollett abstained from voting.

93 Chair Philbrook scheduled a site walk for 6/11/2020 10:00 a.m. low tide. She also stated the first public
94 hearing would be on 6/18/202 at the KPA meeting and the second public hearing would be on 7/2/2020
95 KPA meeting.

96 Mr. Ryker stated that he would stake the line of that defines the boundary of the right of way, the float
97 location for the site walk. Chair Philbrook asked for a stake to be placed at the float at the end of the
98 pier. Mr. Johnston asked for stakes to be placed marking out both sides of the right of way and where
99 the other abutter's property is.

100 b. The Kittery Port Authority moves to review and approve an application from Kenneth P. & Terri
101 M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map 18, Lot 35) for retaining the use of an
102 existing 8'x16' mooring float attached to the Town of Kittery mooring #451. Agent: Steven Riker, Ambit
103 Engineering.

104 Steven Riker explained the reason the Millers wanted to retain the use of an existing 8'x16' mooring
105 float attached to the Town of Kittery mooring #451.

106 Chair Philbrook asked the Harbormaster how long the float and mooring had been there. The
107 Harbormaster responded about 5 or 6 years. She asked if both parties were current with the payment of

108 the mooring. Chair Philbrook asked Mr. Ryker if the Millers would they be giving up the mooring when
109 the pier extension was completed. Mr. Ryker responded no. She asked if the Millers and the Crottys
110 were still going to share this mooring.

111 The Harbormaster stated the navigation by the float was pretty narrow.

112 Chair Philbrook stated the Millers have a riparian mooring and should be able to use it until a decision
113 has been made.

114 Chair Philbrook asked the Harbormaster to contact the Crottys and get their opinion on the float and
115 mooring.

116 Chair Philbrook moved to continue the application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane,
117 Kittery Point, ME 03905 (Map 18, Lot 35) for retaining the use of an existing 8'x16' mooring float
118 attached to the Town of Kittery mooring #451 to the 6/18/2020 KPA meeting. Seconded by Mr. Bush.

119 Motion Carried 5-1-0

120 Mr. McCollett abstained from voting.

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

124 Steven Ricker presented the plans for an addition of a 5' x 12' boat cradle to an existing structure.

125 Chair Philbrook moved to accept an application from Paul J. & Jessica O. McKeon, 96 Pepperrell Road,
126 Kittery Point, ME 03905 (Map 27, Lot 47) for an addition of a 5' x 12' boat cradle to an existing structure
127 and schedule a site walk at low tide on 6/11/2020 after the site walk at 4 Lawrence Lane. Seconded by
128 Mr. Bush.

129 Motion Carried 6-0-0

130 Chair Philbrook also stated the first public hearing would be on 6/18/202 at the KPA meeting and the
131 second public hearing would be on 7/2/2020 KPA meeting.

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

133 10. Unfinished Business

134 a. Future Planning list (Postponed until July)

135 11. New Business – None

136 12. Committee and Other Reports - None

137 a. Communications from the Chairperson

138 Chair Philbrook spoke to the board about the Town Managers plan options for places to hold meetings.
139 She also spoke about the signage on Kittery point bridge.

140 Chair Philbrook expressed concern on the mistreatment of Harbormaster and the Assistant Harbor by
141 the Mooring holders and boat owners due to the restrictions of the COVID 19 pandemic.

142 13. Board Member Issues or Comments

143 Mr. Bush - None
144 Mr. McCollett – None
145 Mr. Johnston – None
146 Mr. Lawrence - Spoke about the boaters not obeying the wake restrictions on the back channel.
147 Vice Chair Patten - Spoke about head way speeds at the Memorial Bridge.
148 14. Executive Session - None
149 15. Adjournment
150 Chair Philbrook moved to adjourn at 7:53 p.m. Seconded by Mr. Bush.
151 Motion Carried 6-0-0
152 Submitted by Kim Tackett
153 Disclaimer: The following minutes constitute the author’s understanding of the meeting. Whilst every
154 effort has been made to ensure the accuracy of the information, the minutes are not intended as a
155 verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took
156 place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

1 1. Call to Order

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

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Postponed item 5 a. to the July 8, 2020 meeting.

8 Chair Philbrook cast 1 vote for the agenda as amended.

9 4. All Items involving Town Officials or invited guests

10 5. Public Hearing

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

13 Postponed until the July 8, 2020 meeting.

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

18 Chair Philbrook read letters from Donald and Mary Craig, Mark and Sally Crotty, and Christopher
19 Mulligan.

20 Chair Philbrook also read from the Town code in regards to the restrictions of having two piers on one
21 property.

22 This public hearing is to be continued at the July 8, 2020 KPA meeting.

23 The Harbormaster had an update on the question Chair Philbrook had asked at the June 4th meeting in
24 regards to whether the Crottys still wanted to share the float with the Millers. Both the Crottys and the
25 Millers agreed to still share the float.

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

29 Chair Philbrook stated to Steve Riker that if this application was approved with the condition the float will
30 not be used to tie up a boat for storage, will only be used for loading and unloading, short-term visitors,
31 and the cradle will be limited to a boat 20' or less. Steve Riker said he would consult with his client and
32 let the board know at the July 8, 2020 meeting.

33 6. Piers, Wharves & Floats

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

37 Lisa Vickers of Atlantic Environmental, LLC went over the plans to replace an old dilapidated dock with
38 a new 4' x 80' pier, a 3' x 36' ramp, and a 10' x 20' float.

39 Chair Philbrook scheduled a site walk for July 2, 2020 at 4:00 p.m.

40 Chair Philbrook moved to accept the application of Martha Ladd, 5 Mill Pond Road, Kittery, ME 03904
41 (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
42 20' float, seconded by Mr. Lawrence.

43 Motion Carried 6-0-0

44 7. Public Segment (Three Mins.) - None

45 8. Unfinished Business - None

46 9. New Business – None

47 10. Committee and Other Reports - None

48 a. Communications from the Chairperson

49 Chair Philbrook requested the Harbormaster investigate a mooring sitting on top of a riparian mooring.

50 Chair Philbrook received correspondence that requested both the mooring list and the mooring waitlist
51 be provided online.

52 Chair Philbrook stated that someone had called to complain about the tuna tails hanging on the Frisbee
53 pier and stated someone might find them offensive.

54 11. Board Member Issues or Comments

55 Mr. Johnston asked the Harbormaster when the cameras would be back on online. The Harbormaster
56 stated that it was undetermined.

57 Mr. Lawrence - None

58 Mr. Bush – Asked if there had been any changes in the forums for meetings.

59 Mr. McCollett – None

60 Vice Chair Patten – None

61 Chair Philbrook – Stated that the memorial benches have been cleaned and opened. Chair Philbrook
62 also thanked Jim Forbes for helping with sanding.

63 Chair Philbrook stated that she sent an e-mail and asked the Town Manager about allowing fishing on
64 the public piers.

65 12. Executive Session - None

66 13. Adjournment

- 67 Mr. Lawrence moved to adjourn at 6:52 p.m., seconded by Mr. Bush.
- 68 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.

1 1. Call to Order

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

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

5 2. Pledge of Allegiance

6 3. Agenda Amendments and Adoption

7 Public Hearing Item a. postponed until the August KPA meeting.

8 Chair Philbrook cast 1 vote for the agenda as amended.

9 4. Acceptance of Previous Minutes

10 The board postponed approval of the June 4, 2020 minutes until the August 6, 2020 KPA meeting.

11 5. Harbormaster Report and Budget Report

12 The Harbormaster reported on:

13 The 2020 mooring list and waitlist have been placed on the Town website.

14 The evening of June 30, 2020, a significant rainstorm occurred in which we received somewhere
15 between 4-5 inches of rain in a little over 3 hours. One small boat on a mooring needed to be pulled
16 into the launch cove before it sank. Two other center console boats were at risk of sinking; one was
17 bailed and the bilge pump was used in the second. Deputy Moran and volunteers pumped out dinghies
18 with motors that were at risk of sinking. Several non-motorized dinghies were filled with water and
19 attended to by their owners the next day. Thanks, were offered to Connor Reed, Tom Philbrook and
20 Bruce Knapp for assisting.

21 The sand that was placed on the new asphalt at Pepperrell Cove was removed and many compliments
22 have been received about the overall project.

23 The controller on the Government St. Wharf failed and was replaced by Yates Electric on June 29,
24 2020.

25 The bathroom at Pepperrell Cove remains closed, but options are being explored that meet COVID-19
26 requirements to be able to open it. A porta-potty was also placed at Traip the week of June 29, 2020.

27 Reserved parking at Pepperrell Cove for "commercial fisheries" ended on June 30, 2020. "No fishing" is
28 still in place on all Town facilities due to COVID-19.

29 U.S. Fish and Wildlife and the Rachel Carson Preserve Office provided notice that access to Brave
30 Boat Harbor is to be restricted. No beaching of boats and no people allowed on the sandbar. The

31 offices have begun to place signs and are looking into a buoy to be placed near the entrance. This was
32 in response to complaints about large gatherings of people and boats there last summer.

33 A conscious effort is being made to patrol the back channel and Badgers Island to stop wake violators.
34 No wake buoys have been placed at the east end of the back channel, adjacent to Hick's Rocks,
35 Pepperrell Cove and the entry to Chauncey Creek. New mooring blocks will be located near Badgers
36 Island and when in place, the buoys will be attached. Mooring options are being evaluated for the
37 remaining no wake buoys in and around Badgers Island.

38 The Conservation Commission is having a sign made that will be placed at Pepperrell Cove depicting
39 marine life that could be seen when visiting the wharf. Members of the board met with the Chair of the
40 Commission and the graphic artist they hired on June 30, 2020. A list was provided to them of marine
41 life and jpeg files of each. Thanks, were offered to Chair Philbrook for assisting with compiling the list.
42 The new sign is being designed now and the board will have a chance to review the proposed design
43 before production.

44 RFQ's (Request for Quotes) will be published and quotes will be excepted for a boat to replace the
45 current Carolina Skiff. The Harbormaster hopes to have the order completed by September.

46 Work is being done to clean-up the Traip ramp area which includes adding a trash barrel by the ramp,
47 pruning of shrubs and cutting bittersweet vine that is currently killing trees in that area. A dirt area was
48 also added next to the office/shed which will be used for kayak racks and additional parking for boaters.
49 Special thanks to KPA board member Niles Pinkham for volunteering to spread the gravel that was
50 delivered by Kittery DPW.

51 As of July 7, 2020: 397 moorings paid, 91 unpaid (43 are Kittery Point Yacht Yard's, and they have just
52 completed entering 2020 vessel data. 48 unpaid are individual mooring holders). The Harbormaster
53 will be calculating the fees this week, and late fees will be assessed as of July 16, 2020. One
54 additional individual relinquished their mooring (28 so far). As of July 7, 2020, 103 seasons launch
55 passes have been sold.

56 6. All Items involving Town Officials or invited guests - None

57 7. Public Hearing

58 a. The Kittery Port Authority moves to continue a public hearing from the May 7, 2020 KPA meeting on
59 an application from Shelly Tamis, 14 Goose Point, Kittery Point, ME 03905 (Map 34, Lot 14) for a
60 seasonal 4'x 16' dock.

61 The board postponed the public hearing until the August KPA meeting.

62 b. The Kittery Port Authority moves to continue a public hearing from the June 18, 2020 KPA meeting
63 on an application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane, Kittery Point, ME 03905 (Map
64 18, Lot 35) for a 6'x 45' extension to an existing fixed pier. The existing 3'x46' gangway and 10'x20'
65 float will be reused. The extension will create a structure with 150' of total length. Agent: Steven Riker,
66 Ambit Engineering.

67 Chair Philbrook read the Findings of Fact list per requested by Steven Riker, of Ambit Engineering.

68 Chair Philbrook, Vice Chair Patten, Mr. Bush, Mr. Lawrence, Mr. Pinkham and Mr. Johnston were in
69 favor of all items on Finding of Fact list.

70 John McCollett abstained.

71 Chair Philbrook moved to approve the application from Kenneth P. & Terri M. Miller, 4 Lawrence Lane,
72 Kittery Point, ME 03905 (Map 18, Lot 35) for a 6'x 45' extension to an existing fixed pier. The existing
73 3'x46' gangway and 10'x20' float will be reused. The extension will create a structure with 150' of total
74 length.

75 Seconded by Mr. Lawrence.

76 Motion Carried 6-0-1

77 John McCollett abstained.

78 c. The Kittery Port Authority moves to continue a public hearing from the June 18, 2020 KPA Meeting
79 on an application from Paul J. & Jessica O. McKeon, 96 Pepperrell Road, Kittery Point, ME 03905 (Map
80 27, Lot 47) for addition of a 5' x12' boat cradle to an existing structure. Agent: Steven Ricker, Ambit
81 Engineering.

82 Chair Philbrook moved to approve the application from Paul J. & Jessica O. McKeon, 96 Pepperrell
83 Road, Kittery Point, ME 03905 (Map 27, Lot 47) for addition of a 5' x12' boat cradle to an existing
84 structure with the condition the float will not be used to tie up a boat for storage, will only be used for
85 loading and unloading, short-term visitors, and the cradle will be limited to a boat 20' or less.

86 Seconded by Mr. Bush.

87 Motion Carried 6-0-0

88 John McCollett abstained from the last vote and was not present for this vote.

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

92 Dave Smith, the abutter, was inquiring about where the replacement dock was going to be located. Lisa
93 Vickers of Atlantic Environmental explained the plans to Mr. Smith. Mr. Smith expressed concerns with
94 the placement of the new 4' x 80' pier, a 3' x 36' ramp, and a 10' x 20' float.

95 Chair Philbrook moved to approve the application from Martha Ladd, 5 Mill Pond Road, Kittery, ME
96 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
97 10'x 20' float.

98 Seconded by Mr. Bush.

99 Chair Philbrook read the Findings of Fact list as requested by Lisa Vickers of Atlantic Environmental,
100 LLC.

101 Chair Philbrook, Vice Chair Patten, Mr. Bush, Mr. Lawrence, Mr. Pinkham, Mr. Johnston and Mr.
102 McCollett were in favor of all items on Finding of Fact list.

103 Motion Carried 7-0-0

104 8. Piers, Wharves & Floats

105 a. The Kittery Port Authority moves to accept an application from Christine and Judson Ludeking, 32
106 Mendum Avenue, Kittery, ME 03904 (Map 3, Lot 50) to replace an existing fixed pier, ramp and float
107 with a 4'x 100' fixed pier, 3'x 40' gangway, 6'x 30' landing float secured by moorings and a 10'x 20' float
108 secured by moorings. Agent is Zachary Taylor of Riverside and Pickering.

109 Zachary Taylor of Riverside and Pickering presented the plans for Christine and Judson Ludeking, 32
110 Mendum Avenue, Kittery, ME 03904 (Map 3, Lot 50) to replace an existing fixed pier, ramp and float
111 with a 4'x 100' fixed pier, 3'x 40' gangway, 6'x 30' landing float secured by moorings and a 10'x 20' float
112 secured by moorings.

113 The board suggested a fixed pier instead of a landing float.

114 Chair Philbrook scheduled a site walk for low tide on July 20, 2020 5:00 PM and a public hearing for
115 August 6, 2020.

116 Chair Philbrook asked the board if they were willing to waive the 100' restriction, all were in favor.

117 Chair Philbrook moved to accept an application from Christine and Judson Ludeking, 32 Mendum
118 Avenue, Kittery, ME 03904 (Map 3, Lot 50) to replace an existing fixed pier with a revised plan provided
119 at the site walk on July 20, 2020 at 5p.m. and a public hearing August 6, 2020 at 6p.m., ramp and float
120 with a 4'x 100' fixed pier, 3'x 40' gangway, 6'x 30' landing float secured by moorings and a 10'x 20' float
121 secured by moorings.

122 Seconded by Mr. Bush.

123 Motion Carried 7-0-0

124 b. The Kittery Port Authority moves to accept an application from Christopher and Laurie Barrett, 12
125 Goodwin Road, Kittery Point, ME 03905 (Map 58, Lot 15) to add 3'x 23' ramp and a 10'x 20' float.

126 Chair Philbrook scheduled a site walk for July 20, 2020 at 4 :15 PM and a public hearing for August 6,
127 2020 at 6 PM.

128 Mr. Lawrence moved to accept the application from Christopher and Laurie Barrett, 12 Goodwin Road,
129 Kittery Point, ME 03905 (Map 58, Lot 15) to add 3'x 23' ramp and a 10'x 20' float.

130 Seconded by Mr. Bush

131 Motion Carried 7-0-0

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

133 10. Unfinished Business

134 a. Future Planning list (Postponed until September 2020)

135 11. New Business - None

136 12. Committee and Other Reports

137 a. Communications from the Chairperson

138 Chair Philbrook spoke regarding a repair/replace in-kind pier, ramp and float from Rebecca and Michael
139 Hall, 51 Bowen Road, Kittery ME 03904.

140 Chair Philbrook said a letter was sent to the Tudor Drive Association, at their request, stating that the
141 KPA doesn't assign dock space on their shared docking structure.

142 Chair Philbrook stated that Warren's Lobster House was doing some in-kind repairs.

143 13. Board Member Issues or Comments

144 Mr. Lawrence – Mr. Lawrence brought up replacing the pump at the Town dock.

145 Mr. Bush – Mr. Bush stated Briars has water.

146 Mr. Pinkham - None

147 Mr. Johnston -None

148 Mr. McCollett – Mr. McCollett asked if the Tudor Drive Association had electricity at their dock.

149 Vice Chair Patten – None

150 Chair Philbrook – Chair Philbrook mentioned moorings in a cove by the Sara Long Bridge and 95 and
151 having the Harbormaster investigate the probability of issuing moorings. Chair Philbrook asked about
152 putting another float at Traip and the cost of doing so. Chair Philbrook spoke about the cameras at
153 Pepperrell Cove, and allowing fishing at Pepperrell Cove.

154 14. Executive Session - None

155 15. Adjournment

156 Mr. Bush moved to adjourn at 8:12 p.m., seconded by Mr. Johnston.

157 Motion Carried 7-0-0

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.

RECEIVED
APR 23 2020
BY: _____

TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: _____
Lot: _____
Date Submitted: _____

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

Contact: kpa@kittervme.org Website: kittervme.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:

A SEASONAL DOCK

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): SHELLEY TAMIS

3. Property Address: 14 Goose Point, Kittery Pt

4. Telephone Number: 603 770 0449 (REQUIRED) Email: Shelley.TAMIS1@GMAIL.COM (REQUIRED)

5. Property Size (Acres/SF): 1 Zoning District(s): R-RL

6. The shore frontage of this property is 107 feet, measured at the high water line in a straight line, stake to stake.

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

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

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

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

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

Applicant Signature: [Signature] Date: 4-3-20

Property Owner Signature: [Signature] Date: 4-3-20

Agent Name: _____ Agent Firm: _____

Agent Phone: _____ (REQUIRED) Agent Email: _____ (REQUIRED)

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

Fee Paid, Amount: _____ Date: _____ ASA Paid, Amount: _____ Date: _____

*APPLICANT SERVICE ACCOUNTS: PER TITLE 3.3 OF THE KITTEY 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):

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- 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):

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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.

PROPERTY MAP
KITTERY
 MAINE



LEGEND

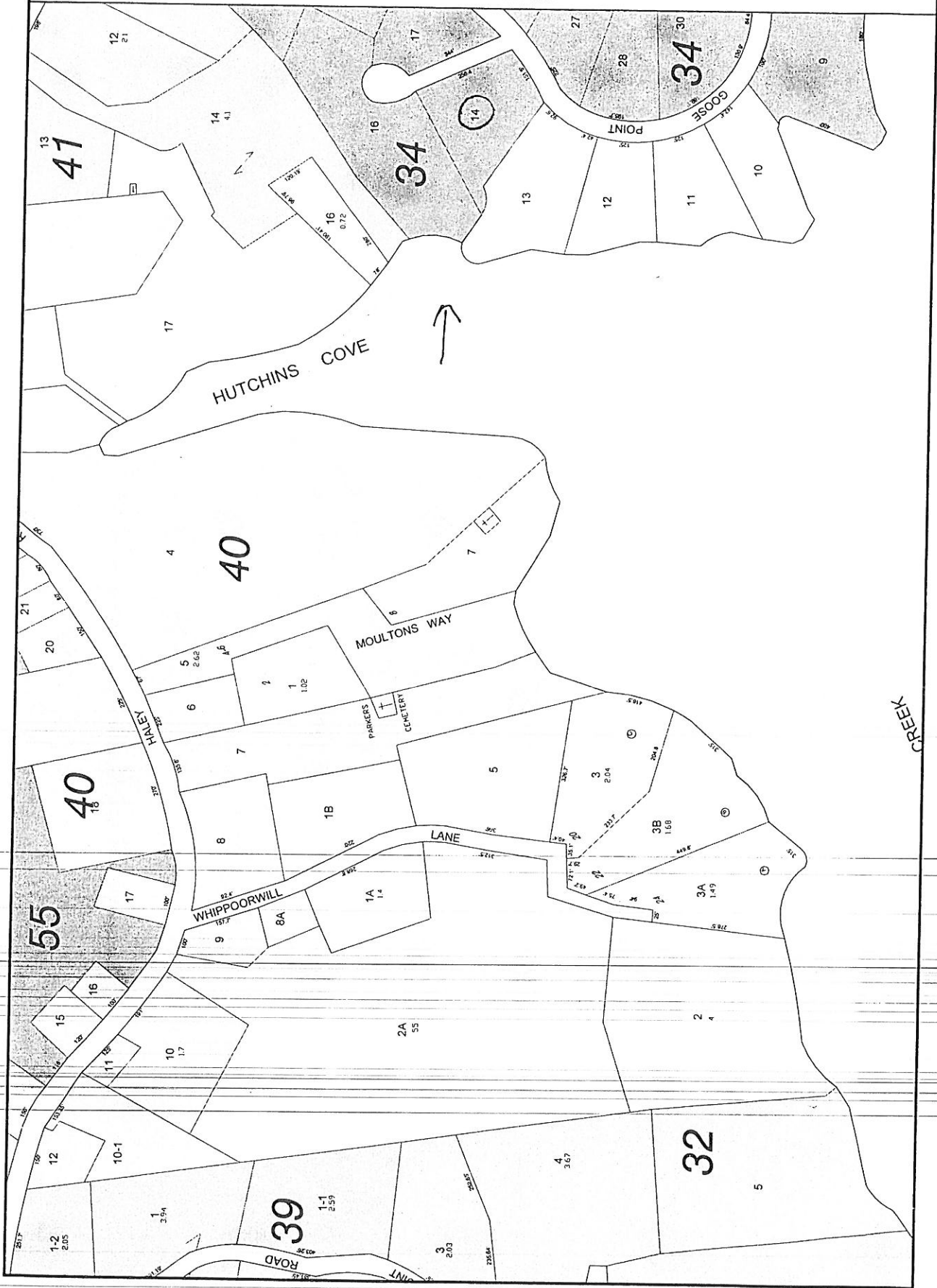
ADJUTING MAP NO.	R11	LOT DESIGNATION	
PARTIAL NUMBER	74	PARTY BY TAKES	
SUBDIVISION (LOT NO.)	⊙	RIGHT OF WAY	→
STREET ADDRESS NO.	12	EASEMENT	—



John E. O'Donnell & Associates
 632 Bald Hill Road
 New Gloucester, Maine 04260
 (207) 926-0444
 www.jodonnell.com

33

REVISED TO APRIL 1, 2014
 FOR AGREEMENT TO PROPERTY ONLY
 NOT FOR PRIORITY CONVEYANCE

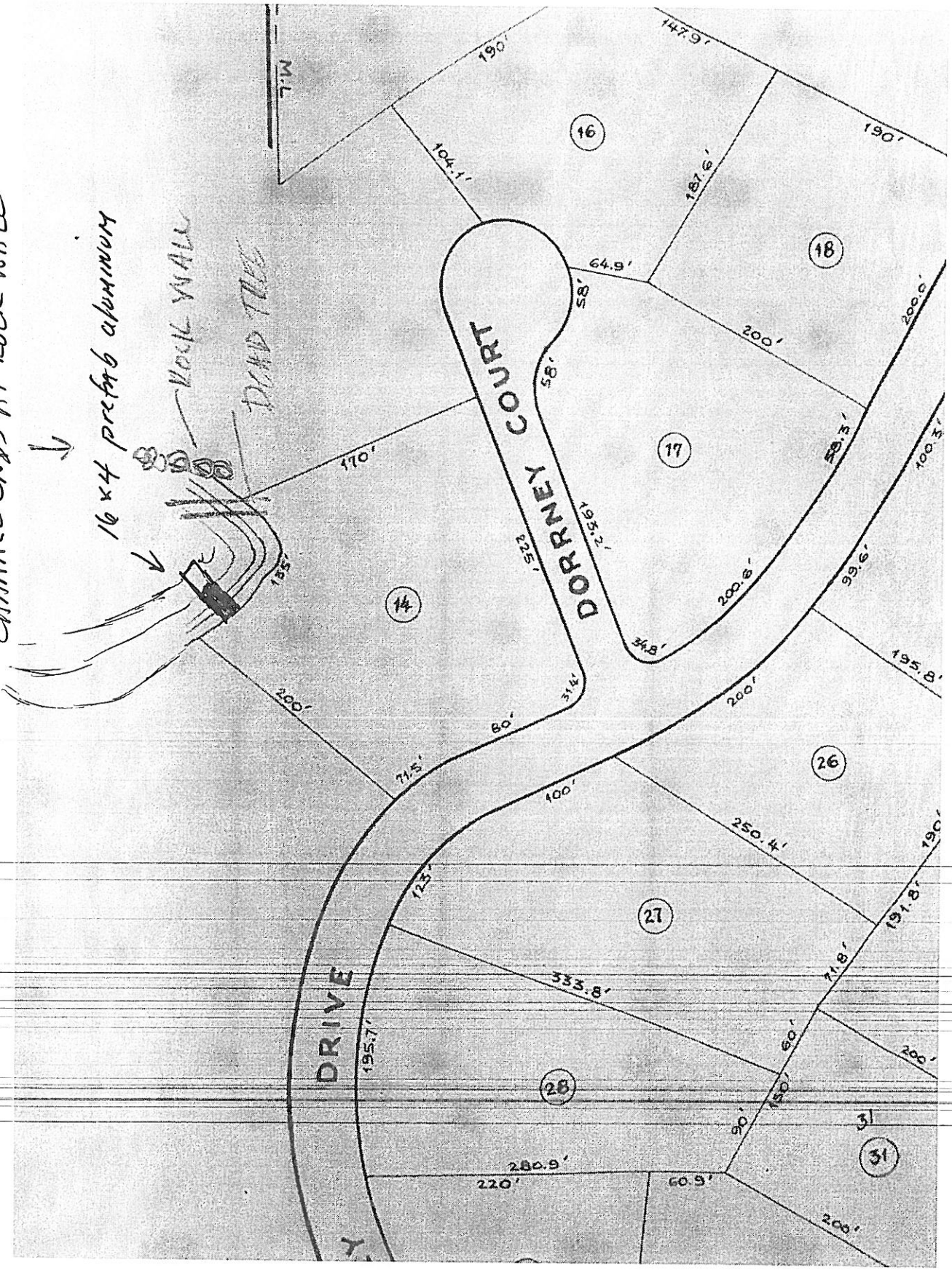


CHANNEL ENDS AT ROCK WALL

16 x 4 precast aluminum

ROCK WALL

DEAD TREE



Abutten

16 GOOSE POINT

Location 16 GOOSE POINT Mblu 33/13/11
 Acct# 33/13 Owner CONSAGA SR, ROBERT J
 Assessment \$775,200 Appraisal \$775,200
 PID 2372 Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$441,200	\$334,000	\$775,200

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$441,200	\$334,000	\$775,200

Owner of Record

Owner CONSAGA SR, ROBERT J Sale Price \$135,000
 Co-Owner CONSAGA, CAROLYN W Certificate
 Address 16 GOOSE POINT Book & Page 9081/130
 KITTERY POINT, ME 03905-5632 Sale Date 10/13/1998
 Instrument 1P

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CONSAGA SR, ROBERT J	\$135,000		9081/130	1P	10/13/1998
BONDI, URSULA E	\$0		2302/144		12/16/1977

Building Information

Building 1 : Section 1

Year Built: 1999
 Living Area: 3,206
 Replacement Cost: \$477,603
 Building Percent Good: 92
 Replacement Cost
 Less Depreciation: \$439,400

Building Photo

Building Attributes	
Field	Description

Abu Hen

12 GOOSE POINT

Location 12 GOOSE POINT Mblu 34/ 16/11
 Acct# 34/16 Owner CORMIER, BRYAN
 Assessment \$607,800 Appraisal \$607,800
 PID 2397 Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$267,100	\$340,700	\$607,800

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$267,100	\$340,700	\$607,800

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 Good: 90
 Replacement Cost
 Less Depreciation: \$259,200

Building Photo

COPY

WARRANTY DEED

LEE ANN ELIZABETH LONDON of Kittery, County of York and State of Maine, with a mailing address of 14 Goose Point, Kittery Point, Maine 03905, for consideration paid, grant to SHELLEY TAMIS of 20 Drake Lane, Kittery, Maine 03904, with Warranty Covenants, the land in Kittery Point, Town of Kittery, York County, State of Maine bounded and described as follows:

A certain lot or parcel of land with the buildings thereon situate in said Kittery, and being lot numbered fourteen (14) on Plan of Dorrney Home Sites, Inc., filed in the Registry of Deeds of York, Plan Book 44, Page 42, bounded and described as follows:

BEGINNING at a pipe set in the ground at Dorrney Drive and the intersection of lots #13 and #14 and thence running in a southeasterly direction on a curve to the right with a radius of 200 feet a distance of 71.48 feet along said Dorrney Drive to a pipe set in the ground at Dorrney Drive; thence turning and running South 56°30' East a distance of 80 feet along said Dorrney Drive to a pipe set in the ground; thence turning and running on a curve to the left in a northeasterly direction with a radius of 20 feet a distance of 31.4 feet to a pipe set in the ground at Dorrney Court; thence turning and running North 33°30' East 225 feet along Dorrney Court to a hub set in the ground at Dorrney Court and the intersection of lots #14 and #15 on said plan; thence turning and running North 61° West 167.65 feet by said lot #15 on said plan to a pipe set in a stone wall; thence turning and running in a generally westerly direction along said stone wall to the high water mark; thence turning and running along said high water mark in a generally westerly direction to a point which is 38 feet, more or less, North 5° East from a pipe set in the ground at the top of the bank; thence turning and running South 5° West 38 feet, more or less, by said lot #13 on said plan to the pipe aforementioned at the top of the bank; thence turning South 5° West 162.1 feet by said lot #13 on said plan to a pipe set in the ground and the point of beginning.

Nevertheless, this conveyance is made upon the following express conditions, reservations, and restrictions (applying to the whole

Maine R.E. Transfer Tax Paid

and every part of the premises conveyed hereby), by which the grantee agrees, for herself, her heirs, and assigns, to be bound by the delivery and acceptance of this deed, and which conditions, reservations, and restrictions shall inure to the benefit of and may be specifically enforced by Dorrney Home Sites, Inc. (hereafter called Dorrney), its successors and assigns, and by the Grantees (by subsequent or earlier deeds) of any lots on the Plan of Lots of Dorrney Home Sites, Inc. above referred to, it being covenanted and agreed by Dorrney, by the delivery and acceptance of this deed, that all conveyances of any such lots by Dorrney shall contain conditions, reservations, and restrictions substantially similar to those hereafter set forth, except as to Lot #1 on said plan, it being understood and agreed that Dorrney may retain or transfer said Lot #1 without (or in its discretion with other conditions, reservations, and restrictions). (Said reservations and restrictions shall run with the land.)

1. That the right is reserved to Dorrney, its successors and assigns to enter the premises hereby conveyed, on reasonable written notice, for the purpose of laying, maintaining, or repairing any underground or other drains, conduits, ditches, or pipes, doing no unnecessary damage, and restoring said premises to substantially the same condition, and the Grantee, her heirs and assigns, shall not cut off or interrupt any pipes, ditches, or other drains which pass over, or shall pass over, in or through said premises.
2. That any structures or buildings constructed on the premises hereby conveyed shall be used solely for the purpose of a single dwelling house and for purposes directly incidental thereof, and not for use, in whole or in part, either temporarily or permanently, for commercial, mercantile, or manufacturing purposes, or as a boarding house, apartment house, hotel, overnight cabins, trailer camps, store, gasoline station, garages (except for owner's private use), dog kennels, stores and storehouses, warehouses, greenhouses or hot houses, signs, billboard, cemeteries, farms, institutions, or for the protection or any natural, manufactured or other materials, or for the maintenance or care, for hire or commercially, of any domestic animals, or for any offensive activities or any other purposes which might depreciate the value of the property in the vicinity for use for dwelling houses.
3. That any structure, appurtenance or equipment erected on said premises shall be constructed of materials generally considered acceptable for new construction. Dwelling shall contain not less than 1200 square feet of floor space. Dwellings shall not be occupied until essentially completed.

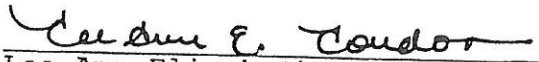
The length of construction time must be kept to a reasonable minimum. The architecture of the buildings shall be in harmony with the development as a whole.

- 4. That no buildings, structures, appurtenances or equipment shall be erected or located on the premises conveyed hereby, any part of which is less than 30 feet from the nearest street or road, or less than 10 feet from the nearest boundary as shown on the above plans.

BEING the same premises conveyed to W. Thomas London and Lee Ann Elizabeth London, as joint tenants with right of survivorship, by deed of W. Thomas London dated February 1, 2015 and recorded in the York County Registry of Deeds at Book 16964, Page 367. The said W. Thomas London died on December 5, 2015.

Witness my hand and seal this 9th day of November, 2017.


Witness

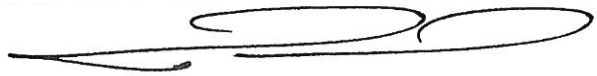

Lee Ann Elizabeth London

The State of Maine
County of York

November 9th, 2017

Then personally appeared the above-named LEE ANN ELIZABETH LONDON and acknowledged the foregoing instrument to be her free act and deed,

Before me,

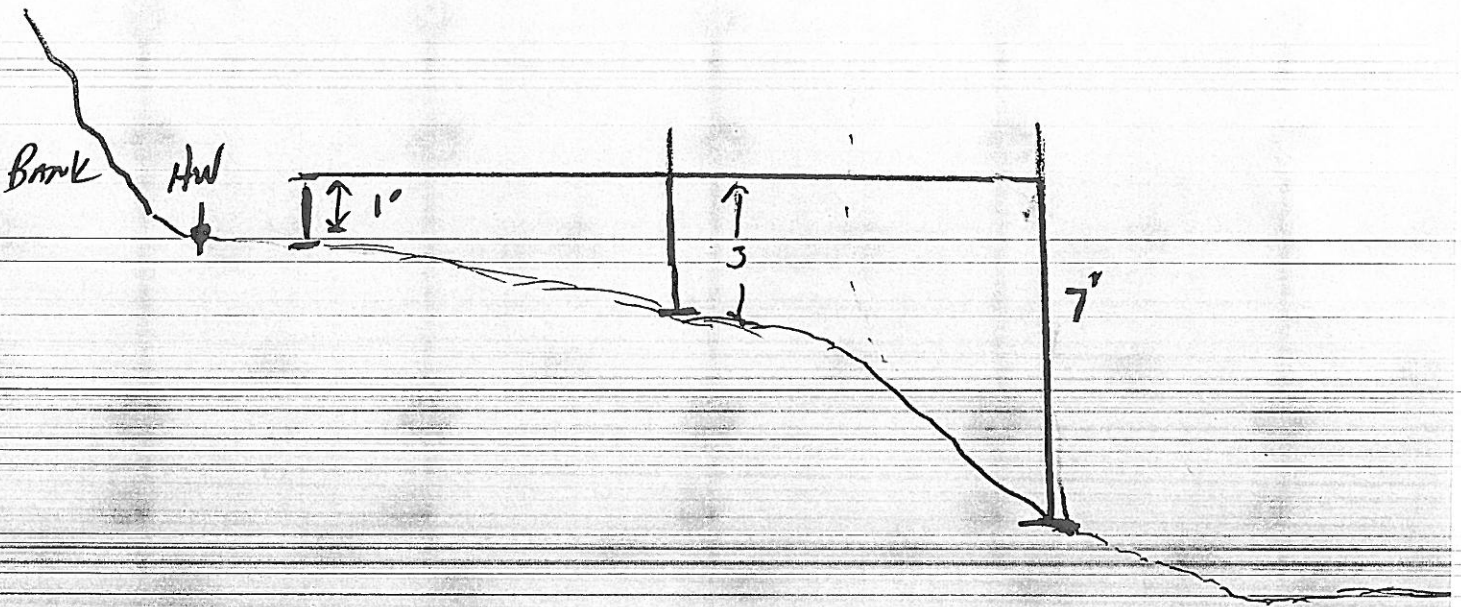
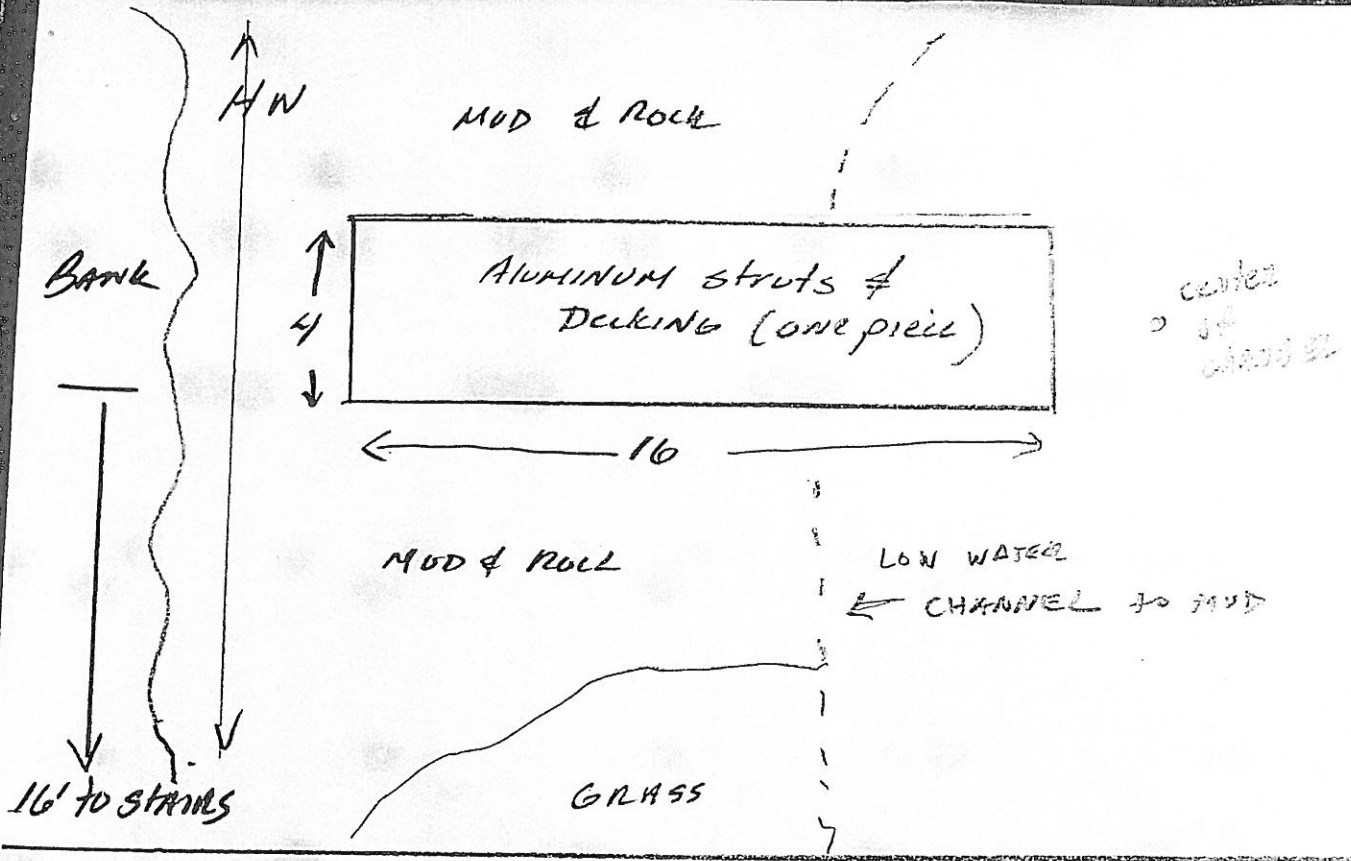

Notary Public
Print Name: Dan W. Thornhill
My Commission Expires: 7/25/19

\\realtest\deeds\london lee wd
RE 24201

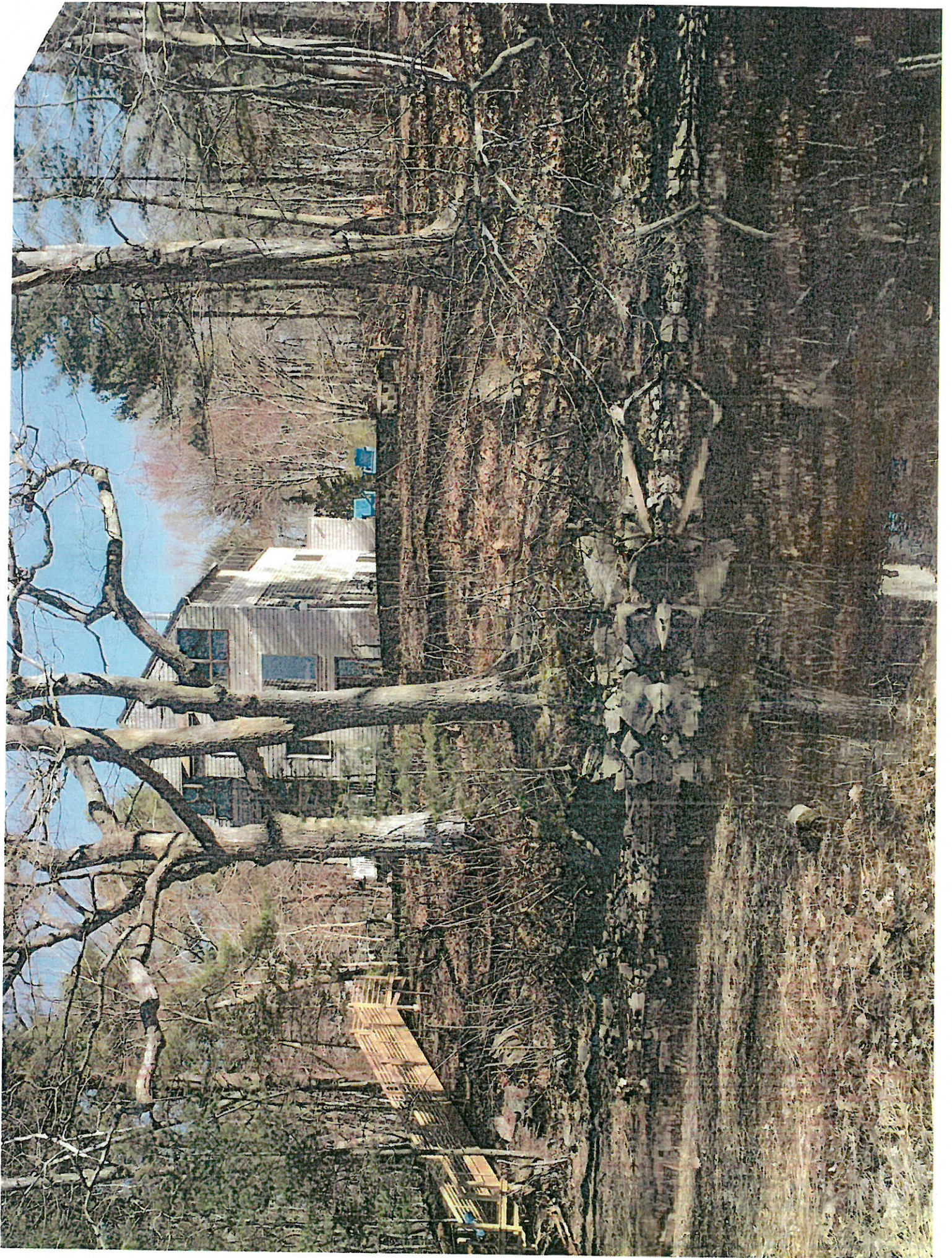
14 Goose Point
Kittery 34/14

McEachern & Thornhill
10 Walker Street
P. O. Box 360
Kittery, ME 03904-0360
207-439-4881

3 pages







Click or tap to draw a measurement line. Double-click/tap to finish.

Property Search

Feet (ft) Feet (ft²) Distance

Enable Sna... Select Sna...



Layers

- Layers
- Parcels
- Roads
- Water System
- Storm System
- Sewer System
- Points of Interest
- Waterfront Piers
- Contours
- Railroads
- Water Resources
- Natural Resources
- Zoning

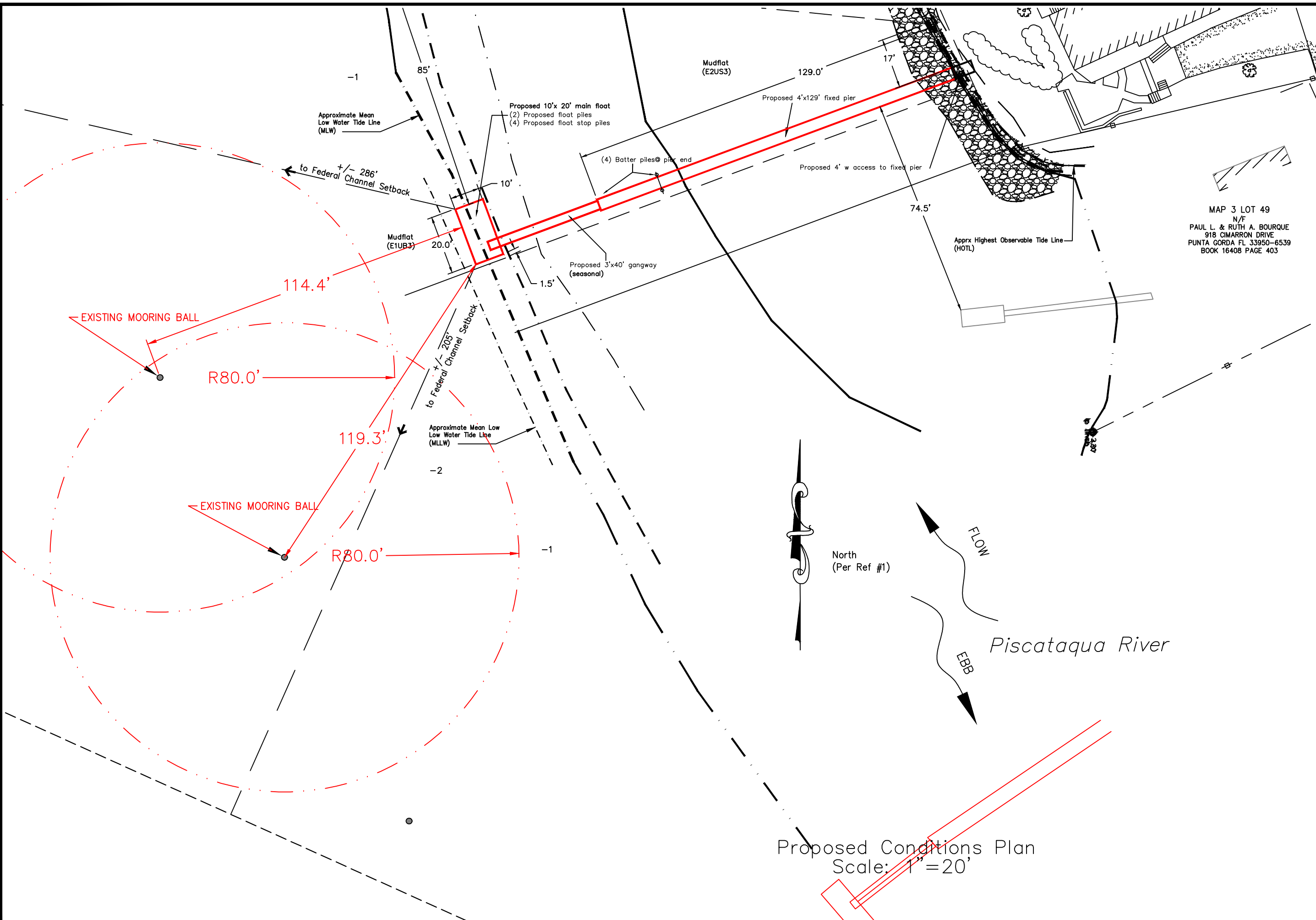
2006 Aerial Photo

Basemaps

Kittery GCX | Maine GeocLibrary, Maxar

9:58 AM 4/18/2020

32 Mendum Avenue
Plan Updates and Changes



Proposed Conditions Plan
 Scale: 1" = 20'

Judson Ludeking SD&F DOCK PROJECT		Date: 2-19-20 Drawn By: AF Checked By: ZT
Address: 32 Mendum Ave City: Kittery, ME		Approved: _____ Date: _____ Title: _____
Map & Lot #: Map 3 Lot 50 Drawing Scale: 1"=20'		Job Class: _____

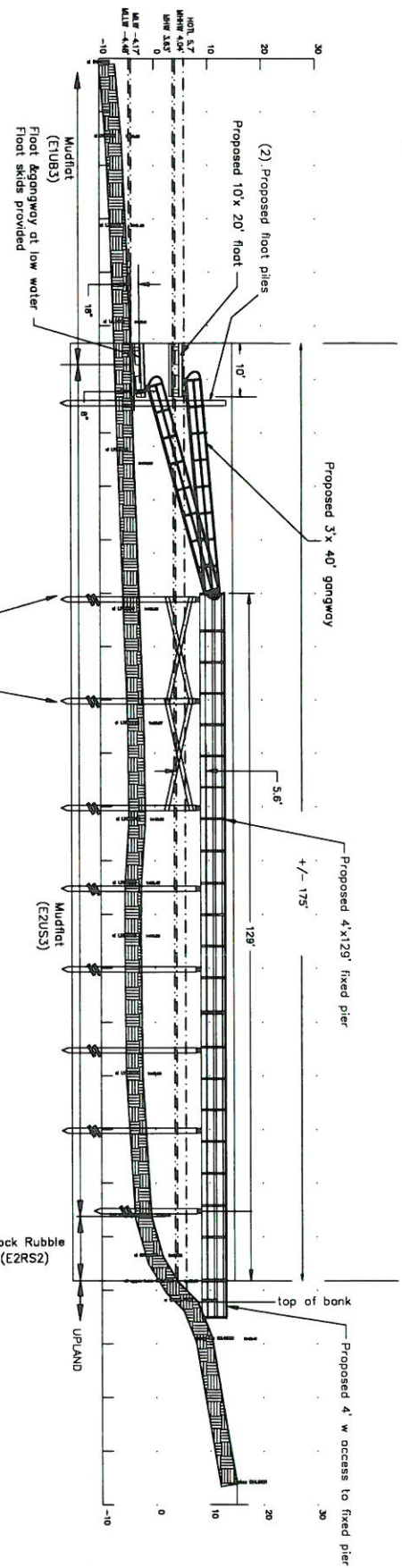
34 Patterson Lane, Newington, NH Office: (603) 427-2824 Fax: (866) 571-7132	

REVISIONS		
Date	Description	Approved
7/17/20	Revise pier design per the KPA initial application hearing.	
7/20/20	Add Area View plan showing moorings and dock to the south.	

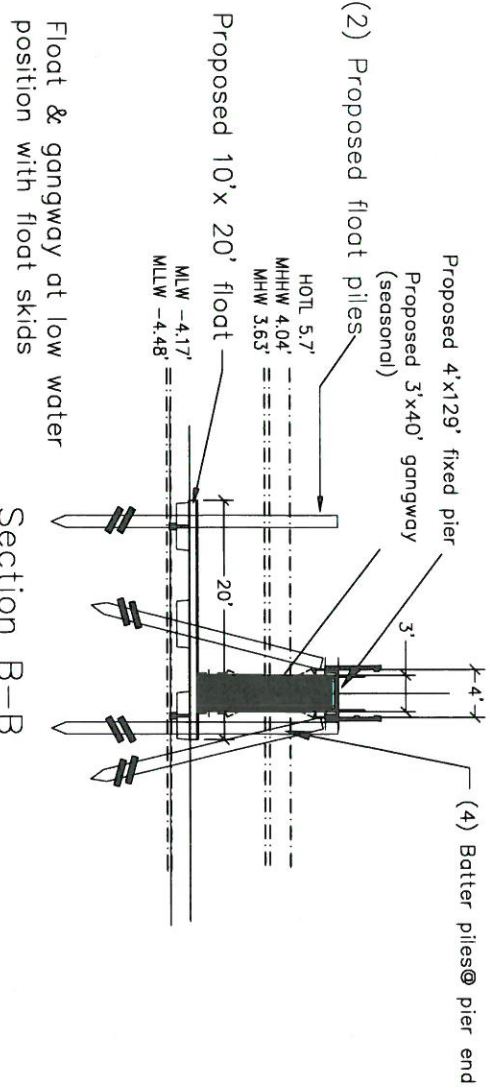
File #:

SHT 4 OF 4

Piscataqua River



Dock Profile
Scale: 1"=20'



Section B-B
Scale: 1"=10'

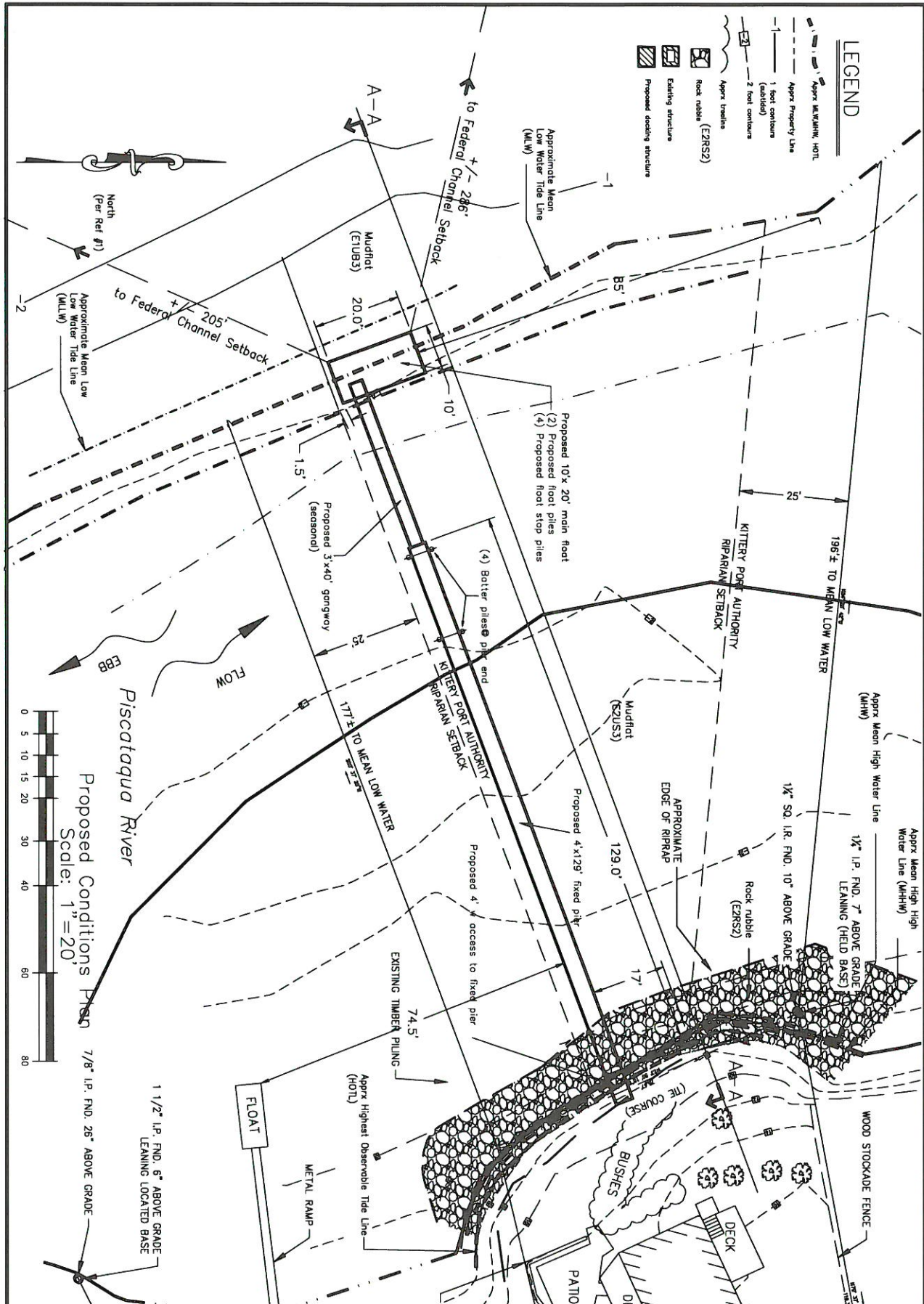
Float & gangway at low water position with float skids

REVISIONS		
Date	Description	Approved
7/7/20	Revise pier design per the SPA initial application	

RIVERSIDE & PICKERING
MARINE CONTRACTORS
34 Patterson Lane, Newington, NH
Office: (603) 427-2824 Fax: (866) 371-7132

Judson Ludeking
SD&F DOCK PROJECT
Address: 32 Mendum Ave City: Kittery, ME
Map & Lot #: Map 3 Lot 50 Drawing Scale: Noted
Title: _____ Job Class: _____

Date: 2-19-20
Drawn By: AF
Checked By: ZT
Approved: _____ Date: _____



REVISIONS		
Date	Description	Approved
7/7/20	Review plan design per the RIVERMOUNT initial application meeting.	

RIVERSIDE PICKERING
 MARINE CONTRACTORS

34 Patterson Lane, Newington, NH
 Office: (603) 427-2824 Fax: (866) 371-7132

Judson Ludeking
SD&F DOCK PROJECT

Address: 32 Mandum Ave City: Kittery, ME
 Map & Lot #: Map 3 Lot 50 Drawing Scale: 1"=20'

Date: 2-19-20
 Drawn By: AF
 Checked By: ZT

Approved: _____ Date: _____
 Title: _____ Job Class: _____

File #:
 SHEET 2 OF 3

From: Kuerstin Fordham <kuerstin@riversideandpickering.com>
Subject: 32 Mendum Ave
Date: July 21, 2020 at 11:56:02 AM EDT
To: "nowakekp@aol.com" <nowakekp@aol.com>
Cc: "Zachary Taylor (zach.tidal@gmail.com)" <zach.tidal@gmail.com>

Hi Kelly,

I hope you are having a week. Jud Ludeking, (the owner), does own the mooring in front of his property that we spoke about last night at the site visit with Zach. He gained ownership of it this spring.

Have a great day!

Thanks Kelly!

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

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



Map	_____
Lot	_____

**TOWN OF KITTERY
KITTERY PORT AUTHORITY**

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

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

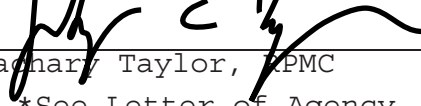
The following application is submitted for the construction, modification, reconstruction of a:

Replace an existing permanent pier, gangway and float with a more functional pier, gangway and float along the applicants frontage. The total increase in impact for the improvements equals approximately 544 sf and will provide the owners with better access to the Piscataqua River and the Atlantic Ocean. The new dimensions of the structure will be 4'X 100' fixed pier with a 3'X 40' gangway landing on a 6'X 30' landing float connecting to a 20'X 10' main float. The existing dock will be removed.

- Property Owner(s): Christine and Judson Ludeking
- Property Address: TM# 30-5, 32 Mendum Ave., Kittery, ME
- Telephone Number: 603-427-2824 (agent) Email: zach@riversideandpickering.com
(REQUIRED) (REQUIRED) SFR R-U
- Property Size (Acres/SF): 0.2 Acres Zoning District(s): Shoreland Zone
- The shore frontage of this property is +/-78' feet, measured at the high water line in a straight line, stake to stake.
- LEGAL INTEREST: The applicant demonstrates a legal interest in the property by including a copy of the following: Deed, Purchase and Sale Agreement:
- ADDITIONAL PERMITS/APPROVALS THAT MAY BE REQUIRED: (attach applications to submittal)

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

- 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: 3-2-2020
Zachary Taylor, KPMC
Property Owner Signature: *See Letter of Agency Date: _____

Agent Name: Zachary Taylor Agent Firm: Riverside and Pickering Marine
Agent Phone: 603-427-2824 Agent Email: zach@riversideandpickering.com
(REQUIRED) (REQUIRED)

APPLICATION FEE (\$100) and ASA* (minimum \$145). Include a check payable to the Town of Kittery.

Fee Paid, Amount: _____ Date: _____ 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.

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- Attach Town Tax Map of Lot.
- Attach Plan of lot with location and dimensions of the proposed structures or alterations to existing structures.
- Attach list of abutters within 150 ft. (include those over water) of applicant's shorefront property line.
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- 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 not to exceed 100 ft. long (does not include ramp and floats).
 - C. Elevation not to exceed 15 ft. above mean low water.
 - 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.

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Portland, ME 04103
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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.

31 July, 2019

To Whom It May Concern:

RE: State of Maine Department of Environmental Protection Application for proposed docking structure within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for Christine B. Ludeking 2012 Revocable Trust

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

Riverside Marine Construction, Inc

Is individually authorized to represent us as our agent in the approval process.

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

Sincerely,

A handwritten signature in cursive script that reads "Christine B. Ludeking Trustee". The signature is written in black ink and is positioned above the printed name and address.

*Christine B. Ludeking Trustee
Christine B. Ludeking 2012 Revocable Trust
32 Mendum Ave
Kittery, ME 03905*



Gaudissart
Abutter
Map 3 Lot 52

Clemons
Abutter
Map 3 Lot 54A

Ludeking
Map 3 Lot 50
Subject lot

Anderson
Abutter
Map 3 Lot 51

Bourque
Abutter
Map 3 Lot 49

RIVERSIDES & PICKERING
MARINE CONTRACTORS

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

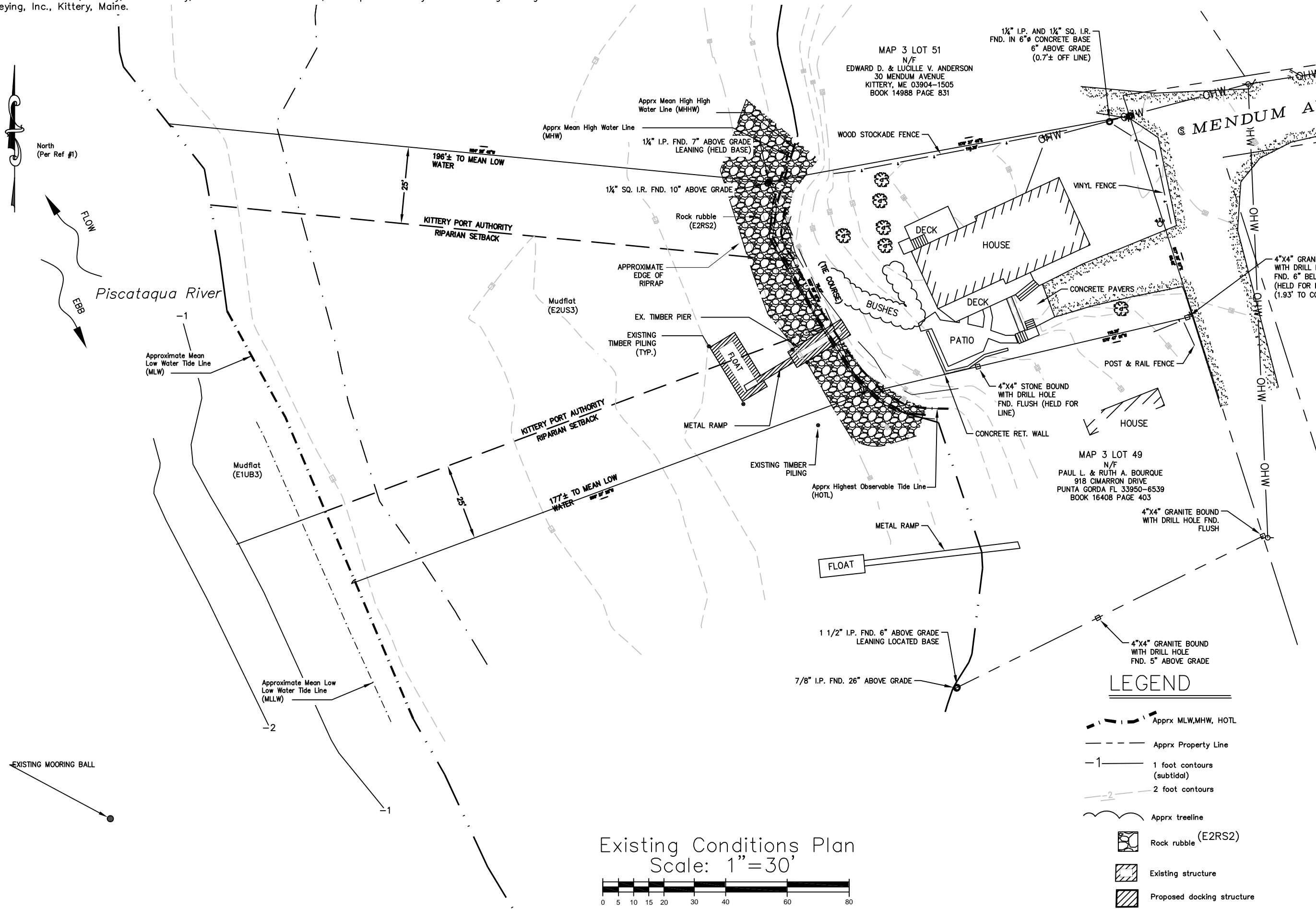
Date: 2-11-2020
Scale: NTS
By: APF

Tax Map
For: **Ludeking**
32 Mendum Ave
Kittery, ME 03904
Map 3 Lot 50

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

References:

1. Plan entitled "Boundary Retracement & Existing Conditions Survey" of land owned by Christine B. Ludeking located on Mendum Ave., Kittery, York County, Maine. dated October 15, 2019 performed by Tidewater Engineering and Surveying, Inc., Kittery, Maine.




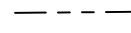
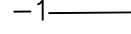





Existing Conditions Plan
Scale: 1"=30'

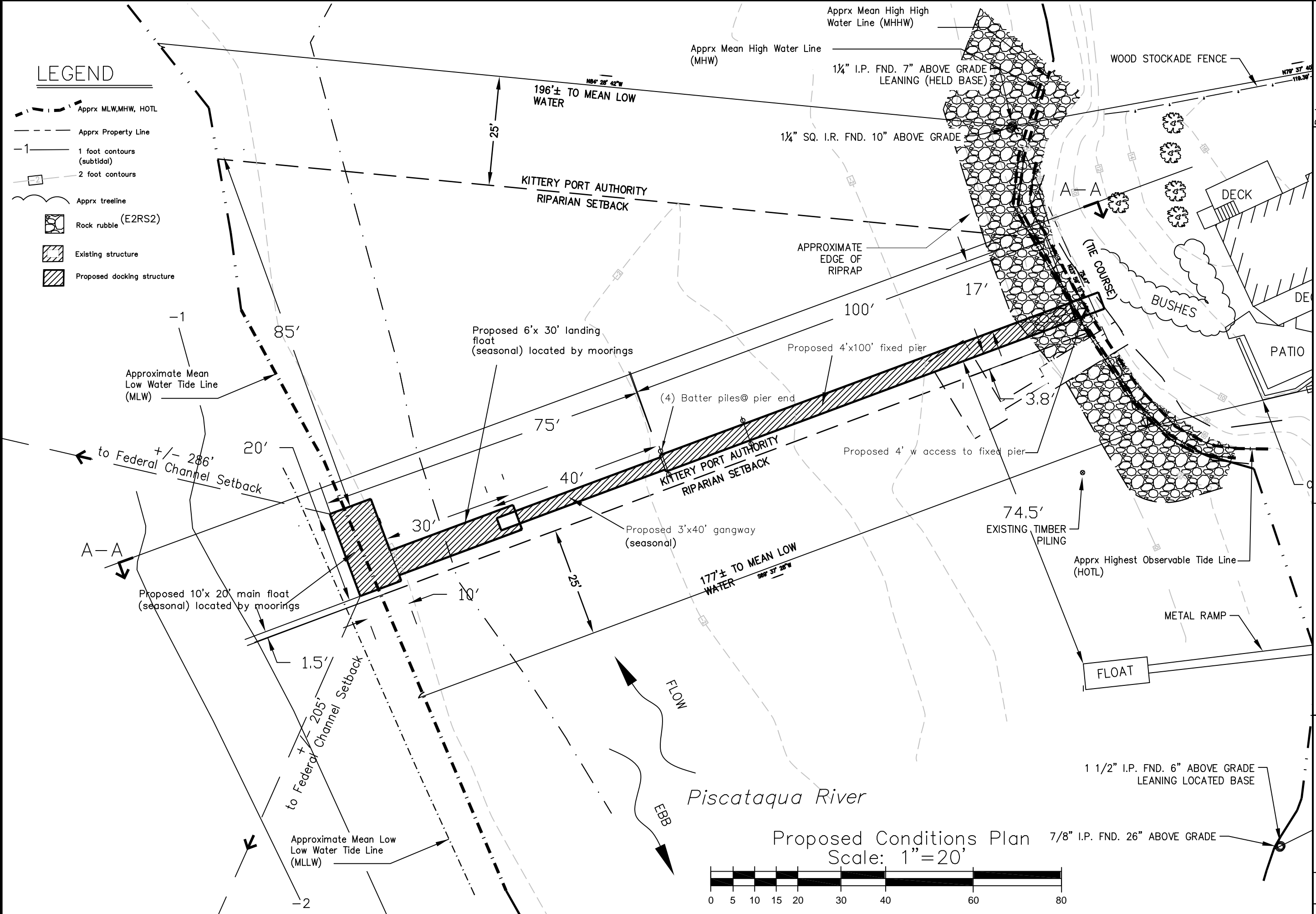
LEGEND

	Apprx MLW, MHW, HOTL
	Apprx Property Line
	1 foot contours (subtidal)
	2 foot contours
	Apprx treeline
	Rock rubble (E2RS2)
	Existing structure
	Proposed docking structure

<h2 style="margin: 0;">Judson Ludeking SD&F DOCK PROJECT</h2>		Date: 2-19-20 Drawn By: AF Checked By: ZT						
<p style="font-size: small;">Address: 32 Mendum Ave City: Kittery, ME</p> <p style="font-size: small;">Map & Lot #: Map 3 Lot 50 Drawing Scale: 1"=30'</p>		Approved: _____ Date: _____ Title: _____ Job Class: _____						
<p style="font-size: x-small; margin-top: 5px;">34 Patterson Lane, Newington, NH Office: (603) 427-2824 Fax: (866) 571-7132</p>								
REVISIONS	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Date</th> <th style="width: 40%;">Description</th> <th style="width: 50%;">Approved</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Date	Description	Approved				
Date	Description	Approved						
File #: _____								
SHT 1 OF 3								

LEGEND

-  Apprx MLW,MHW, HOTL
-  Apprx Property Line
-  1 foot contours (subtidal)
-  2 foot contours
-  Apprx treeline
-  Rock rubble (E2RS2)
-  Existing structure
-  Proposed docking structure



Date: 2-19-20
 Drawn By: AF
 Checked By: ZT

Judson Ludeking
 SD&F DOCK PROJECT

Address: 32 Mendum Ave City: Kittery, ME
 Map & Lot #: Map 3 Lot 50 Drawing Scale: 1"=20'
 Title:

RIVERSIDE & PICKERING
 MARINE CONTRACTORS

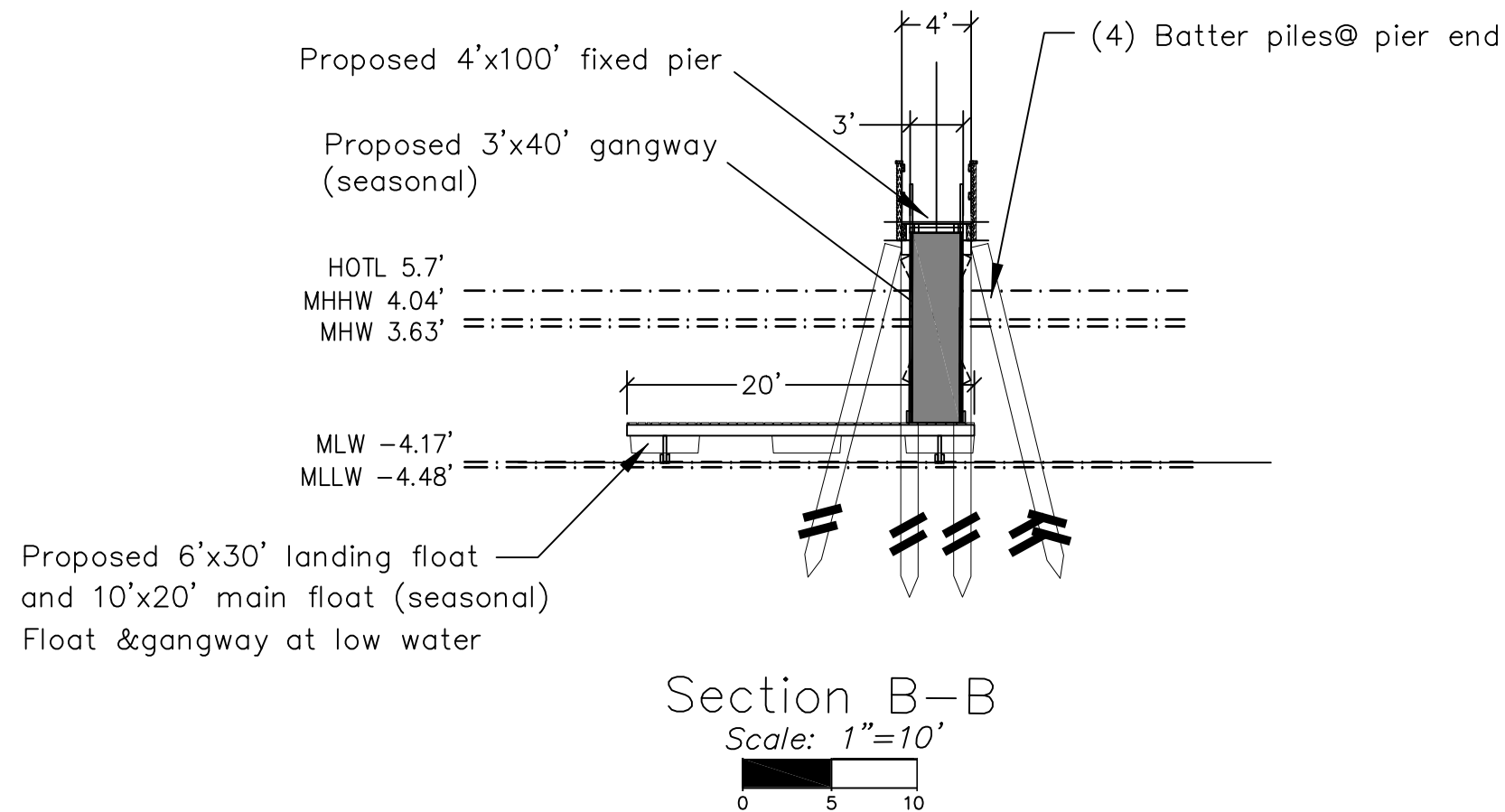
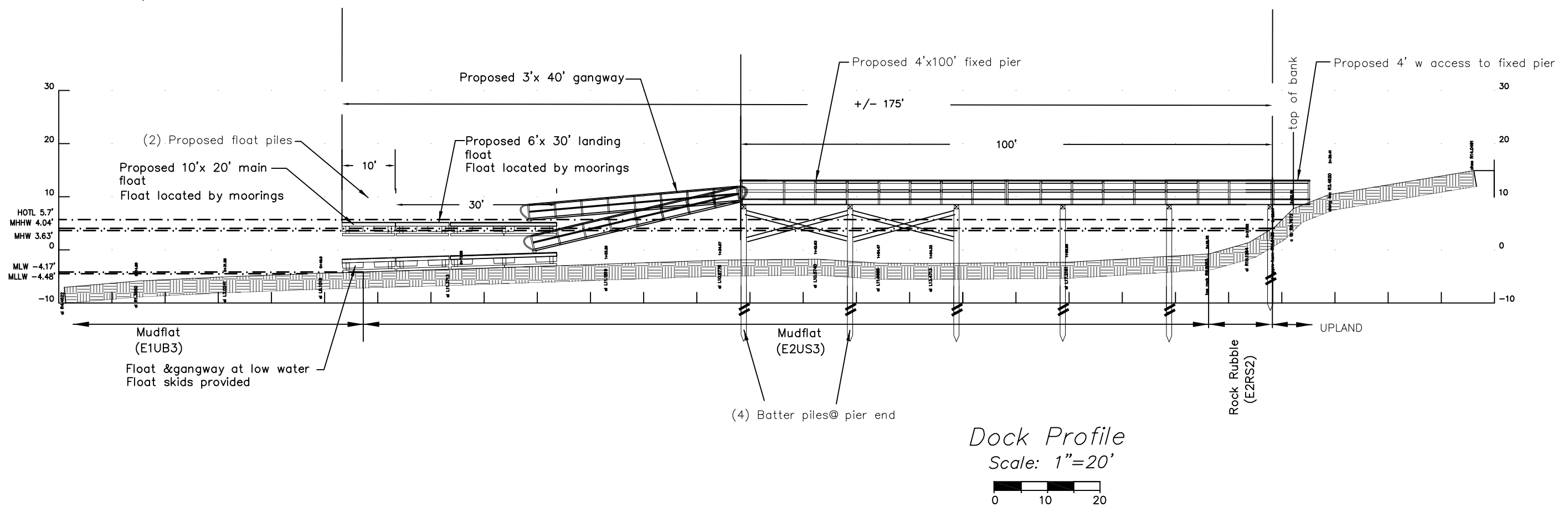
34 Patterson Lane, Newington, NH
 Office: (603) 427-2824 Fax: (603) 571-7132

REVISIONS	Date	Description	Approved

File #:

SHT 2 OF 3

Piscataqua River



Date: 2-19-20

Drawn By: AF

Checked By: ZT

Approved: _____ Date: _____

Title: _____ Job Class: _____

Judson Ludeking
SD&F DOCK PROJECT

Approved: _____

City: Kittery, ME

Address: 32 Mendium Ave

Map & Lot #: Map 3 Lot 50

Drawing Scale: Noted

Title: _____



34 Patterson Lane, Newington, NH
Office: (603) 427-2824 Fax: (866) 571-7132

REVISIONS	Approved	
	Description	Date



**ABUTTER LIST
KITTERY PORT AUTHORITY APPLICATION**

Name of property owner (s): Christine and Judson Ludeking

Location: 32 Mendum Ave, Kittery, ME. Map 30 Lot 5

Brief description of work: Replace an existing pier, gangway and float with a more functional pier, gangway and float along their property in Kittery, Maine.

Abutters within 150' of proposed project

<u>Abutters</u>		
TM# 3 Lot 52 Oliver & Claire Gaudissart 28 Mendum Ave. Kittery, ME 03904-1505	TM# 3 Lot 51 Edward & Lucille Anderson 30 Mendum Ave. Kittery, ME 03904-1505	TM# 3 Lot 50 Daromiro Family Nominee Trust Robert Melanson, Trustee 32 Mendum Ave. Kittery, ME 03904-1505
TM# 3 Lot 54A Bruce Clemons 73 River Road Stratham, NH 03885	TM# 3 Lot 49 Paul & Ruth Bourque 918 Cimarron Drive Punta Gorda, FL 33950-6539	TM# 3 Lot 53 Elizabeth Lobecker 26 Mendum Ave. Kittery, ME 03904
TM# 3 Lot 54 Cameron Wake & Celina Adams 19 Mendum Ave Kittery, ME 03904-1505	TM# 3 Lot 48 William & Judith Smart 36 Mendum Ave Kittery, ME 03904-1505	TM# 3 Lot 47 Armistead and Lousie Dennett 100 Dennett Road Kittery, ME 03904

Office: 603-427-2824 | Fax: 866-571-7132 | 34 Patterson Ln, Newington, NH 03801

www.riversideandpickering.com

A division of Riverside Marine Construction, Inc.

Return to:
Christine B. Ludeking

80 Whitehall Rd
South Hampton, NH 03827
DLN: 1001840045358

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That I, **Robert P. Melanson, Jr.**, of 32 Mendum Avenue, Kittery, ME 03904, for consideration paid grant to **Christine B. Ludeking, Trustee of the Christine B. Ludeking 2012 Revocable Trust udt January 18, 2012**, of 80 Whitehall Road, South Hampton, NH 03827, with WARRANTY COVENANTS:

A certain tract or parcel of land, with the buildings thereon, situated in the Town of Kittery, County of York and State of Maine, being a part of Lot No. 16 on a Plan of Lots for C.A. Jackson in said Kittery, York County, Maine, July 1940, by C.S. Gerrish, C.E., filed in the York County Registry of Deeds in Plan Book 17, Page 3, being bounded and described as follows:

Beginning on the roadway called Mendum Avenue, at the line of land, now or formerly belonging to one Shirley Holt;

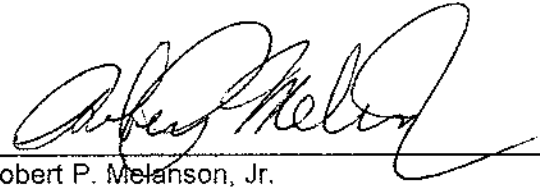
1. Westerly, 120', more or less, to the Piscataqua River;
2. Southerly, 75', more or less, to the line of Lot No. 17;
3. Easterly, 95', more or less, to the Mendum Avenue;
4. Northerly, 68' to the place of beginning.

Subject to any and all matters as shown on Plan Book 17, Page 3.

Meaning and intending to describe and convey the same premises conveyed to Robert P. Melanson, Jr. by virtue of a deed of Robert P. Melanson, Jr. and Sandra J. Melanson, Trustees of the Daromiro Family Nominee Trust, dated September 4, 2018 and recorded in the York County Registry of Deeds at Book 17794, Page 692.

Maine R.E. Transfer Tax Paid

Executed this December 6, 2018.

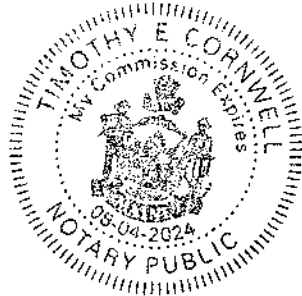


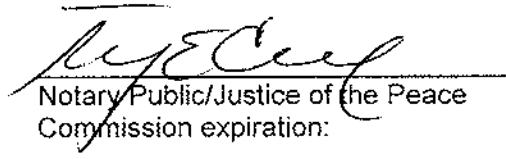
Robert P. Melanson, Jr.

State of Maine
County of York

December 6, 2018

Then personally appeared before me the said Robert P. Melanson, Jr. and acknowledged the foregoing to be his voluntary act and deed.




Notary Public/Justice of the Peace
Commission expiration:



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:

Obtain required permits for an existing seasonal 10' x 20' float and 23' x 3' ramp that was presented and approved by Kittery Port Authority in 2003 but never completed while permits were valid. The 30' x 6' pier was substantially completed in 2003. The recent sale of the property has highlighted the oversight in permitting requirements.

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

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

2. Property Owner(s): Christopher Barrett, Laurie Barrett

3. Property Address: 12 Goodwin Road, Kittery Point ME 03905

4. Telephone Number: (802)324-0813 Email: cbarrettmhv@gmail.com
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 0.9 Acres Zoning District(s): R-RLC

6. The shore frontage of this property is 290' 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: [Signature] Date: June 24, 2020

Property Owner Signature: [Signature] Date: June 24, 2020

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

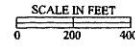
Fee Paid, Amount: 125. Date: 6/24/2020

PROPERTY MAP
KITTERY
MAINE



LEGEND

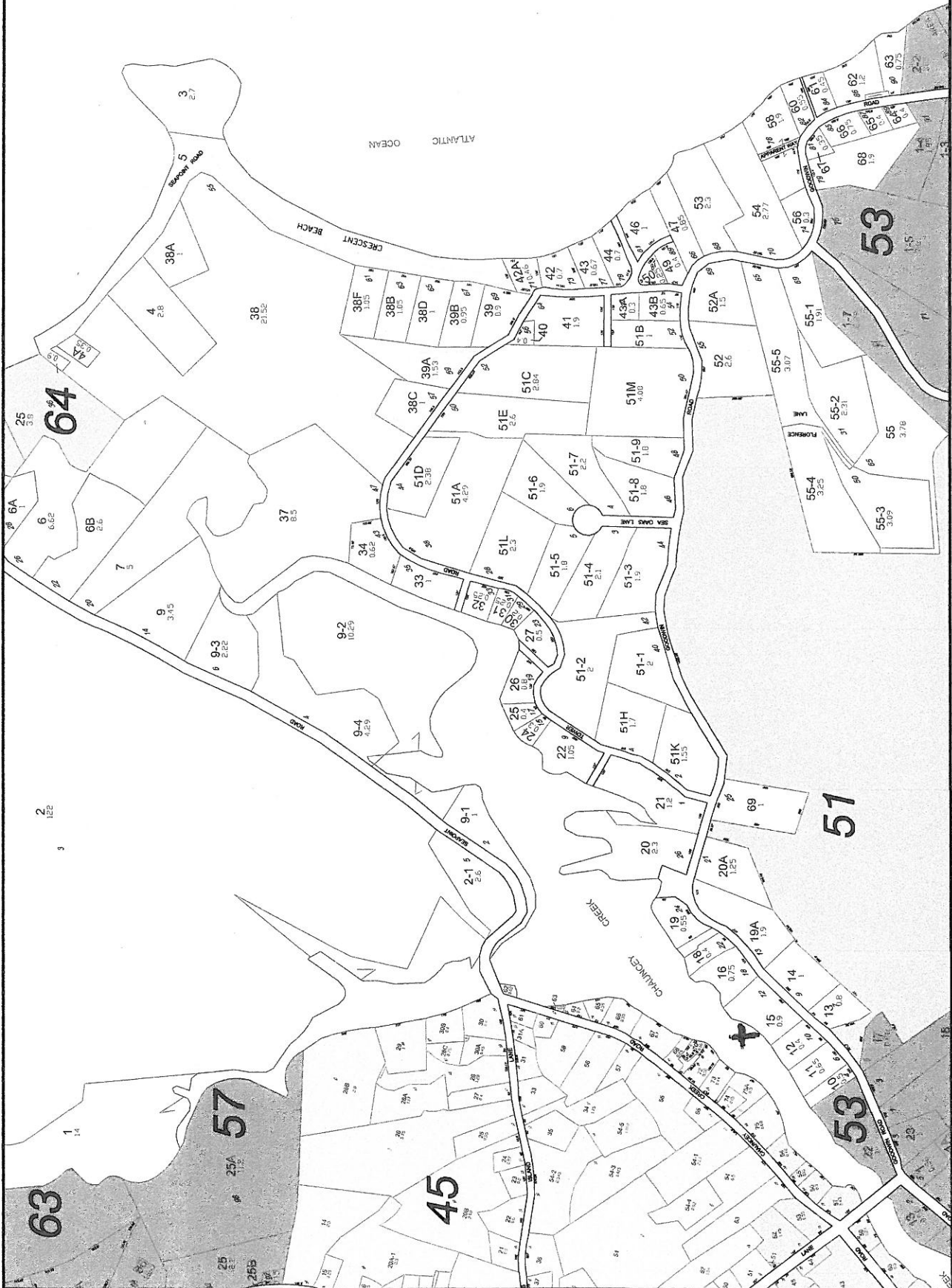
ABUTTING MAP NO. R11	LOT DIMENSION
PARTIAL NUMBER 74	PRIORITY LINES
SUBDIVISION LOT NO. 4	RIGHT OF WAY
STREET ADDRESS NO. 25	EASEMENT

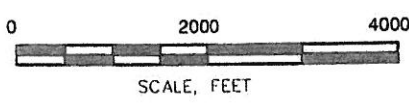
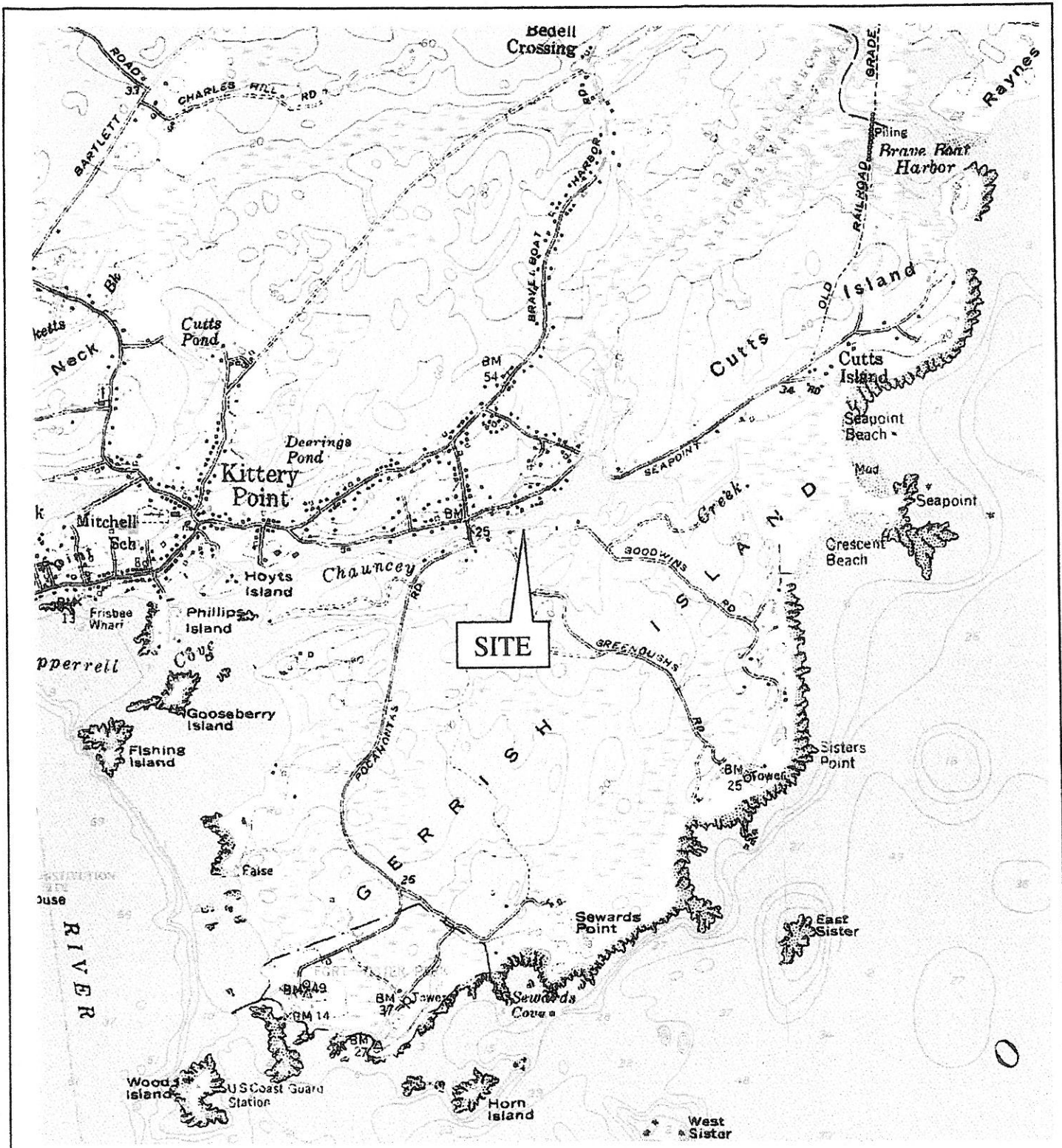


John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com

58

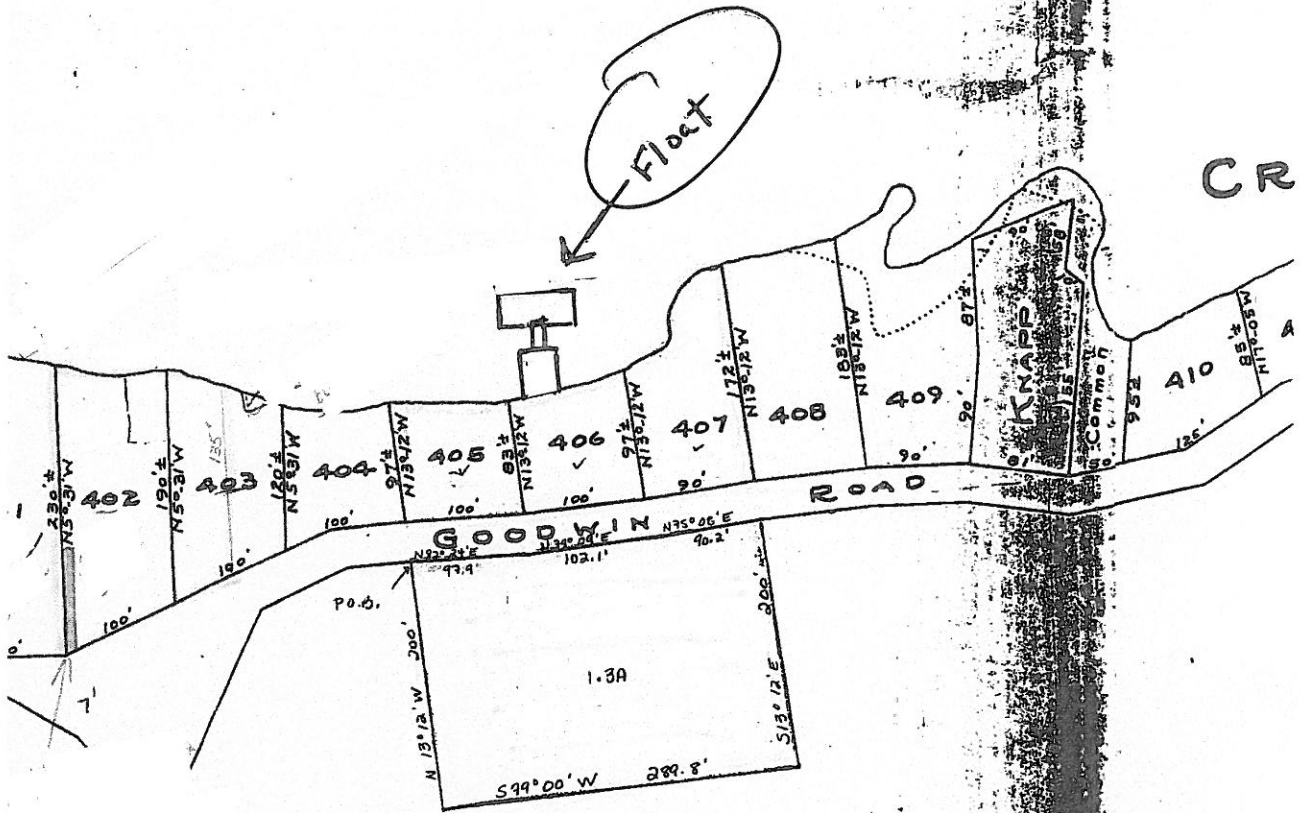
REVISED TO APRIL 1, 2011
FOR ASSIGNMENT PURPOSES ONLY
NOT FOR PERMIT CONFORMANCE





SOURCE:
USGS 7.5-MINUTE TOPOGRAPHIC
QUADRANGLE OF KITTERY, MAINE
DATED 1995.

PROJECT:			PROPOSED PEIR, RAMP & FLOAT THOMAS WOODARD 12 GOODWIN ROAD CHAUNCEY CREEK KITTERY POINT, MAINE	
TITLE:		SITE LOCUS MAP		PROJECT NO.:
DESIGN:	-	SCALE:	AS SHOWN	FIGURE NO.:
APPROVED:	-	DATE:	JANUARY 2003	1
DRAWN:	-	FILE NO.:	LOCUS MAP	



PLAN "A" OF
 CREEK SHORE AREA
 OF ISLAND ACRES, INC.
 GERRISH ISLAND, KITTERY, ME
 SCALE: 1 IN. =

JUNE 19
 JOHN W. DURGIN
 CIVIL ENGINEER

81
 7154-1RA

TOWN OF KITTEERY MAINE

DENOTES
MANDATORY INSPECTION

BUILDING PERMIT

PERMIT NO. 03-079

DATE MAY 14, 2003

This Certifies That THOMAS WOODARD

has permission to CONSTRUCT A PIER 30'x6'

RAMP 23'x4' AND RUDAT 20'x10'

MAR 58 LOT 15

Thomas Woodard
CEO

This permit is issued subject to applicable ordinances, and is void if work is not begun within 6 months from date of issue and finished within 2 years.
THIS CARD MUST BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN
INSPECTED BY THE BUILDING INSPECTOR. ALL WORK COVERED PRIOR TO INSPECTION MUST BE EXPOSED AND APPROVED PRIOR TO OCCUPANCY.

APPLICANT HAS RECEIVED
EGRESS WINDOW STANDARDS

ELECTRICAL
APPROVED

PLUMBING
APPROVED

SEPTIC SYSTEM
APPROVED

OCCUPANCY
PERMIT

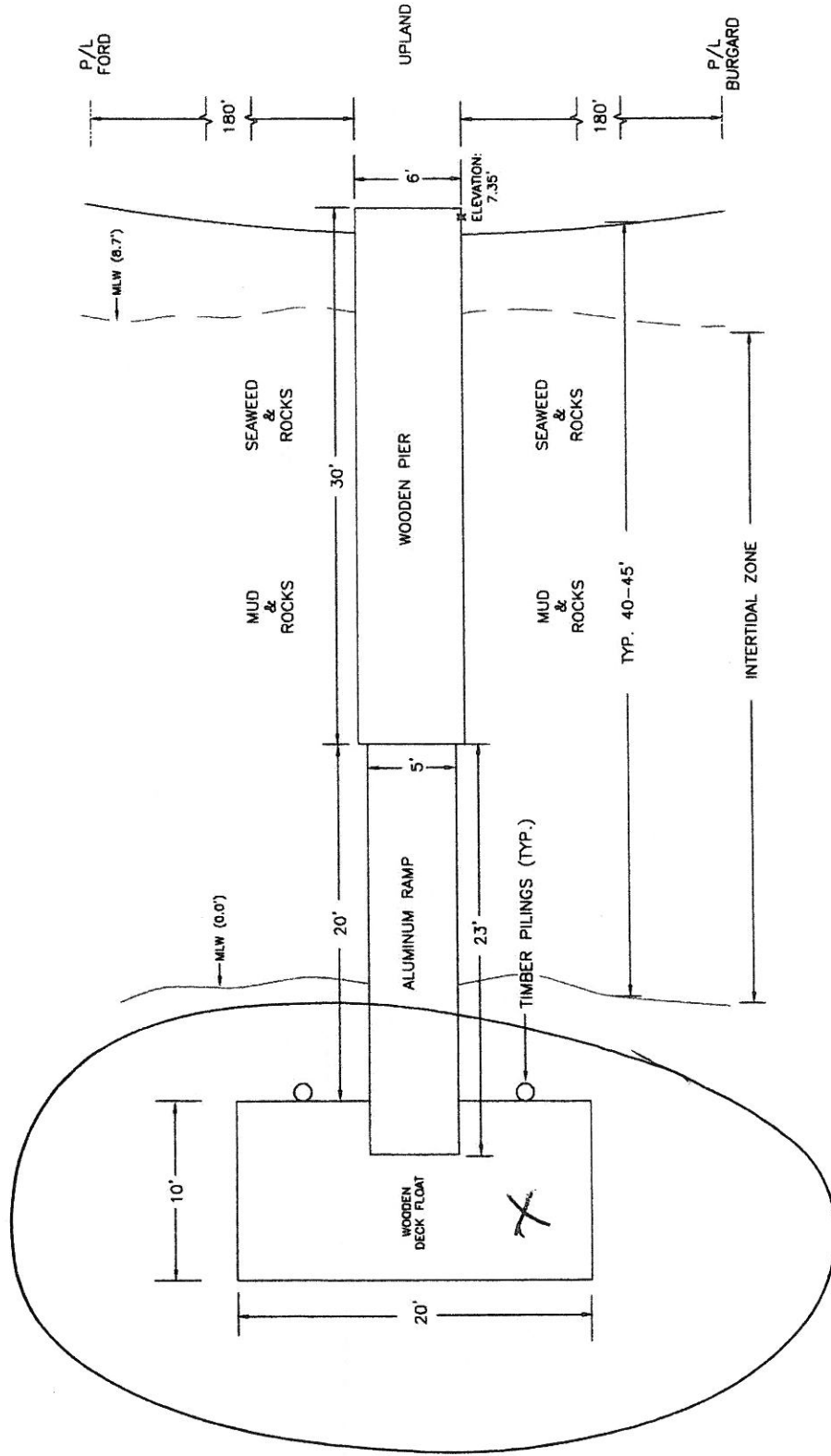
DATE N/A

DATE N/A

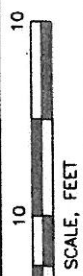
DATE N/A

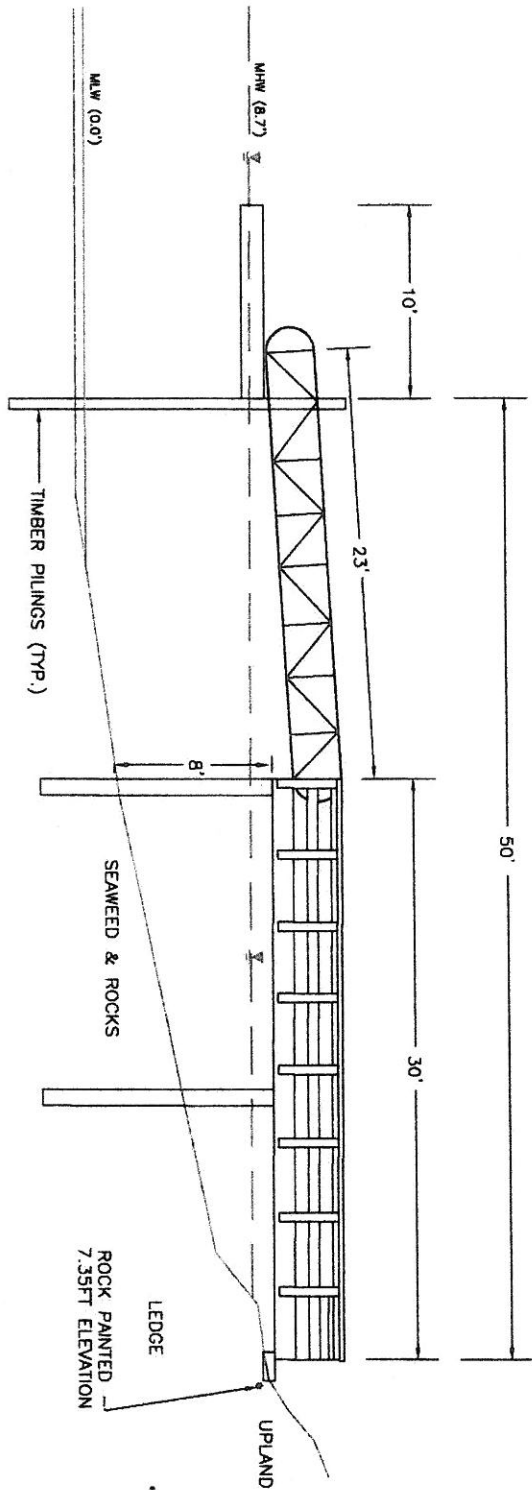
DATE N/A

DATE ✓



DRAWING NO. 2		TITLE PLAN VIEW	
CLIENT: THOMAS WOODARD		PROJECT: PROPOSED PIER, RAMP & FLOAT 12 GODWIN ROAD KITTEERY, MAINE	
PROJECT NO: 000-00	SCALE: 1" = 10'	DATE: 4/23/03	FILE NO: PLAN VIEW
DRAWN: MLS	APPROVED: TRP		
DESIGN: MLS			



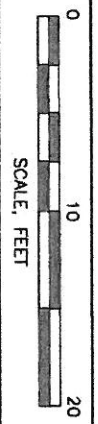


PROJECT NO. 000-00	SCALE: 1" = 10'
DESIGN: M/S	DATE: 4/23/03
APPROVED: TRP	FILE NO. PLAN VIEW
DRAWN: M/S	

CUSTOMER: THOMAS WOODARD
 PROJECT: PROPOSED PIER, RAMP & FLOAT
 12 GOODWIN ROAD
 KITTERY, MAINE

TITLE: ELEVATION VIEW

DRAWING NO.: 3





TOWN OF KITTERY PORT AUTHORITY
TOWN HALL
P.O. BOX 808, KITTERY, MAINE 03904

Thomas P. Woodard
12 Goodwin Road
Kittery Point, Me. 03905

May 2, 2003

Dear Mr. Woodard:

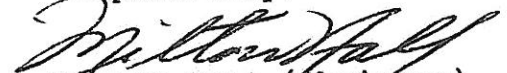
Re: Request to build a Residential Pier, Ramp and Float at 9 Goodwin Road, Kittery Point, Me. 03905 (Map 58 Lot 15)

This subject application dated 4/23/03 for Residential Pier 30' X 6', 23' Ramp and 10' X 20' Float was discussed at the Port Authority Public Hearing on May 1, 2003.

The Port Authority voted to accept your plan as submitted. One stipulation being that the railings on the pier not exceed 42". Also the ramp and pier length can be adjusted if needed for practical purposes maintaining a length of 50' from inner end of pier to inside edge of float. Float to be secured with chains or lines instead of Pilings. Any changes from the plan must be brought back to the Port Authority before hand. Total length of Pier to outer edge of Float not to exceed 60' at High Water.

This Port Authority approval is contingent on the approval of any other governing bodies that may be required. Also a building permit from the Code Enforcement Officer is required before building same.

Respectfully,


Milton Hall (Chairman)

cc: Port Authority Members

Harbor Master

Code Enforcement Officer

File (2)

Abutter to the west

10 GOODWIN ROAD

Location 10 GOODWIN ROAD

Mblu 58/ 12/ //

Acct# 58/12

Owner LAMB TR, PETER F

Assessment \$61,600

Appraisal \$61,600

PID 3306

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$10,000	\$51,600	\$61,600

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$10,000	\$51,600	\$61,600

Owner of Record

Owner LAMB TR, PETER F
Co-Owner CHAUNCEY CREEK BOATHOUSE TRUST
Address 3 SEA OAKS LANE
KITTERY POINT, ME 03905

Sale Price \$60,000
Certificate
Book & Page 16711/407
Sale Date 10/09/2013
Instrument 1G

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LAMB TR, PETER F	\$60,000		16711/407	1G	10/09/2013
BURGARD TR, MARJORIE MARTIN	\$0		9413/212		02/07/2000
MARTIN TR, MARJORIE D	\$0		9413/212	1A	04/09/1999
MARTIN, MARJORIE D	\$0		7591/103	1A	07/31/1995
THOMPSON, GORDON H & CYNTHIA M	\$284,000		7222/73	1G	10/14/1994

Building Information

Building 1 : Section 1

Year Built:

Building Photo

Abutter to the East

18 GOODWIN ROAD

Location 18 GOODWIN ROAD

Mblu 58/16/11

Acct# 58/16

Owner FORD, ELISE M.

Assessment \$488,100

Appraisal \$488,100

PID 3310

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$130,600	\$357,500	\$488,100

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$130,600	\$357,500	\$488,100

Owner of Record

Owner FORD, ELISE M.
 Co-Owner f/k/a FORD, SISTER CECILIA
 Address 18 GOODWIN ROAD
 KITTERY POINT, ME 03905

Sale Price \$0
 Certificate
 Book & Page 17896/484
 Sale Date 02/08/2019
 Instrument 1N

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
FORD, ELISE M.	\$0		17896/484	1N	02/08/2019
FORD, ELISE M.	\$1		17215/603	1A	03/03/2016
FORD, JR., DANIEL BAILEY	\$0		16403/840	1A	09/04/2012
FORD JR, DANIEL BAILEY	\$220,000		14331/396	1G	12/23/2004
FORD II, GEORGE W & ELEANOR J	\$150,000		8147/52	1O	01/09/1997

Building Information

Building 1 : Section 1

Year Built: 1950

Building Photo

WARRANTY DEED

KNOW ALL By THESE PRESENT that THOMAS P. WOODARD, with a mailing address of 1000 N US Highway 1, Apt 811, Jupiter, Florida 33477, for consideration paid, **Grants** to CHRISTOPHER BARRETT and LAURIE BARRETT, with a mailing address 78 Upper English Settlement Road, Underhill, Vermont 05489 with **Warranty Covenants**, as *Joint Tenants*, certain lots of land, together with any buildings or improvements located thereon, situated at 9 & 12 Goodwin Road, in Kittery Point, Town of Kittery, County of York and State of Maine, and being more specifically bounded and described as follows:

Parcel One: 12 Goodwin Road - Tax Map 58, Lot 15

Lots 405, 406 and 407 according to a plan of lots, known as "Plan A of Creek Shore Area", of Island Acres Inc., located on Gerrish Island in Kittery, State of Maine; said plan of lots being recorded at the York County Registry of Deeds in Plan Book 17, Page 54.

Parcel Two: 9 Goodwin Road - Tax Map 58, Lot 14

Also conveying an additional parcel of land, with the building thereon, across the street from Lots 405, 406, and 407 and being further bounded and described as follows:

BEGINNING at a point in the southerly sideline of Goodwin Road, said point bearing S 13° 12' E a distance of 32' from the southwesterly corner of Lot 405 as shown on Plan "A" of Creek Shore Area of Island Acres Inc., Gerrish Island, Kittery, Maine, Scale 1 inch equals 100', June 1950 by John W. Durgin, C.E., and recorded at the York County Registry of Deeds in Plan Book 17, Page 54;

THENCE running along the southerly sideline of Goodwin Road the following course and distances:

N 82° 24' E 97.9'

N 79° 09' E 102.1'

N 75° 08' E 90.2 feet to a corner;

THENCE turning and running S 13° 12' E by other land, now or formerly, of Island Acres Inc. 200' to a corner;

RECEIVED
JUL 20 2020

BY: C. Bacon

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:

30 Foot gangway

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): Ruth Lawrence

3. Property Address: 19 Pleasant St, Kittery, Maine

4. Telephone Number: 207-752-2685 Email: _____
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 6,733 SF Zoning District(s): MU-KF

6. The shore frontage of this property is 67 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: Ruth Lawrence Date: 7/20/2020

Property Owner Signature: Ruth Lawrence Date: 7/20/2020

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: 7/20/2020

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

Ruth Lawrence

Dock

19 Pleasant St. Kittery, ME.

Adding a 3' x 30' ramp
to an existing structure for
safety and ease of access.
Currently only access to float
is by ladder.

6 x 6 access supported by
existing pilings (cantilevered). 30'
Ramp landing on existing float.

4-19

4-23A

Pleasant St

4-34A

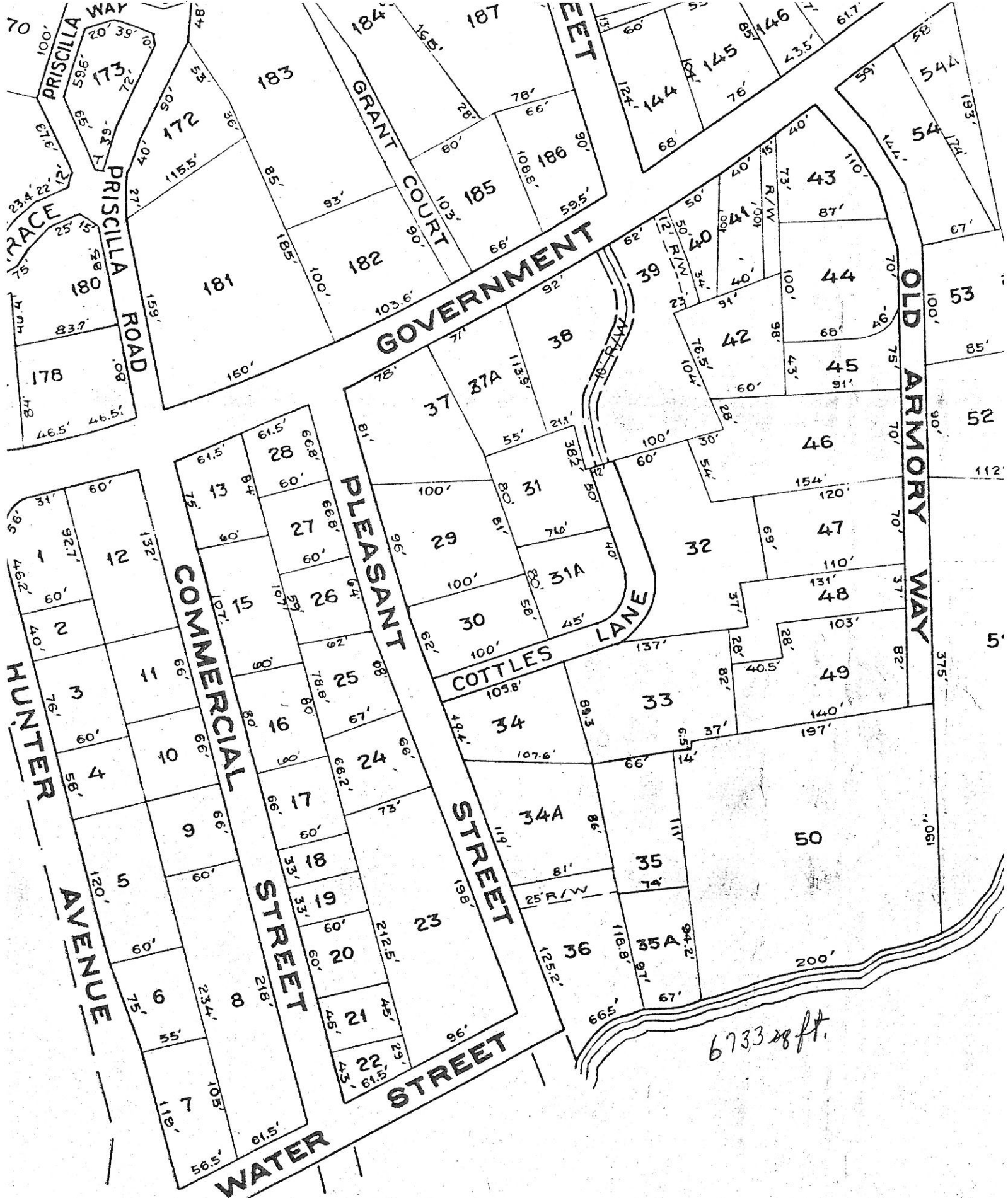
4-23

4-35

4-36

4-35A





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172
90'
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103'
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140'
197'
50
375'
1061'
200'
6733 ft.

ABUTTER LIST

MAPLOT	Location	Zoning	OwnerFulin	CoOwnerFul	AddressLin	City	State	Zip
4-36	17 PLEASANT STREET	MU-KF	MCTIERNAN, CHRISTOPHER		2125 PINE STREET	PHILADELPHIA	PA	19103-6513
4-50	22 OLD ARMORY WAY	MU-KF	DUFRESNE, RICHARD D	DUFRESNE, BEVERLY E	22 OLD ARMORY WAY	KITTERY	ME	03904-1620
1-45	9 WATER STREET	MU-KF	W L H MANAGEMENT CORPORATION		11 WATER STREET	KITTERY	ME	03904

UPON RECORDING, PLEASE RETURN TO:

Forman, Clark, Pockell & Kalinski, P.A.
P.O. Box 1330
Londonderry, New Hampshire 03053

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Ronald B. Lawrence, a married person, presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, for consideration paid of \$1.00, GRANT TO Ruth I. Lawrence and Ronald B. Lawrence, as Trustees of The Ruth I. Lawrence Revocable Trust, a revocable trust established pursuant to a revocable trust agreement dated September 28, 2000, by and between Ruth I. Lawrence, as Grantor and Ruth I. Lawrence and Ronald B. Lawrence, as Trustees and presently having a mailing address of P.O. Box 221, Kittery Point, Maine 03905, the following, with Warranty Covenants:

A certain tract or parcel of land, together with the buildings and improvements thereon, if any, situated on the northeasterly shore of the Piscataqua River in the Town of Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Commencing at a point adjoining the shore line to the Piscataqua River and land formerly of Manent, and more recently described in deed from Earl B. Smith, Jr., et al to Ignazio J. Geraci dated September 21, 1979, and recorded in the York County Registry of Deeds in Book 2569, Page 95, being the southerly corner of the parcel herein conveyed and running thence N 61° 07' W a distance of 67 feet by and along said shore line and a seawall designating the southwesterly boundary hereof, to a point adjoining land formerly of Helen L. Keene; thence turning and running in a northeasterly direction by and along said land of Keene a distance of 99 feet, more or less, to a point adjoining land now or formerly of George W. Tobey et al, which point lies 10 feet, more or less, southeasterly from the easterly corner of the former dwelling house of said Keene; thence turning and running in a southeasterly direction by and along said land now or formerly of Tobey a distance of 74 feet, more or less, to a point adjoining the aforesaid land formerly of Manent, now of said Geraci; thence turning and running by said land of Geraci S 45° 08' W a distance of 48 feet, more or less, to a point; thence continuing by and along said Geraci land S 38° 38' W a distance of 46.2 feet to the shore line of the Piscataqua River and the point of beginning.

Together with any rights which the Grantor may have in and to the land lying between an extension of the northwesterly and southeasterly boundaries hereof to the low water mark of said Piscataqua river and conveying also to the Grantee the right to use a 20 foot right of way leading from Pleasant Street, so-called, to and across the property now or formerly of George W. Tobey et al, the same is presently located for access to the parcel hereby conveyed.

No Transfer Tax

#2 PROPERTY OF: Igonis GERMEL

EAST LOT 1205

GRASS AREA

#3 PROPERTY OF: Pkeurov + GERRY TO THE NORTHSIDE

← NORTH

#1 PROPERTY OF: MARIYAS SMITH

NOTE: Place Aiken 2100' FROM OUTSIDE FACE OF ROCK

WEST LOT RUE ANGLE TAKEN FROM SURVEY MAP DATE 11/19/81

Typical Elevation

(Contouring)

Mud bottom with piles supporting by piling

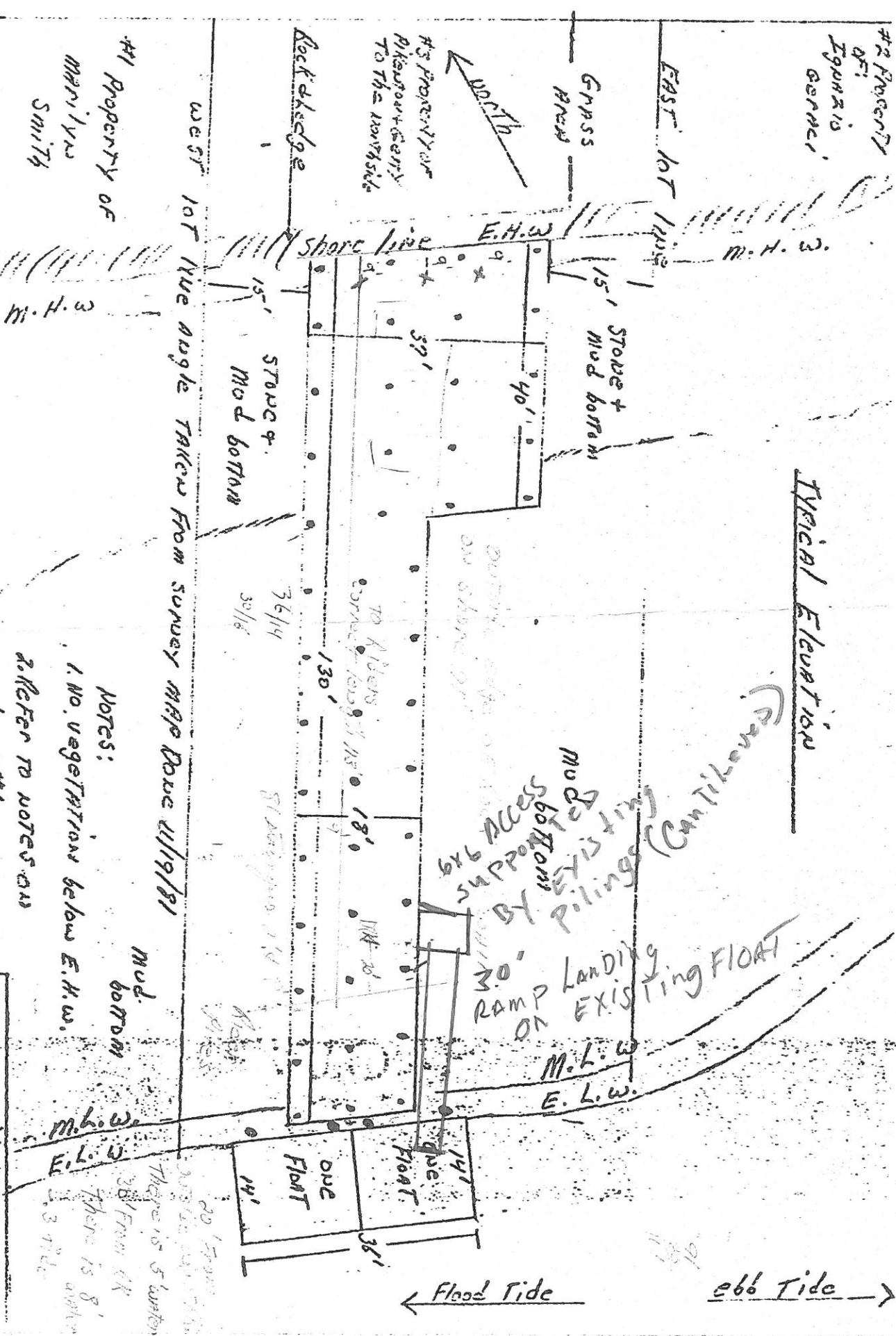
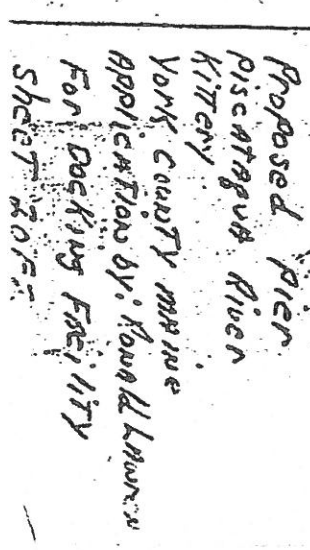
20' RAMP ON EXISTING LANDING WITH PILING

EXISTING FLOAT

← Flood Tide

ebb Tide →

- NOTES:
1. No. vegetation below E.H.W.
 2. Refer to notes on sheet #1
 3. All dots indicate positions of piles approx. 10' on centers
 4. Scale 1" = 20'
- Proposed pier Piscataqua River Kittery York County Maine Application by: Rowald Knorr For Docking Facility Sheet 20 of 21



HEATHER STOKES & DAVID SMITH

7 Mill Pond Road Kittery, ME 03904 | 603-557-8539 | hstokesster@gmail.com

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

RECEIVED
JUL 21 2020
BY: [Signature]

Dear Ms. Philbrook,

We are writing to appeal a decision to allow a dock consisting of a permeant pier that connects to a seasonal ramp and float which was approved by the Kittery Port Authority on Wednesday, July 8, 2020. The vote in favor of approving the dock was for the property located at 5 Mill Pond Road, Kittery Maine 03904, owned by Martha Ladd. We live next door to Martha and our property abuts Marth's property, located on Map 23 as Lot5E. **Due to the new information we received at the July 8, 2020 meeting (as detailed below), we are appealing the Port Authority's decision.**

We were first notified that Martha had applied for a dock permit back in January or February of 2020 (from what we remember). The second notification we received related to the proposed dock, was for the hearing that took place on July 8, 2020, which we received about a week prior. My Husband Dave Smith attended the hearing in the hopes that we could see the plans for the dock and the proposed placement which we had not previously been given. We did not realize there was going to be a vote that evening. At the July 8th meeting we were told that the plans had previously been given to us and additionally that they were included on the Port Authority Kittery website under the July 8, 2020 meeting. However, we had not previously seen the plans for the dock, as they were not sent by mail to us nor were the plans included in the July 8, 2020 meeting agenda but were instead included on the previous Port Authority meeting agenda which took place on June, 18, 2020. We were not notified by mail of the meeting that took place on June, 18 2020.

We are appealing the dock permit, in hopes that Martha and her representatives Atlantic Environmental, namely Lisa Vickers will consider moving the proposed pier and dock 5-8ft to the left (if you are facing the water from Martha's yard) so as to not block or disturb our view of the water. The sheer size of the dock will impose our view and thus, decrease our property value. While we are in favor of Martha installing the dock, we are in disagreement of the current, proposed placement of the dock.


We understand that the intent was to place the dock in the location where an older dilapidated dock sits to limit the impact on the marsh. However, we don't think that is a valid argument as the older dock posts (attached here in the picture) are much smaller than the new ones proposed (attached here in the picture), as such the new larger ones will have a greater impact on the marsh. Thus, the location of small posts that remain now, should have no bearing on the location of the dock, as the new larger posts are likely to create a greater disturbance of the marsh regardless of their placement. So, we believe that moving the new dock 5-8 feet to the left will not create a larger disturbance that what will occur with the larger posts going in to support the pier.

We are respectfully requesting that the Port Authority re-consider the approval of proposed pier and dock until we can come to a resolution with Martha and Atlantic Environmental on the placement of both the pier and dock. The Port Authority should know that we have had conversations with Marth and Atlantic Environmental and they are open to reconsidering the placement of the pier and dock to minimize the disturbance of our view.

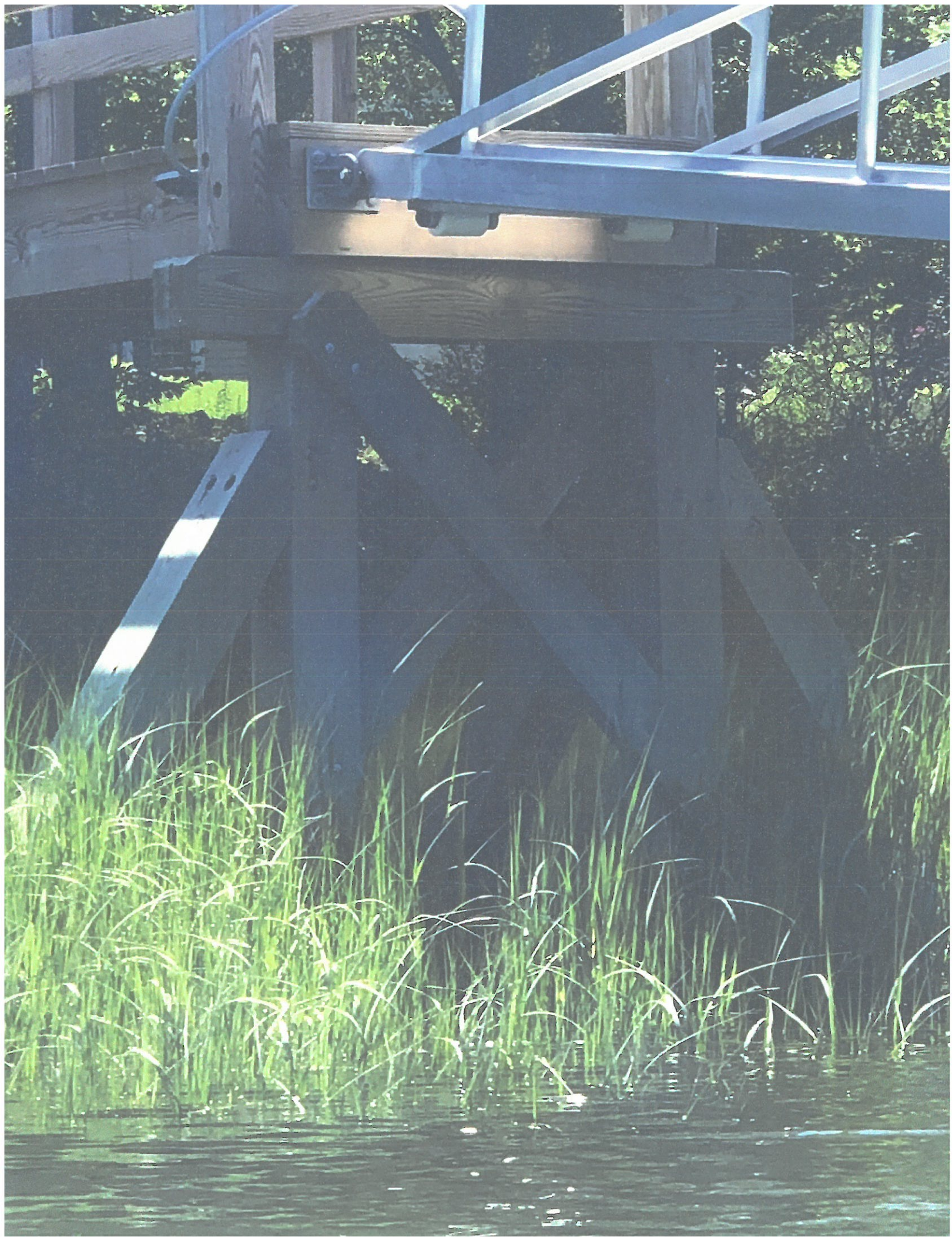
Sincerely,



Heather Stokes & David Smith



KAREN A. ESTEE, Notary Public
My Commission Expires Aug. 4, 2023









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

July 29, 2020

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

Re: Modifications to Proposed Dock for Martha Ladd located at 5 Mill Pond Road, Kittery, Maine.

Dear Ms. Philbrook,

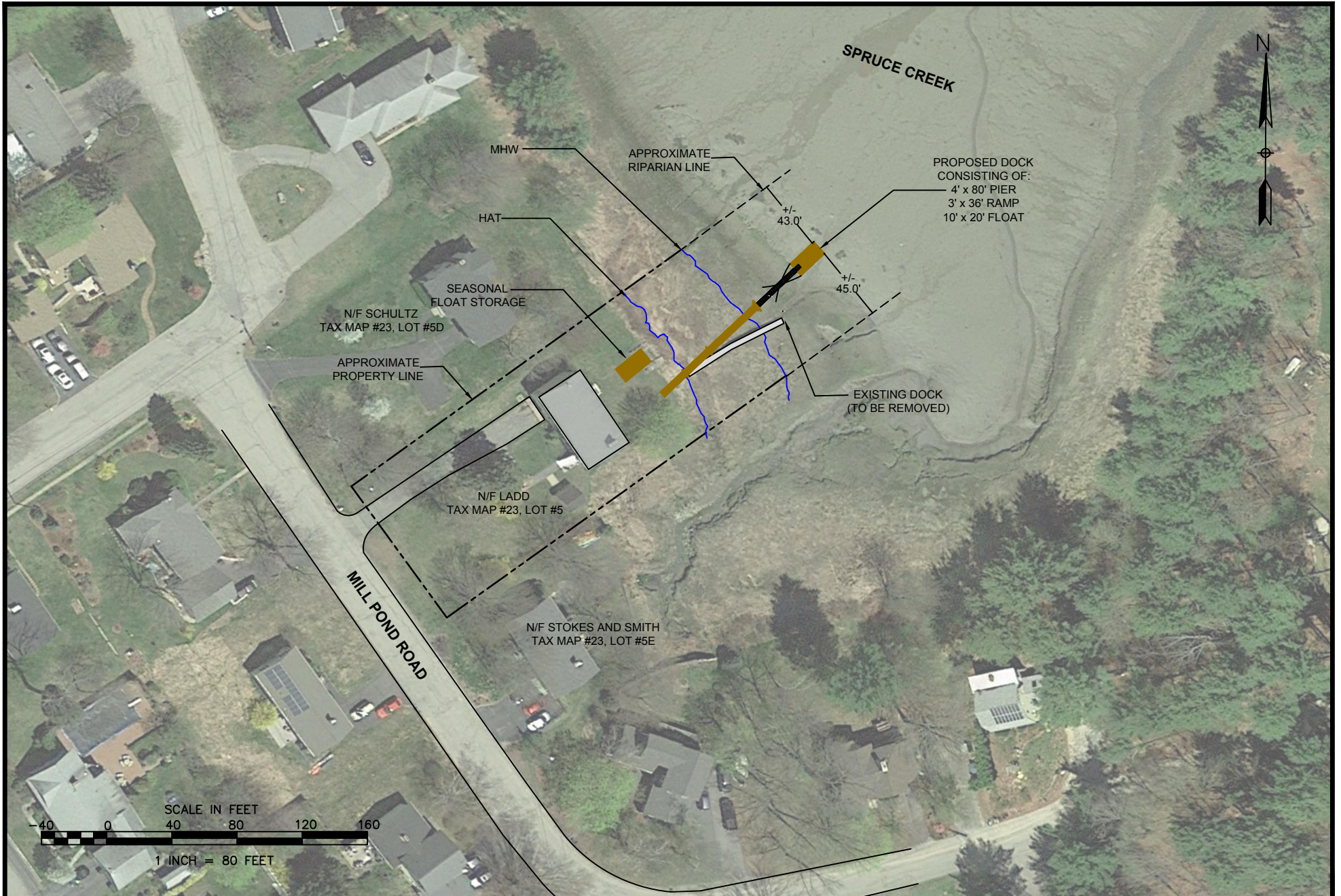
On behalf of Martha Ladd, Atlantic Environmental, LLC (AE) is pleased to submit a revised plan set to the Kittery Port Authority for the proposed dock located at 5 Mill Pond Road. The abutters, Heather Stokes and David Smith, raised concerns regarding the visibility of the dock from their property. The Applicant met with the abutters on-site on July 24, 2020 to determine alternatives that would address these concerns. The Applicant proposes to rotate the dock approximately five (5) feet to the northwest to reduce the visibility of the seasonal ramp and float from Ms. Stokes and Mr. Smith's property. In addition, the gallows frame at the end of the pier will be removed. The dimensions of the dock will not change and will remain at a proposed four (4) foot wide by eighty (80) foot long pier, a three (3) foot wide by thirty-six (36) foot long ramp, and a ten (10) foot wide by twenty (20) foot long float.

Thank you in advance for your consideration of these modifications. 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.

A handwritten signature in black ink that reads 'Lisa Vickers'.

Lisa Vickers,
Senior Project Manager



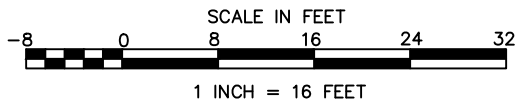
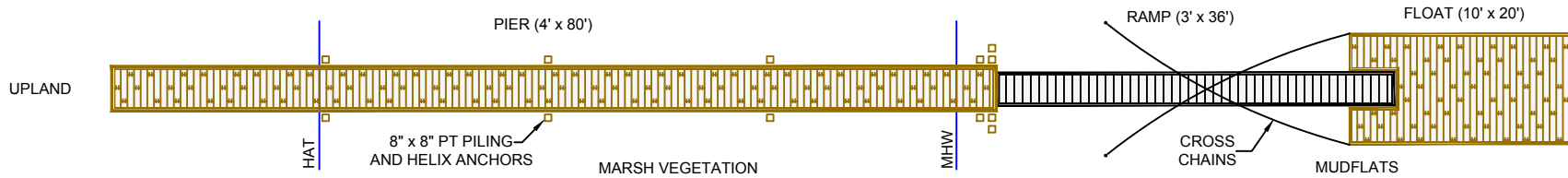
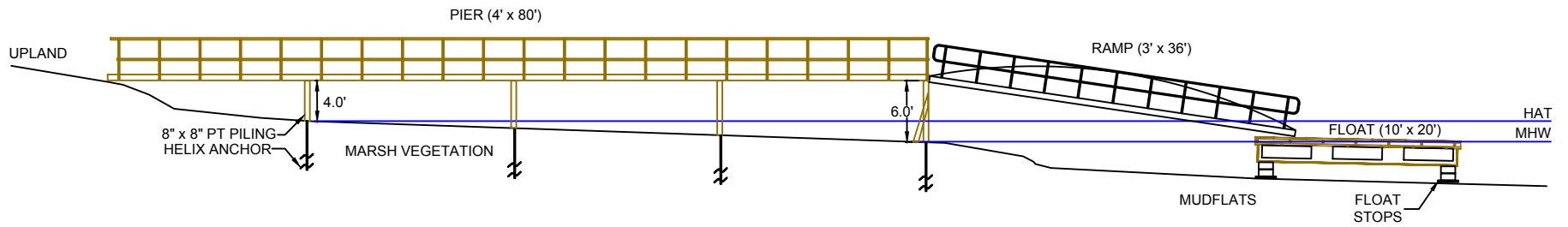
ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

Date: 3/6/2020
 Revised: 7/28/2020
 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.



RECEIVED
MAY 28 2020
BY: C. Bacon



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

TOWN OF KITTERY
 KITTERY PORT AUTHORITY

Map: _____
 Lot: _____
 Date Submitted: _____

BY: C. Baron

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

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

Applicant Signature: *[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 KITTEY CODE AND SECTION IV.D.9 OF THE KPA RULES & REGULATIONS, COSTS ASSOCIATED WITH PUBLIC NOTICE, ADVERTISING, POSTAGE, RECORDS, TRAFFIC, 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

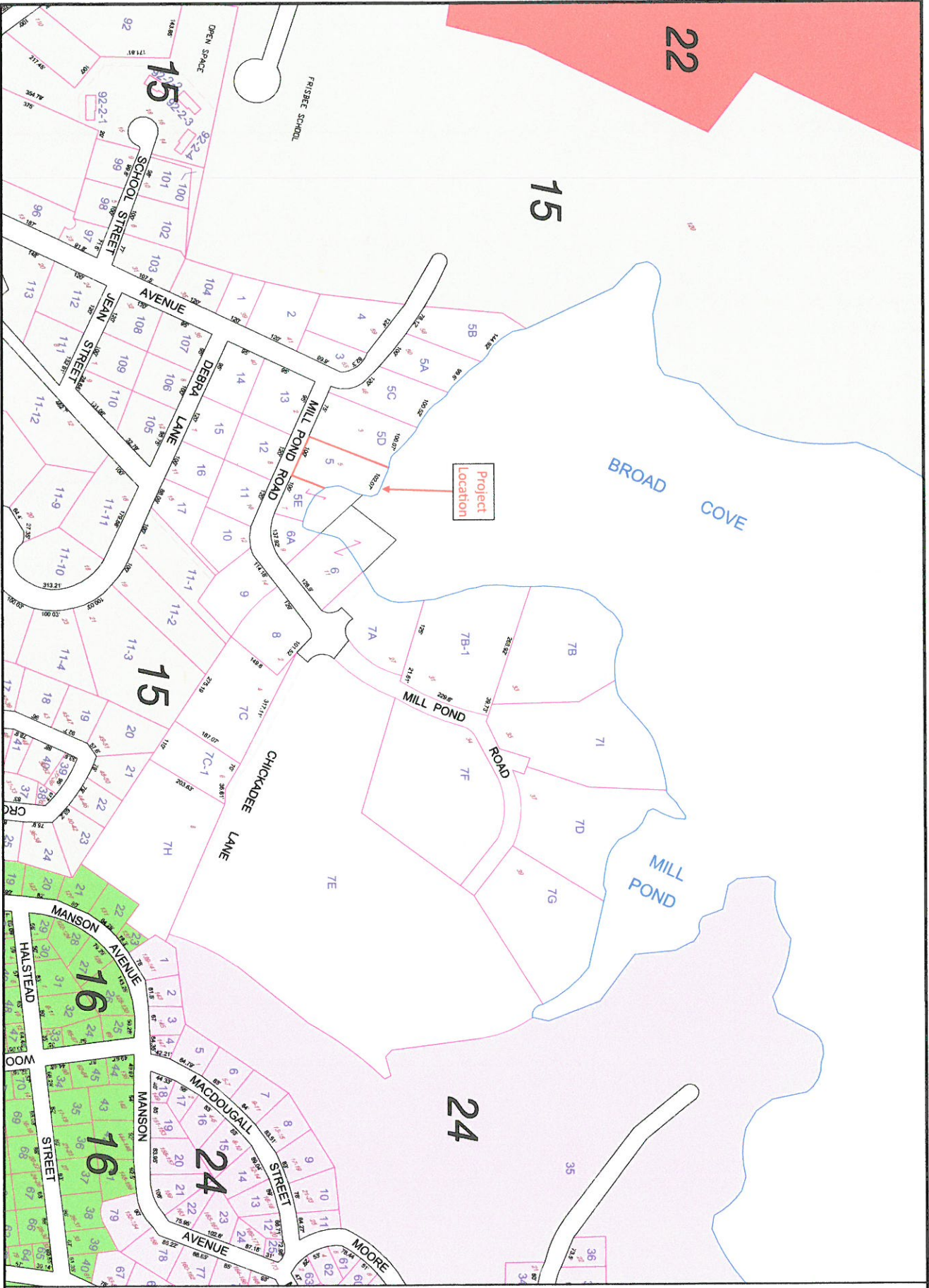
2/7/2020
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester, Owner

Environmental Consultants, Wetland Scientists, Specializing in Federal, State and Local Permitting, Expert Witness

EXHIBIT 2.0: TAX MAP



23

John E. O'Donnell & Associates
612 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.jeodonnell.com

SCALE IN FEET

LEGEND

- ABUTTING MAP NO. **R11**
- PROJECT NUMBER **74**
- REVISION LETTER **74**
- STREET ADDRESS NO. **74**
- APPROVED TO APRIL 1, 2018
- RE-APPROVED PER MEALS, 2014
- NOT FOR PRELIMINARY CONVEYANCE

LEFT ADJACENT: **74**

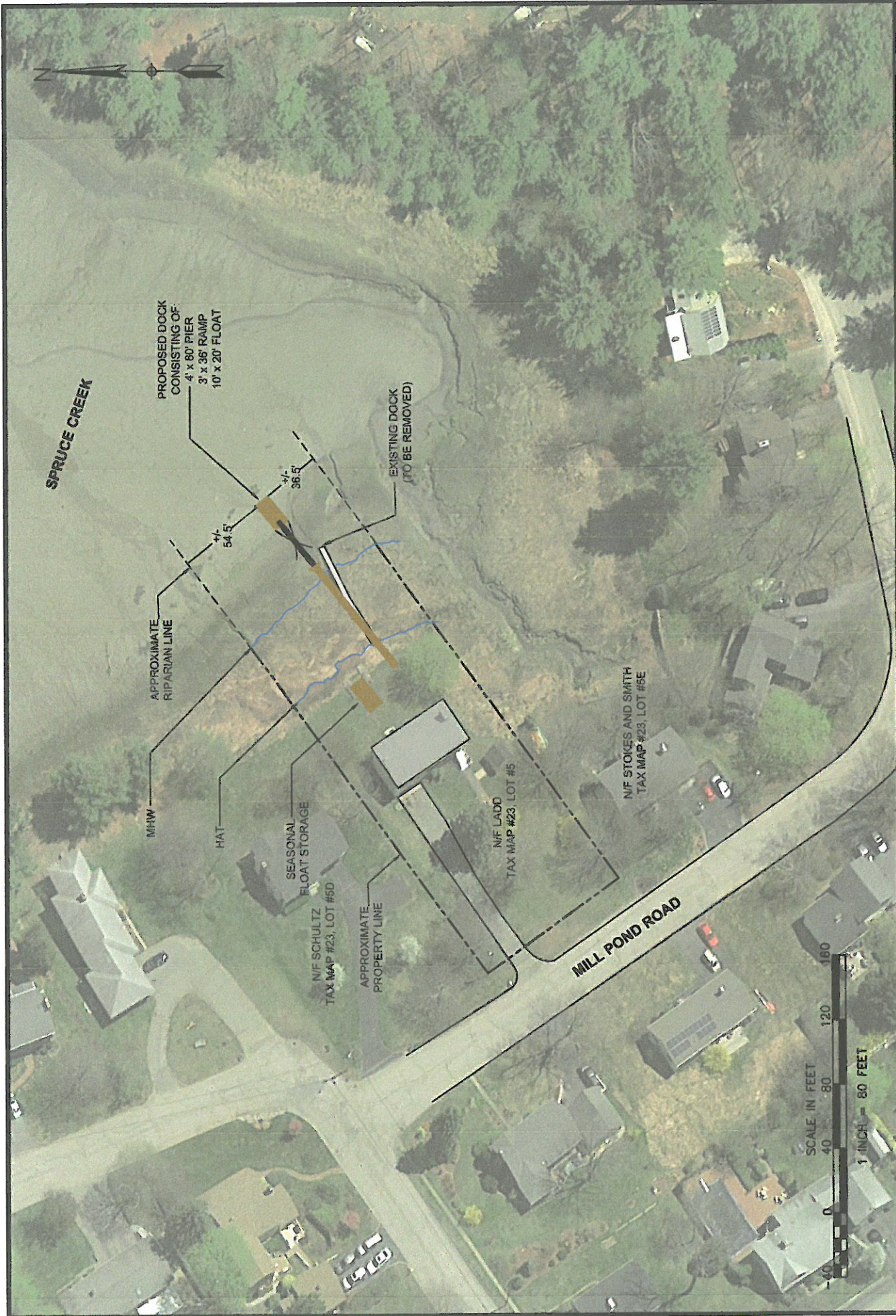
RIGHT ADJACENT: **74**

EXEMPT: **74**

RESERVED: **74**

KITTERY
PROPERTY MAP
MAINE

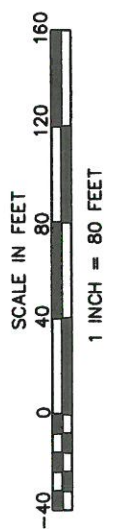
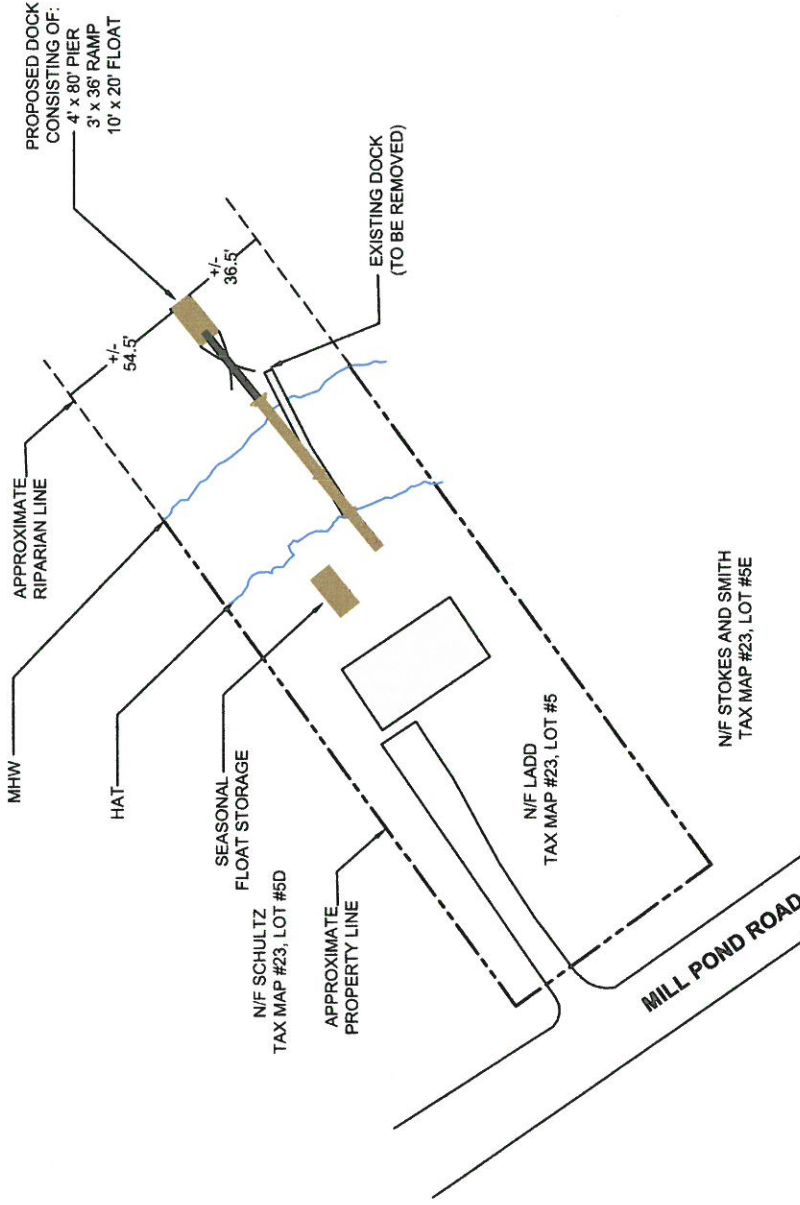
EXHIBIT 3.0: PROJECT PLANS



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

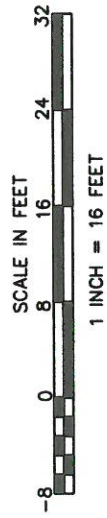
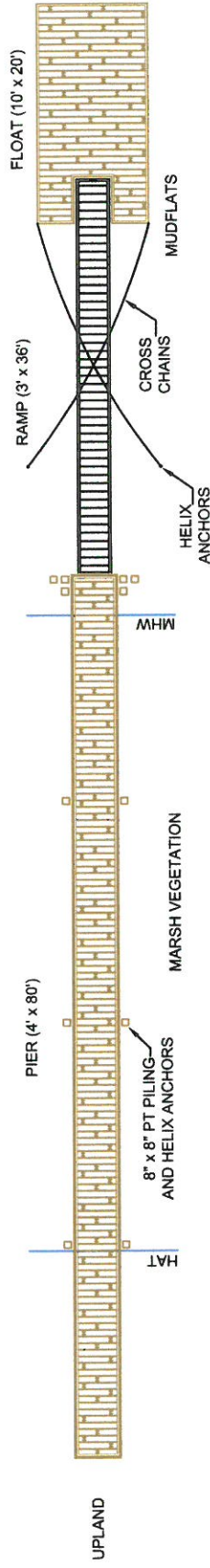
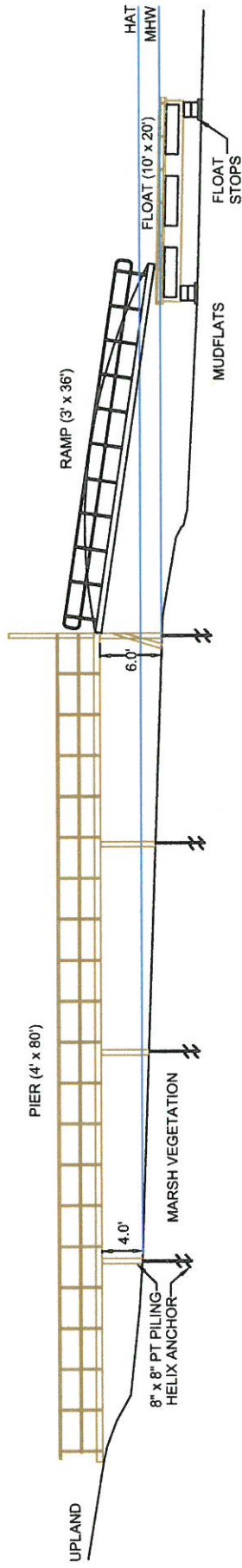


ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

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.

- NOTES:
 1) OLD DOCK WILL BE REMOVED AND DISPOSED OF ACCORDING TO DEP SOLID WASTE MANAGEMENT RULES.
 2) ALL PT LUMBER WILL BE CLIPPED 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.



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

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

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



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

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 particularly 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.

Together 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 privilege 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.

[Signature]

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

[Signature]

Dorothy I. Marshall
Dorothy I. Marshall

MAINE REAL ESTATE TRANSFER TAX FUND

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 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)



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.

A handwritten signature in black ink that reads 'Lisa Vickers'.

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

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 <i>either</i> applicant or agent):			Marthaladd2@gmail.com			8. Agent's Email Address:	
						lisa@atlanticensviromaine.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)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input checked="" type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> 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)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS			
				<i>Tier 1</i>		<i>Tier 2</i>	
				<i>Tier 3</i>			
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or 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:		<input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> 0.45 acres		UTM Northing:		4884059	
				UTM Easting:		361331	
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book# 7590 Page#: 298		20. Map and Lot Numbers:		Map #: 23 Lot #: 5	
21. DEP Staff Previously Contacted:				22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
				After-the-Fact:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?:		<input type="checkbox"/> Yes → <input type="checkbox"/> No		If yes, previous application #		Previous project manager:	
24. Written Notice of Violation?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:	
						<input checked="" type="checkbox"/> Yes (Existing Dock) <input type="checkbox"/> No	
26. Detailed Directions to the Project Site:		From I-95, take exit 2 and follow ramp right for Route 236. At roundabout, take 3 rd 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					
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input checked="" type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC 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 fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

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

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



SIGNATURE OF AGENT/APPLICANT

Date: March 13, 2020

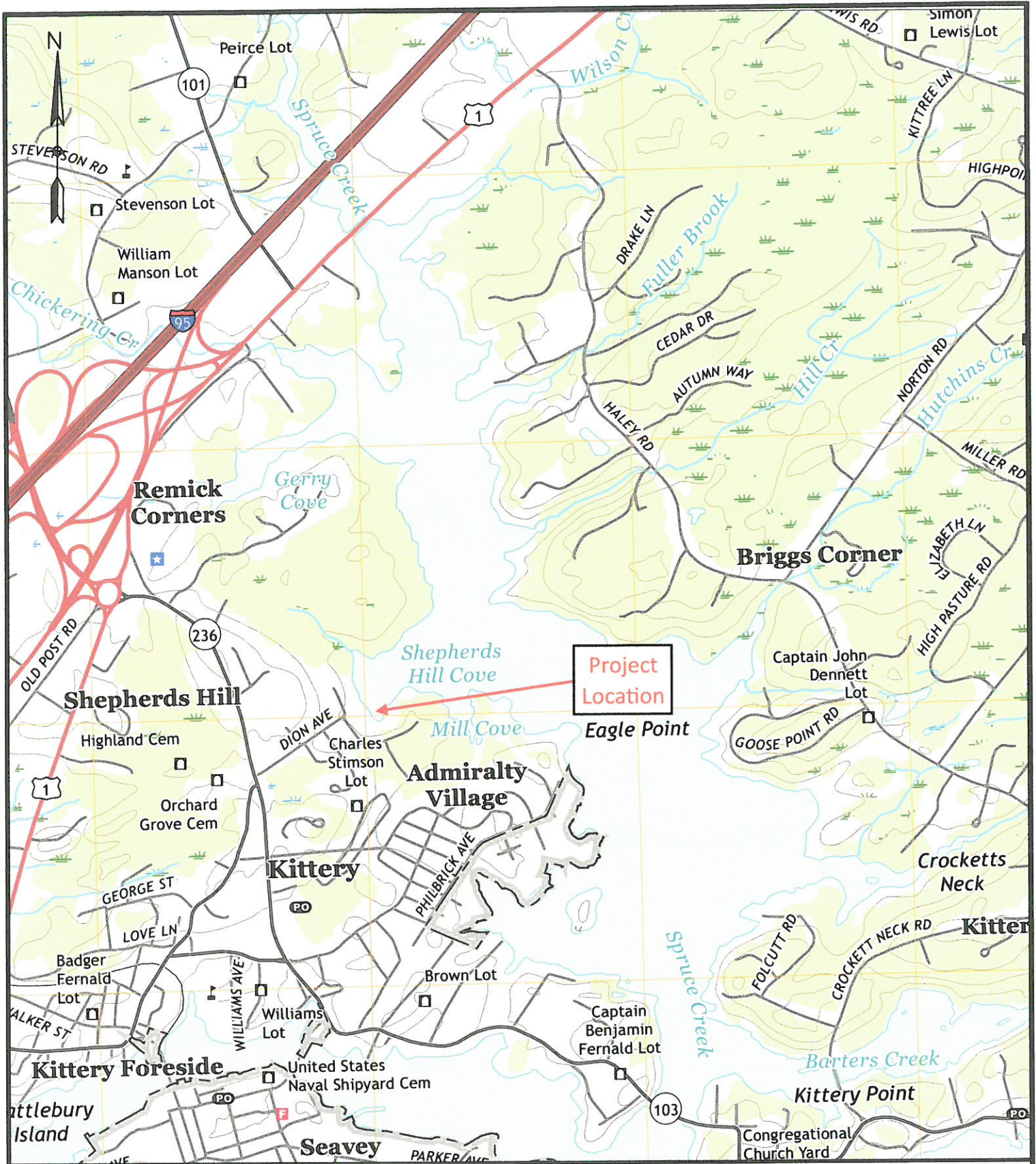
NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

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 Avenue. Travel for approximately 0.2 miles and turn right on Mill Pond Road. #5 is located on the left.


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

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-¼	¼-1	1+
1. Would the activity be visible from:			
<i>A. A National Natural Landmark or other outstanding natural feature?</i>			x
<i>B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>			x
<i>C. A state or federal trail?</i>			x
<i>D. A public site or structure listed on the National Register of Historic Places? (Fort McClary)</i>			x
<i>E. A National or State Park? (Fort McClary)</i>			x
<i>F. 1) A municipal park or public open space? (Rogers Park)</i>	x		
<i>2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? (Rogers Park)</i>	x		
<i>3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	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

**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)

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
- 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*

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

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

I have contacted the local Harbor Master.

Name: John Brosnihan Phone: (207) 332 - 2656

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



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

MATERIALS:

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:

Land

Beach/intertidal area

Water/barge



March 11,2020

Mr. Kirk Mohny
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. Mohny,

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 (*Zostera 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:

March 06, 2020

Consultation Code: 05E1ME00-2020-SLI-0815

Event Code: 05E1ME00-2020-E-02657

Project Name: Ladd Dock Project

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

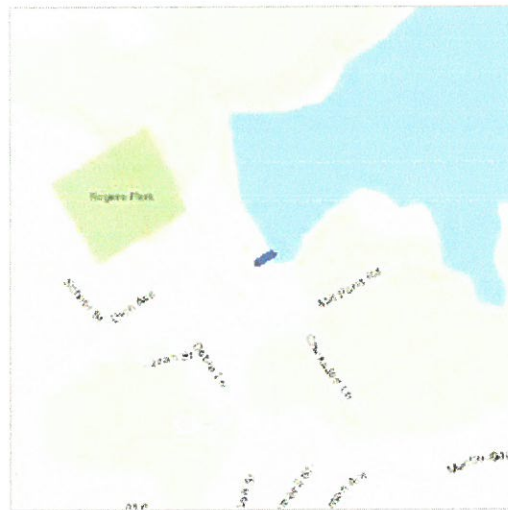
Project Name: Ladd Dock Project

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 Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

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

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.