



**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
May 5, 2022
6:00 P.M.**

1. Call to Order / Attendance
2. Pledge of Allegiance
3. Agenda Amendments and Adoption
4. Acceptance of Previous Minutes: April 7, 2022
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 approve an application from Matthew Williams, 18 Hiltons Run, Kittery Point, ME 03905 (Map 33 Lot 17) to replace an existing 8' x 12' float with a 10' x 20' float and replace an existing 3' x 16' wood gangway with an aluminum gangway that will not exceed 30'
8. Piers, Wharves & Floats
 - a. The Kittery Port Authority moves to accept an application from Nicholas & Amy Mercier, 134 Whipple Road, Kittery, ME 03904 (Map 10 Lot 6A) for the replacement of an existing seawall. Agent: Erik Saari, Altus Engineering Inc.
 - b. The Kittery Port Authority moves to accept an application from MGX LLC, 48 Bowen Road, Kittery, ME 03904 (Map 17 Lot 10) to convert 26 commercial moorings into 12 8' x 80' floating docks and one 8' x 160' floating dock.
 - c. The Kittery Port Authority moves to accept the application from B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME 03904 (Map 1 Lot 32) for the replacement of stone rip rap revetment. Agent: Steven Riker, Ambit Engineering, Inc.
9. Public Segment (Three Mins.)
10. Unfinished Business
11. New Business

a. Workshop on Pier Regulations

12. Committee and Other Reports

a. Communications from the Chairperson

13. Board Member Issues or Comments

14. Executive Session

15. Adjournment

- 1 1. Call to Order / Attendance
- 2 Chair Philbrook called meeting to order at 6:00 p.m.
- 3 Members present: Chair Philbrook, Vice Chair Patten, Steve Lawrence, Alan Johnston,
4 and John McCollett. Members absent: Bryan Bush, and Niles Pinkham.
- 5 2. Pledge of Allegiance
- 6 3. Agenda Amendments and Adoption
- 7 Chair Philbrook cast one vote to approve the agenda as presented.
- 8 4. Acceptance of Previous Minutes: March 3, 2022 & March 15, 2022.
- 9 Line 115 of the March 3, 2022 minutes corrected to say Everett Hall's.
- 10 Chair Philbrook moved to accept the March 3, 2022 minutes as amended, seconded by
11 Mr. Lawrence.
- 12 All were in favor.
- 13 Chair Philbrook moved to accept the March 15, 2022 minutes as presented, seconded
14 by Vice Chair Patten.
- 15 All were in favor.
- 16 5. Harbormaster Report and Budget Report
- 17 The Harbormaster reported the Traip Extension float has been installed, but is still
18 working on the ramp plank. He also removed the large expansion tank from just off the
19 Traip floats, and he thanked Gunnar Ek, and the Kittery DPW guys.
- 20 The Harbormaster stated he was working on the kayak rack installation, and is hoping
21 to complete it by 5/1/2022.
- 22 The Harbormaster said the commercial float, dinghy, and the associated dinghy docks
23 would be in place between 4/15/2022 and 4/22/2022. The Float in is scheduled for
24 4/28/2022 with 4/29/2022 as the rain date.
- 25 The Harbormaster said the skiff is in the water with a modified back rest to make it
26 sturdier, he thanked Charlie Patten.

- 27 The Harbormaster made arrangements for Yates Electric to replace the lighting on the
 28 commercial pier, and replaced the parking lot mechanical light timer with a digital and
 29 daylight sensor.
- 30 Moorings Renewals Approved – 245
- 31 Mooring Renewals Paid for but not approved – 100
- 32 Mooring Renewals Incomplete – 134
- 33 Moorings in Temp Program so far – 29
- 34 Moorings Relinquished so far – 13
- 35 Waitlist Renewed/Purchased – 153
- 36 Waitlist Renewals incomplete – 53
- 37 Launch Permits Purchased – 63
- 38 Kayak Rack Permits Purchased – 1

FY 2022 YTD EXPENSES					
OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR EXPENSES	CURRENT YEAR REMAINING	PERCENT USED
64010	HARBOR MASTER FULL TIME SALARI	\$ 60,536.00	\$ 46,765.39	\$13,770.61	77.25
64020	PART TIME SALARIES	\$ 19,042.00	\$ 11,891.44	\$ 7,150.56	62.45
65010	POSTAGE	\$ 250.00	\$ 93.96	\$ 156.04	37.58
65020	TELEPHONE & INTERNET	\$ 1,950.00	\$ 1,443.33	\$ 506.67	74.02
65200	ELECTRICITY	\$ 1,800.00	\$ 1,417.01	\$ 382.99	78.72
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	\$ 3,982.15	\$ (482.15)	113.78
65310	VEHICLE MAINTENANCE	\$ 1,500.00	\$ 2,324.00	\$ (824.00)	154.93
65311	GAS, GREASE, & OIL	\$ 1,500.00	\$ 759.83	\$ 740.17	50.66
65462	RIGGING	\$ 11,000.00	\$ 7,579.71	\$ 3,420.29	68.91
65463	SANITATION	\$ 2,500.00	\$ 1,074.00	\$ 1,426.00	42.96
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ 734.95	\$ 765.05	49
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 3,000.00	\$ 645.54	\$ 2,354.46	21.52
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 5,000.00	\$ 3,106.73	\$ 1,893.27	62.13
65521	UNIFORMS	\$ 1,000.00	\$ 569.88	\$ 430.12	56.99
66010	OFFICE SUPPLIES	\$ 300.00	\$ -	\$ 300.00	0
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 108.88	\$ 391.12	21.78
TOTAL		\$ 116,378.00	\$ 83,336.00	\$33,042.00	71.61%

39

FY 2022 YTD REVENUE

OBJECT	ACCT DESCRIPTION	CURRENT YEAR BUDGET	CURRENT YEAR REVENUE	CURRENT YEAR DIFFERENCE	PERCENT
43147	DINGHY FEES	\$ (10,000.00)	\$ (5,730.00)	\$ (4,270.00)	57.3
43148	TRANSIENT SLIP RENTAL	\$ (7,000.00)	\$ (16,266.00)	\$ 9,266.00	232.37
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (1,250.00)	\$ 750.00	250
43150	MOORING FEES	\$ (100,000.00)	\$ (48,844.08)	\$ (51,155.92)	48.84
43151	LAUNCH FEE	\$ (14,000.00)	\$ (9,958.95)	\$ (4,041.05)	71.14
43152	TRANSIENT MOORING	\$ (4,000.00)	\$ (13,198.00)	\$ 9,198.00	329.95
43153	WAIT LIST FEE	\$ (800.00)	\$ (1,950.00)	\$ 1,150.00	243.75
43156	PIER USAGE FEE	\$ (2,400.00)	\$ (2,838.00)	\$ 438.00	118.25
43157	MOORING LATE FEE	\$ -	\$ -	\$ -	0
43159	KAYAK RACK RENTAL	\$ -	\$ (332.00)	\$ 332.00	0
40	TOTAL	\$ (138,700.00)	\$ (100,367.03)	\$ (38,332.97)	72.36%

41 6. All Items involving Town Officials or Invited Guests

42 7. Public Hearing

43 a. The Kittery Port Authority moves to approve an “after the fact” application from
 44 Daniel & Bonnie Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot
 45 11-3) to construct a pier connecting to an existing deck, as shown on Ambit
 46 Engineering drawing # C1, “Existing Conditions Plan”, dated 9/16/21. Agent is Steve
 47 Riker Ambit Engineering.

48 Mr. Lawrence moved to approve the “after the fact” application from Daniel & Bonnie
 49 Hannigan, 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) to construct
 50 a 72’ pier connecting to an existing deck Engineering drawing # C1, “Existing Conditions
 51 Plan”, amended dated 3/18/2022, second by Vice Chair Patten.

52 Motion Carried 5-0-0

53 b. The Kittery Port Authority moves to approve the application from Daniel & Bonnie
 54 Hannigan 11 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) for the
 55 modification of an existing structure consisting of the addition of a 3’x45’ gangway and
 56 a 10’x20’ float. Agent Steve Riker Ambit Engineering.

57 Mr. Lawrence moved to approve the application from Daniel & Bonnie Hannigan 11
 58 Pepperrell Road, Kittery Point, ME 03905 (Map 18, Lot 11-3) for the modification of an
 59 existing structure consisting of the addition of a 3’x45’ gangway and a 10’x20’ float,
 60 seconded by Mr. Johnston.

61 Motion Carried 5-0-0

62 c. The Kittery Port Authority moves to approve an application from Touchdown Capital
63 LLC, 23 Bond Road, Kittery Point, ME 03905 (Map 25, Lot 9) to construct a 4' x 8'
64 access ramp, a 4' x 75' permanent timber pier with access stairs down to adjacent
65 beach, a 3' x 40' seasonal gangway and a 10' x 30' main float. Agent is Tidewater
66 Engineering & Surveying Inc.

67 Chair Philbrook moved to approve the application from Touchdown Capital LLC, 23
68 Bond Road, Kittery Point, ME 03905 (Map 25, Lot 9) to construct a 4' x 8' access ramp,
69 a 4' x 75' permanent timber pier with access stairs down to adjacent beach, a 3' x 40'
70 seasonal gangway and a 10' x 30' main float, seconded by Mr. Lawrence.

71 Motion Carried 4-1-0

72 Vice Chair Patten, Mr. Lawrence, Mr. Johnston, and Mr. McCollett voted yes.
73 Chair Philbrook voted no.

74 8. Piers, Wharves & Floats

75 a. The Kittery Port Authority moves to accept an application from Matthew Williams, 18
76 Hiltons Run, Kittery Point, ME 03905 (Map 33, Lot 17) to replace an existing 8' x 12'
77 float with a 10' x 20' float and replace an existing 3' x 16' wood gangway with an
78 aluminum gangway that will not exceed 30'.

79 Mr. Lawrence moved to accept the application from Matthew Williams, 18 Hiltons Run,
80 Kittery Point, ME 03905 (Map 33, Lot 17) to replace an existing 8' x 12' float with a 10' x
81 20' float and replace an existing 3' x 16' wood gangway with an aluminum gangway that
82 will not exceed 30' and scheduled a site walk for 4/14/2022 at 4:30p.m. as well as have
83 a public hearing at the May 5, 2022 KPA meeting, seconded by Vice Chair Patten.

84 Motion Carried 5-0-0

85 9. Public Segment (Three Mins.)

86 Phyllis Ford, 19 Bond Road, Kittery Point had concerns about the approval of the
87 application for 23 Bond Road, and stated this property was in violation of not having a
88 functioning septic system.

89 Chair Philbrook responded, and said she would speak with Code Enforcement and
90 Planning about this matter.

91 10. Unfinished Business – None

92 a. Diversity, Equity, and Inclusion (DEI) Ad Hoc Committee Representative

93 Chair Philbrook asked if any of the KPA members wanted to volunteer to be on the
94 Diversity, Equity, and Inclusion (DEI) Ad Hoc Committee as a KPA Representative.
95 No one volunteered.

96 12. Committee and Other Reports

97 a. Communications from the Chairperson

98 * In-kind approval for Bruce Crawford 6 Badgers Island West for Repair/Replacement of
99 3 pilings.

100 Chair Philbrook notified the board of some other In-kind repair/replace applications.

101 In-kind approval for Arlene Devoid Trust, 29 Water Street, Kittery, ME for
102 Repair/Replacement of a complete replacement of pier, gangway, access ramp, and
103 float.

104 143 Whipple Road in-kind replacement sea wall.

105 28 Williams Avenue in-kind repair/replace an existing fixed pier.

106 1-3 Badgers Island, Kittery, In-kind repair / replacement of rotted siding, windows,
107 doors, and insulation to tighten up and preserve the building.

108 13. Board Member Issues or Comments

109 Mr. McCollett spoke about being a new member of the Climate Adaptation Committee.

110 Mr. Lawrence reminded the Harbormaster about the hoist and the pump.

111 Vice Chair Patten stated he was glad to be back to in person meetings.

112 Chair Philbrook asked the board about having a workshop and taking another look at
113 section 4 Piers, Wharves, Floats, and marine related structures.

114 All were in favor.

115 14. Executive Session - None

116 15. Adjournment

117 Mr. Lawrence moved to adjourn at 7:02 p.m., seconded by Vice Chair Patten.

118 All were in favor.

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.

KPA-22-2**Kittery Port Authority Application****Status:** Active**Date Created:** Mar 11, 2022**Applicant**

Matthew Williams
mrmattnw@gmail.com
18 Hiltons Run
Kittery Point, ME 03905
207 451 2161

Location

18 Hiltons Run
KITTERY, ME 03905

Owner:

WILLIAMS, MATTHEW N
18 Hiltons Run KITTERY POINT, ME 03905

Project Discription**Description of Project**

Replace existing float with a new 10' X 20' foat and replace existing wood gangway with a 30' aluminum gangway.

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

No

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

No

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

Matthew Williams, April Timko

Property Address

18 Hiltons Run, Kittery Point, Maine 03905

Telephone Number

207 451 2161

Email Address

mrmattnw@gmail.com

Size of the Property

4.5 acres +-

Zoning District

Residential-Rural

Shore Frontage Footage

683 feet +-

Property History

This is my first Kittery Port Authority Application for this property



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



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

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Acknowledgements

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



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



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



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



Applicant Information

Name of Applicant

Matthew Williams / April Timko

Date Application Completed

3/11/2022

Name of Property Owner

Matthew Williams / April Timko

Agent Name

--

Agent Firm

--

Agent Phone

--

Agent Email

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Attachments

-  Purchase and Sale agreement 356 Haley Rd now 18 Hiltons Run.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:31 pm
-  Same as existing with longer gangway and larger float.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:58 pm
-  Tax map 33-17 at 18 Hiltons Run.pdf
Uploaded by Matthew Williams on Mar 11, 2022 at 4:43 pm
-  Abutters within 150.docx
Uploaded by Matthew Williams on Mar 11, 2022 at 5:40 pm

History

Date	Activity
Mar 11, 2022 at 4:08 pm	Matthew Williams started a draft of Record KPA-22-2
Mar 11, 2022 at 5:51 pm	Matthew Williams submitted Record KPA-22-2
Mar 14, 2022 at 8:48 am	completed payment step Fee Payment on Record KPA-22-2
Mar 14, 2022 at 8:48 am	approval step Application Completeness Review was assigned to Carrie Varao on Record KPA-22-2

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Paid	Mar 11, 2022 at 5:51 pm	Mar 14, 2022 at 8:48 am	-	-

Label	Status	Activated	Completed	Assignee	Due Date
✓ Application Completeness Review	Active	Mar 14, 2022 at 8:48 am	-	Carrie Varao	-
✓ Town Planner Upland Development Review	Inactive	-	-	-	-
✓ Code Enforcement Upland Development Review	Inactive	-	-	-	-
✓ Port Authority Approval Uploaded	Inactive	-	-	-	-
✓ Building Permit Received	Inactive	-	-	-	-

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

Offer Date June 5, 2013

Effective Date _____ Effective Date
Effective Date is defined in Paragraph 23 of this Agreement.

1. PARTIES: This Agreement is made between April A Timko and/or assigns ("Buyer") and
Susan E Lucy, Julie E Fabri ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all
 part of; If "part of" see para. 26 for explanation) the property situated in municipality of Kittery,
County of York, State of Maine, located at 356 Halev Rd and
described in deed(s) recorded at said County's Registry of Deeds Book(s) 15774, Page(s) 405.

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades
and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/
pellet stoves, sump pump and electrical fixtures are included with the sale except for the following: xx

Seller represents that all mechanical components of fixtures will be operational at the time of closing except: xx

4. PERSONAL PROPERTY: The following items of personal property as viewed on June 3, 2013 are included with the
sale at no additional cost, in "as is" condition with no warranties: Kitchen stove, dishwasher, refrigerator, wood
stove in basement

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of
\$ 470,000.00. Buyer has delivered; or will deliver to the Agency within 3 days of the Offer Date,
a deposit of earnest money in the amount \$ 5,000.00. If said deposit is to be delivered after the submission of this
offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the
deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of
\$ 5,000.00 will be delivered June 20, 2013. Failure by Buyer to deliver this additional deposit in
compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by
wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Anne Erwin Real Estate ("Agency") shall hold
said earnest money and act as escrow agent until closing; this offer shall be valid until June 6, 2013 (date)
6 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly
to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to
recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by
the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and
execute all necessary papers on July 19, 2013 (closing date) or before, if agreed in writing by both parties. If
Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to
exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller,
to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the
closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and
accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any
further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a warranty deed, and shall be free and clear of all
encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the
continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises,
free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all
possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the
right to view the property within 24 hours prior to closing.

AT

JEF SEL

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

11. FUEL/UTILITIES/PRORATIONS: Fuel remaining in tank on day of closing shall be paid by Buyer at cash price as of date of closing of company that last delivered the fuel. Metered utilities such as electricity, water and sewer will be paid through the date of closing by Seller. The following items, where applicable, shall be prorated as of the date of closing: collected rent, association fees, (other) ~~xxx~~. The day of closing is counted as a Seller day. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

12. DUE DILIGENCE: Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Seller's real or personal property, or any representations as to compliance with any federal, state or municipal codes, including, but not limited to, fire, life safety, electrical and plumbing. Buyer is encouraged to seek information from professionals regarding any specific issue or concern. This Agreement is subject to the following investigations, with results being satisfactory to Buyer:

TYPE OF INVESTIGATION YES NO RESULTS REPORTED TO SELLER				TYPE OF INVESTIGATION YES NO RESULTS REPORTED TO SELLER			
a. General Building	<input checked="" type="checkbox"/>		Within 10 days	n. Arsenic Treated Wood		<input checked="" type="checkbox"/>	Within _____ days
b. Sewage Disposal	<input checked="" type="checkbox"/>		Within 10 days	o. Pests	<input checked="" type="checkbox"/>		Within 10 days
c. Coastal shoreland receipt		<input checked="" type="checkbox"/>	Within _____ days	p. Code Conformance		<input checked="" type="checkbox"/>	Within _____ days
d. Water Quality		<input checked="" type="checkbox"/>	Within _____ days	q. Insurance	<input checked="" type="checkbox"/>		Within 10 days
e. Water Quantity		<input checked="" type="checkbox"/>	Within _____ days	r. Environmental Scan		<input checked="" type="checkbox"/>	Within _____ days
f. Air Quality	<input checked="" type="checkbox"/>		Within 14 days	s. Lot size/acreage		<input checked="" type="checkbox"/>	Within _____ days
g. Square Footage		<input checked="" type="checkbox"/>	Within _____ days	t. Survey/MLI		<input checked="" type="checkbox"/>	Within _____ days
h. Pool		<input checked="" type="checkbox"/>	Within _____ days	u. Zoning		<input checked="" type="checkbox"/>	Within _____ days
i. Energy Audit		<input checked="" type="checkbox"/>	Within _____ days	v. Farmland Adjacency		<input checked="" type="checkbox"/>	Within _____ days
j. Chimney	<input checked="" type="checkbox"/>		Within 10 days	w. Habitat Review/Water fowl		<input checked="" type="checkbox"/>	Within _____ days
k. Smoke/CO detectors	<input checked="" type="checkbox"/>		Within 10 days	x. Flood Plain	<input checked="" type="checkbox"/>		Within 10 days
l. Mold	<input checked="" type="checkbox"/>		Within 10 days	y. Other _____		<input checked="" type="checkbox"/>	Within _____ days
m. Lead Paint		<input checked="" type="checkbox"/>	Within _____ days				

All investigations will be done by persons chosen and paid for by Buyer in Buyer's sole discretion. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer in Buyer's sole discretion, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of investigation(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form and the information developed by the Maine Center for Disease Control and Prevention regarding arsenic in private water supplies and arsenic in treated wood.

14. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:
a. This Agreement is subject to Buyer obtaining a conventional loan of 80.000 % of the purchase price, at an interest rate not to exceed current % and amortized over a period of 30 years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
b. Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within 5 days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
c. Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
d. After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
e. Buyer agrees to pay no more than two points. Seller agrees to pay up to \$ _____ toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
f. Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
g. Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

15. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Fritz Dauth () of Anno Erwin Real Estate ()
Licensee MLS ID Agency MLS ID
is a [X] Seller Agent [] Buyer Agent [] Disc Dual Agent [] Transaction Broker

Pam Gray () of Re/Max By the Bay ()
Licensee MLS ID Agency MLS ID
is a [] Seller Agent [X] Buyer Agent [] Disc Dual Agent [] Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

16. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

17. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

18. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

19. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

20. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument. Original or faxed or other electronically transmitted signatures are binding.

21. SHORELAND ZONE SEPTIC SYSTEM: Seller represents that the property [X] does [] does not contain a septic system within the Shoreland Zone. If the property does contain a septic system located in the Shoreland Zone, Seller agrees to provide certification at closing indicating whether the system has/had not malfunctioned within 180 calendar days prior to closing.

22. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

23. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

24. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

25. ADDENDA: Lead Paint - [] Yes [X] No ; Other - [] Yes [X] No

Explain: The Property Disclosure Form is not an addendum and not part of this Agreement.

26. OTHER CONDITIONS: xxx

27. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.


Buyer's Mailing address is _____


6/5/13
DATE
BUYER
DATE

April A Timko and/or assigns

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is _____


6/6/13
DATE
SELLER Susan E Lucy
DATE

6/6/13
DATE
SELLER Julie E Fabri
DATE

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

SELLER
DATE
SELLER
DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER
DATE
BUYER
DATE

EXTENSION

The closing date of this Agreement is extended until _____ DATE

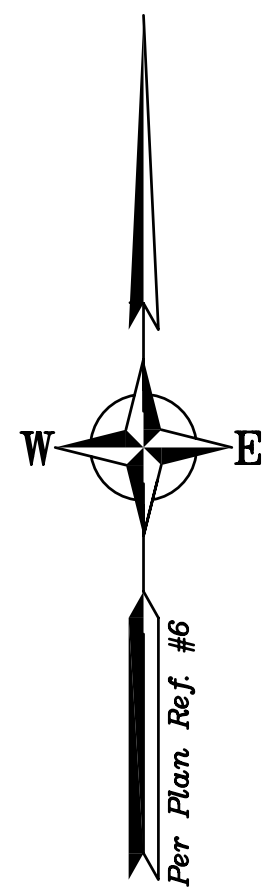
SELLER
DATE
SELLER
DATE

BUYER
DATE
BUYER
DATE



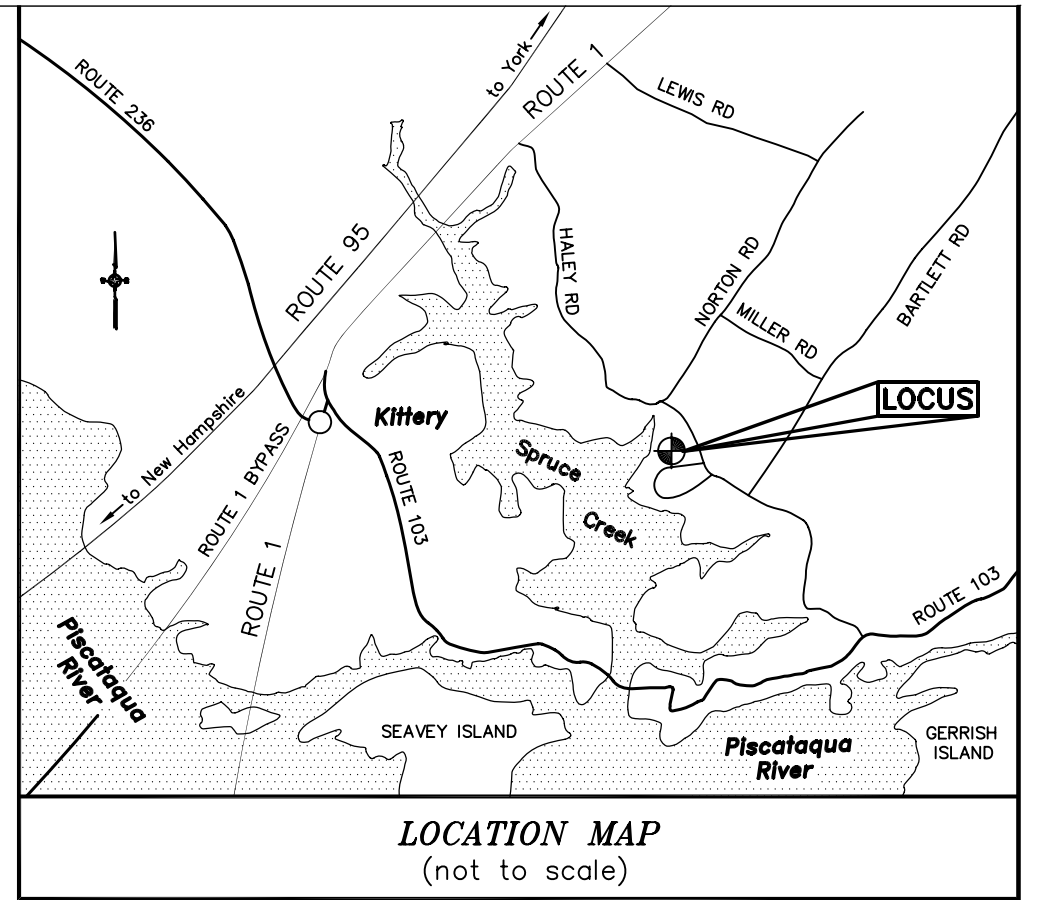
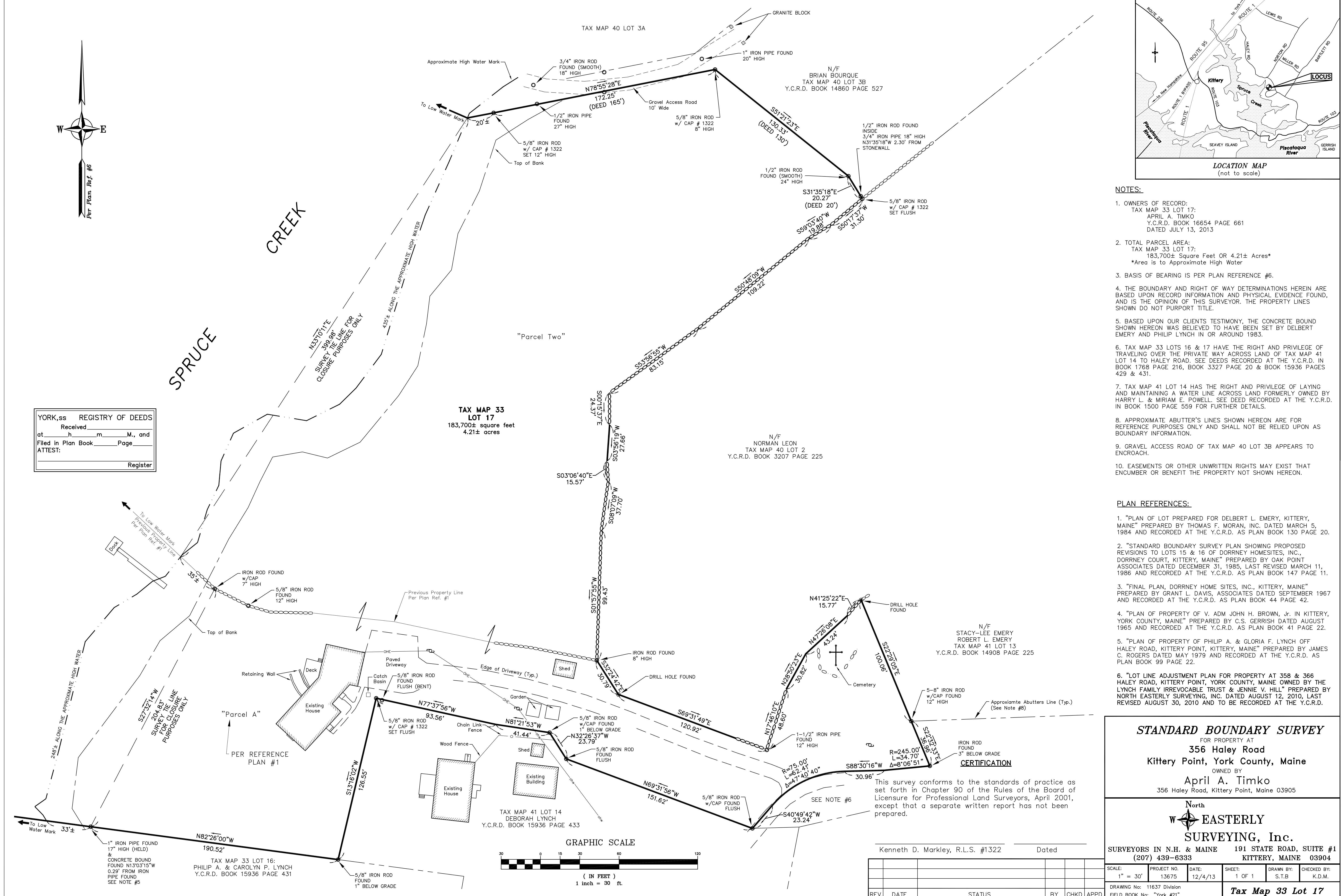
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YORK,ss REGISTRY OF DEEDS
 Received _____
 at _____ h _____ m _____ M., and
 Filed in Plan Book _____ Page _____
 ATTEST:

 Register



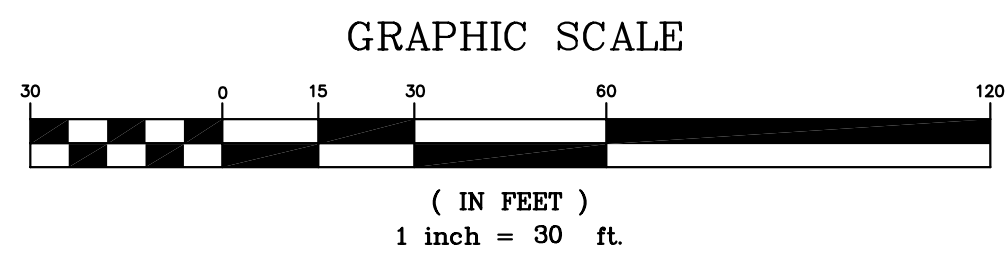
- NOTES:**
- OWNERS OF RECORD:
 TAX MAP 33 LOT 17:
 APRIL A. TIMKO
 Y.C.R.D. BOOK 16654 PAGE 661
 DATED JULY 13, 2013
 - TOTAL PARCEL AREA:
 TAX MAP 33 LOT 17:
 183,700± Square Feet OR 4.21± Acres*
 *Area is to Approximate High Water
 - BASIS OF BEARING IS PER PLAN REFERENCE #6.
 - THE BOUNDARY AND RIGHT OF WAY DETERMINATIONS HEREIN ARE BASED UPON RECORD INFORMATION AND PHYSICAL EVIDENCE FOUND, AND IS THE OPINION OF THIS SURVEYOR. THE PROPERTY LINES SHOWN DO NOT PURPORT TITLE.
 - BASED UPON OUR CLIENTS TESTIMONY, THE CONCRETE BOUND SHOWN HEREON WAS BELIEVED TO HAVE BEEN SET BY DELBERT EMERY AND PHILIP LYNCH IN OR AROUND 1983.
 - TAX MAP 33 LOTS 16 & 17 HAVE THE RIGHT AND PRIVILEGE OF TRAVELING OVER THE PRIVATE WAY ACROSS LAND OF TAX MAP 41 LOT 14 TO HALEY ROAD. SEE DEEDS RECORDED AT THE Y.C.R.D. IN BOOK 1768 PAGE 216, BOOK 3327 PAGE 20 & BOOK 15936 PAGES 429 & 431.
 - TAX MAP 41 LOT 14 HAS THE RIGHT AND PRIVILEGE OF LAYING AND MAINTAINING A WATER LINE ACROSS LAND FORMERLY OWNED BY HARRY L. & MIRIAM E. POWELL. SEE DEED RECORDED AT THE Y.C.R.D. IN BOOK 1500 PAGE 559 FOR FURTHER DETAILS.
 - APPROXIMATE ABUTTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
 - GRAVEL ACCESS ROAD OF TAX MAP 40 LOT 3B APPEARS TO ENCR OACH.
 - EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.

- PLAN REFERENCES:**
- "PLAN OF LOT PREPARED FOR DELBERT L. EMERY, KITTERY, MAINE" PREPARED BY THOMAS F. MORAN, INC. DATED MARCH 5, 1984 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 130 PAGE 20.
 - "STANDARD BOUNDARY SURVEY PLAN SHOWING PROPOSED REVISIONS TO LOTS 15 & 16 OF DORRNEY HOMESITES, INC., DORRNEY COURT, KITTERY, MAINE" PREPARED BY OAK POINT ASSOCIATES DATED DECEMBER 31, 1985, LAST REVISED MARCH 11, 1986 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 147 PAGE 11.
 - "FINAL PLAN, DORRNEY HOME SITES, INC., KITTERY, MAINE" PREPARED BY GRANT L. DAVIS, ASSOCIATES DATED SEPTEMBER 1967 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 44 PAGE 42.
 - "PLAN OF PROPERTY OF V. ADM JOHN H. BROWN, Jr. IN KITTERY, YORK COUNTY, MAINE" PREPARED BY C.S. GERRISH DATED AUGUST 1965 AND RECORDED AT THE Y.C.R.D. AS PLAN BOOK 41 PAGE 22.
 - "PLAN OF PROPERTY OF PHILIP A. & GLORIA F. LYNCH OFF HALEY ROAD, KITTERY POINT, YORK COUNTY, MAINE OWNED BY THE LYNCH FAMILY IRREVOCABLE TRUST & JENNIE V. HILL" PREPARED BY NORTH EASTERLY SURVEYING, INC. DATED AUGUST 12, 2010, LAST REVISED AUGUST 30, 2010 AND TO BE RECORDED AT THE Y.C.R.D.

N/F
 STACY-LEE EMERY
 ROBERT L. EMERY
 TAX MAP 41 LOT 13
 Y.C.R.D. BOOK 14908 PAGE 225

TAX MAP 33 LOT 16:
 PHILIP A. & CAROLYN P. LYNCH
 Y.C.R.D. BOOK 15936 PAGE 431

TAX MAP 41 LOT 14
 DEBORAH LYNCH
 Y.C.R.D. BOOK 15936 PAGE 433



Kenneth D. Markley, R.L.S. #1322 Dated _____

REV.	DATE	STATUS	BY	CHKD	APPD.

STANDARD BOUNDARY SURVEY
 FOR PROPERTY AT
356 Haley Road
 Kittery Point, York County, Maine
 OWNED BY
 April A. Timko
 356 Haley Road, Kittery Point, Maine 03905

EASTERLY SURVEYING, Inc.

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1
 (207) 439-6333 KITTERY, MAINE 03904


SCALE: 1" = 30'	PROJECT NO. 13675	DATE 12/4/13	SHEET: 1 OF 1	DRAWN BY: S.T.B.	CHECKED BY: K.D.M.
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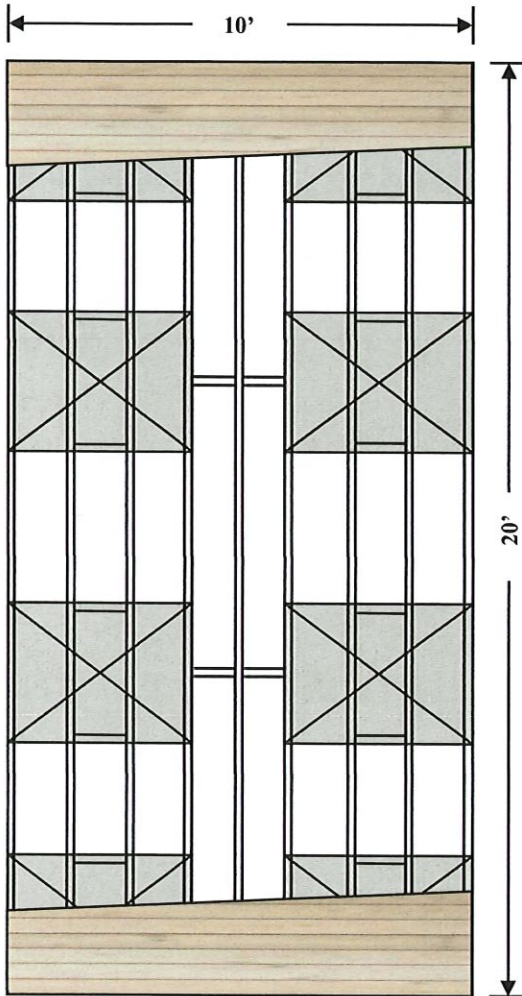
DRAWING No: 11637 Division
 FIELD BOOK No: "York #21"

Tax Map 33 Lot 17

CERTIFICATION

This survey conforms to the standards of practice as set forth in Chapter 90 of the Rules of the Board of Licensure for Professional Land Surveyors, April 2001, except that a separate written report has not been prepared.

	DOCK SKETCH	MAIN DOCK	GANGWAY RAMP
	Dimensions:	10' x 20'	N/A
	#/Size of Stringers:	(9) 2" x 8" Stringers	N/A
P.O. Box 3450 Apollo Beach, FL 33572 Tel: 800.677.4710	Decking Size:	5/4" x 6" or 2" x 6" Decking	N/A
	Decking Type:	P.T. or Composite	N/A



FLOTATION SUMMARY

- (8) FD-3416 DockBuilders Float Drums (36" x 48" x 16")
- (48) LB-3804SS (3/8" x 4" Stainless Steel Lag Bolts)
- (48) W-38SSF (3/8" x 1.5" Stainless Steel Fender Washers)

FRAMING HARDWARE SUMMARY

- (4) Outside Corners – End
- (4) Inside Corners
- (22) Angles (2 per internal stringer/joist)
- (44) Washer Plates (4 per internal stringer)
- (120) Carriage Bolt Sets (1/2" x 3" bolt/washer/hex nut)
- (800) 3" Stainless Steel Decking Screws
- (2) Driver #2 Square (for decking screws)

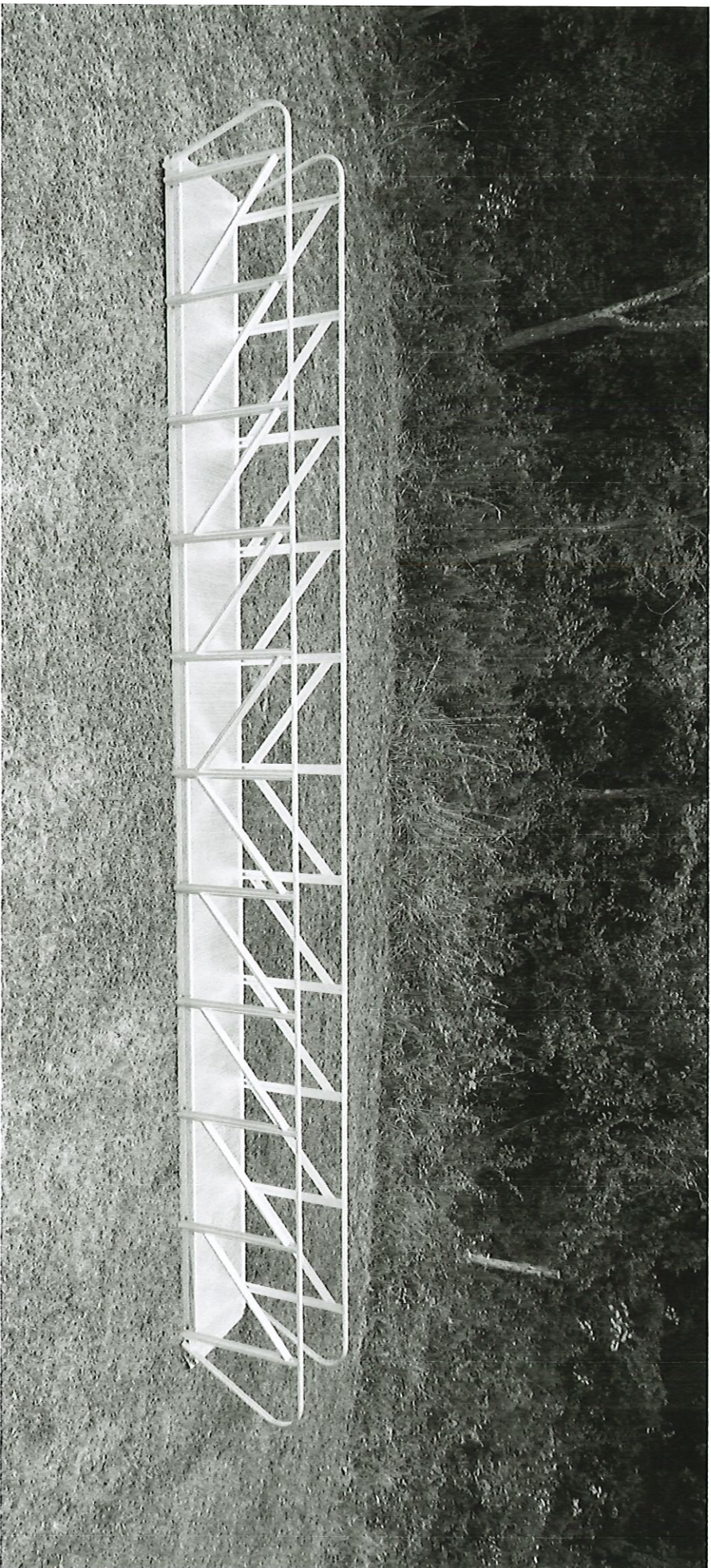
LUMBER SUMMARY (Not Included in Kit)

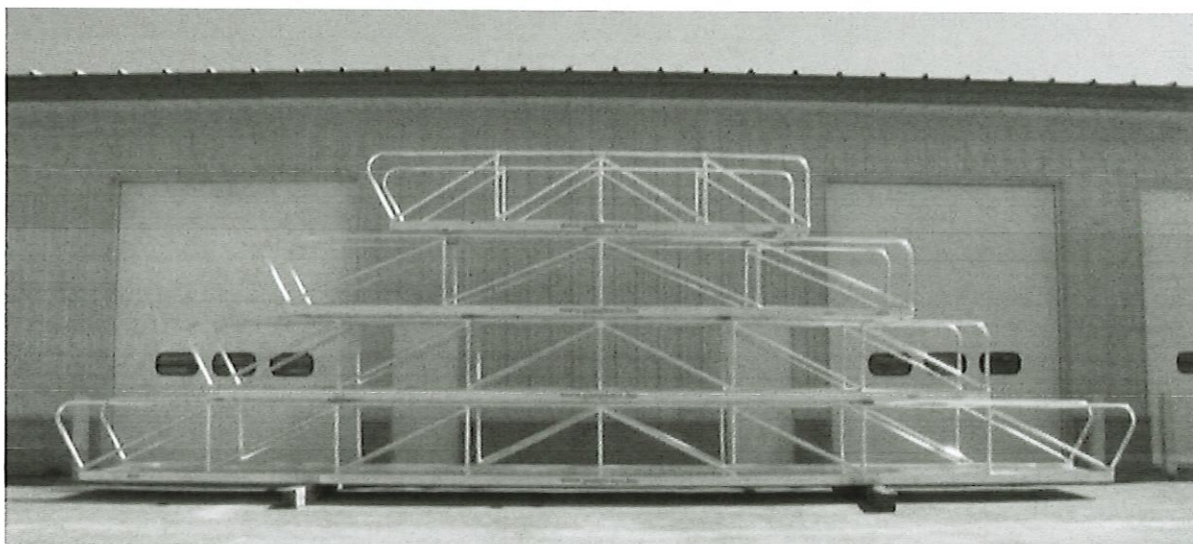
- (2) 2" x 8" x 10' Fascia Board / Header (cut in half)
 - (9) 2" x 8" x 20' (or 2" x 10" x 20') Stringers / Joists
 - (43) 5/4" x 6" x 10' or 2" x 6" x 10' Decking Boards
- Extra 2" x 8" lumber required for blocking between stringers and over floats.



36" x 48" x 16" Dock Float
(Approx. 905# buoyancy)

Note: Dock Builders Supply assumes no responsibility or liability for the design, structural integrity, accuracy or completeness of this sketch/drawing. Sketch is provided as a guide-line only. Dimensions are approximate. Internal stringer blocking over the perimeter of dock floats is not shown, but should be incorporated throughout the frame to provide additional dock float mount points. Dock floats should be on-hand during construction to use as a templates to accurately align internal stringers over the perimeter of floats. Lumber is not included in dock kit and must be acquired locally.







40-6

40-5
2.62

ROAD

40-29

56-26

40-3A

40-3B

40-4

40-2

40-1

Residential - Rural

HUTCHINS COVE

33-17

41-13

41-12

41-12-1

HILTONS RUN

41-14-1
UNIT 1

41-14

41-14-3
UNIT 3

33-16

41-14-2
UNIT 2

34-16

34-20

34-19

34-14

34-17

34-18

33-13

33-12

Abutters within 150' of dock

302 Haley RD

Sandra and Derron Wood

10 Prospect Street

New London, CT 06320

Other Abutters

Brian Bourqe

326 Haley RD

Kittery Point, ME 03905

Paul, Jean Treacy

28 Hiltons Run

Kittery Point, ME 03905

Charles, Kathleen Reardon

21 Hiltons Run

Kittery Point, ME 03905

James, Jody Donohue

23 Hiltons Run

Kittery Point, ME 03905

Non abutter within 150 feet

Bryan Cormier

12 Goose Point

Kittery Point, ME 03905

Thurston Powell

322 Haley Rd

Kittery Pont, ME 03905



KPA-22-3

Kittery Port Authority Application

Status: Active

Date Created: Mar 31, 2022

Applicant

Erik Saari
esaari@altus-eng.com
Altus Engineering, Inc.
133 Court Street
Portsmouth, NH 03801
603-433-2335

Location

134 WHIPPLE ROAD
KITTERY, ME 03904

Owner:

MERCIER, NICHOLAS E.
35 GOFFSTOWN ROAD HOOKSETT , NH 03106-2400

Project Discription

Description of Project

Replacement of existing seawall

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

Yes

Type of Project

Is this project an in-kind repair/replacement?

Yes

Property Information

Name of the property owner(s)

Nicholas and Amy Mercier

Property Address

134 Whipple Road

Telephone Number

(603) 674-8239

Email Address

nick@macyind.com

Size of the Property

0.31 ac

Zoning District

R-U

Shore Frontage Footage

131.01

Property History

This is my first Kittery Port Authority Application for this property

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

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

A dock permit was applied for several years ago.

Acknowledgements

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

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

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

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

Applicant Information

Name of Applicant

Nicholas Mercier

Date Application Completed

03/31/22

Name of Property Owner

Nicholas Mercier

Agent Name

Erik Saari

Agent Firm

Altus Engineering, Inc.





Agent Phone

(603) 433-2335

Agent Email

esaari@altus-eng.com





Attachments

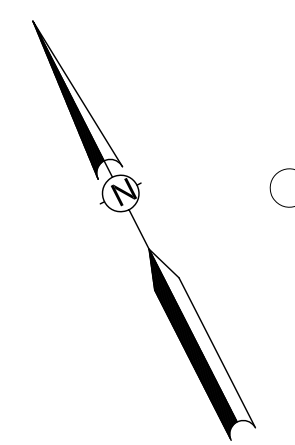
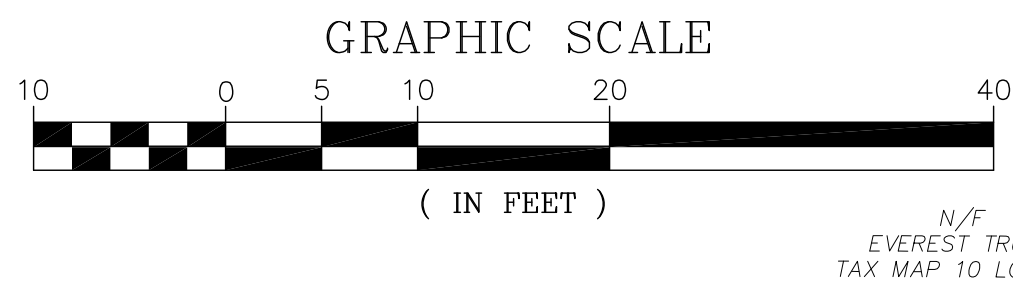
-  5186-01-Deed.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:24 pm
-  5186-02-Plans-033122.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm
-  5186-03-TaxMap.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm
-  5186-04-Abutters-033122.pdf
Uploaded by Erik Saari on Mar 31, 2022 at 12:16 pm

History

Date	Activity
Mar 31, 2022 at 11:53 am	Erik Saari started a draft of Record KPA-22-3
Mar 31, 2022 at 5:23 pm	Erik Saari submitted Record KPA-22-3

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Payment	Active	Mar 31, 2022 at 5:23 pm	-	-	-
 Application Completeness Review	Inactive	-	-	-	-
 Town Planner Upland Development Review	Inactive	-	-	-	-
 Code Enforcement Upland Development Review	Inactive	-	-	-	-
 Port Authority Approval Uploaded	Inactive	-	-	-	-
 Building Permit Received	Inactive	-	-	-	-



WHIPPLE ROAD

TOWN OF KITTERY
CODE ENFORCEMENT OFFICER

SIGNATURE

DATE

TOWN OF KITTERY, PLANNING BOARD

CHAIR

DATE

OWNER/APPLICANT

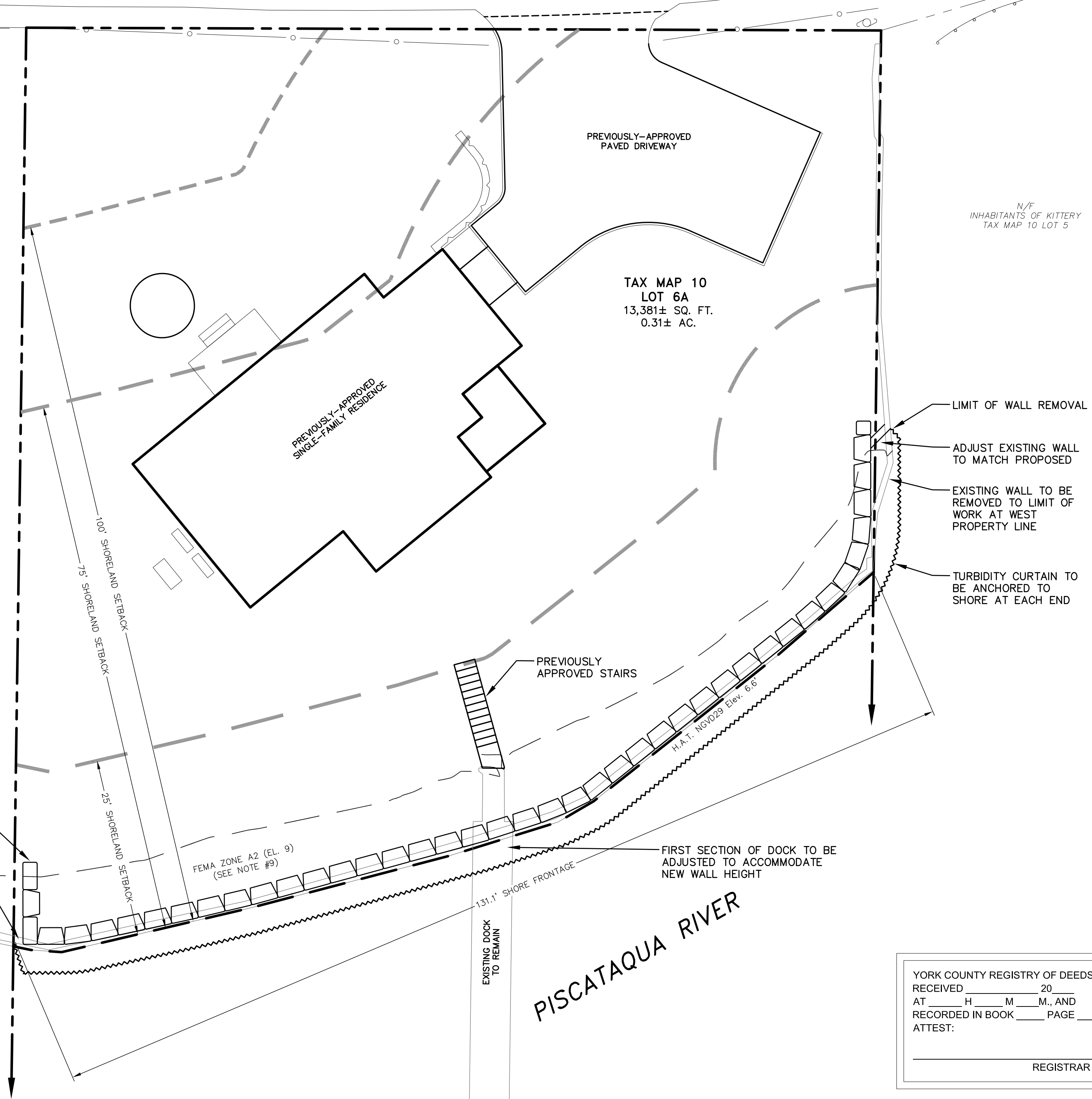
DATE

N/F
DUNCAN A. MCEACHERN
TAX MAP 10 LOT 6B
Y.C.R.D. BOOK 2026 PAGE 128

SEE RETAINING WALL
PLANS BY OTHERS

LIMIT OF WALL REMOVAL,
MATCH EXISTING WALL
AT CORNER

EXISTING WALL BEYOND
PROPERTY LINE TO REMAIN



TAX MAP 10
LOT 6A
13,381± SQ. FT.
0.31± AC.

PISCATAQUA RIVER

YORK COUNTY REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ H _____ M _____ AND
RECORDED IN BOOK _____ PAGE _____
ATTEST:

REGISTRAR

SITE NOTES

- DESIGN INTENT – THIS PLAN SET IS INTENDED TO DEPICT THE REPLACEMENT OF AN EXISTING RETAINING WALL.
- PLAN REFERENCE: "EXISTING CONDITIONS PLAN FOR PROPERTY AT 134 WHIPPLE ROAD, KITTERY, YORK COUNTY, MAINE", DATED FEBRUARY 27, 2020, PREPARED BY NORTH EASTERLY SURVEY, INC.
- APPROXIMATE LOT AREA: 0.31 AC.± (13,381 S.F.±)
- ZONE: RESIDENTIAL-URBAN (R-U)
OVERLAY ZONE: SHORELAND (OZ-SL-250')
- DIMENSIONAL REQUIREMENTS PER TOWN OF KITTERY CODE TITLE 16 (SEC. 16.3.2.4):

MIN. LAND AREA	20,000 S.F.
PER DWELLING UNIT:	20,000 S.F.
MIN. LOT SIZE:	20,000 S.F.
MIN. STREET FRONTAGE:	100'
FRONT SETBACK:	30'
SIDE SETBACK:	15'
REAR SETBACK:	15'
MAX. BUILDING HEIGHT:	23.0' (EXISTING) PROPOSED = 23.0'
MAX. BLDG. COVERAGE:	EXIST. COVERAGE (1,358 SF) + 30% = 1,765 SF
MIN. SHORE FRONTAGE:	50'
SHORELAND SETBACK:	100'
MAX. DEVEGETATED AREA:	20%
- ALL CONSTRUCTION SHALL MEET THE MINIMUM STANDARDS OF THE TOWN OF KITTERY.
- ALL EROSION CONTROL MEASURES SHALL COMPLY WITH STATE (DEP) AND LOCAL ORDINANCES.
- HIGHEST ANNUAL TIDE (H.A.T.) IS TAKEN FROM MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION DATA.
- THE ENTIRE PARCEL IS LOCATED WITHIN THE OZ-SL-250 ZONE.
- A PORTION OF THE PARCEL IS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) PER FEMA FIRM 230171 0005 D. LATEST REVISION JULY 3, 1986.
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL VERIFY ALL WALL DIMENSIONS WITH THE STRUCTURAL PLANS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION.
- ALL PERIMETER SEDIMENT AND EROSION CONTROL MEASURES (I.E. SILTFENCE, SILT/SOXX OR FILTER BERM) MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK ACTIVITIES.
- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH 6" OF COMPACTED LOAM AND SEED. COORDINATE WITH LANDSCAPE PLANS.
- ALL SEAWALL CONSTRUCTION BELOW THE H.A.T. (ELEVATION 6.6') SHALL BE PERFORMED AT LOW TIDE.
- DEMOLITION OF EXISTING SEAWALL AND CONSTRUCTION OF NEW SEAWALL TO BE DONE IN PHASES IN ORDER TO MINIMIZE AREAS OF EXPOSED UNSTABILIZED SHORELINE. PHASES SHALL BE LIMITED TO THE AMOUNT OF WORK THAT CAN BE REASONABLY ACCOMPLISHED DURING A SINGLE INTERTIDAL PERIOD.
- ALL PLAN ELEMENTS AND CONDITIONS OF APPROVAL SHOWN ON THE PREVIOUSLY-APPROVED SHORELAND DEVELOPMENT PLAN DATED MARCH 7, 2022 REMAIN APPLICABLE TO THIS PLAN. CONTRACTOR SHALL REVIEW BOTH PLANS PRIOR TO INITIATING WORK.

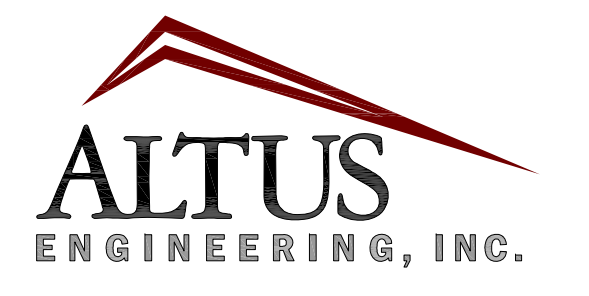
BUILDING COVERAGE/DEVEGETATION CALCULATIONS

	SHORELAND SETBACKS		
	0 – 100'	100' – 250'	ENTIRE LOT
EXISTING BUILDING COVERAGE:	±1,358 SF	±0 SF	±1,358 SF (10.1%)
PROPOSED BUILDING COVERAGE	±1,608 SF	±0 SF	±1,608 SF (12.0%)
EXISTING DEVEGETATION CALC:	±3,292 SF	±0 SF	±3,292 SF (24.6%)
PROPOSED DEVEGETATION CALC:	±3,219 SF	±0 SF	±3,219 SF (24.1%)

* AREAS AND HEIGHT LIMITATIONS ARE PER KITTERY LAND USE AND DEVELOPMENT CODE (TITLE 16) SECTION 16.7.3.3.B(3)(e)[5][a] / SECTION 16.3.2.17.D(1)(d)

EXISTING DEVEGETATION CALC.: HOUSE, PORCH, DECK & STAIRS (1,434 SF) + PAVED DRIVEWAY (1,059 SF) + PAVED WALKWAY (164 SF) + FLAGSTONE WALKWAY (50 SF) + GRAVEL ADJ. TO HOUSE (67 SF) + GRAVEL AT SEAWALL (218 SF) + WOOD STEPS AND GRAVEL (124 SF) + FRONT RETAINING WALL (16 SF) + SEAWALL (126 SF) + WOOD RETAINING WALLS (16 SF) + RETAINING WALL AT NE (19 SF) + RR TIES (9 SF) = ±3,292 SF (24.6%)

PROPOSED DEVEGETATION CALC (REVISED): PROPOSED HOUSE (1,524) + DECK & STAIRS (82 SF) + STEPS TO DOCK (46 SF) + EX. SEAWALL (1 SF) + PROP. SEAWALL (80 SF) + FRONT WALKWAY (32 SF) + PATIO (64 SF) + PAVED DRIVE (1,099 SF) + TOP OF CURB (32 SF) + TOP OF RETAINING WALL (21 SF) + DRIP EDGE (222 SF) + MECH. PADS (16 SF) = ±3,219 SF (24.1% OF LOT, 73 SF LESS THAN EXISTING AREA)



133 Court Street
(603) 433-2335

Portsmouth, NH 03801
www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:
SEAWALL REPLACEMENT

ISSUE DATE:
MARCH 31, 2022

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	PLANNING BOARD	EBS	07/22/21
1	PLANNING BOARD	EBS	10/28/21
2	REV. PER COA	EBS	03/07/22
3	SEAWALL REPLACEMENT	EBS	03/31/22

DRAWN BY: _____ RLH
APPROVED BY: _____ EBS
DRAWING FILE: _____ 5186.dwg

SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

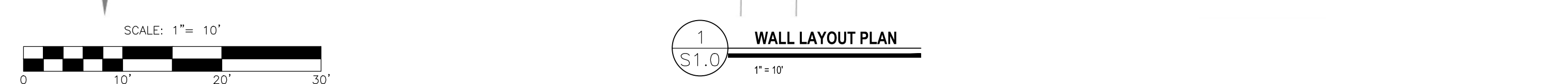
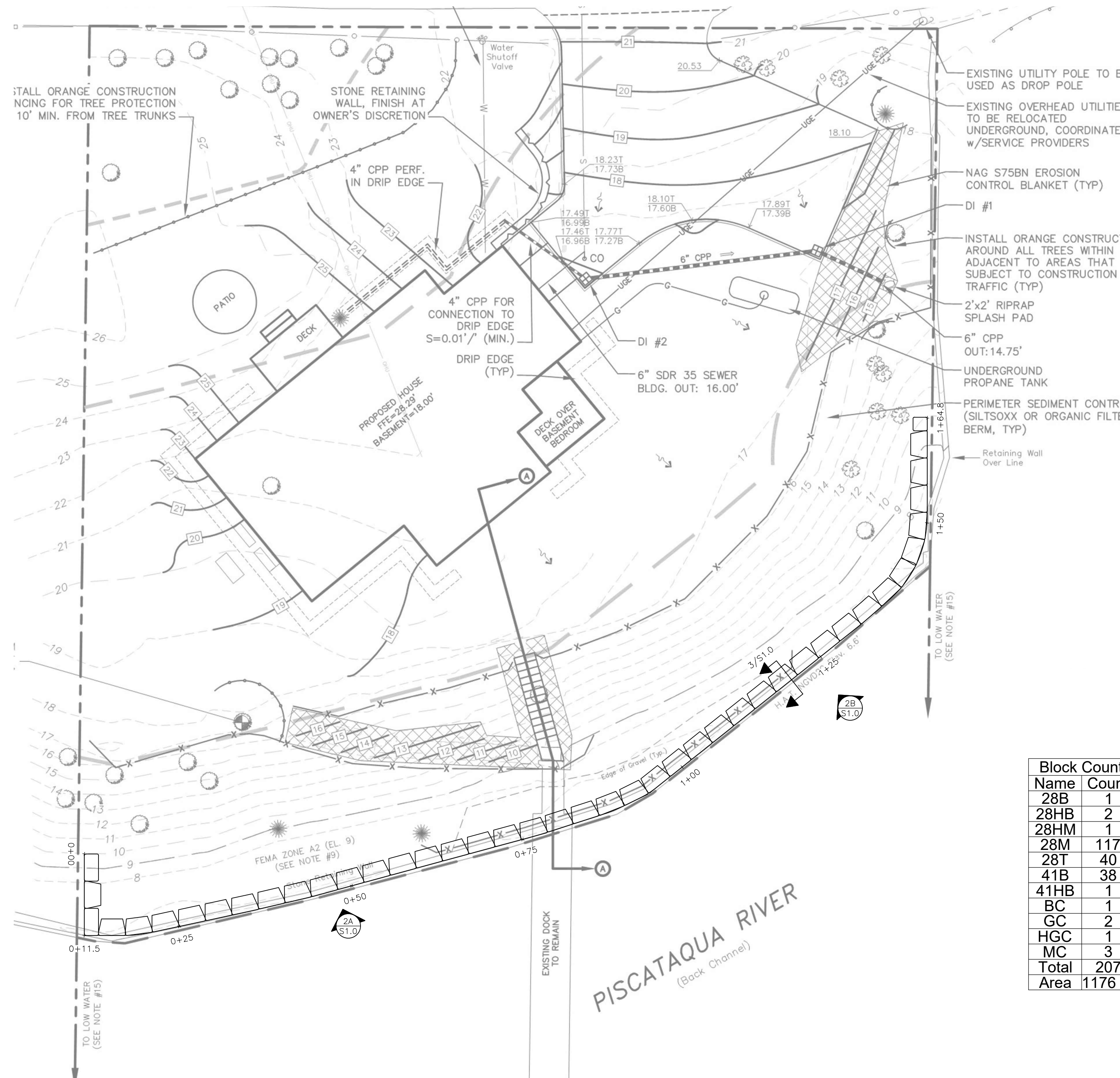
OWNER/APPLICANT:
**AMY L.
& NICHOLAS E. MERCIER**
35 GOFFSTOWN ROAD
HOOKSETT, NH 03106-2400

PROJECT:
**MERCIER
RESIDENCE
SHORELAND
DEVELOPMENT
PLAN**

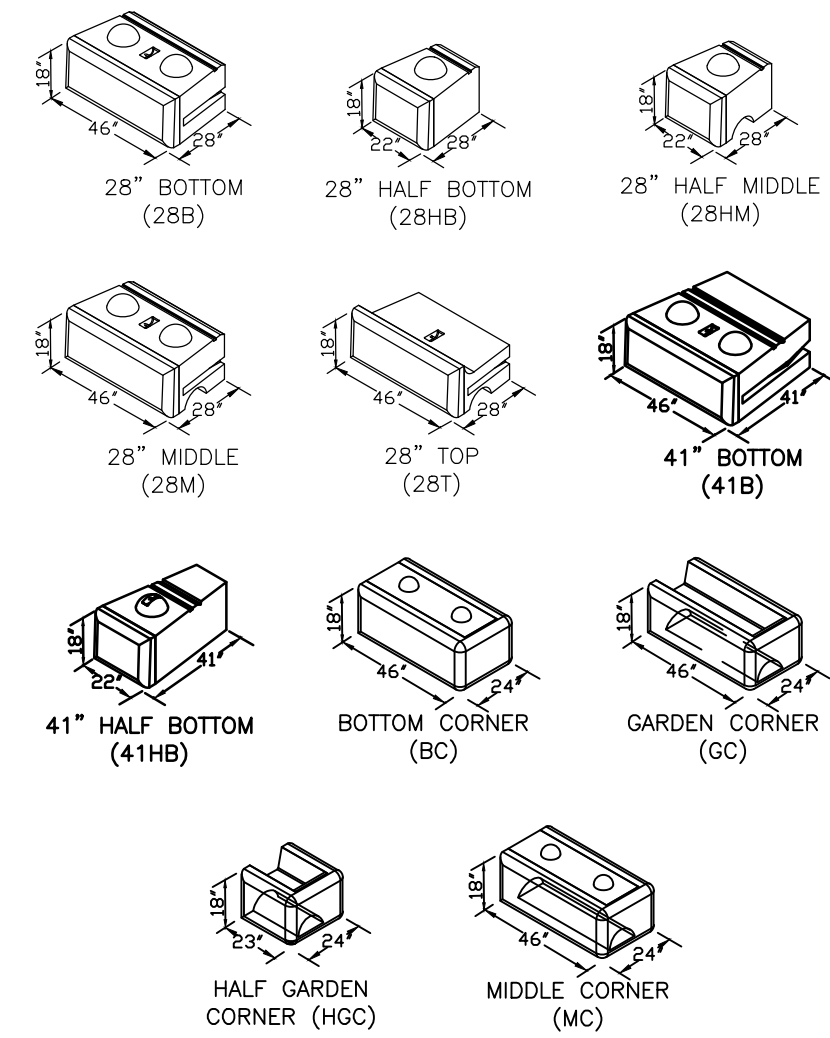
TAX MAP 10, LOT 6A
134 WHIPPLE ROAD
KITTERY, MAINE

TITLE:
**SHORELAND
DEVELOPMENT PLAN**

SHEET NUMBER:
C-1



Block Name	Count
28B	1
28HB	2
28HM	1
28M	117
28T	40
41B	38
41HB	1
BC	1
GC	2
HGC	1
MC	3
Total	207
Area	1176 sf



PLAN OF REFERENCE:

"MERCIER RESIDENCE SHORELAND DEVELOPMENT PLAN", PREPARED BY ALTUS ENGINEERING, INC., LAST REVISED OCTOBER 28, 2021.
 DEVIATIONS FROM THE PLAN OF REFERENCE ARE AS FOLLOWS: EXISTING STONE RETAINING WALL TO BE REMOVED AND REPLACED WITH REDI-ROCK WALL.

GEOTECHNICAL SOILS REFERENCE:

SOILS INFORMATION FOR THE SITE WAS NOT PROVIDED TO SFC ENGINEERING. SOIL IS ASSUMED TO BE FINE SANDY LOAM BASED ON THE NROS DATABASE.

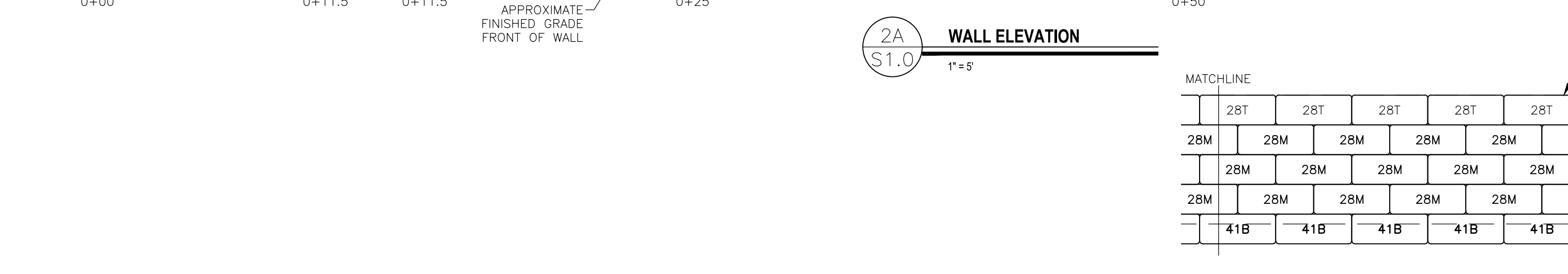
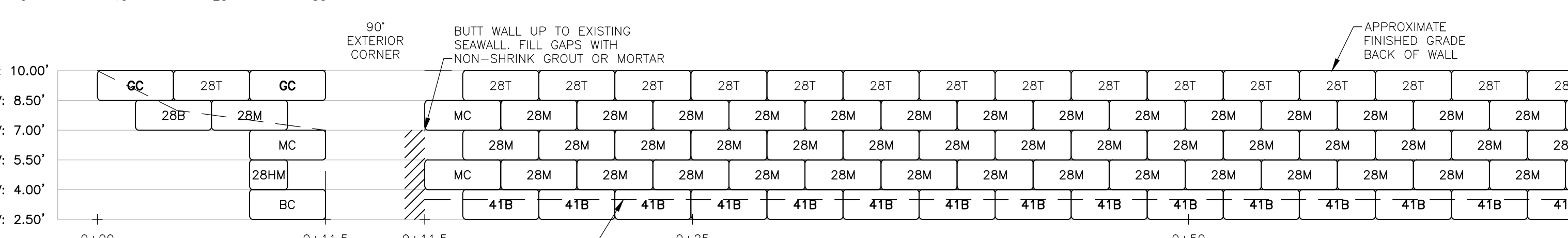
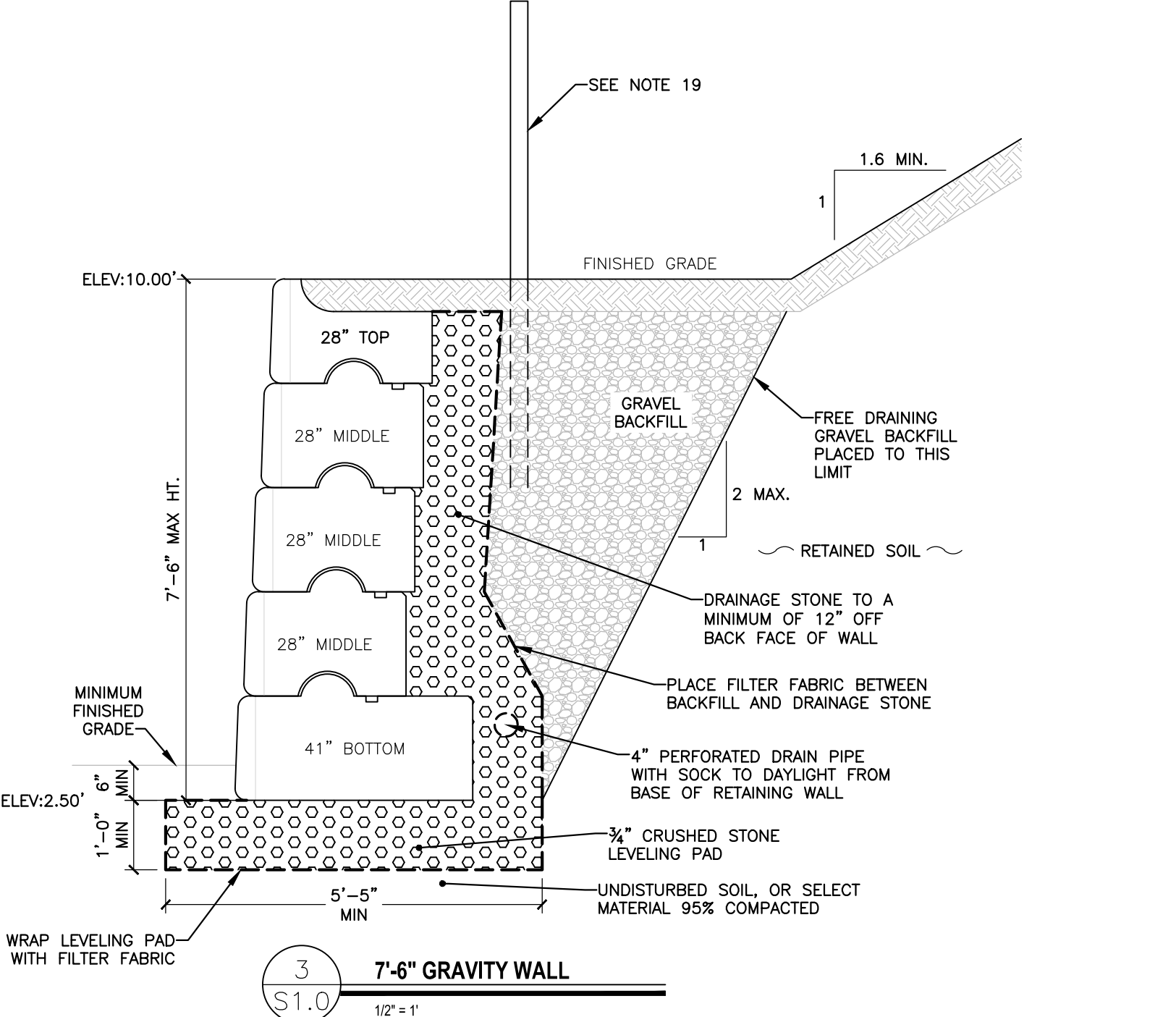
DESIGN CRITERIA VALUES:

THE VALUES OF CRITICAL CRITERIA USED TO DESIGN THIS WALL FOLLOW:
 ALLOWABLE BEARING PRESSURE 5,800 PSF
 MAXIMUM BEARING PRESSURE 650 PSF
 ANGLE OF INTERNAL FRICTION 34
 SOIL DENSITY 125 PCF
 SURCHARGE NONE
 SLOPE ABOVE THE WALL AS SHOWN
 FENCE LOAD NO
 PRIOR TO INSTALLATION THE SITE ENGINEER SHALL CONFIRM THAT DESIGN ASSUMPTIONS ARE CONSISTENT WITH ACTUAL FIELD CONDITIONS. DESIGN CALCULATION REPORT IS AVAILABLE UPON REQUEST.

REDI-ROCK BLOCK RETAINING WALL NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW THE DESIGN OF A RETAINING WALL TO REPLACE THE EXISTING SEAWALL.
- THIS RETAINING WALL SYSTEM MAY IMPACT OR BE IMPACTED BY OTHER SITE FEATURES, INCLUDING STORMWATER MANAGEMENT FACILITIES, UTILITIES, AND BUILDING SYSTEMS. THE APPROPRIATE RESPONSIBLE PROFESSIONALS SHALL REVIEW THESE PLANS TO INSURE PROPER COORDINATION.
- THIS DESIGN IS PREPARED IN ACCORDANCE WITH THE STATE BUILDING CODE AND APPLICABLE MANUFACTURERS GUIDELINES. SPECIFIC LOCAL REGULATIONS HAVE NOT BEEN INVESTIGATED.
- CONCRETE USED FOR WALL UNITS SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 5,000 P.S.I. WALL UNITS SHALL COMPLY WITH REDI-ROCK INTERNATIONAL'S SPECIFICATIONS, ASTM C-1776 AND ACI-301-99, HAVE 4 1/2% - 7 1/2% ENTRAINED AIR, 4" - 6" SLUMP, AND MUST BE PLACED AT A MINIMUM AMBIENT TEMPERATURE OF 50°F.
- CONTRACTOR AND/OR SITE ENGINEER SHALL CONFIRM ALL ELEVATIONS AND INVERTS IN THESE PLANS PRIOR TO ORDERING MATERIAL.
- PROOF COMPACTION OF SUBGRADE SHALL BE COMPLETED PRIOR TO PLACEMENT OF LEVELING PAD AND RETAINING WALL BLOCKS. THE EXISTING SUBGRADE WITHIN THE STRESS ZONES OF THE RETAINING WALL BASE SHOULD BE FIRM NATURAL SOILS OR COMPETENT BEDROCK. IF EXISTING SUBGRADE IS NOT SUITABLE, IT SHOULD BE REMOVED WITHIN A 1:1 FROM THE RETAINING WALL BASE. ONCE SUITABLE SUBGRADE IS REACHED, BACKFILL WITH STRUCTURAL FILL OR CRUSHED STONE.
- LEVELING PAD SHALL BE 3/4" CRUSHED STONE WITH NO MORE THAN 5% PASSING A #200 SIEVE.
- ENSURE THAT THE FIRST COURSE OF WALL UNITS IS IN FULL CONTACT WITH LEVELING PAD. INSTALL SUBSEQUENT COURSES OF UNITS SUCH THAT THE VERTICAL SEAMS ARE STAGGERED BETWEEN ADJACENT COURSES. GAPS SHALL BE FILLED WITH DRAINAGE STONE PRIOR TO STARTING THE NEXT COURSE.
- BASE BLOCKS SHALL BE SET BACK 1-1/2" WHEN STEPPING UP AND SET FORWARD 1-1/2" WHEN STEPPING DOWN. WALL ANGLES SHALL BE SLIGHTLY ADJUSTED TO ACCOMMODATE PROPERTY LINES AND OBSTRUCTIONS.
- REDI-ROCK MANUFACTURER'S RECOMMENDATIONS SHALL BE CONSIDERED A MINIMUM REQUIREMENT FOR PROPER ASSEMBLY.
- DRAINAGE STONE SHALL BE 3/4" CRUSHED STONE PLACED DIRECTLY BEHIND WALL FOR THE DEPTHS SPECIFIED ON PLANS.
- MIRAFI 140N OR APPROVED EQUAL FILTER FABRIC SHALL BE PLACED BETWEEN ALL INTERFACES OF DRAINAGE STONE AND OTHER SOILS. EXPOSED DRAINAGE STONE SHALL BE PROTECTED FROM FINE SOIL MIGRATION THROUGHOUT CONSTRUCTION.
- CONTRACTOR SHALL TAKE CARE TO NOT DISTURB OR INTERFERE WITH THE EFFECTIVENESS OF THE FILTER FABRIC WHEN INSTALLING ANY FEATURES THAT REQUIRE PENETRATIONS THROUGH THE FABRIC.
- DRAINS SHALL BE PERFORATED, 4" DIAMETER HDPE PIPE, AND SHALL MEET THE REQUIREMENTS OF ASTM F405. DRAINS SHALL BE PITCHED FOR POSITIVE WATER FLOW. THE ELEVATION OF THE DRAIN SHALL ALLOW FOR INTERCEPTED FLOWS TO DISCHARGE AT OUTLET LOCATIONS. THE DRAIN SHALL PENETRATE THROUGH THE WALL FACE AT OUTLET LOCATIONS. OUTLET LOCATIONS SHALL BE NO GREATER THAN 50' APART. THE LOCATION OF THE DRAIN OUTLETS SHALL BE DETERMINED IN THE FIELD BY THE SITE ENGINEER. INSTALL SALT WATER RESISTANT FLAP VALVE ON END OF DRAIN PIPES.
- GRAVEL BACKFILL BEYOND DRAINAGE STONE SHALL BE WELL GRADED SAND/GRAVEL AND SHALL MEET THE FOLLOWING GRADATION:

SIEVE SIZE	PERCENT PASSING
3 IN.	100
3/4 IN.	70-100
NO. 4	40-90
NO. 40	10-50
NO. 200	0-10
- ALL GRAVEL BACKFILL SHALL BE COMPACTED TO 96% OF STANDARD PROCTOR (ASTM D698). ONLY HAND-OPERATED COMPACTION EQUIPMENT SHALL BE ALLOWED WITHIN THREE FEET OF THE BACK OF THE WALL BLOCKS. CONTRACTOR SHALL COMPACT THE BACKFILL MATERIAL BEHIND THE WALL AS THE WALL IS INSTALLED. SPREAD BACKFILL IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES.
- FINISHED GRADE AT TOP OF WALL IS APPROXIMATE ONLY. FINISHED GRADE AT TOP OF WALL SHOULD CHANNEL DRAINAGE FLOW AWAY FROM THE RETAINING WALL SYSTEM. CONTRACTOR TO DRESS FINISHED GRADE TO CREATE SMOOTH TRANSITION TO BLOCK.
- CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT EXCAVATIONS ARE STABLE AND MEET OSHA REQUIREMENTS.
- FALL PROTECTION IS RECOMMENDED AT THE TOP OF WALLS. CROSS SECTIONS MAY SHOW FALL PROTECTION AS SCHEMATIC DESIGN. THIS IS NOT A FALL PROTECTION DESIGN AND IS INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.
- ANY FENCE ANCHORING SYSTEM SHALL BE INSTALLED PER RETAINING WALL MANUFACTURER'S RECOMMENDATION.
- THE WALL DESIGN ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF CONDITIONS ARE DIFFERENT THAN DESCRIBED ON THIS PLAN.
- UNLESS SFC ENGINEERING IS CONTRACTED TO OBSERVE CONSTRUCTION, SFC ENGINEERING WILL NOT CERTIFY THE CONSTRUCTION. PERIODIC SITE VISITS WILL BE NECESSARY IN ORDER FOR THE WALL DESIGN ENGINEER TO PREPARE A CERTIFICATION AT THE END OF CONSTRUCTION. THE OWNER SHALL COORDINATE THE FEES AND SCHEDULE FOR THESE SITE VISITS WITH THE WALL DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION.



No.	Date	Revision
1	3/12/2022	Added return and extended wall
2	3/12/2022	Total new design
3	6/23/2020	Updated end of wall 1 & block count

STATE OF MAINE
 JEFFREY M. BERWY
 No. 12918
 PROFESSIONAL ENGINEER
 March 4, 2022

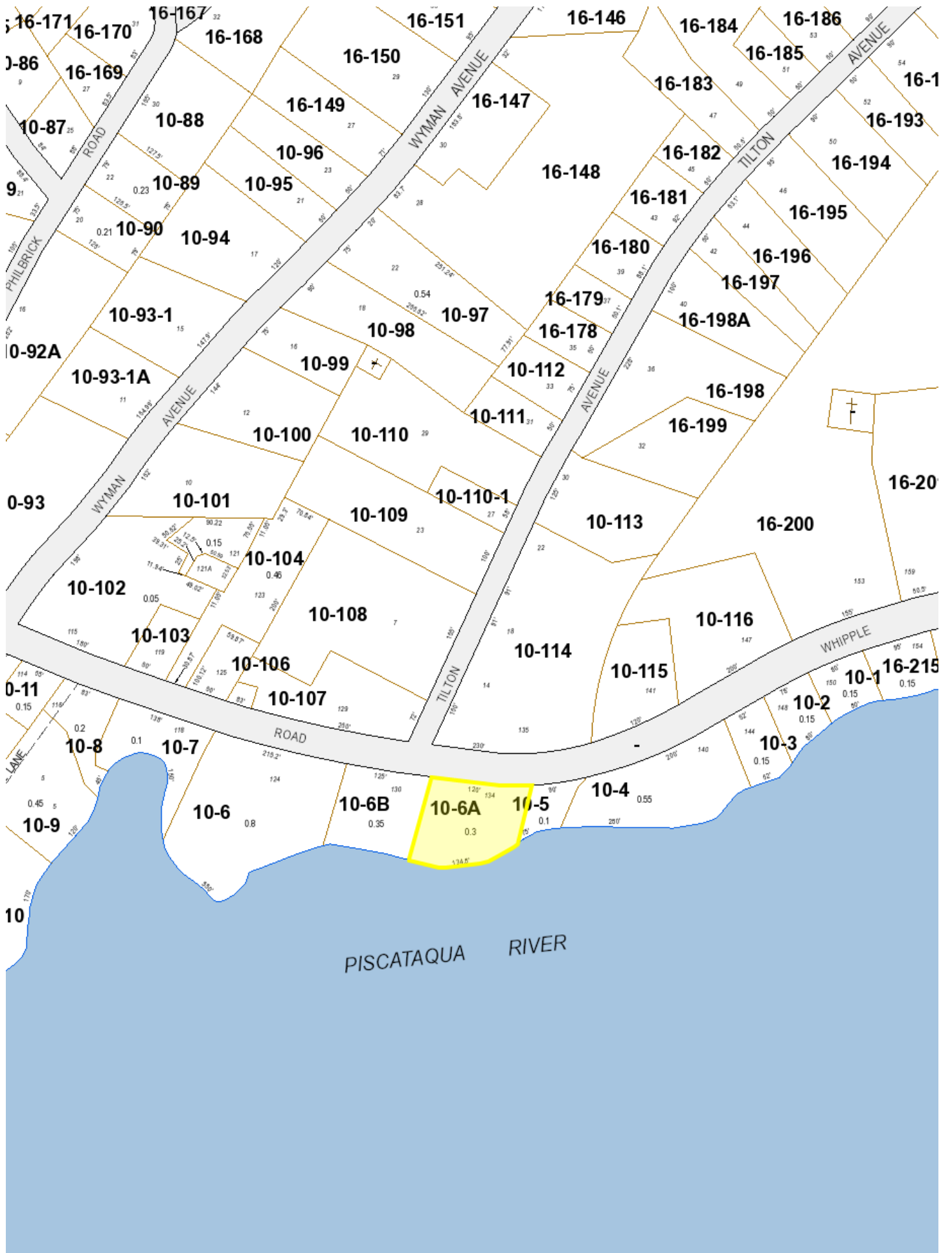
SFC ENGINEERING
 183 ROCKINGHAM RD UNIT 3 EAST
 WINDHAM, NH 03087
 (603) 647-8700
 www.sfceng.com

Mercier Residence
 134 Whipple Road
 Kittery, ME
 Redi-Rock Wall Design Drawings

Scale: AS SHOWN
 Checked by: JMB
 Drawn by: JMB
 Project No. 659930
 Date: 3/23/2020
 Designed by: JMB

PREPARED FOR:
 Nicholas E. Mercier
 35 Goffstown Road
 Hooksett, NH 03106

DWG NO.
S1.0





150 foot Abutters List Report

Kittery, ME
March 31, 2022

Subject Property:

Parcel Number: 10-6A
CAMA Number: 10-6A
Property Address: 134 WHIPPLE ROAD

Mailing Address: MERCIER, NICHOLAS E. MERCIER, AMY L.
35 GOFFSTOWN ROAD
HOOKSETT, NH 03106-2400

Abutters:

Parcel Number: 10-107
CAMA Number: 10-107
Property Address: 129 WHIPPLE ROAD

Mailing Address: KIMMETT, EILEEN CAROL KIMMETT,
ROBERT BRUCE
129 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-108
CAMA Number: 10-108
Property Address: 7 TILTON AVENUE

Mailing Address: OUDERKIRK, KATHERINE L
7 TILTON AVENUE
KITTERY, ME 03904-1310

Parcel Number: 10-114
CAMA Number: 10-114
Property Address: 135 WHIPPLE ROAD

Mailing Address: HARPER, TR, ERIC W. EVEREST TRUST
7 LAKERIDGE DRIVE
GEORGETOWN, MA 01833

Parcel Number: 10-115
CAMA Number: 10-115
Property Address: 141 WHIPPLE ROAD

Mailing Address: MILLETT, ELIZABETH M.
141 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-4
CAMA Number: 10-4
Property Address: 140 WHIPPLE ROAD

Mailing Address: KATZ, JEFFREY A KATZ, HEIDI A
3550 NW 77TH COURT
MIAMI, FL 33122

Parcel Number: 10-5
CAMA Number: 10-5
Property Address: WHIPPLE ROAD

Mailing Address: INHABITANTS OF KITTERY WHIPPLE
ROAD VACANT LOT
200 ROGERS ROAD
KITTERY, ME 03904-1428

Parcel Number: 10-6
CAMA Number: 10-6
Property Address: 124 WHIPPLE ROAD

Mailing Address: MCEACHERN, DUNCAN A.
MCEACHERN, PATRICIA A.
124 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 10-6B
CAMA Number: 10-6B
Property Address: 130 WHIPPLE ROAD

Mailing Address: MCEACHERN, DUNCAN A
124 WHIPPLE ROAD
KITTERY, ME 03904-1341



www.cai-tech.com

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

Maine R.E. Transfer Tax Paid

DEED OF SALE BY PERSONAL REPRESENTATIVE
Maine Statutory Short Form

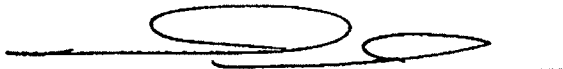
KNOW ALL MEN BY THESE PRESENTS

That **Duncan A. McEachern** of Kittery, York County, Maine, duly appointed and acting Personal Representative of the **Estate of Carrie B. Varney**, deceased (testate), as shown by the probate records of the County of York, Maine, Docket No. 2017-0113, and having been authorized under the Will to sell real estate without giving notice pursuant to 18-A M.R.S. §3-711, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to **Nicholas E. Mercier** and **Amy L. Mercier**, whose mailing address is 35 Goffstown Road, Hooksett, NH 03106-2400, as joint tenants and not as tenants in common, the real property in Kittery, County of York, State of Maine, described as follows:

See Exhibit A attached hereto and incorporated herein.

Being the same premises conveyed to Carrie B. Varney by warranty deed of Lloyd L. Seaward dated February 26, 1987 and recorded in the York County Registry of Deeds in Book 4197, Page 182.

WITNESS my hand and seal this 29th day of September, 2017.



Witness




Duncan A. McEachern,
Personal Representative of the
Estate of Carrie B. Varney

State of Maine,
County of York, ss.

September 29, 2017

Then personally appeared the above named Duncan A. McEachern in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Dan W. Thornhill
Notary Public
My commission expires: 7/25/19

EXHIBIT A

Estate of Carrie B. Varney to Nicholas E. Mercier and Amy L. Mercier

A certain lot or parcel of land with the buildings thereon situate in said Kittery and bounded and described as follows:

Beginning on the southerly side of Whipple Road at line of land of Inhabitants of the Town of Kittery, being the Town Landing; thence South $22^{\circ}12'$ West by said Town land, seventy-six and twenty-seven hundredths (76.77) feet, to a hub at high water mark of the Back Channel of the Piscataqua River; thence westerly by the line of high water mark as the face wall stands, one hundred thirty-four and eighty-two hundredths (134.82) feet, more or less, to a hub at land of Duncan A. McEachern; thence North $22^{\circ}12'$ East by land of said McEachern, one hundred twenty-seven and seventy-six hundredths (127.76) feet, to said Whipple Road; thence South $68^{\circ}24'$ East by said road, one hundred twenty (120) feet, to place of beginning.

Together with all the tide land lying between high and low water mark on the Back Channel of the Piscataqua River adjoining the southwesterly side of said lot.

\\probate\varney dos
16975-24080

134 Whipple Road
Kittery 10/6A



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:

Mooring field in the Back Channel by converting 26 commercial moorings into 13 floating docks.

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): MGX LLC

3. Property Address: 48 Bower Rd, Kittery, ME 03904

4. Telephone Number: 207 439-9582 Email: Allen@kply.net
(REQUIRED) (REQUIRED)

5. Property Size (Acres/SF): 1.3 (57,500 s.f.) Zoning District(s): R/V MARITIME Overlay

6. The shore frontage of this property is 520+ 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: _____ Date: _____

Property Owner Signature: [Signature] Date: 4.10.22

Agent Name: _____ Agent Firm: _____

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

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

Fee Paid, Amount: \$125⁰⁰ Date: 4/13/22

MISCELLANEOUS PAYMENT RECPT#: 702499
TOWN OF KITTERY - LIVE
200 ROGERS ROAD
KITTERY ME 03904

DATE: 04/13/22 TIME: 15:38
CLERK: 220codeca DEPT:
CUSTOMER#: 0

PARCEL: 48 BOWEN RD

CHG: 10 DESIGNATED ACCO 125.00

REVENUE:
1 1111 43149 125.00

 KPA APPLICATION FEES
 REF1: REF2:

CASH:
 1000 11011 125.00
 CHECKING

AMOUNT PAID: 125.00

PAID BY: KITTERY POINT YACHT
PAYMENT METH: CHECK
 148692
REFERENCE: CV

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



REPLY TO ATTENTION OF

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

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

THOMAS ALLEN
KITTERY POINT YACHT YARD CORP.
48 BOWEN ROAD
KITTERY, MAINE 03904

CORPS PERMIT # NAE-2015-01134-MOD
CORPS GP# 3
STATE ID# exempt

DESCRIPTION OF WORK:

Install and maintain 13 floats below the mean high water mark of the Piscataqua River (Back Channel) at Kittery, Maine. Each of twelve 8-ft. wide x 80-ft. long floats will be comprised of twin 8-ft. wide x 40-ft. long floats and one 8-ft. wide x 160-ft. long float will be comprised of quadruple 8-ft. wide x 40-ft. long floats. Each float will be moored with four, 4,000-lb. granite blocks or equivalent. Approximately 26 commercial single-boat moorings will be removed upon installation of floats. This work is shown on the attached plans entitled "Approximated Latitude & Longitude for Proposed Floating Docks" and "PONY DOCK DETAIL" in two sheets undated. See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.082801° N -70.724969° W USGS QUAD: KITTERY, ME

I. CORPS DETERMINATION:

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

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

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

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

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

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

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

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

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 18JUN2015 LEVEL OF REVIEW: SELF-VERIFICATION: __ PRE-CONSTRUCTION NOTIFICATION: X

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

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

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

Richard Kristoff Jr.
FOR FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

**PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 3
PERMIT NO. NAE-2015-01134-MOD**

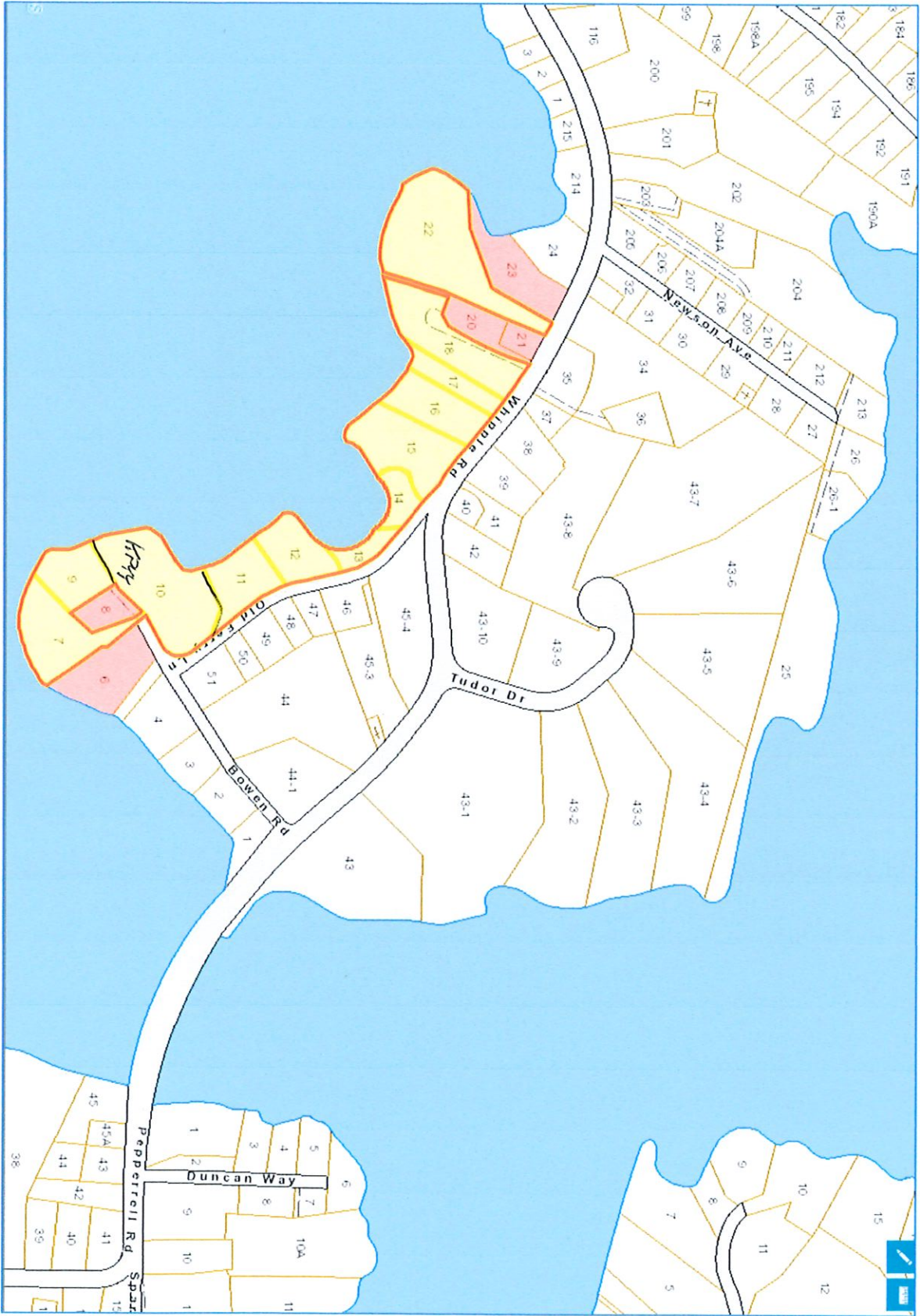
GENERAL CONDITIONS

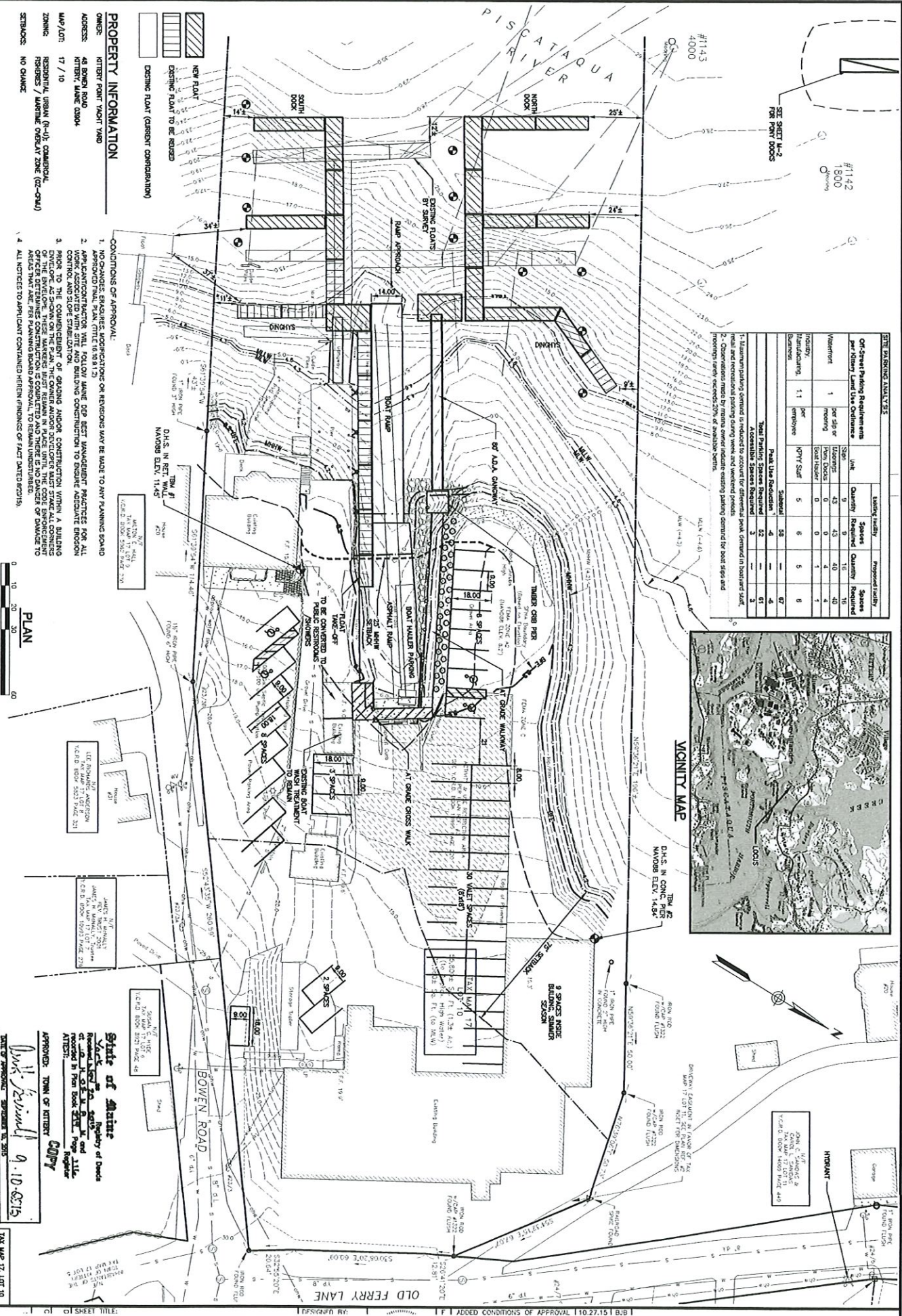
11. Navigation. a. There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized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

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

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

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs.





PROPERTY INFORMATION

OWNER: KITTERY POINT YACHT YARD

ADDRESS: 48 BOWEN ROAD
KITTERY BEACH, ME 03904

MAP/LOT: 17 / 10

ZONING: RESIDENTIAL URBAN (R-U); COMMERCIAL FISHERIES / MARINE OVERLAY ZONE (OZ-CMU)

SETBACKS: NO CHANGE

- CONDITIONS OF APPROVAL:**
1. NO CHANGE. EXISTING SPECIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PLAN (FILE 16 03 17)
 2. APPLICATION/CONTRACTOR WILL FOLLOW MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL CONTROL AND SLOPE STABILIZATION.
 3. PRIOR TO THE COMMENCEMENT OF GRADING AND/OR CONSTRUCTION WITHIN A BUILDING FOOTPRINT, AS SHOWN ON THE PLAN, THE CONSTRUCTION DIRECTOR MUST STAKE ALL CORNER POINTS AND BOUNDARIES OF THE PROPOSED CONSTRUCTION AS SHOWN AND THERE IS NO DANGER OF DAMAGE TO ADJACENT PROPERTIES OR NEIGHBORS.
 4. ALL NOTICES TO APPLICANT CONTAINED HEREIN (INCLUDING OF FACT DATED 02/25/15).

ON-STREET PARKING REQUIREMENTS

Per Month Land Use Category	Spaces Required	Quantity	Quantity	Quantity	Quantity
per sq ft of	per sq ft of	per sq ft of	per sq ft of	per sq ft of	per sq ft of
Industrial	1	0	0	0	0
Manufacturing	1.1	0	0	0	0
Commercial	1.1	0	0	0	0
Office	1.1	0	0	0	0
Public	1.1	0	0	0	0
Residential	1.1	0	0	0	0
Other	1.1	0	0	0	0
Total	1.1	0	0	0	0

PLAN

0 10 20 40

Scale of Marine

1" = 10' (Horizontal)
1" = 20' (Vertical)

Approved by: [Signature]
Date: 9.10.2015

APPROVED: TOWN OF KITTERY

DATE OF APPROVAL: SEPTEMBER 10, 2015

TAX MAP 17, LOT 10

STAKEOUT ANALYSIS

Category	Quantity	Quantity	Quantity
On-Street Parking Requirements	4	5	6
Per Month Land Use Category	4	5	6
Industrial	0	0	0
Manufacturing	0	0	0
Commercial	0	0	0
Office	0	0	0
Public	0	0	0
Residential	0	0	0
Other	0	0	0
Total	4	5	6

1. Maximum parking demand is reduced to account for differential peak demand in boater staff, retail and recreational parking during week and weekend periods.

2. Operations must be done on or near existing parking demand by boat type and frequency to meet needs of the facility system.

VICINITY MAP

D.H.S. IN CONC. TRAIL
NAVDORS ELEV. 14.84'

D.H.S. IN CONC. TRAIL
NAVDORS ELEV. 14.84'

D.H.S. IN CONC. TRAIL
NAVDORS ELEV. 14.84'

D.H.S. IN CONC. TRAIL
NAVDORS ELEV. 14.84'

LEGEND

- NEW FLAT
- EXISTING FLAT TO BE REUSED
- EXISTING FLAT (CURRENT CONFIGURATION)

PROPERTY INFORMATION

OWNER: KITTERY POINT YACHT YARD

ADDRESS: 48 BOWEN ROAD
KITTERY BEACH, ME 03904

MAP/LOT: 17 / 10

ZONING: RESIDENTIAL URBAN (R-U); COMMERCIAL FISHERIES / MARINE OVERLAY ZONE (OZ-CMU)

SETBACKS: NO CHANGE

CONDITIONS OF APPROVAL:

1. NO CHANGE. EXISTING SPECIFICATIONS OR REVISIONS MAY BE MADE TO ANY PLANNING BOARD APPROVED FINAL PLAN (FILE 16 03 17)
2. APPLICATION/CONTRACTOR WILL FOLLOW MAINE DEP BEST MANAGEMENT PRACTICES FOR ALL CONTROL AND SLOPE STABILIZATION.
3. PRIOR TO THE COMMENCEMENT OF GRADING AND/OR CONSTRUCTION WITHIN A BUILDING FOOTPRINT, AS SHOWN ON THE PLAN, THE CONSTRUCTION DIRECTOR MUST STAKE ALL CORNER POINTS AND BOUNDARIES OF THE PROPOSED CONSTRUCTION AS SHOWN AND THERE IS NO DANGER OF DAMAGE TO ADJACENT PROPERTIES OR NEIGHBORS.
4. ALL NOTICES TO APPLICANT CONTAINED HEREIN (INCLUDING OF FACT DATED 02/25/15).

PLAN

0 10 20 40

Scale of Marine

1" = 10' (Horizontal)
1" = 20' (Vertical)

Approved by: [Signature]
Date: 9.10.2015

APPROVED: TOWN OF KITTERY

DATE OF APPROVAL: SEPTEMBER 10, 2015

TAX MAP 17, LOT 10



KITTERY

Eliot, Ma

DRAWING TITLE:
Kittery Point

DRAWING INDEX:
X1: Proposed

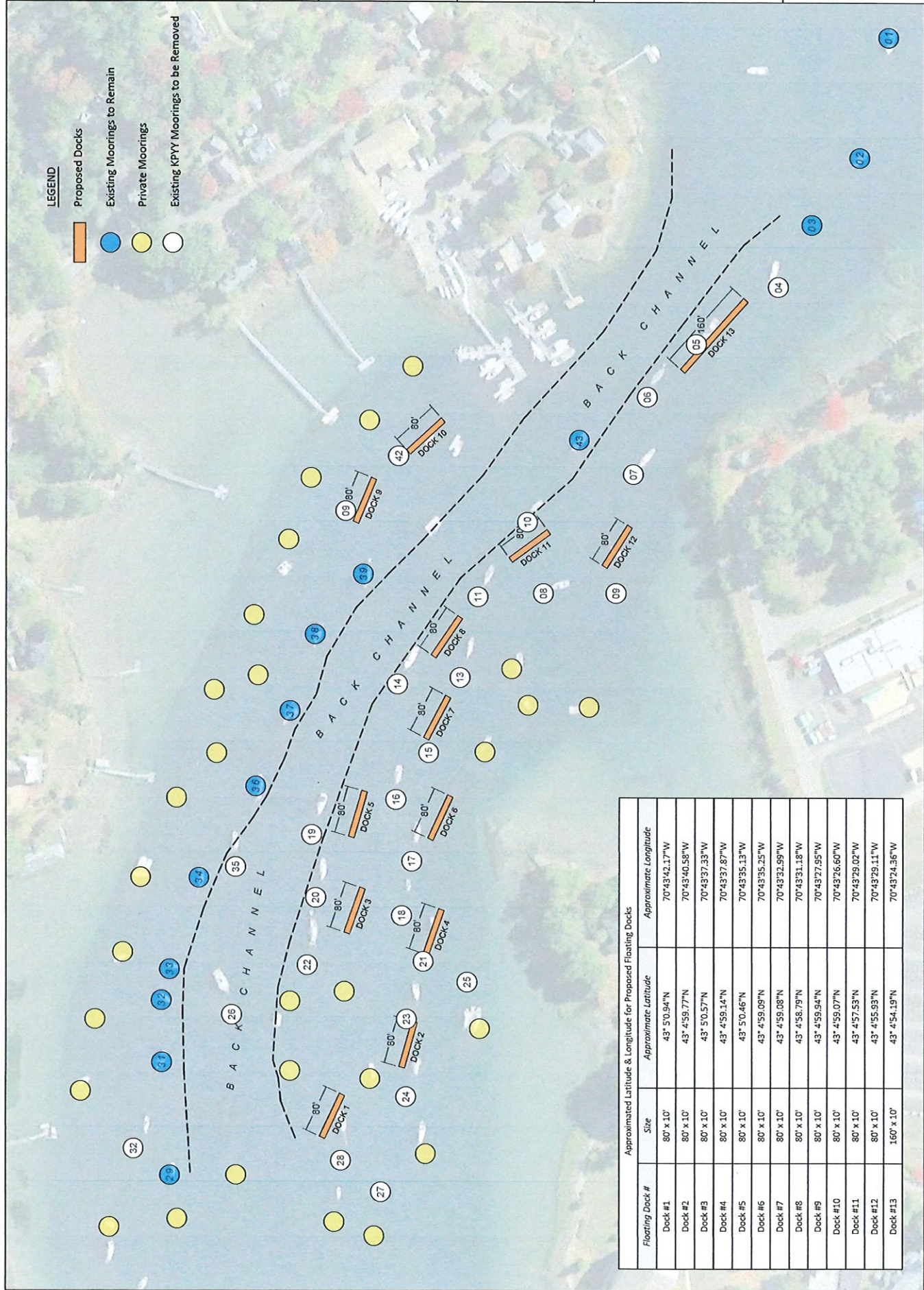
SCALE
0'



X1

LEGEND

-  Proposed Docks
-  Existing Moorings to Remain
-  Private Moorings
-  Existing KPYY Moorings to be Removed



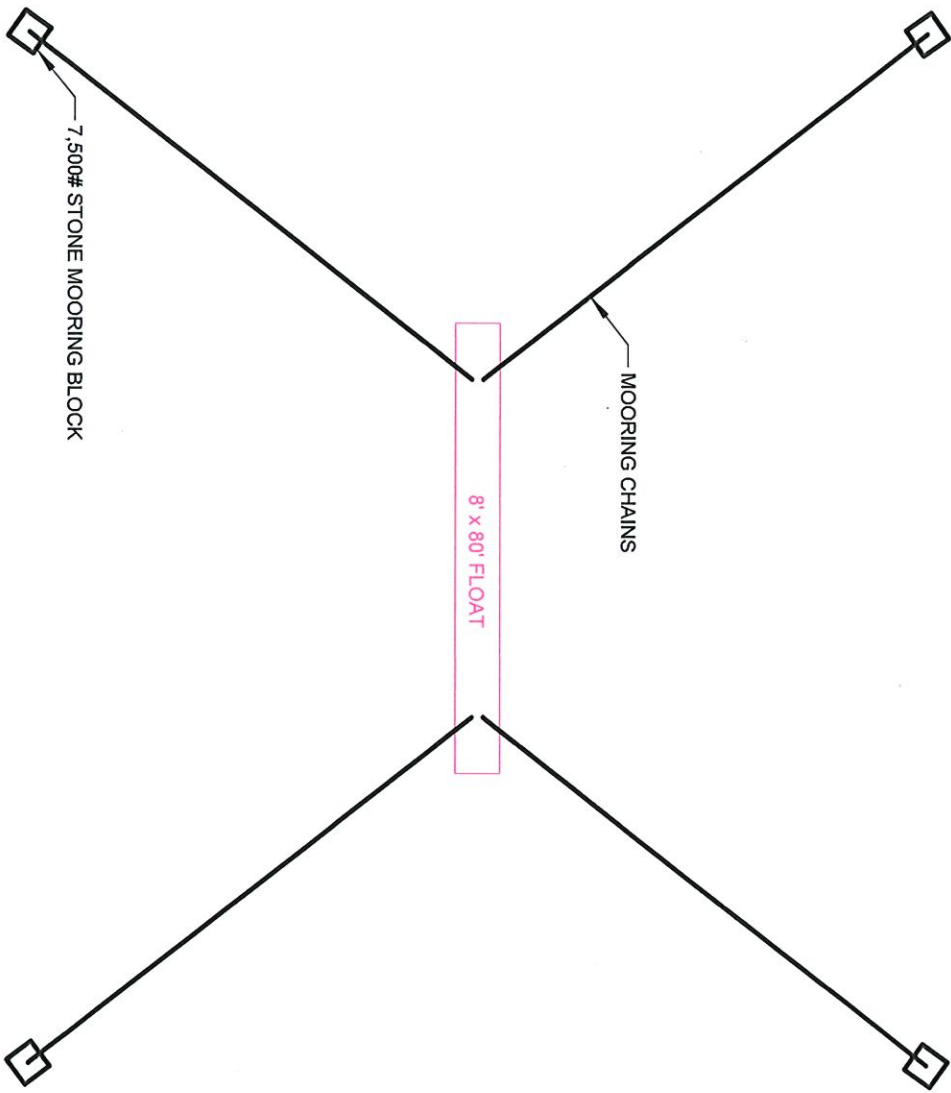
Floating Dock #	Size	Approximate Latitude	Approximate Longitude
Dock #1	80' x 10'	43° 5' 0.94" N	70° 43' 42.17" W
Dock #2	80' x 10'	43° 4' 59.77" N	70° 43' 40.58" W
Dock #3	80' x 10'	43° 5' 0.57" N	70° 43' 37.33" W
Dock #4	80' x 10'	43° 4' 59.14" N	70° 43' 37.87" W
Dock #5	80' x 10'	43° 5' 0.46" N	70° 43' 35.13" W
Dock #6	80' x 10'	43° 4' 59.09" N	70° 43' 35.25" W
Dock #7	80' x 10'	43° 4' 59.08" N	70° 43' 32.99" W
Dock #8	80' x 10'	43° 4' 59.79" N	70° 43' 31.18" W
Dock #9	80' x 10'	43° 4' 59.94" N	70° 43' 27.95" W
Dock #10	80' x 10'	43° 4' 59.07" N	70° 43' 26.60" W
Dock #11	80' x 10'	43° 4' 57.53" N	70° 43' 29.02" W
Dock #12	80' x 10'	43° 4' 55.93" N	70° 43' 29.11" W
Dock #13	160' x 10'	43° 4' 54.19" N	70° 43' 24.36" W



PROGRESS PRINT 3-11-22



(FEET)





0 foot Abutters List Report

Kittery, ME
February 24, 2022

Subject Properties:

Parcel Number: 17-10
CAMA Number: 17-10
Property Address: 48 BOWEN ROAD

Mailing Address: MGX LLC
48 BOWEN ROAD
KITTERY, ME 03904-1301

Parcel Number: 17-11
CAMA Number: 17-11
Property Address: 20 OLD FERRY LANE

Mailing Address: SANIDAS, JOHN C SANIDAS, CAROL L
7 AMBERWOOD LANE
BOXFORD, MA 01921

Parcel Number: 17-12
CAMA Number: 17-12
Property Address: 16 OLD FERRY LANE

Mailing Address: BRADFORD, MARGARET H
16 OLD FERRY LANE
KITTERY, ME 03904

Parcel Number: 17-13
CAMA Number: 17-13
Property Address: OLD FERRY LANE

Mailing Address: INHABITANTS OF KITTERY OLD FERRY
LANE VACANT LOT
200 ROGERS ROAD
KITTERY, ME 03904-1428

Parcel Number: 17-14
CAMA Number: 17-14
Property Address: 2 OLD FERRY LANE

Mailing Address: THE FORBES-TAYLOR TRUST TAYLOR,
CATHERINE B.
18504 CALLE LA SERRA
RANCHO SANTA FE, CA 92091

Parcel Number: 17-15
CAMA Number: 17-15
Property Address: 196 WHIPPLE ROAD

Mailing Address: BARNHORST, CATHY G
196 WHIPPLE ROAD
KITTERY, ME 03904-1341

Parcel Number: 17-16
CAMA Number: 17-16
Property Address: 192 WHIPPLE ROAD

Mailing Address: PERKINS, TR, MARJORIE E. MARJORIE
E. PERKINS REV TR
192 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 17-17
CAMA Number: 17-17
Property Address: 190 WHIPPLE ROAD

Mailing Address: DALY REV TRUST 2018 DALY, BRENDAN
J & MARGARET T
190 WHIPPLE ROAD
KITTERY, ME 03904

Parcel Number: 17-18
CAMA Number: 17-18
Property Address: 186 WHIPPLE ROAD

Mailing Address: STEWART, DAVID STEWART, KRISTIN
33 LAKEVIEW ROAD
SOUTH SALEM, NY 10590

Parcel Number: 17-22
CAMA Number: 17-22
Property Address: 178 WHIPPLE ROAD

Mailing Address: LYNCH, LESLIE P. LYNCH, JAMES P.
PO BOX 220
KITTERY, ME 03904



www.cai-tech.com

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

2/24/2022

Page 1 of 2



0 foot Abutters List Report

Kittery, ME
February 24, 2022

Parcel Number: 17-7
CAMA Number: 17-7
Property Address: 41 BOWEN ROAD

Mailing Address: IARUSSI, TR, JANE M. JANE IARUSSI
1993 TR
251 NORTH VILLAGE ROAD
LOUDON, NH 03307

Parcel Number: 17-9
CAMA Number: 17-9
Property Address: 51 BOWEN ROAD

Mailing Address: HALL, REBECCA HALL, MICHAEL E.
140 STATE ROAD
KITTERY, ME 03904

Abutters:

Parcel Number: 17-20
CAMA Number: 17-20
Property Address: 182 WHIPPLE ROAD

Mailing Address: BACK CHANNEL PROPERTIES, LLC
33 LAKEVIEW ROAD
SOUTH SALEM, NY 10590

Parcel Number: 17-21
CAMA Number: 17-21
Property Address: 180 WHIPPLE ROAD

Mailing Address: COTILLO TR, RAYMOND L SEWALK TR,
JANE A
COTILLO-SEWALK TRUST 2009 180
WHIPPLE ROAD
KITTERY, ME 03904-1341

Parcel Number: 17-23
CAMA Number: 17-23
Property Address: 172 WHIPPLE ROAD

Mailing Address: MORRISON, JOHN J MORRISON, VIVIAN
M
172 WHIPPLE ROAD
KITTERY, ME 03904-1341

Parcel Number: 17-6
CAMA Number: 17-6
Property Address: 23 BOWEN ROAD

Mailing Address: HYDE, SUSAN C
23 HOOK ROAD
RHINEBECK, NY 12572

Parcel Number: 17-8
CAMA Number: 17-8
Property Address: 31 BOWEN ROAD

Mailing Address: ANDERSON, LEE RICHARDS
6029 E OLD WEST WAY
SCOTTSDALE, AZ 85262



www.cai-tech.com

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TOWN OF KITTERY
KITTERY PORT AUTHORITY

Map: 1
Lot: 32
Date Submitted: April 14, 2022

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 project proposes stone rip rap shoreline stabilization consisting of 3,687 sq. ft. of impact below the HAT line for the repair/replacement of the existing revetment.

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

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

2. Property Owner(s): B.I.W. Group, LLC

3. Property Address: 41 Industrial Drive, Unit 20, Exeter, NH 03833

4. Telephone Number: 603-997-2519 (REQUIRED) Email: shayne.forsley@hdcgc.net (REQUIRED)

5. Property Size (Acres/SF): 1.35 AC / 58,985 sq. ft. Zoning District(s): MU-BI / OZ-RP / OZ-SL-250' overlay

6. The shore frontage of this property is 498 (along HAT) 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 [x] 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: Steven Riker Date: April 14, 2022

Property Owner Signature: Date:

Agent Name: Steven D. Riker Agent Firm: Ambit Engineering, Inc.

Agent Phone: 603-430-9282 (REQUIRED) Agent Email: sdr@ambitengineering.com (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: Date:

INSTRUCTIONS FOR FILLING OUT PORT AUTHORITY APPLICATION

- a. Attach Town Tax Map of Lot.
- b. Attach Plan of lot with location and dimensions of the proposed structures or alterations to existing structures.
- c. Attach list of abutters within 150 ft. (include those over water) of applicant’s shorefront property line.
- d. Attach proof of legal interest in property.
- e. Attach a drawing of the proposed structure showing the top, side and end views with all principal dimensions. Side view showing elevation of top of deck above mean low water:

- A. Identify a fixed reference point on shore from which all seaward measurements are to be made.
- B. Piers are not to exceed 100 feet beyond the normal high water mark nor extend below the mean low water mark, whichever is shorter. Pier, ramp and floats may not extend more than 150 feet beyond high watermark.
- C. The maximum height of pier deck surface may not exceed 6 feet above the normal high water mark, and the handrails shall not exceed a height above the deck surface of 42” without the specific approval of the KPA.
- D. The Port Authority may grant a waiver from the specifications of these regulations provided that, due to special circumstances of the specific application, the granting of a waiver will not adversely impair the public health, safety and general welfare, use of public waters, navigation or harm the environment. All such waivers must be supported by sufficient findings of fact.

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

Port Authority Procedure (Sequence of Events):

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

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

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

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

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

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



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Department of Environmental Protection
312 Canco Road
Portland, ME 04103

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

This letter transmits a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request to permit 7,978 sq. ft. of stone rip rap stabilization along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Attached to this application you will find a ME DEP Permit Plan-Sheet C2, a Slope Repair Section-Sheet C3 and a Revetment Details Plan-Sheet D1. The plan set depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office
Maine Bureau of Lands
Kittery Town Clerk
Maine Historic Preservation Commission
Houlton Band of Maliseet Indians
Aroostook Band of Micmacs
Passamaquoddy Tribe of Indians-Indian Township Reservation
Passamaquoddy Tribe of Indians-Pleasant Point Reservation
Penobscot Nation

1 March, 2022

To Whom It May Concern:

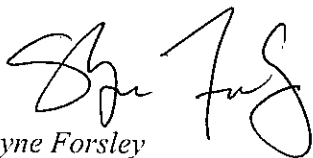
RE: State of Maine Department of Environmental Protection Application for proposed shoreline stabilization within the previously developed 100' Tidal Buffer Zone and jurisdictional wetlands for B.I.W. Group, LLC of 35 Badgers Island West Kittery, ME 03904

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

Ambit Engineering, Inc.
Riverside & Pickering Marine Contractors, Inc.

Is individually authorized to represent us as our agents in the approval process.
Please feel free to call me if there is any question regarding this authorization.

Sincerely,



Shayne Forsley
Authorized Representative
35 Badgers Island West
Kittery, ME 03904

From: [Maine Dept. of Environmental Protection](#)
To: [Steve Riker](#)
Subject: Dept. of Environmental Protection Payment Portal
Date: Tuesday, March 1, 2022 11:45:43 AM

Thank you for submitting this payment to the Dept. of Environmental Protection. Below is a copy of the information and payment the agency will receive.

- Applicant Name: **B.I.W. Group, LLC**
- Activity Location: **Kittery, ME**
- First Name: **Steve**
- Last Name: **Riker**
- Company Name: **Ambit Engineering**
- Street Address: **200 Griffin Road**
- Town/City: **Portsmouth**
- State or Province: **New Hampshire**
- Country: **United States**
- Zip Code: **03801**
- Phone Number: **603-430-9282**
- Email Address: **sdr@ambitengineering.com**
- Fee Type: **Natural Resources Protection Act (Individual Permit)**
- Customer Number:
- Invoice Number:
- Spill Number:
- Payment Amount: **564.00**
- Additional Comments:

Your information will be reviewed and you may be contacted if more information is needed or if there are additional questions.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant:		B.I.W. Group, LLC		5. Name of Agent:		Steven D. Riker Ambit Engineering, Inc.											
2. Applicant's Mailing Address:		41 Industrial Drive, Unit 20, Exeter, NH 03833		6. Agent's Mailing Address:		200 Griffin Road, Unit 3, Portsmouth, NH 03801											
3. Applicant's Daytime Phone #:		603-997-2519		7. Agent's Daytime Phone #:		603-430-9282											
4. Applicant's Email Address (Required from either applicant or agent):			shayne.forsley@hdcgc.net		8. Agent's Email Address:			sdr@ambitengineering.com									
9. Location of Activity: (Nearest Road, Street, Rt.#)			35 Badgers Island West			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 type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain			13. Name of Resource:			Piscataqua River									
					14. Amount of Impact: (Sq.Ft.)			Fill: 3,687 sq. ft. for repair/replacement of stone rip rap revetment below HAT Dredging/Veg Removal/Other: 4,291 sq. ft. for construction of rip rap stone revetment above HAT									
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 type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Tidal</u>			FOR FRESHWATER WETLANDS <table border="1"> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft. <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>							Tier 1	Tier 2	Tier 3	<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
Tier 1	Tier 2	Tier 3															
<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 project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists on the site. The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).															
17. Size of Lot or Parcel & UTM Locations:		<input checked="" type="checkbox"/> <u>58,985</u> square feet, or <input checked="" type="checkbox"/> <u>1.35</u> acres			UTM Northing: <u>-70.75577</u> UTM Easting: <u>43.08241</u>												
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement															
19. Deed Reference Numbers:		Book#: 18503 Page: 331			20. Map and Lot Numbers:		Map #: 1		Lot #: 32								
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 checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
26. Detailed Directions to the Project Site:																	
27. TIER 1				TIER 2/3 AND INDIVIDUAL PERMITS													
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC				<input checked="" type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized				<input type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required									
28. FEES Amount Enclosed:		\$564.00															
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)."

Steven D. Riker *Steven Riker*
SIGNATURE OF AGENT/APPLICANT

Date: 2/28/2022

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

(pink)

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-second day of February 2022.



A handwritten signature in black ink that reads "Shenna Bellows".

Shenna Bellows

Secretary of State

Additional Addresses

Legal Name	Title	Name	Charter #	Status
B.I.W. GROUP, LLC	Registered Agent		20215185DC	GOOD STANDING
Home Office Address (of foreign entity)		Other Mailing Address		

08/08

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

B.I.W. Group LLC

41 Industrial Drive, Unit 20, Exeter, NH 03833

(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

March 4, 2022

(anticipated filing date)

The application is for

Construction and repair/replacement of stone rip rap revetment.

(description of the project)

at the following location:

35 Badgers Island West, Kittery, Maine

(project location)

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

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

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

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

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

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

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

(blue)

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 N/A .
Date

Approximately N/A members of the public attended the Public Informational Meeting.

 Steven D. Riker
Signature of Applicant or authorized agent

 2/28/22
Date

(blue)

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: B.I.W. Group LLC Phone: 603-997-2519

Application Type: Maine DEP NRPA Individual

Activity Type: (brief activity description) Construction and replacement of stone rip rap revetment

Activity Location: Town: Kittery Court: York

GIS Coordinates, if known: Lat: -70.75577 Lon: 43.08241

Date of Survey: 8/5/21 Observer: Steven D. Riker Phone: 603-430-9282

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**

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

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

(pink)

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

NAME OF APPLICANT: B.I.W. Group LLC PHONE: 603-997-2519

APPLICATION TYPE: Maine DEP NRPA Individual

ACTIVITY LOCATION: TOWN: Kittery COUNTY: York

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

DATE OF SURVEY: 8/5/21 OBSERVER: Steven D. Riker

TIME OF SURVEY: 1:30 P.M. TIDE AT SURVEY: Low tide @3:58 P.M. Portsmouth

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: 3,687 sq. ft. Subtidal area: 0

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

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

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

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

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

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

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

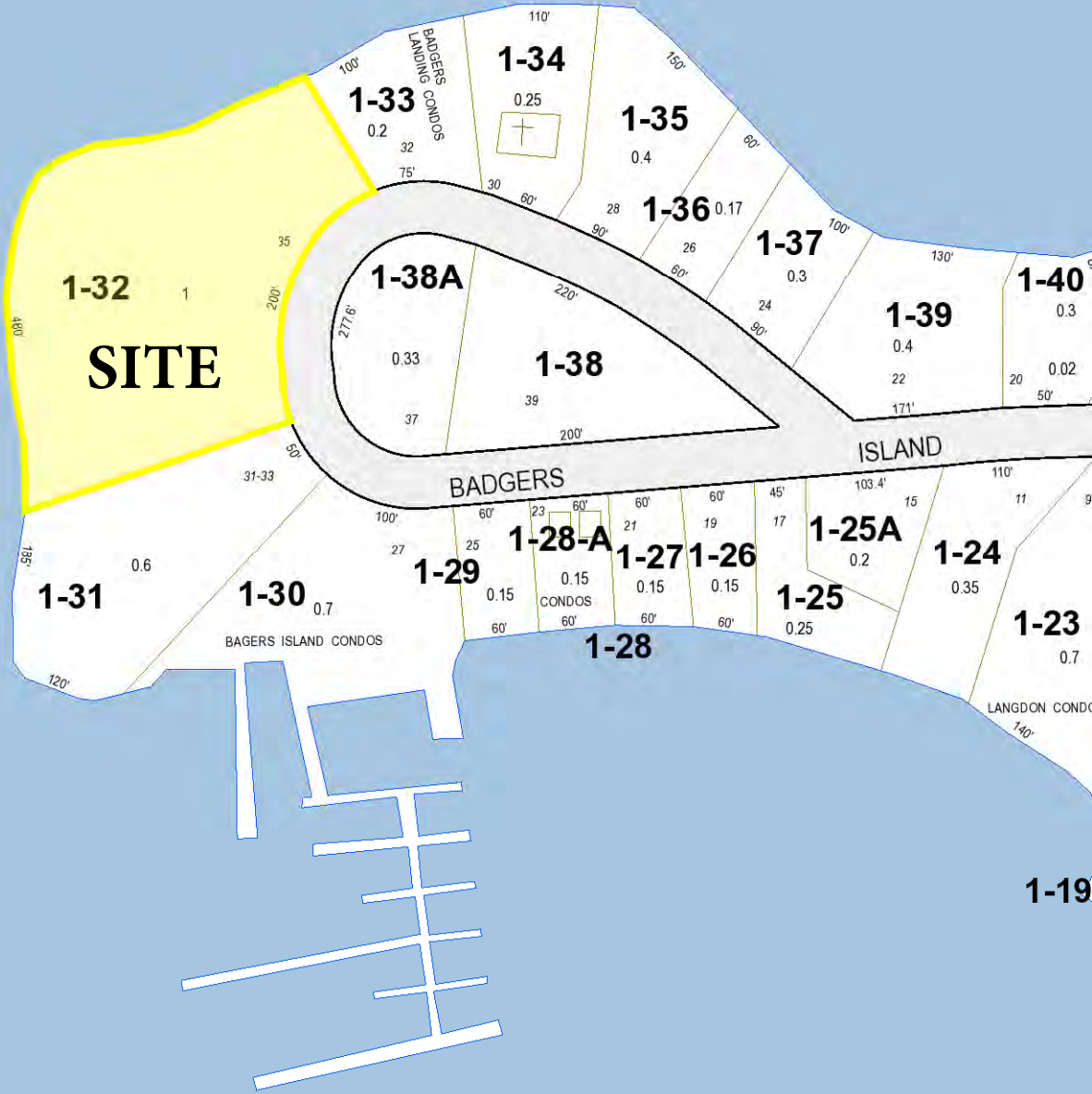
SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

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

PLEASE SUBMIT THE FOLLOWING:
 Photographs Overhead drawing (pink)

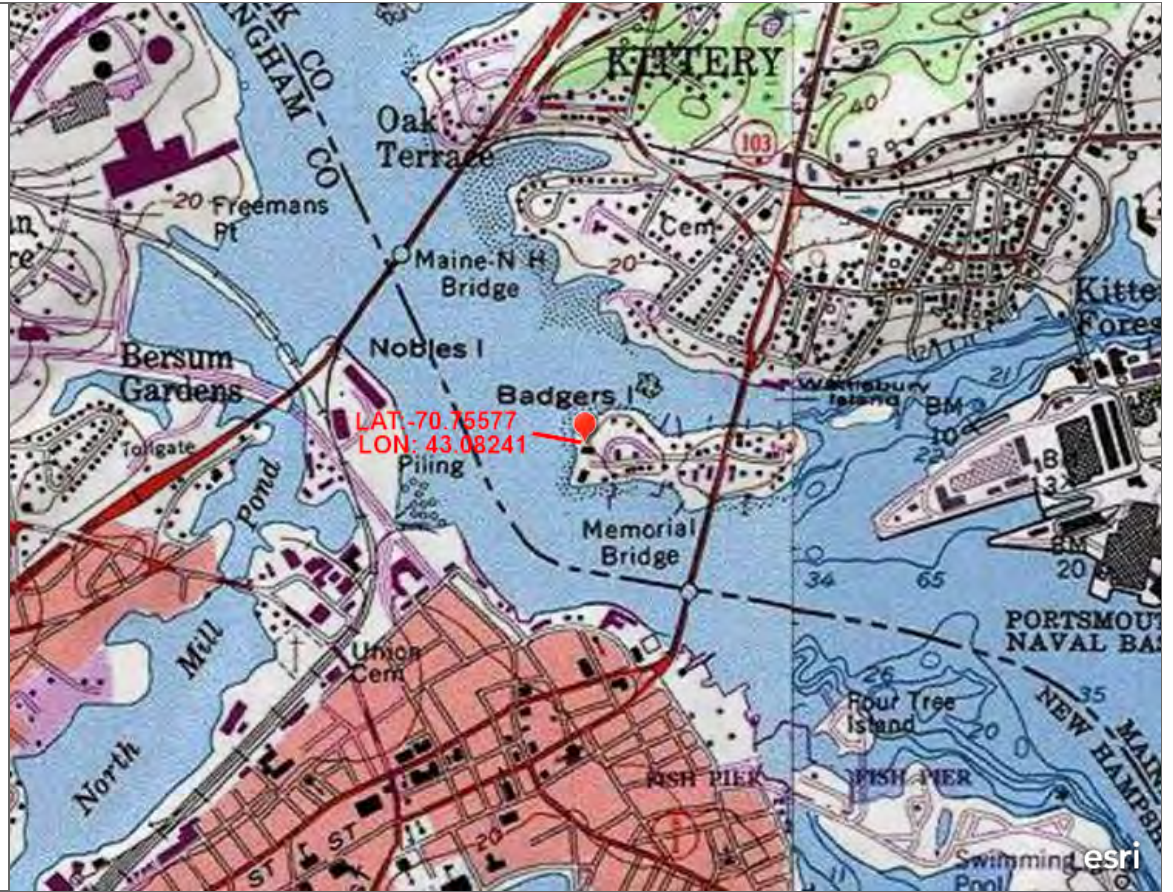
BACK CHANNEL



HAMPSHIRE

My Map

No legend



Copyright:© 2013 National Geographic Society, i-cubed

Ambit Engineering Abutter List
 B.I.W. Group, LLC
 35 Badgers Island West
 Kittery, ME

Job # 3050.72

Applicant/Owner(s)	Map	Lot	Deed	Owner (s) First/Trust	Owner(s) Last, Trustee	Mailing Address	City	State	Zip
	1	32	18503/331	B.I.W. Group, LLC		41 Industrial Drive	Exeter	NH	03833

Engineer	Ambit Engineering Civil Engineers & Land Surveyors								
						200 Griffin Road, Unit #3	Portsmouth	NH	03801

Job #	Map	Lot	Deed	Owner(s) First/Trust	Owner(s) Last /Trustee	Mailing Address	City	State	Zip
				Abutters					
	1	33	14235/553	Badgers Landing Condominium		32 Badgers Island West	Kittery	ME	03904
	1	31	17123/71	31 Badgers LLC		PO Box 904	Kittery	ME	03904
	1	38A	12162/254	Lapierre Properties, LLC		32 Route 236	Kittery	ME	03904-5525



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

Lapierre Properties, LLC
32 Route 236
Kittery, ME 03904-5525

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

This letter is sent to inform you as an abutter to the above-referenced property (according to local Municipal records) that **B.I.W. Group, LLC** proposes a project that requires construction in areas under jurisdiction of the Maine DEP.

Plans are on file at this office, and once the application is filed, plans that show the proposed project will be available for viewing during normal business hours at the office of the **Kittery** clerk, **Kittery Town Offices**, or once received by Maine DEP, at the offices of the Maine DEP, 312 Canco Road, Portland, ME 04103, (207)822-6300. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

Badgers Landing Condominium
32 Badgers Island West
Kittery, ME 03904

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

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Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

28 February, 2022

31 Badgers LLC
PO Box 904
Kittery, ME 03904

RE: Maine Department of Environmental Services, Natural Resources Protection Act Permit Application for shoreline stabilization for B.I.W. Group, LLC, 35 Badgers Island West, Kittery, ME.

Dear Property Owner,

Under the Maine Department of Environmental Protection, this letter is to inform you in accordance with State Law that a Natural Resources Protection Act Permit Application will be filed with the Maine Department of Environmental Protection (DEP) for a permit to perform shoreline stabilization, **at the above mentioned property** on behalf of your abutter, **B.I.W. Group, LLC**.

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Plans are on file at this office, and once the application is filed, plans that show the proposed project will be available for viewing during normal business hours at the office of the **Kittery** clerk, **Kittery Town Offices**, or once received by Maine DEP, at the offices of the Maine DEP, 312 Canco Road, Portland, ME 04103, (207)822-6300. It is suggested that you call ahead to the appropriate office to ensure the application is available for review.

Please feel free to call if you have any questions or comments.

Sincerely,

Steven D. Riker
NH Certified Wetland Scientist/Permitting Specialist

CERTIFIED MAIL/Return Receipt Requested

7021 0950 0000 8345 7034

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CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

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



Sent To
31 BADGERS LLC
 Street and Apt. No., or PO Box No.
PO BOX 904
 City, State, ZIP+4®
KITTERY, ME 03904

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

7021 0950 0000 8345 7010

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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3050.72

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

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



Sent To
LAPIERRE PROPERTIES, LLC
 Street and Apt. No., or PO Box No.
32 ROUTE 236
 City, State, ZIP+4®
KITTERY, ME 03904-5525

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

7021 0950 0000 8345 7027

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OFFICIAL USE

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



Sent To
BADGERS LANDING CONDO
 Street and Apt. No., or PO Box No.
32 BADGERS ISLAND WEST
 City, State, ZIP+4®
KITTERY, ME 03904

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

ALTERNATIVES ANALYSIS

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

The shoreline associated with the site consists of a minor bluff that peaks between elevation 8-12', with a slope leading to the tidal resource area with an average approximate grade of 20-25% that extends to the H.A.T. located at elevation 10.4'. The substrate below the H.A.T. is characterized as a combination of stone rip rap, sand flat / mud flat, mixed coarse and fines and is occasionally vegetated with rockweed (*Ascophyllum* spp. and *Fucus* spp.). Portions of the slope and the top of the bluff is well vegetated, dominated by shrub species, with some shrubs located directly adjacent to the H.A.T line have exposed root systems due to erosional forces along the shoreline. This erosion is evident by an undercut bank, exposed soils, and the accumulation of smaller stone matter that has been deposited by wave action along the shoreline (see attached photo log). It is our opinion that stone rip rap stabilization of this slope is the only practicable alternative to reduce erosion and continual degradation of the shoreline and vegetated slope. The proposed stabilization extends parallel to the shoreline. The stabilization will create an armored slope that will provide consistent braking action along the shoreline. Stabilizing the slope using vegetation only would require a significant cut to the slope (minimum 3:1) which would result in the removal of the natural vegetation along the slope, a much larger impact area, which would not be representative of the least impacting alternative.

CONSTRUCTION DETAILS-SEQUENCE

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

The stabilization will consist of preparing the subgrade, placing a layer of crushed stone (1 ½ inch) below a nonwoven geotextile fabric, and an armor stone consisting of 24" minus erosion stone. All work will be performed during low tide hours. The work will be performed using small landscape/construction equipment to deliver materials on the upland side. A temporary construction impact area (as depicted on the MEDEP Permit Plan) is located above the proposed revetment area providing space for equipment and materials to be stored and stockpiled on the site. Stone will be delivered to the site via truck, a small machine such as a "skid steer" will move material to the top of the slope, and the stone will be moved to the base of the slope using the equipment. Any stockpiled materials and equipment will be placed within the temporary construction impact area. The temporary construction impact area will be removed upon completion of the project to the original grade. Details for the rip rap stabilization including cross sections and a repair section are provided on "Slope Repair Sections-Sheet C3", and erosion and sediment controls are depicted on "Revetment Details-Sheet D1".

Erosion control devices for the shoreline stabilization component of the project include silt-soxx at the toe of the slope and a turbidity curtain if needed. All work will be performed from the uplands at low tide eliminating erosion and potential for sedimentation into the resource area.

WETLAND FUNCTIONS AND VALUES ASSESSMENT

INTRODUCTION

This report provides an assessment of the functions and values of the tidal wetland system located within a parcel of land located at 787 Main Street, Eliot, Maine. The property is identified as Tax Map 1, Lot 32, is approximately 1.35 acres in size, and is located on the western end of Badgers Island West. The lot is currently developed and contains a commercial structure, parking, utilities and associated landscaping. The surrounding land use is residential and commercial.

Wetland boundaries on the project site were verified by Steven D. Riker, New Hampshire Certified Wetland Scientist on April 16, 2019 in accordance with the 1987 United States Army Corps of Engineers' Wetlands Delineation Manual (Routine Delineation Method), and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January 2012. A saltmarsh boundary was delineated and is depicted on the enclosed Existing Conditions Plan. The functions and values of these wetlands were assessed using the United States Army Corp of Engineers' Highway Methodology Workbook Supplement (ACOE, September 1999).

Thirteen functions/values were assessed and evaluated for the wetland area, which include groundwater recharge/discharge, floodflow alteration, fish/shellfish habitat, sediment/toxicant retention, nutrient removal, production export, sediment shoreline stabilization, wildlife habitat, endangered species habitat, visual quality aesthetics, educational/scientific value, recreation and uniqueness/heritage. Functions are considered "principal" if they are found to be an important or critical component of the wetland. Functions and values may also be "principal" if they provide a special or unique value to society.

DISCUSSION

For the purpose of this assessment, the tidal wetland directly associated with the subject parcel was evaluated. This tidal wetland is contiguous with other wetlands located along the Piscataqua River, and on a larger scale, the Atlantic Ocean. This assessment examines those functions and values of the tidal wetland area located directly adjacent to the subject parcel, and the proposed stone rip rap revetment. Also, for the purposes of the assessment the tidal wetland will be referred to as Wetland A.

As described above, the wetland, herein referred to as Wetland A, receives hydrology from the daily tide cycle, and surrounding upland runoff, to a lesser extent. Tidal flow associated with the Piscataqua River provides hydrology to Wetland A. During a dropping tide, water flows southeasterly within the Piscataqua River where it empties into the Atlantic Ocean.

There are 2 wetland classes associated with the wetland resources that exist on the subject parcel. According to the "Classification of Wetlands and Deepwater Habitats of the United States" (USFWS 1979). The saltmarsh associated with the parcel would be classified as an estuarine intertidal emergent persistent wetland system that is irregularly flooded by the tides (E2EM1P). The tidal mud flat associated with the parcel would be classified as an estuarine intertidal unconsolidated shore cobble-gravel wetland system that is regularly flooded by the tides (E2US1N). The vegetation within the saltmarsh exhibits low species diversity dominated by saltmarsh cordgrass (*Spartina alterniflora*).

Wetland A performs sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as principal functions and values and is also capable of providing fish and shellfish habitat, production export, wildlife habitat, recreation, and educational/scientific value.

IMPACT ASSESSMENT

This project proposes the construction of a stone rip rap revetment which will cover 7,978 sq. ft. along the shoreline of the Piscataqua River on the subject lot.

The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site (See Existing Conditions Plan-Sheet C1). The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Given the nature of the project, it is anticipated that there will be no affect on the wetland's ability to perform the above identified functions and values. The stone rip rap revetment will not impede tidal flow or alter hydrology, it will not deter use by wildlife species that currently use the wetland area, it will not impede any migrational fish movement, it will not contribute to pollution, degredation, or erosion, and it will not have a visual impact as the surrounding properties are previously developed and some already contain similar structures.

Lastly, following construction, the wetland will still be able to perform its principal functions which are sediment/toxicant retention, nutrient removal, floodflow alteration, sediment/shoreline stabilization and uniqueness/heritage as the stone rip rap revetment will have no interference with the natural processes that are integral to these functions.



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station
Augusta, ME 04333

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

This letter transmits a request to review the attached Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application.

Please contact me if you have any questions or concerns regarding this application, or if you need any additional information to complete a review.

Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

This letter transmits a request to review the attached Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application, per Section 106 of the National Historic Preservation Act of 1996.

Please contact me if you have any questions or concerns regarding this application, or if you need any additional information to complete a review.

Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer
Penobscot Nation
Cultural and Historic Preservation Department
12 Wabanaki Way
Indian Island, ME 04468

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

The proposed stone rip rap revetment will cover 7,978 sq.ft. of shoreline along the Piscataqua River.

Attached to this application you will find a "MEDEP Dock Permit Plan- Sheet C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer
Passamaquoddy Tribe of Indians
Pleasant Point Reservation
PO Box 343
Perry, ME 04667

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

The proposed stone rip rap revetment will cover 7,978 sq.ft. of shoreline along the Piscataqua River.

Attached to this application you will find a "MEDEP Dock Permit Plan- Sheet C2" which depicts the existing lot, jurisdictional areas, abutting parcels, existing structures, proposed work, and impact areas. Also attached to this application you will find the following: USGS Project location map, tax map, recorded deed, certified mail receipts for abutter notification, a field survey checklist, a coastal wetland characterization, a photo log, project description worksheets for docks, and a notice of intent to file.

Please contact me if you have any questions or concerns regarding this application.

Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer
Passamaquoddy Tribe of Indians
Indian Township Reservation
PO Box 301
Princeton, ME 04668

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

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Cc: US Army Corp of Engineers, Maine Project Office



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

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Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 March 2022

Tribal Historic Preservation Officer & Environmental Planner
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

**Re: NRPA Individual Permit Application
Tax Map 1, Lot 32
35 Badgers Island West
Kittery, ME**

To Whom it May Concern:

Enclosed for your use is a Maine Department of Environmental Protection, Natural Resources Protection Act Individual Permit Application request for construction of rip rap shoreline stabilization on the above referenced site along the Piscataqua River.

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Respectfully submitted,

Steven D. Riker, CWS
NH Certified Wetland Scientist/Permitting Specialist
Ambit Engineering, Inc.

Cc: US Army Corp of Engineers, Maine Project Office

QUITCLAIM DEED WITH COVENANT


DLN: 1002040126646

GP Technology Solutions, LLC, a Delaware limited liability company with a mailing address of PO Box 9001, Kittery, ME 03904 (the "Grantor"), FOR CONSIDERATION PAID, grants to B.I.W. Group, LLC, a Maine limited liability company with a mailing address of 41 Industrial Drive, Unit 20, Exeter, NH 03833 (the "Grantee"), certain real property, together with any improvements thereon, located in the Town of Kittery, County of York, and State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.


Meaning and intending to convey the same premises conveyed to Grantor by Quitclaim Deed from GreenPages, Inc. dated November 19, 2020, and recorded in the York County Registry of Deeds in Book 18460, Page 790.

IN WITNESS WHEREOF, GP Technology Solutions, LLC has caused this instrument to be executed by Ronald Dupler, its duly-authorized Manager, thereunto duly authorized, as of this 22 day of December, 2020.

GP Technology Solutions, LLC



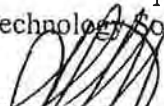
Witness

By: 

Ronald Dupler
Its duly-authorized Manager

Commonwealth of Massachusetts
County of Middlesex

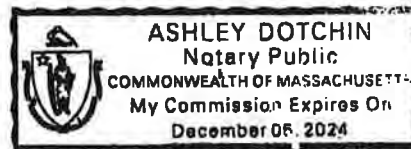
On this 22nd day of December, 2020 before me, the undersigned Notary Public, personally appeared Ronald Dupler and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person who signed the preceding document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose, that it was his free act and deed in his capacity as Manager of GP Technology Solutions, LLC, and that it was the free act and deed of said LLC.



Notary Public

Ashley Dotchin

Print Name
My Commission expires: 12/31/24



Maine R.E. Transfer Tax Paid

Exhibit A

Land with all improvements thereon, situated in the Town of Kittery, County of York, State of Maine, bounded and described as follows:

Four certain lots or parcels of land, situated on the Northerly side of Badgers Island in said Kittery, being more particularly described as Lots No. 14, 15, 16 and 17 on a certain plan of land, Badgers Island, Maine, dated April 1936, John W. Durgin, C.E., which plan is recorded in the York County Registry of Deeds, Plan Book 22, Page 31, subject however, to the existing rights of and public use of Veta Messaro and Ella E. Messaro to lay and maintain an overflow pipe across said Lot 14 as more particularly described in the deed from Annie E. Horner dated April, 1955 and recorded in the York County Registry of Deeds in Book 1301, Page 275.

Subject to and together with the benefit of the terms and provisions of a Boundary Line Agreement by and between Terry Gagner and William Seaward dated April 5, 1988 and recorded in the said Registry of Deeds in Book 4676, Page 184.

Excepting from the above described premises the land conveyed to the Town of Kittery by virtue of a Release Deed granted by GreenPages, Inc. et al , dated September 13, 1995 and recorded in the York County Registry of Deeds in Book 7561, Page 300.

Subject to the restrictions that installation of groundwater extraction wells is prohibited except with the consent of the State of Maine Department of Environmental Protection, or any successor agency. Nothing herein shall obligate the Grantee herein, or its successors and assigns, to obtain the consent of any party other than the Maine Department of Environmental Protection or its successor agency, including without limitations the Grantor herein or its successors or assigns, in order to undertake any of the activities specific to this paragraph.

Also, all right, title and interest in and to any filled lands between the lots described above and the Piscataqua River and in and to the shore and flats between the lots described above and the Piscataqua River.

Meaning and intending to describe the same premises in a Warranty Deed granted by William W. Seaward, Jr. dated October 17, 1994 and recorded in the York County Registry of Deeds in Book 7224, Page 202.

Also another certain lot or parcel of land, together with the buildings thereon, situated on the westerly side of Badgers Island, in the Town of Kittery, County of York, State of Maine, said lot being bounded and described as follows:

Beginning at a capped rebar set in the ground in the northerly sideline of a road called Badgers Island, West, at the southwesterly corner of the land herein conveyed as land of Charles Patten and thence running by said Patten land N 24 degrees 18' 14" E one hundred sixty-seven and twenty-three hundredths (167.23') feet to capped rebar set as the sideline of said road; thence turning and running by said road the following course; thence by said road southeasterly along a curve to the right having a radius of eight (80.00') feet and an arc length of fourteen and forty-four hundredths (14.44') feet to an iron pipe found; thence by said road S 42 degrees 55' 17" E one hundred ninety and thirty-six hundredths (190.36') feet to a

capped rebar set; thence by said road southerly along a curve to the right having a radius of twenty-five (25.00') feet and as arc length of sixty-two and eighty-three hundredths (62.83') feet to a capped rebar set; N78 degrees 55' 26" W one hundred ninety and thirty-six hundredths (190.36') feet to the point of beginning.

Meaning and intending to describe the same premises in a Warranty Deed granted by Lil's GreenDream, Inc. dated January 31, 2003 and recorded in the York County Registry of Deeds in Book 12483, Page 210.

The above-described properties are conveyed subject to all easements, covenants, restrictions, and agreements of record to the extent applicable and in effect.

Site Photograph #1

May 2021



Site Photograph #2

May 2021



Site Photograph #3

May 2021



Site Photograph #4

May 2021



Site Photograph #5

May 2021



Site Photograph #6

May 2021







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:

February 28, 2022

Project Code: 2022-0013589

Project Name: 35 Badgers Island West Shoreline Stabilization

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

To Whom It May Concern:

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

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

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

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

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

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

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

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

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

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

Project Code: 2022-0013589

Event Code: None

Project Name: 35 Badgers Island West Shoreline Stabilization

Project Type: Rip-rap

Project Description: The project includes 3,687 sq. ft. direct impact to tidal wetland (below the HAT) for stone rip rap stabilization repair/replacement as this area of rip rap currently exists in the site. The remaining rip rap stabilization area of 4,291 sq. ft. of impact will be constructed in the adjacent upland (above the HAT).

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.0825132,-70.7557448582543,14z>



Counties: York County, Maine

Endangered Species Act Species

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

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

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

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

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

Mammals

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

Birds

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

Critical habitats

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

IPaC User Contact Information

Name: Steven Riker
Address: 200 Griffin Road, Unit 3
City: Portsmouth
State: NH
Zip: 03801
Email: sdr@ambitengineering.com
Phone: 6034309282

Site Photograph #0618

March 2022



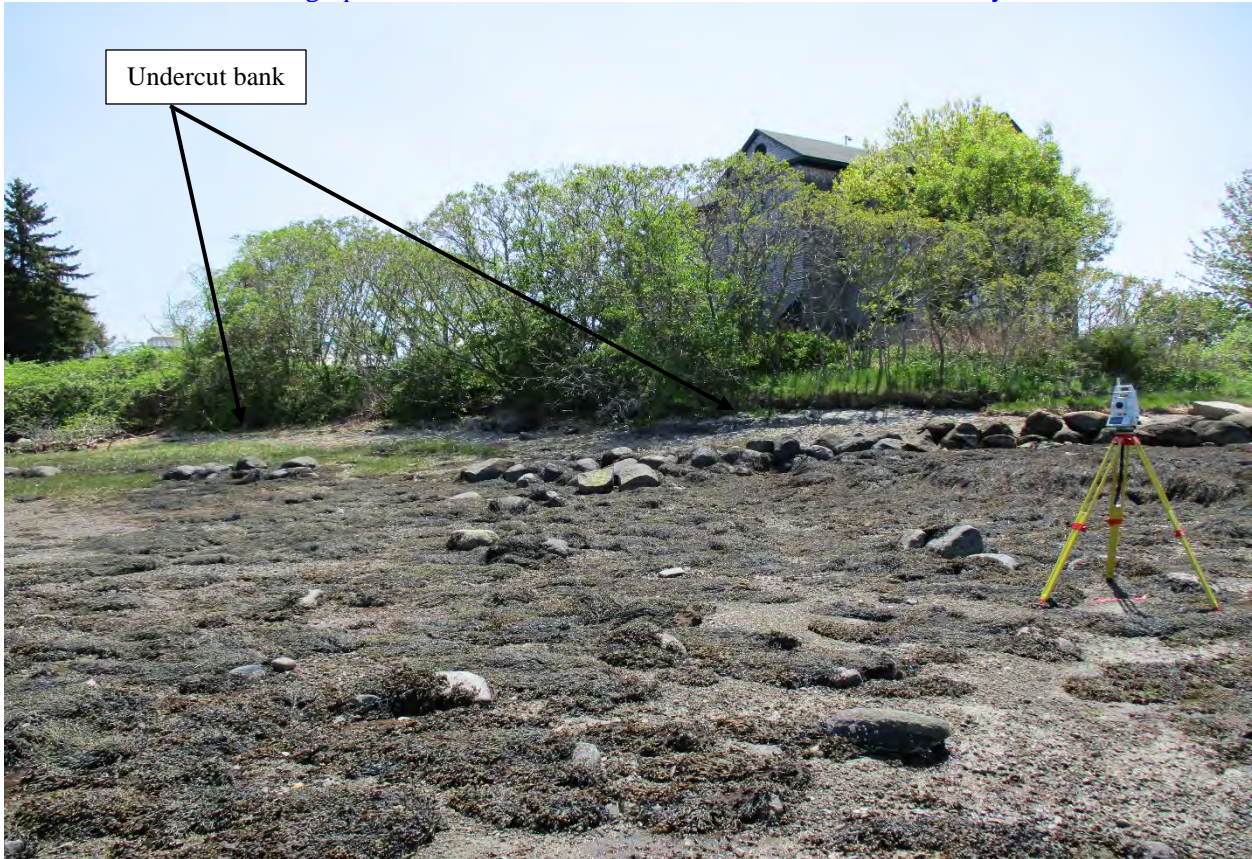
Site Photograph #0138

May 2021



Site Photograph #0141

May 2021



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022



Site Photograph

March 2022

