

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

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

Meeting Agenda January 6, 2022 6:00 P.M. Remote Meeting

The public may attend the meeting in person or remotely via Zoom. Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. **Register in advance** via Zoom at:

https://us02web.zoom.us/webinar/register/WN QuBmPgu-Sjq5baseEsx7oA

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

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

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

- 1. Call to Order / Attendance
- 2. Pledge of Allegiance
- 3. Agenda Amendments and Adoption
- 4. Acceptance of Previous Minutes: December 2, 2021
- 5. Harbormaster Report and Budget Report
- 6. All Items involving Town Officials or Invited Guests
 - a. Kittery Police Chief requested to address the KPA in regards to the increased public safety demands on the Harbormaster Department.

7. Public Hearing

a. The Kittery Port Authority moves to approve an application and hold a Public Hearing from Patricia A. Tobey, 60 Chauncey Creek Road, Kittery Point, ME 03905 (Map 45, Lot 75) for the construction of a 20' x 6' fixed pier, 4' x 30' gangway, and a 10' x 14' float. Agent: John Jarnagin

- b. The Kittery Port Authority moves to approve changes to the Rules and Regulations, section 3.6.2 Temporary Mooring Program and Fees.
- 8. Piers, Wharves & Floats
- 9. Public Segment (Three Mins.)
- 10. Unfinished Business
- 11. New Business
- 12. Committee and Other Reports
 - a. Communications from the Chairperson
- 13. Board Member Issues or Comments
- 14. Executive Session
- 15. Adjournment

PORT AUTHORITY MEETING

UNAPPROVED MINUTES

REMOTE

DECEMBER 2, 2021

- 1 1. Call to Order / Attendance
- 2 Chair Philbrook called the meeting to order at 6:00 p.m.
- 3 Members present: Chair Philbrook, Bryan Bush, Vice Chair Patten, Steve Lawrence,
- 4 John McCollett, and Alan Johnston. Late Arrival: Niles Pinkham
- 5 2. Pledge of Allegiance
- 6 3. Agenda Amendments and Adoption
- 7 Chair Philbrook cast one vote to accept the agenda as presented.
- 8 4. Acceptance of Previous Minutes: October 7, 2021 & November 4, 2021
- 9 Chair Philbrook moved to approve the October 7, 2021 minutes as presented, seconded
- 10 by Mr. Lawrence.
- 11 Motion Carried 6-0-0
- 12 Line 28. Last name spelling correction for November 4, 2021 minutes.
- 13 Chair Philbrook moved to approve the November 4, 2021 as amended, seconded by
- 14 Mr. Lawrence.
- 15 Motion Carried 6-0-0
- 16 5. Harbormaster Report and Budget Report
- 17 The Harbormaster completed mandatory Criminal Justice Academy online training.
- 18 The Harbormaster removed the remainder of floats from Pepperrell Cove, he also
- stated there was one dingly dock that was about 75% re-decked and would be
- 20 completing the second dock in the spring.
- 21 The Harbormaster said he finished the list of deficiencies from the Maine Municipal
- 22 Association inspection which included the lower-level chains on the rails at Pepperrell
- 23 Cove, and collar ties, and the rafters at the Traip shed.
- 24 The Harbormaster took a criminal mischief report from a Pepperrell Road resident in
- reference to the possible attempted theft of a Minne Kota trolling motor, the incident
- occurred in late August, early September, the incident was reported late therefore there
- are no leads at this time.

	FY 202	2 Y	TD EXPE	N	SES			
ОВЈЕСТ	ACCT DESCRIPTION	CURRENT YEAR BUDGET		CURRENT YEAR EXPENSES		CURRENT YEAR REMAINING		PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$	60,536.00	\$	25,420.09	\$	35,115.91	41.99
64020	PART TIME SALARIES	\$	19,042.00	\$	9,741.44	\$	9,300.56	51.16
65010	POSTAGE	\$	250.00	\$	5.20	\$	244.80	2.08
65020	TELEPHONE & INTERNET	\$	1,950.00	\$	796.02	\$	1,153.98	40.82
65200	ELECTRICITY	\$	1,800.00	\$	588.99	\$	1,211.01	32.72
65220	WATER	\$	500.00	\$	155.20	\$	344.80	31.04
65240	DUMPSTERS/TRASH REMOVAL	\$	1,000.00	\$	684.00	\$	316.00	68.4
65305	BOAT EQUIPMENT MAINTENANCE	\$	3,500.00	\$	3,180.99	\$	319.01	90.89
65310	VEHICLE MAINTENANCE	\$	1,500.00	\$	2,281.51	\$	(781.51)	152.1
65311	GAS, GREASE, & OIL	\$	1,500.00	\$	585.79	\$	914.21	39.05
65462	RIGGING	\$	11,000.00	\$	3,192.92	\$	7,807.08	29.03
65463	SANITATION	\$	2,500.00	\$	1,074.00	\$	1,426.00	42.96
65470	PROFESSIONAL DEVELOPMENT	\$	1,500.00	\$	975.00	\$	525.00	65
65480	OTHER PROFESSIONAL/CONTRACTED	\$	3,000.00	\$	-	\$	3,000.00	0
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$	5,000.00	\$	2,751.49	\$	2,248.51	55.03
65521	UNIFORMS	\$	1,000.00	\$	390.98	\$	609.02	39.1
66010	OFFICE SUPPLIES	\$	300.00	\$	-	\$	300.00	0
66040	JANITORIAL SUPPLIES & SERVICES	\$	500.00	\$	61.46	\$	438.54	12.29
TOTAL		\$	116,378.00	\$	51,885.08	\$	64,492.92	44.58%

	FY 2022 YTD REVENUE								
ОВЈЕСТ	ACCT DESCRIPTION	CU	IRRENT YEAR BUDGET		RRENT YEAR REVENUE		RRENT YEAR	PERCENT	
43147	DINGHY FEES	\$	(10,000.00)	\$	(290.00)	\$	(9,710.00)	2.9	
43148	TRANSIENT SLIP RENTAL	\$	(7,000.00)	\$	(16,266.00)	\$	9,266.00	232.37	
43149	KPA APPLICATION FEES	\$	(500.00)	\$	(500.00)	\$	-	100	
43150	MOORING FEES	\$	(100,000.00)	\$	(606.00)	\$	(99,394.00)	0.61	
43151	LAUNCH FEE	\$	(14,000.00)	\$	(7,679.75)	\$	(6,320.25)	54.86	
43152	TRANSIENT MOORING	\$	(4,000.00)	\$	(13,175.00)	\$	9,175.00	329.38	
43153	WAIT LIST FEE	\$	(800.00)	\$	(398.00)	\$	(402.00)	49.75	
43156	PIER USAGE FEE	\$	(2,400.00)	\$	(1,998.00)	\$	(402.00)	83.25	
43157	MOORING LATE FEE	\$	-	\$	-	\$	-	0	
TOTAL		\$	(138,700.00)	\$	(40,912.75)	\$	(97,787.25)	29.50%	

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

34 7. Public Hearing

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- a. The Kittery Port Authority moves to approve an application from 23 Oak Terrace LLC
- 36 23 Oak Terrace, Kittery ME, 03904 (Map 2, Lot 3) for the construction of a 4' x 3' access
- landing, 4' x 5' access stairway, 4' x 10' access stairway, 6' x 80' fixed pier, 3' x 30'
- 38 gangway, and a 10' x 20'float secured by pilings. Agent: Steve Riker Ambit Engineering
- 39 Steve Riker from Ambit Engineering presented the changes to the plans for 23 Oak
- 40 Terrace, Kittery, Maine to the Board and answered any questions the Board might have
- 41 had.
- 42 Chair Philbrook moved to approve the application from 23 Oak Terrace LLC 23 Oak
- 43 Terrace, Kittery ME, 03904 (Map 2, Lot 3) for the construction of a 4' x 3' access
- landing, 4' x 8' access stairway, 4' x 10' access stairway, 6' x 78' fixed pier, 3' x 30'
- 45 gangway, and a 10' x 20' float secured by two pilings, seconded by Mr. Lawrence.
- 46 Motion Carried 6-0-1
- 47 Chair Philbrook, Vice Chair Patten, Mr. Johnston, Mr. Lawrence, Mr. Pinkham, and Mr.
- 48 McCollett voted yes.
- 49 Mr. Bush recused.
- 50 b. The Kittery Port Authority moves to approve an application from Charles R. Kendall 9
- Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 10-A) for the construction of 6' x
- 52 30' fixed pier, 4' x 16' stairway, 3' x 30' gangway, and a 10' x 20' float held in place by
- 53 helical moorings. Agent: Steve Riker Ambit Engineering
- 54 Chair Philbrook moved to approve the application from Charles R. Kendall 9 Pepperrell
- Road, Kittery Point, ME 03905 (Map 18, Lot 10-A) for the construction of 6' x 30' fixed
- pier, 4' x 16' stairway, 3' x 30' gangway, and a 10' x 20' float held in place by helical
- 57 moorings, seconded by Mr. Lawrence.
- 58 Georgia Loney, 11 Duncan Way, Kittery Point, ME stated she is the neighbor of the
- applicate and she had no problem with this application.
- 60 Motion Carried 6-0-1
- 61 Chair Philbrook, Vice Chair Patten, Mr. Johnston, Mr. Lawrence, Mr. Pinkham, and Mr.
- 62 McCollett voted yes.
- 63 Mr. Bush recused.
- 64 c. The Kittery Port Authority moves to approve changes to the Rules and Regulations,
- 65 sections 2.5 Public Wharves and Landings and 3.9 Vessels moored so, as Not to
- 66 Impede Navigation or to Endanger Other Vessels.
- 67 Chair Philbrook moved to approve the change to the Rules and Regulations 2.5 Public
- Wharves and Landings by adding 2.5.10 children 10 years of age and younger must
- wear a personal floatation device, and be accompanied by an adult at on all wharves
- and floats at all times, seconded by Mr. Bush.

- 71 Motion Carried 7-0-0
- 72 Chair Philbrook moved to approve the changes to 3.9 Vessels moored so, as Not to
- 73 Impede Navigation or to Endanger Other Vessels by adding 3.9.4 wrapping of vessels
- on moorings is prohibited unless permission is granted by the Harbormaster, and all
- vessels are occupied, and the mooring permit holder must be present, seconded by Mr.
- 76 Bush.
- 77 Motion Carried 7-0-0
- 78 8. Piers, Wharves & Floats
- 79 a. The Kittery Port Authority moves to accept an application from Patricia A. Tobey 60
- 80 Chauncey Creek Road, Kittery Point, ME 03905 (Map 45, Lot 75) for the construction of
- a 20' x 6' fixed pier, 4' x 30' gangway, and a 10' x 14' float. Agent: John Jarnagin
- 32 John Jarnagin, 60 Chauncey Creek Road, Kittery Point, ME, presented the plans for
- Patricia A. Tobey 60 Chauncey Creek Road, Kittery Point, ME 03905 (Map 45, Lot 75)
- for the construction of a 20' x 6' fixed pier, 4' x 30' gangway, and a 10' x 14' float and
- answer any questions the board might have.
- 86 Chair Philbrook moved to accept the application from Patricia A. Tobey 60 Chauncey
- 87 Creek Road, Kittery Point, ME 03905 (Map 45, Lot 75) for the construction of a 20' x 6'
- 88 fixed pier, 4' x 30' gangway, and a 10' x 14' float, and schedule a site walk December
- 89 16, 2021 at 2:15 p.m. and hold a public hearing at the January 6, 2022, KPA meeting,
- 90 seconded by Mr. Johnston.
- 91 Motion Carried 6-0-1
- 92 Chair Philbrook, Vice Chair Patten, Mr. Johnston, Mr. Lawrence, Mr. Pinkham, and Mr.
- 93 McCollett voted yes.
- 94 Mr. Bush recused.
- 95 9. Public Segment (Three Mins.) None
- 96 10. Unfinished Business
- 97 a. Rules and Regulations changes to 3.6.2 Temporary Mooring Program
- 98 The Board discussed the Rules and Regulations changes to 3.6.2 Temporary Mooring
- 99 Program.
- 100 11. New Business
- 101 a. Election of officers
- 102 Mr. Lawrence nominated Charles Pattern for Vice Chair, seconded by Mr. Bush.
- 103 Motion Carried 7-0-0

- 104 Ms. Philbrook nominated Steve Lawrence for Chair, seconded by Mr. Bush.
- 105 Mr. Lawrence declined.
- 106 Vice Chair Patten nominated Ms. Philbrook for Chair, seconded by Mr. Lawrence.
- 107 Motion Carried 7-0-0
- 108 12. Committee and Other Reports
- 109 a. Communications from the Chairperson
- 110 Chair Philbrook stated she approved an application for Ronny Marsh, 35 Water Street,
- 111 Kittery, Maine for an in-kind repair replacement dock.
- 112 13. Board Member Issues or Comments
- 113 Mr. Johnston stated he apologized for not attending last week.
- 114 Mr. McCollett stated he is still waiting for an interview from the Climate Adaptation
- 115 Committee.
- 116 Mr. Pinkham apologized for not attending the November 2021 KPA meeting.
- 117 Mr. Bush thanked Chair Philbrook and Vice Patten for taking on the responsibility of
- 118 being Chair and Vice Chair.
- 119 Mr. Lawrence thanked Chair Philbrook and Vice Chair Patten for all the behind-the-
- scenes hard work, and for accepting their position for another year. Mr. Lawrence asked
- 121 about the hoist at the Kittery Town dock.
- 122 Vice Chair Patten said the KPA board owes a great deal of gratitude to Chair Philbrook
- 123 for all the hard work she does as Chair.
- 124 Chair Philbrook spoke about a new buoy #4 at Pepperrell Cove with a light on it, Chair
- 125 Philbrook spoke about the Buoy Tree at Pepperrell Cove which benefits wreaths across
- 126 America, and on Saturday, December 4, 2021 from noon until 5:00 p.m. is Stuff a
- 127 Lobster Boat benefiting Kittery Holiday Baskets.
- 128 14. Executive Session None
- 129 15. Adjournment
- 130 Mr. Bush moved to adjourn at 7:52 p.m., seconded by Mr. Lawrence.
- 131 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.

TOWN OF KITTERY KITTERY PORT AUTHORITY

	Map:
	_ot:
•	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: Construction of a residential pier and floating 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 Patricia Tobey 2. Property Owner(s): _ 60 Chauncey Creek Road, Kittery Point Maine 3. Property Address: Telephone Number: 617-593-0411 Email: johnj@cas-ma.com (REOUIRED) (REOUIRED) .68 Acres Zoning District(s): R-KPV 5. Property Size (Acres/SF): 6. The shore frontage of this property is 175' 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 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. 11/09/2021 Applicant Signature: 11/09/2021 Property Owner Signature: John Jarnagin Agent Name: Agent Firm: johni@cas-ma.com Agent Phone: 617-593-0411 Agent Email: (REQUIRED) (REQUIRED) APPLICATION FEE (\$125). Include a check payable to the Town of Kittery. Additional funds may be required to pay for other direct costs necessary to complete the application process, not including application fees. Title 3,

Chapter 3.3

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

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

Maine Department of Environmental Protection 312 Canco Road Portland, ME 04103 (207) 822-6300 US Army Corps of Engineers Maine Project Office 675 Western Avenue, #3 Manchester, ME 04351 (207) 623-8367

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

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

Kittery Online Permitting

PayPort Online Payment Service

-Confirmation

confirmation has been sent to the email address provided. Please print this page for your records. Below are the details of

ViewPoint Record Number: KPA-21-1

ViewPoint Permit Fee: 125.00

Address: 60 Chauncey Creek Road Kittery Point ME 03905

Location: Kittery Online Permitting Maine.gov Total Cost: \$128.13

\$125.00 will be remitted to your municipality.

The remainder funds the operation of this online service and other Maine.gov online services like this one. (More about Maine.gov Total Cost)

The payment you have submitted will need to be approved by your municipality, or district before it is applied toward your bill. In the event that your payment is not approved your card will be refunded.

If you have any questions about your order, contact (207) 475-1308

Print This Page

Make Another Payment | | Service Home Page

Questions about this service? Please contact the Kittery Online Permitting at: (207) 475-1308 or ceo@kitteryme.org

Credits

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APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY 1. Name of Applicant: 5.Name of Agent: John Jarnagin Patricia Tobey 2. Applicant's 60 Chauncey Creek Road 60 Chauncey Creek Road 6. Agent's Mailing **Mailing Address:** Kittery Point ME 03905 Kittery Point ME 03905 Address: 3. Applicant's 7. Agent's Daytime 617-593-0411 603-426-0253 Daytime Phone #: Phone #: 8.Agent's E-mail 4. Applicant's Email Address: ttobey@tobeydesign.com johnj@cas-ma.com Required from either applicant Address: or agent: 9. Location of Activity: 10. 11. County: Kittery Point York 60 Chauncey Creek Road (Nearest Road, Street, Rt.#) Town: 12. Type of ☐ River, stream or brook 13. Name of Chauncey Creek Resource: ☐ Great Pond Resource: (Check all that apply) Coastal Wetland ☐ Freshwater Wetland 14. Amount of Impact: Fill: ☐ Wetland Special Significance (Sq.Ft.) Dredging/Veg Removal/Other: 380 SF ☐ Significant Wildlife Habitat ☐ Fragile Mountain 15. Type of Wetland: ☐ Forested FOR FRESHWATER WETLANDS (Check all that apply) ☐ Scrub Shrub Tier 1 Tier 2 Tier 3 □ Emergent ■ Wet Meadow □ 15,000 – 43,560 sq. ft. □ > 43,560 sq. ft. or \Box 0 - 4,999 sq ft. ☐ Peatland □ 5,000-9,999 sq ft ☐ smaller than 43,560 Open Water **1**0,000-14,999 sq. ft., not eligible M OtherTidal Creek for Tier 1 sq ft 16. Brief Activity Description Construction of a Wooden Pier and Floating dock for residential use. 17. Size of Lot or Parcel acres UTM Northing:4771685mN UTM Easting: 363218mE square feet, or \$\omega\$.68 & UTM Locations: 18. Title, Right or Interest: X own □ purchase option □ written agreement ☐ lease 20. Map and Lot Numbers: Map #: 45 Lot#: 19. Deed Reference Numbers: 75 21. DEP Staff Previously 22. Part of a Yes After-the-☐ Yes Alex Groblewski Contacted: larger project: No No Fact: M No ☐ Yes→ If yes, previous 23. Resubmission **Previous project** of Application? X No application# manager: 24. Written Notice of If yes, name of DEP ☐ Yes → 25. Previous Wetland ☐ Yes enforcement staff involved: Violation? ☑ No Alteration: M No 26. Detailed Directions 60 Chauncey Creek Road, behind house. to the Project Site: **TIER 2/3 AND INDIVIDUAL PERMITS** TIER 1 27. Title, right or interest documentation ☐ Erosion Control/Construction Plan Title, right or interest documentation ☑ Topographic Map ☐ Functional Assessment (Attachment 3), ☐ Topographic Map ☐ Narrative Project Description X Copy of Public Notice/Public if required Information Meeting Documentation ☐ Plan or Drawing (8 1/2" x 11") ☐ Compensation Plan (Attachment 4), if ☑ Wetlands Delineation Report required ☐ Photos of Area (Attachment 1) that contains the ☐ Appendix A and others, if required ☐ Statement of Avoidance & Minimization Information listed under Site Conditions Statement/Copy of cover letter to MHPC ☐ Statement/Copy of cover letter to MHPC Alternatives Analysis (Attachment 2) ☐ Description of Previously Mined including description of how wetland Peatland. impacts were Avoided/Minimized if required \$545.00 Receipt attached 28. FEES Amount Enclosed: **CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

<u>IMPORTANT</u>: 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

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

DEP SIGNATORY REQUIREMENT

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

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

TOBEY	Date: 11/09/2021
SIGNATURE OF AGENT/APPLICANT	
sym	
Signature of Agent	Date: 11/09/2021

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.

(yellow)

John Jarnagin

From:

noreply@informe.org

Sent:

Tuesday, July 27, 2021 12:21 PM

Subject:

DEP Payment Receipt

Payment Receipt Confirmation

Your payment was successfully processed.

Transaction Summary

Description	Amount
DEP Payment Portal	\$543.00
Service Fee	\$2.00
Maine.gov Total	\$545.00

Customer Information

Customer Name

John Jarnagin

Company Name

Local Reference ID

2716190967

Receipt Date

7/27/2021

Receipt Time

12:21:00 PM EDT

Payment Information

Payment Type

Credit Card

Credit Card Type

VISA

Credit Card Number

******0719

Order ID

57785038

Billing Name

John S Jarnagin

Billing Information

Billing Address

60 Chauncey Creek Road

Billing City, State

Kittery Point, ME

ZIP/Postal Code

03905 US

Country

05

Phone Number

6175930411

This receipt has been emailed to the address

below.

Email Address

johnj@cas-ma.com

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, Charles O. Tobey and Patricia G. Tobey, as Trustees of The Charles O. Tobey Living Trust, a revocable trust established pursuant to a revocable trust agreement dated September 10, 1998, by and between Charles O. Tobey and as Grantor and Charles O. Tobey and Patricia G. Tobey as Trustees and having an address of 58 Chauncey Creek Road, Kittery Point, Maine 03905 and Patricia G. Tobey and Charles O. Tobey, as Trustees of The Patricia G. Tobey Living Trust, a revocable trust established pursuant to a revocable trust agreement dated September 10, 1998, by and between Patricia G. Tobey and as Grantor and Patricia G. Tobey and Charles O. Tobey as Trustees and having an address of 58 Chauncey Creek Road, Kittery Point, Maine 03905, for consideration paid of \$1.00, grant to Patricia A. Tobey, a single person, presently having an address of 60 Chauncey Creek Road, Kittery Point, Maine 03905, all right, title and interest in and to the following, with Warranty Covenants:

A certain tract or parcel of land, together with the buildings thereon, situated on the southerly side of Chauncey Creek Road, so-called, in Kittery Point, Town of Kittery, County of York and State of Maine, and being more particularly bounded and described as follows:

Beginning at a pipe set in the ground on the southerly sideline of Chauncey Creek Road, being the northwesterly corner of land formerly of Dorothy Tobey Cook and shown as Parcel A on a plan entitled "Survey Showing Partition of Property of Charles O. Tobey and Dorothy A. Cook, Chauncey Creek Road, Kittery, Maine", recorded in Plan Book 106 at Page 50 of the York County Registry of Deeds; thence turning and proceeding S 07° 43′ W along the land formerly of Dorothy Tobey Cook a distance of 175 feet, more or less, to a pipe set in the ground in the bank above the shore of Chauncey Creek; thence continuing in the same course to the mean low water mark of Chauncey Creek; thence turning and running westerly along the mean low water mark of Chauncey Creek approximately 167 feet, more or less, to the land of the Grantors; thence turning and proceeding northwesterly along the land of the Grantors to the bank of Chauncey Creek, so-called; thence continuing northwesterly along the land of the Grantors 120 feet, more or less, to the southerly sideline of Chauncey Creek Road; thence turning and proceeding in a general northeasterly direction along the southerly sideline of Chauncey Creek Road, a distance of 160 feet, more or less, to the point begun.

1

3.T.

Meaning and intending to convey a portion of the same premises as conveyed to Charles O. Tobey and Patricia G. Tobey as Trustees of The Charles O. Tobey Living Trust and The Patricia G. Tobey Living Trust by Deed of Charles O. Tobey and Patricia G. Tobey, said deed dated September 10, 1998, and recorded with the York County Registry of Deeds at Book 9035, Page 233. For further title reference, see York County Registry of Deeds, Book 2945, Page 275.

This is not homestead property of the Grantors.

WITNESS our hands and seals this 9th day of November, 2007.

The Charles O. Tobey Living Trust and The Patricia G. Tobey Living Trust

Charles O. Tobey, as Trustee of both

Satricia G. Tology Patricia G. Tobey, as Trustee of opth Witness

Brewadette. Celenzi Witness

STATE OF MAINE COUNTY OF YORK

Personally appeared the above named Charles O. Tobey and Patricia G. Tobey, in their capacity as Trustees of The Charles O. Tobey Living Trust and The Patriciay G. Tobey Living Trust, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing instrument to be their free act and deed, and in the capacity stated. Before me this 9th day of November, 2007.

Fred J. Forman, Attorney at Law Maine Bar #: 009945

End of Document

2p -> Ferman Corcoran
Po Box 1330
E Londonderry, NH 03053

Activity Description

The intent of this application is to construct a residential pier and boat dock for recreational use. The pier will be a 20' long by 6' wide wood structure constructed of preservative treated timber and hot dipped galvanized connectors. Decking to be either hardwood or composite decking. The pier will be attached to a concrete base pinned to ledge. The deck will be 6' above mean high tide, with railing at 42" above the deck.

A floating dock with the dimensions of 10' by 14' will be constructed of preservative treated timber and hot dipped galvanized hardware. Decking to be either hardwood or composite decking. Floats will be foam filled poly. With ultraviolet inhibitors. The floating dock will be anchored by either: 1) Two treated pilings connected by hoops. If piles cannot be driven, the dock will be anchored with chain and anchor, along with attachment to the gangway.

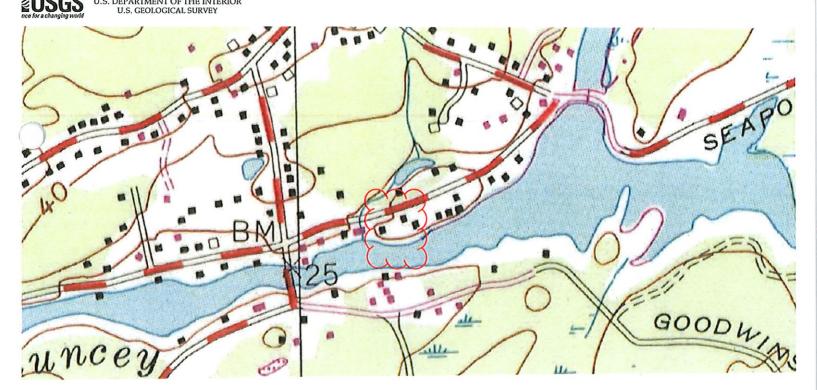
The pier and floating dock will be connected using a 4' wide by 30' long aluminum gangway.

It is anticipated that these activities can be performed without disturbance of soil, due to the rocky nature of the coastline where the pier is to be attached. However, if soil is encountered, the slope will be protected by using silt socks around the perimeter.

Alternative Analysis

The purpose of this project is to provide for dockage for our 21' motorboat. We just purchased the boat in Sept 2021 and have been trailering the boat. We have researched the local area for dockage and have found that most docks have waiting lists and much more inconvenient than having a dock at our residence.

- Using or expanding another site is not feasible, as we do not own another site.
- The activity as proposed minimizes resource impact.
- Design proposed minimizes impact.



List of Abutters

Charles Tobey
58 Chauncey Creek Road
Kittery Point, ME 03905

Martha Kowal
62 Chauncey Creek Road
Kittery Point, ME 03905

Kathrine Crawford 108 High Street Unit #2 Charlestown, MA 02129

7021 0950 0001 9971 8272 Sent To Certified Mail Fee Street and Jotal Postage and Adult Signature Required Certified Mail Restricted Delivery Return Receipt (electronic) Return Receipt (hardcopy) dra Services & Fees (check box, For delivery information, visit our website at www.usps.com Domestic Mail Only U.S. Postal Service**
CERTIFIED MAIL® RECEIPT Kitters Point, Restricted Delivery \$3.75 \$4.33 \$0.58 S0650 33 K2001 U.S.P.S. B (See Reverse for Instruction 0390 11/10/2021 2029 0824

7021 0950 0001 9971 8258 Extra Services & Fees, check box, add to Return Receipt (hardcopy)

Return Receipt (electronic)

Cartilide Mail Rectired Delivery

Adult Signature Required

Adult Signature Restricted Delivery \$ Street and Ago No. or FC Box No. Street Total Postage and Fees \$4.33 Certified Mail Fee Sent To For delivery information, visit our website at www.usps.com Domestic Mail Only CERTIFIED MAIL® RECEIPT U.S. Postal Service Charlestown, MA 82129 Kathrine \$3.75 \$0.58 This ps D SFORD 02 11/10/2021 0 2021 082* 05 # 2



7021 0950 0001 9971 9547 Strate and Apt. No. or PO Box No. R D. Total Postage and Fees \$4,33 Adult Signature Required Certified Mail Restricted Deliv Adult Signature Restricted De TReturn Receipt (hardcopy) artifled Mail Fee For delivery information, visit our web Domestic Mail Only CERTIFIED MAIL® RECEIPT U.S. Postal Service Kittery = ME 08904 \$3.75 \$0.58 See See から 202 11/10/2021 0 Postmark Hors 0824 8

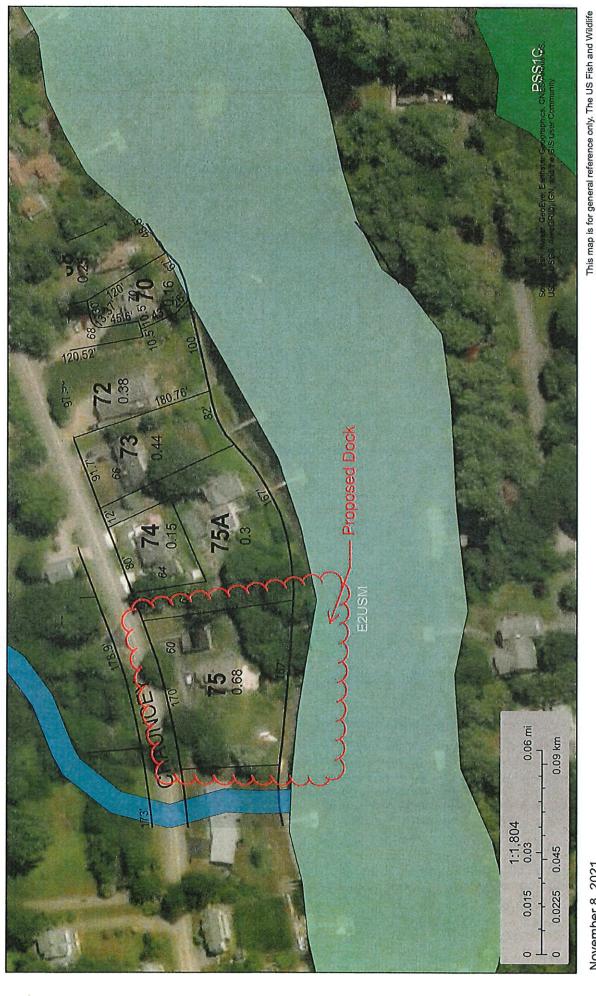
١.

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that Patricia Tobey 60 Chauncey Creek Road Kittery Point ME 03905	
603-426-0253	·
(Name, Address and Phone # of Applicant)	_
is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about	
11/12/2021	
(anticipated filing date)	
The application is for	
Construction of a residential boat pier and dock, similar to those on neighboring prop	perties
(description of the project)	
at the following location: 60 Chauncey Creek Road, Kittery Point Maine	
(project location)	
A request for a public hearing or a request that the Board of Environmental Protection assume juris over this application must be received by the Department in writing, no later than 20 days after the application by the Department to be complete and is accepted for processing. A public hearing may or no be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment application will be accepted throughout the processing of the application.	olication may not
For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application sh constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to 3 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)	
The application will be filed for public inspection at the Department of Environmental Protection's of (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may a seen at the municipal offices in Kittery Point , Maine. (town)	
Written public comments may be sent to the regional office in Portland, Augusta, or Bangor who application is filed for public inspection:	ere the
MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333 MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103 MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401	
(pink	c)



60 Chauncey Creek wetlands map



November 8, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

Freshwater Emergent Wetland

- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine
- Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

- 1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
- 2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
- 3. Municipal Office: You must send a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

- 1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
- 2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
- 3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
- 4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on		
	Date	
Approximately members of the public attend	ed the Public Informational Meeting.	
Sym	11/11/2021	
Signature of Applicant of authorized agent	Date	
		(blue)

Order Receipt

Seacoast Media Group

P.O. Box 223592 Pittsburgh, PA 15251-2592

Phone: 866-470-7133 Option #3

John Jarnagin Kittery Municipal Acct #:

00064992

Phone:

(617)593-0411

Date:

11/09/2021

Ad #:

00537204

ISCJJ1

Salesperson:

Ad Taker: ISCJJ1

Class:

60445

Ad Notes:

Sort Line:

Notice of Intent to file for a

Description	Start	Stop	Ins.	Cost/Day	Amount
S3043016 Portsmouth Herald	11/16/2021	11/16/2021	1	31.50	31.50
S3043762 SMG Digital Internet	11/16/2021	11/16/2021	1	30.00	30.00

Ad Text:

Payment Reference:

LEGAL NOTICE

Notice of Intent to file for a permit to build a residential pier and dock at 60 Chauncey Creek Rd. Kittery Point Maine.

Application will be filed at MDEP Portland and Kittery Municipal offices.

Total: Tax:

0.00

Net:

61.50

Prepaid:

0.00

November 16, 2021

Total Due 61.50

Patricia A. Tobey

60 Chauncey Creek Rd. Kittery Point Maine | 603-426-0253 | ttobey@tobeydesign.com

11/09/2021

Claudette Coyne
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333-0065

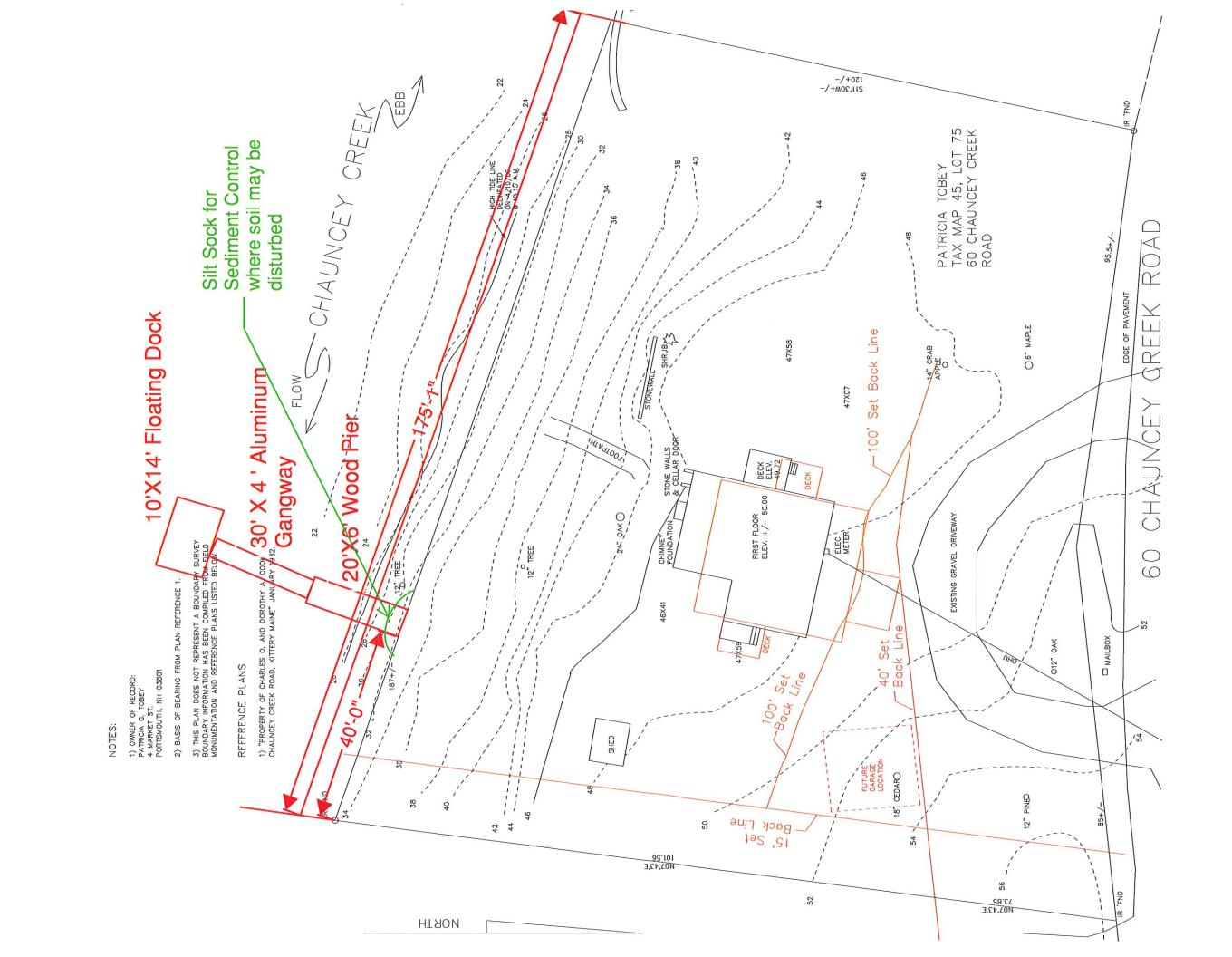
Dear Claudette Coyne:

This cover letter is intended to describe the project we propose at our property at 60 Chauncey Creek Road, Kittery Point Maine. Proposed is a residential pier and dock to provide local dockage for our boat. A 6' wide by 20' wooden pier and a 10' X 14' wooden floating dock connected by a 30' X 4' aluminum gangway. There are on historic buildings adjacent to the property.

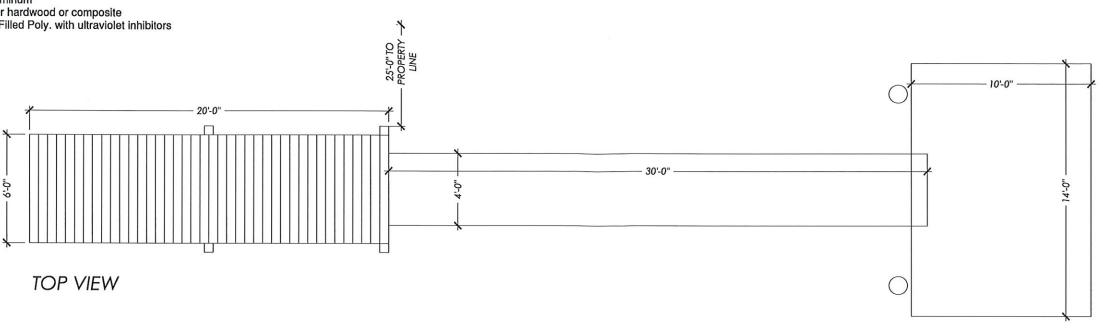
Attached: Topographic map, Location Photos, Arial of other docks in the vicinity, Plans

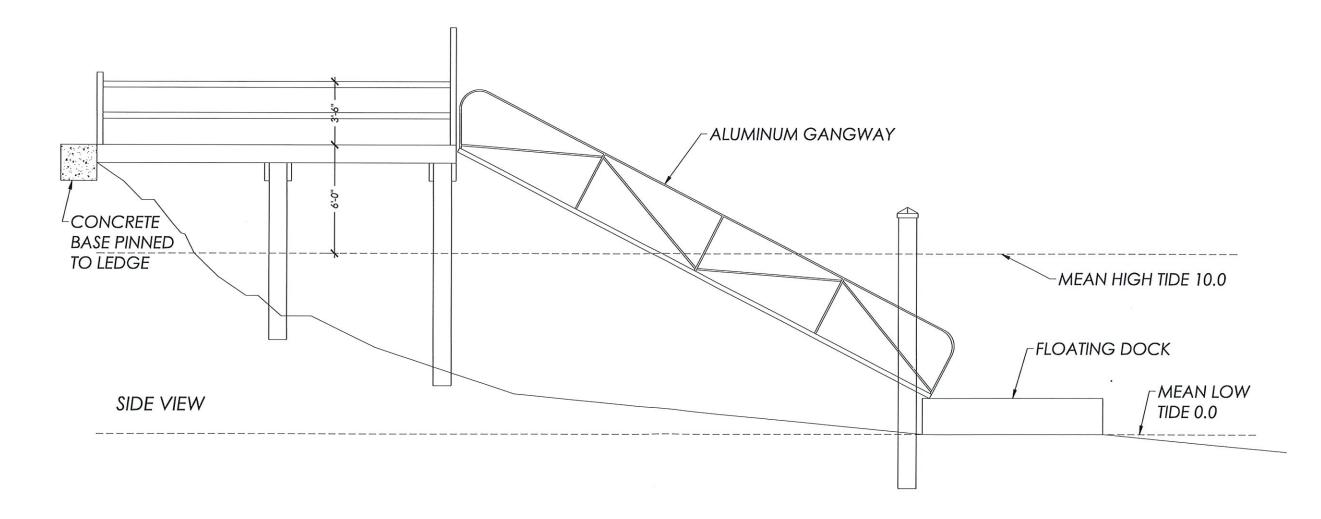
Sincerely,

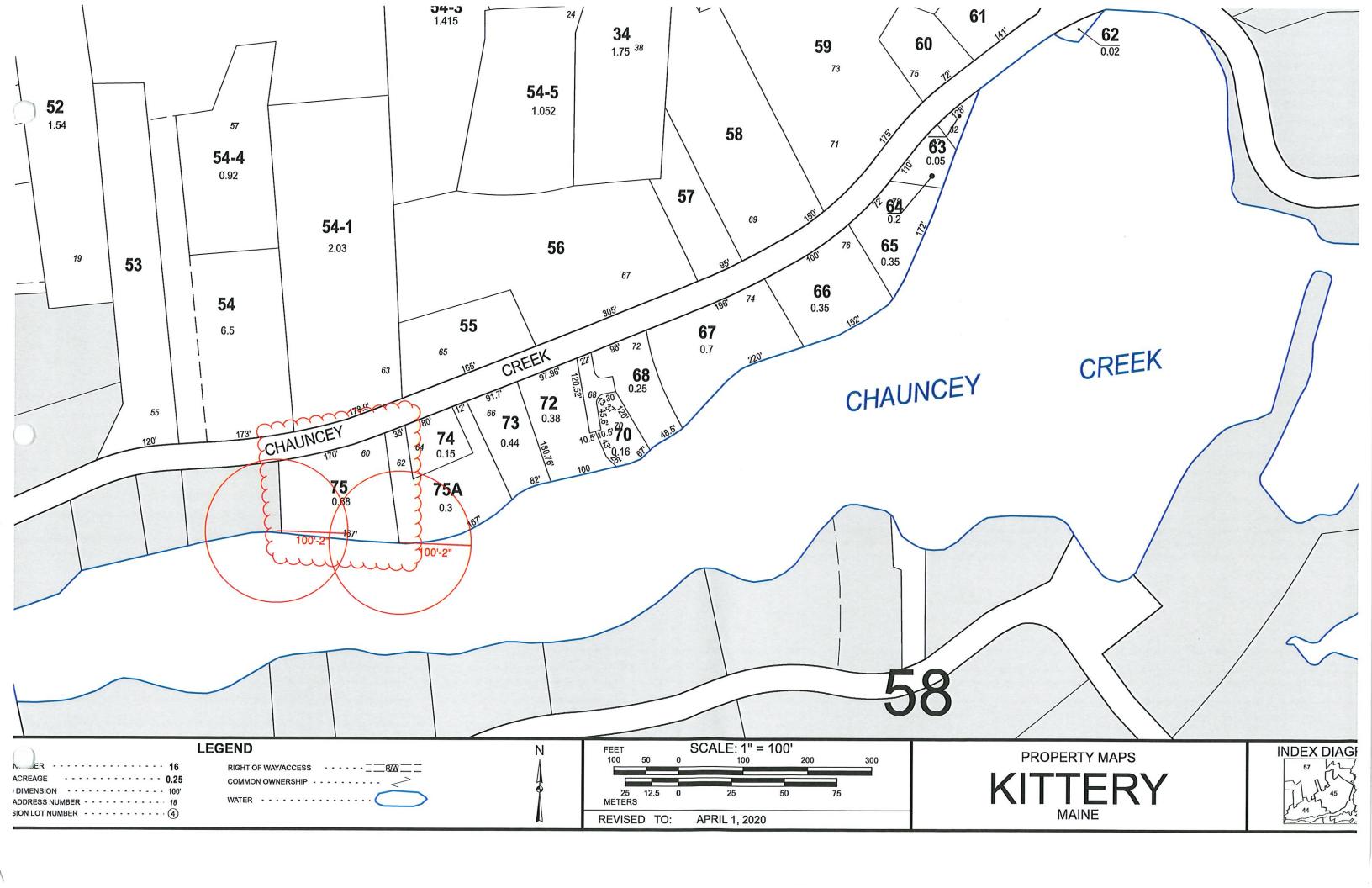
Patricia Tobey



NOTES:
All wood framing and piles to be treated lumber
All Connections and hardware to be Hot dip Galvanized or Stainless Steel
Gangway to be Aluminum
Decking to be either hardwood or composite
Floats to be Foam Filled Poly. with ultraviolet inhibitors







3.6.2. Temporary Mooring Site Use Program

- A. To achieve the most efficient and extensive use of the limited mooring assets in Kittery, the Harbormaster shall administer a program to assign moorings not being used by the mooring site permit holders to other individuals on a temporary basis.
- B. A mooring site permit holder must notify the Harbormaster of their intention to place the mooring in the Temporary Mooring program no later than April 1st of each year or later with approval of the Harbormaster. Mooring sites placed in the Temporary Program must be for a minimum of one permit year.
- C. The mooring permit holder will pay the minimum mooring an administrative fee as set forth in Appendix A, to maintain the ownership of their mooring.
- D. Any mooring placed in the Temporary Program must meet Mooring Requirements in accordance with Section 3.8.
- E. The Harbormaster shall reassign temporary moorings using the Mooring Waiting List as the primary method; however, the Waiting List priority may be waived to place only an appropriate vessel on a mooring in the Temporary Mooring program.
- F. A person assigned to a mooring in the Temporary Mooring program must pay the mooring fee, and any other applicable to have the mooring inspected in accordance with 3.8.1 and pay a administration fee as set forth in Appendix A. fees in accordance with Appendix A.

3.8. Adequacy of Moorings

All mooring tackle set in a mooring site must be of sufficient size to hold the vessel for which it is used.

- 3.8.1. All moorings must be inspected at least every other year. Inspection must be performed only by individuals or organizations authorized by the Harbormaster and written reports of all inspections must be submitted to the Harbormaster. The mooring permit holder is responsible for all costs associated with mooring inspections.
- 3.8.2. All mooring balls must be white and have the assigned mooring number permanently affixed thereon. Such number must be at least three (3) inches high and be clearly visible at all times.
- 3.8.3. The Harbormaster may at any time examine any mooring tackle to determine compliance with this section. Except in cases of emergency, the Harbormaster shall notify the owner of the intention to examine the mooring tackle and request the presence of the owner during such examination.
- 3.8.4. Mooring tackle found to be inadequate with regards to the requirements of this section must be corrected within forty-eight hours of being so notified or be removed forthwith. Any cost of examination or removal resulting therefrom is borne by the holder of the mooring site

permit. If a vessel is required to be moved for reasons of the safety of other vessels, the owner is responsible for all associated costs.

- 3.8.5. Registered owners listed on mooring site permit are responsible and liable for any damage caused by their vessel whether such owner is aboard the vessel or not.
- 3.16. Abandoned Mooring Sites

A mooring site is deemed to be abandoned and the mooring site permit holder's mooring privileges terminated under the following conditions:

- 3.16.1. Mooring permit holder fails to renew their mooring site permit in accordance with Section 3.4.
- 3.16.2. Mooring permit holder does not maintain their mooring in accordance with Section 3.
- 3.16.3. Mooring permit holder whose mooring remains unused for three (3) consecutive years. A mooring is considered unused if the vessel listed on the permit is placed on the mooring for less than thirty days between May 1 and October 15. Placement of the mooring in the Temporary Mooring Site Use Program is considered "unused" for the purpose of this section

Appendix A

- B. Mooring Site Fees (Commercial & Recreational)
- 1. Mooring Sites \$8 per foot; Minimum \$200
- 2. Temporary Mooring Holder Administration Fee \$50
- 3. Temporary Mooring Assignee Administration Fee \$50
- 4. Non-Municipal Transient Mooring Sites \$8 per foot; Minimum \$300
- 5. Rental Mooring Sites* \$8 per foot; Minimum \$300
- 6. Mooring Renewal Late Fee \$50
- 7. Moored Floats Same as mooring fees above for each vessel
- 8. Public Mooring Sites (Approval required) No Fee
- * Marinas and others authorized as a result of grandfathering or KPA Motion