

207-837-2199 •tim@atlanticenviromaine.com www.atlanticenviromaine.com

May 24, 2022

Mr. Nicholas Ciarimboli Town of Yarmouth 200 Main Street Yarmouth, ME 04096

Re: Shoreland Zoning Permit Application for a Dock located at 154 Whites Cove Road, in Yarmouth, Maine.

Dear Mr. Ciarimboli,

On behalf of Wayne and Annette McCary, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of a pier, ramp, and float located at 154 Whites Cove Road in the Town of Yarmouth, Maine. Specifically, the Applicant proposes to construct a dock consisting of a six (6) foot wide by thirty (30) foot long pier, a three (3) foot wide by thirty-two (32) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float. The proposal includes a four (4) foot wide by six (6) foot long set of stairs that extend from the pier and provide access to the intertidal zone. The dock will provide recreational water access to Casco Bay and adjacent coastal waters (see Location Map).

The Applicant's property is located in the Low Density Residential (LDR) and the Shoreland Overlay District (SOD). AE has reviewed Article II, Section R of the Town of Yarmouth's Zoning Ordinance and believes the project is in compliance with these standards. Please review the attached information demonstrating compliance with these Articles. The Applicant has submitted an application to the Maine Department of Environmental Protection (MDEP) and Army Corps of Engineers (ACOE) and relevant sections of those applications are included in the attached application materials. A copy of the approved ACOE permits is included in the attached application materials and the MDEP permit approval will be forwarded upon receipt.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 - 837 - 2199 or by email at tim@atlanticenviromaine.com.

Sincerely, Atlantic Environmental LLC.

inity A. Forester

Timothy A. Forrester, Owner

TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

Revised 11/30/2017

WWW.YARMOUTH.ME.US Fax: (207)846-2438

SHORELAND ZONING PERMIT APPLICATION

PERMIT #	ISSUE DATE	FEE AMOUNT
Date: <u>4/12/2022</u> Zoning District	LDR, SZ Map	p3Lot_18Ext
Atlantic Environm APPLICANT NAME:	ental, LLC c/o Tim Forre	rester PHONE NO: (207) 837 - 2199
MAILING ADDRESS: 135 River Road Woolwig	ch, ME 04579	e-mailtim@atlanticenviromaine.com
OWNER (other than applicant) NAME: Wayne and Annette McCa	ry	PHONE NO: (413) 575 - 4014
MAILING ADDRESS: 154 Whites Cove Road	armouth, ME 04096	e-mail_wmmccary@gmail.com
CONTRACTOR		
NAME: Custom Float		PHONE NO: (207) 939 - 1431
MAILING ADDRESS: 11 Wallace Avenue South	n Portland, ME 04106	e-mailcpoole@customfloat.com
PROPERTY LOCATION: 154 Whites Cove Road		

Applicant must also include a narrative of the project including a description of all proposed construction, (E.G. Land clearing, road building, septic systems and wells – Please note: A site plan sketch is required on a separate sheet of paper no less than 11" x 17" or greater than 24"x36"

Please note: Plan set must be bound (not rolled) with a cover sheet and index.

Shoreland Zoning Permit Application

Proposed use of project: Residential	
Estimated cost of construction \$40,000	
Lot area (sq. ft.) 11325.6	
Frontage on Road (FT)+/- 90 ft.	+/- 30 sq. ft. above HAT. All other proposed
SQ. FT. of lot to be covered by non-vegetated surfaces	structures will be located below the HAT.
Elevation above 100 YR Flood Plain_N/A	
Frontage on water body (FT.) +/- 95 ft.	
Height of proposed structure <u>Minimum</u> of 4.0' at HAT	

Applicant Initials Page 1 of 4

Existing use of property Residential

Proposed use of property Residential

- *Note:* NEXT Questions apply only to expansions of portions of existing structures that are less than the required setback.
 - A) Total building footprint area of portion of structure that is less than required setback as of 1/1/89: N/A SQ.FT.

 - C) Building footprint area of expansions of portion of structure that is less that required setback from 1/1/89 to present: <u>N/A</u> SQ.FT.
 - D) Building footprint area of proposed expansion of portion of structure that is less than required setback: <u>N/A</u>____SQ.FT.
 - E) % Increase of building footprint of previous and proposed expansions of portion of structure that is less than required setback since 1/1/89: % increase = $((\underline{C+D})x100)/A = \underline{N/A}$
 - F) Floor Area and Market Value of Structure prior to improvements: (a) <u>Area:</u> N/A <u>Value:</u> Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) <u>Area:</u> <u>Value:</u> If the floor area or market value of (b) exceeds 50% of the area or value of (a), then the Relocation provisions of Article IV.R.5.a.(3) and (4) shall apply. Note: A value appraisal may be required or submitted in close cases where the applicant asserts that that 50% trigger and relocation assessment provision is not met. Any plan revisions after initial approvals to replace rather than renovate building components (foundations, framing, etc.) shall be required to recalculate the extent of removal, damage or destruction relative to retained structure.
 - Please provide a site plan to include lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances form the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.
 - Note: For all projects involving filling, grading, or other soil disturbance you must provide a soil erosion control plan describing the measures to be taken to stabilize disturbed areas before, during and after construction.
 - \square Draw a simple sketch showing both the existing and proposed structures with dimensions.

SHORELAND ZONING PERMIT CHECKLIST

Please note that this checklist is intended to help applicants identify major submittal components but it is the applicant's responsibility to review the SOD/RP provisions outlined in Chapter 701 of the Yarmouth Code and provide all required information as well as conform to all design components. Copies of Chapter 701 are available at the Yarmouth Town Hall or can be downloaded on the Town website which is <u>www.yarmouth.me.us</u>.

- Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- Appropriate fee.
- Square footage of lot area within the 250' SOD Entire lot is within the SOD
- \square Square footage and % of lot covered by non-vegetated surfaces within the SOD +/- 30 sq. ft.
- \square Square footage and % of cleared area within lot area within the SOD N/A
- \square Delineation of 75' setback from upland edge of the coastal wetland
- Delineation of 250' SOD line from upland edge of the coastal wetland. Entire lot is within the SOD
- Delineation of Resource Protection District
- □ Height of any proposed structures as measured between the mean original grade at the downhill side of the structure and the highest point of the structure N/A
- □ Building elevations of any proposed structures as viewed from side and rear lot lines N/A
- □ % Increase of expansions of portion of structure which is less than the required setback (if applicable)
- □ Floor Area and Market Value of Structure prior to improvements: (a) <u>Area:</u> N/A
 <u>Value:</u> N/A. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) <u>Area:</u> N/A <u>Value:</u> N/A.
- \Box Elevation of lowest finished floor to 100 year flood elevation N/A
- Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- \square Copy of additional permit(s) if applicable:
 - Planning Board (e.g. Subdivision, Site Plan Review)
 - Board of Appeals
 - Flood Hazard
 - Exterior plumbing permit (Approved HHE 200 Application Form)
 - Interior plumbing permit
 - DEP permit (Site Location, Natural Resources Protection Act)
 - Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)
- Please circle all habitat types, marine organisms and shoreline elements present: (Sand beach) (boulder/cobble beach) (sand flat) (mixed coarse & fines) (salt marsh)
- (ledge) (bounder/cooole beden) (suid flat) (mixed course & fines) (suit flats)) (ledge) (bocky shore) (mudflat) (sediment depth if known) (Bluff/bank) (Mussels) (clams) (marine worms) (rockweed) (eelgrass) (lobsters) (other_____)
- □ Signs of intertidal erosion? (Yes) (no)
- □ Energy: (protected) (semi-protected) (partially exposed) (exposed)
- \Box Copy of deed
- Soil erosion control plan
- ☑ Photographs
- ☑ Plan view

NOTE: Applicant is advised to consult with the CEO and appropriate state and federal agencies to determine whether additional permits, approvals, and reviews are required.

CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board members (as applicable) at reasonable hours and with advance notice.

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Applicant Signature	Date
Agent Signature A.F. cm. D (if applicable)	Date4/12/2022
Code Enforcement Officer	
DATE OF APPROVAL / DENIAL OF APPLICATION	



207-837-2199 •tim@atlanticenviromaine.com www.atlanticenviromaine.com

January 20, 2022

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to natural resource permitting project(s) at my property located at 154 Whites Cove Road in Yarmouth, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

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

Print Name

Signature

Date

Sincerely, Atlantic Environmental LLC.

they A.

Timothy A. Forrester, Owner

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

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 0.26-acre parcel of land located on Whites Cove Road and adjacent to Casco Bay in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is currently an existing series of landings and steps that are four (4) feet wide and approximately thirty (30) feet in total length. The structures provide access to the intertidal zone for foot traffic; however, there is no formal access to the resource for boating from the Applicant's property. Therefore, the Applicant proposes to construct a dock in order to provide safe and reasonable access to Casco Bay and adjacent waters for recreational purposes.

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

In order to reach navigable waters on a partial-tide basis, the Applicant proposes to construct a six (6) wide by thirty (30) foot long pier that will connect to the existing set of access stairs. The Applicant proposes to construct a four (4) foot wide by six (6) foot long set of stairs for access to the intertidal from the pier. The pier will be supported with a total of six (6), eight (8) inch by eight (8) inch pilings and helix anchors that will be pinned to ledge. As a result of the supports for the pier and the intertidal access stairs, there will be approximately seven (7) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by thirty-two (32) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot



long seasonal float. The float will be constructed with float skids to elevate the float off the flats and the float will be secured in place with cross chains pinned to ledge.

During the off-season, the ramp and floats will be hauled off-site and stored in an upland location at the Chebeague Island Boat Yard.

The proposed dock does not require additional upland development or trees to be cut.



EXHIBIT 2.0

Town of Yarmouth

Chapter 701: Zoning Ordinance

Article II, Section R – Docks, Piers, Wharves, Moored Floats, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and Uses Projecting into Waterbodies.

Standards of Review:

a. The Permitting Authority may require the applicant to submit an environmental impact analysis assessing the proposal's potential impact on natural areas, including cumulative impacts of the proposed structure in conjunction with other structures.

The site was evaluated based on DEP methodologies that include, "Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values" (1999) and "Maine's Coastal Wetlands: II. Recommended Functional Assessment Guidelines" (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon.

The intertidal at the site of the proposed project contains exposed ledge, rockweed ledge, marsh vegetation and sandy/mudflats. The pier will be supported with pilings pinned to ledge and will not result in measurable impacts to the coastal wetland. The direct impacts will result in approximately seven (7) square feet.

b. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. The proposed structures will begin in the upland and extend in an easterly direction. No large machinery will operate in the coastal wetland. If there are any areas of disturbance at the completion of construction, the Applicant intends to stabilize any areas of disturbance with vegetation and mulch in accordance with the Maine DEPs Maine Erosion and Sediment Control BMPs manual. As a result, the Applicant does not anticipate any adverse causes of erosion or sediment.

c. The location shall not interfere with developed beach areas, moorings, and points of public access or other private docks. The proposed location is not located over a developed beach area or within existing moorings. No points of public access will be impacted by the proposed dock. There are private docks in the project vicinity; however, the proposed dock is located within the riparian lines of their property and will not interfere with the existing docks.

d. The facility shall be located and constructed so as to create minimal adverse effects on fisheries, existing scenic character, or areas of environmental significance, such as: clam flats, eel grass beds, salt marshes, mussel bars and regionally, statewide and national significant wildlife areas as determined by Maine Department of Inland Fisheries and Wildlife (I.F.W.). The proposed dock has been positioned to provide reasonable tidal access and will be located over upland, ledge, marsh vegetation and sandy/mudflats. According to the 2018 Maine Department of Environmental Protection's Eelgrass survey map, eelgrass is not located at the project site. The pier will maintain a 1H:1V over the marsh vegetation to minimize the potential for shading impacts. The ramp and float will be in place on a seasonal basis and elevated over the substrates during all tides. The project was reviewed by the US Fish and



Wildlife Service (USFWS) and is under review with the Department of Marine Resources (DMR) and Maine Department of Inland Fisheries and Wildlife (MDIFW) and these agencies have not identified any issues. Given these factors, the Applicant does not anticipate there will be adverse effects on fisheries, existing scenic character, or areas of environmental significance.

e. The activity will not unreasonably interfere with the natural flow of any surface or subsurface waters or impede the navigability of a river or channel. In making a determination regarding potential impediments to navigation, the Permitting Authority may request comments from the Harbor and Waterfront Committee. The proposed dock will be elevated and will not unreasonably interfere with the natural flow of any surface or subsurface waters or impede the navigability of a river or channel.

f. The facility shall be no larger in height, width or length than necessary to carry on the activities and be consistent with the surrounding character, and use the area. A temporary pier, dock or wharf in Non Tidal waters shall not be wider than six (6) feet for non-commercial uses. The Applicant is proposing a dock that is consistent with existing docks that are located within the surrounding area. The proposed length allows the float to land beyond the ledge in the intertidal area and will provide reasonable partial tide access to Casco Bay.

g. New permanent piers and docks on Non Tidal waters shall not be permitted unless it is clearly demonstrated to the Permitting Authority that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act. **The proposed dock is located on tidal waters.**

h. Areas, such as, but not limited to: high intensity uses as in cooperative or community docks, need for handicap access, or unusual wind and tide conditions requiring a larger float for stability. The Applicant does not propose a float larger than the dimensional requirement listed in #4 below.

i. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as required, a second structure may be allowed and may remain as long as the lot is not further divided. **The Applicant does not propose more than one dock on their property.**

j. Vegetation may be removed in excess of the standards in Article IV.R. 7.(k) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Permitting Authority. Construction equipment must access the shoreline by barge when feasible as determined by the Permitting Authority.

i. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12



feet in width. When the stabilization project is complete the construction equipment access way must be restored.

ii. Revegetation must occur in accordance with Article IV. R. Section 7 (n) of this ordinance.

The proposed dock does not require the removal of vegetation in excess of the standards of Article IV.R.7.(k).

4. The following maximum dimensional requirements shall apply for private docks, located outside of the WOC, WOC II, WOCIII, GD, and Industrial Zones. The requirements for ramp and float size may be waived by the Planning Board if it finds that the proposal has special needs requiring additional area, such as, but not limited to; high intensity uses as in cooperative or community docks, need for handicap access, or unusual wind and tide conditions requiring a larger float for stability. Maximum Pier width shall not be waived.

a. Pier: Six (6) feet in overall width

b. Ramp: Three and one half (3.5) feet in width

c. Float: Three hundred twenty (320) square feet.

The proposed dock meets the dimensional requirements. The pier will be six (6) feet in width, the ramp will be three (3) feet in width, and the float will be two hundred and forty (240) square feet.

5. MITIGATION The Permitting Authority may require a mitigation of adverse impacts and may impose any reasonable conditions to assure such mitigation as is necessary to comply with these standards. For the purpose of this Section, "mitigation" means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse impact on the significant environmental areas, including minimizing an impact by limiting the dimensions of the Structure and type of materials used; the magnitude, duration, or location of an activity; or by controlling the time of an activity. The Applicant is proposing a recreational dock that will provide reasonable tidal access to Casco Bay and adjacent waters. In addition, the ramp and float will be in place on a seasonal basis and stored outside the coastal wetland during the off-season. No adverse impacts are expected as a result of the dock.



EXHIBIT 3.0: LOCATION MAP





EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the existing conditions and proposed dock located at 154 Whites Cove Road in the Town of Yarmouth, ME.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Google Earth. Date: May 4, 2018.



Photograph Two. Facing southwesterly – view of intertidal area at project site and abutting structure. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 22, 2021.





Photograph Three. Facing northeasterly – view of upper intertidal area and surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 22, 2021.



Photograph Four. Facing easterly – additional view of intertidal area and surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 22, 2021.





Photograph Five. View of existing access stairs and landings. Photographer: Charlie Poole, Custom Floats: February 16, 2022.



Photograph Six. Additional view of existing access stairs and landings. Photographer: Charlie Poole Custom Floats: February 16, 2022.



EXHIBIT 5.0: PROJECT PLANS







EXHIBIT 6.0: CONSTRUCTION PLAN

The timber pier will be supported with pilings pinned to ledge as described in **Exhibit 1.0.** Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The aluminum ramp and wood float will be constructed off-site and set in place once the pier is constructed.

All materials will be transported to the site from the upland and construction access will take place from the adjacent upland and by boat, if necessary. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the pier given the ledge in the area. The construction of the dock should take approximately one (1) to two (2) weeks.



EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock, no formal measures are proposed to control erosion or sedimentation. However, if there are any areas of soil disturbance at the completion of construction, the area will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.



WARRANTY DEED

Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, that I, JUNE A. DEJONGE, of 154 White's Cove Road, Yarmouth, Maine 04096, for consideration paid GRANTS to WAYNE McCARY and ANNETTE McCARY of Longmeadow, Massachusetts, County of Hampden and Commonwealth of Massachusetts with a mailing address of 364 Green Hill Road, Longmeadow, MA 01106, with WARRANTY COVENANTS, as joint tenants, the following described real property:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Yarmouth, County of Cumberland and State of Maine being more particularly described in **Exhibit A** attached hereto and made a part hereof.

The premises hereinabove described are conveyed subject to any easements and restrictions of record and together with the benefit of all rights, easements, privileges and appurtenances belonging thereto.

Witness my hand and seal this 12th day of October, 2012.

Signed, sealed and delivered in the presence of:

Vitnes

STATE OF MAINE COUNTY OF Cumberland, ss

June A. DeJonge

Date: October 12, 2012

Personally appeared the above-named **June A. DeJonge** and acknowledged the foregoing to be her free act and deed.

Before me. Notary Public/Attorney at Law

Print name: My commission expires:

EXHIBIT A 154 White's Cove Road, Yarmouth, Maine

A certain lot or parcel of land, with any buildings thereon, situated in the Town of Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a stake on the shore of Casco Bay at White's Cove, at the southeasterly corner of the land of the heirs of the late Munroe Stoddard; thence northwesterly on a line of the abovementioned heirs, ten rods to a stake; thence at right angles with said line northeasterly twelve (12) rods to a stake; thence southeasterly parallel with the first named line ten (10) rods to the shore of White's Cove; thence by said shore to the point of beginning.

The whole of said lot containing three fourths of an acre, more or less.

Also a certain lot or parcel of land, situated on White's Cove in Casco Bay in said Town of Yarmouth, and bounded and described as follows:

Beginning at the northerly corner of the Martha C. Thurston lot; thence running North 57° 15' East thirty-two (32) feet, two inches to a corner; thence North 50° East sixty-six (66) feet to an iron pin; thence South 41° East to the shore of Casco Bay; thence in a southwesterly direction along the shore of saïd Casco Bay to the easterly corner of said Thurston's lot; thence North 42° West along said Thurston's east line to the point of beginning.

The same containing 34/100 of an acre, more or less.

Being the same premises conveyed by Deed of Distribution from Daniel L. Groves and David W. Groves, Personal Representatives of the Estate of Oscar S. Groves to David W. Groves, dated March 31, 2008 and recorded in the Cumberland County Registry of Deeds in Book 23876, page 138.

Further reference is also made to a deed from David W. Groves to David W. Groves and Gloria D. Groves dated April 25, 2006 and recorded in said Registry of Deeds in Book 23917, Page 180. Also conveying an easement of right of way appurtenant to the above-described premises for purposes of access and the installation and maintenance of utilities over the existing private way known as White's Cove Road extending from the Gilman Road to the above-described premises. The warranty covenants set forth herein, however, are excluded from the grant of the aforementioned easement of right of way.

Being the same premises conveyed from David W. Groves and Gloria D. Groves to June A. DeJonge by Warranty Deed dated September 1, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28045, Page 240.

Recorded Resister of Deeds Oct 22,2012 08:53:09A Cumberland County Pamela E. Lovley

EXHIBIT 9.0: COPY OF MHPC NOTIFICATION



February 18, 2022

Ms. Claudette Coyne Maine Historic Preservation Commission State House Station 65 Augusta, Maine 04333-0065

RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA) Application for the construction of a dock on behalf of Wayne and Annette McCary located at 154 Whites Cove Road in Yarmouth, Maine (Tax Map 3, Lot 18).

Dear Ms. Coyne,

Wayne and Annette McCary (Applicant) have applied for a NRPA permit requesting approval to construct a dock and located at 154 Whites Cove Road in Yarmouth, Maine. The dock will connect to an existing set of access stairs that consist of a 6' x 30' pier, a 3' x 32' ramp, a 12' x 20' float, and a 4' x 6' set of access stairs to the intertidal. The dock will provide recreational water access to Casco Bay and adjacent waters. Please find a copy of a Location Map and Photographs for your review.

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

Sincerely, Atlantic Environmental LLC.

ntly A. Yanstr

Tim Forrester, Owner

Cc: Kendyl Reis, Aroostook Band of Micmacs Donald Soctomah, Passamaquoddy Tribe of Indians, PPR Isaac St. John, Houlton Band of Maliseet Indians Chris Sockalexis, Penobscot Nation Donald Soctomah, Passamaquoddy Tribe of Indians, IPR

EXHIBIT 10.0: COASTAL WETLAND CHARACTERIZATION

10.1 INTRODUCTION

AE personnel conducted a site visit at the Applicant's property on June 22, 2021. The purpose of the site visit was to gather data to perform a coastal wetland characterization of the natural resources at the site and to calculate the impacts of the proposed dock. The assessment was conducted at low-tide.

10.2 METHODOLOGIES

The site was evaluated based on DEP methodologies that include, "Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values" (1999) and "Maine's Coastal Wetlands: II. Recommended Functional Assessment Guidelines" (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon. A copy of the checklist is attached in **Exhibit 8.0**. Site-specific data were gathered with a survey level and a Trimble GEO 7X GPS unit. Features identified include rock outcrops, Highest Annual Tide (HAT), Mean High Water (MHW), Mean Low Water (MLW), property pins, habitat types, and existing structures. The collected data were then used to generate plan view and cross section drawings (**see Exhibit 5.0**).

10.3 RESULTS

The site of the proposed project is an approximately 20.26-acre parcel of land that is located on Whites Cove Road in the Town of Yarmouth, Maine. The site is developed with a residential structure and associated development. The upland extends to a set of access stairs and landings that provide access to the upper intertidal which consists of exposed ledge, marsh vegetation, and rockweed covered ledge. The lower intertidal consists of flats. Based on the 2018 Casco Bay



Eelgrass (*Zostra marina*) survey layer of the Maine Office of GIS, Eelgrass is not located within the vicinity of the proposed structures and the site visit confirmed this by visual analysis. According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat map, portions of the site are mapped within Tidal Waterfowl and Wading Bird Habitat, a Significant Wildlife Habitat as defined by the NRPA.

The energy level is considered semi-protected, the site drains completely, and there are no freshwater wetlands located in the vicinity of the project site. The general slope in the area where the proposed riprap will be located is approximately 5 - 10%.

Five (5) general habitat types were identified in the vicinity of the project site: Upland, Exposed Ledge, March Vegetation, Rockweed Covered Ledge, and Flats. The dock will be located over all of these habitat types.

10.4 DISCUSSION AND CONCLUSIONS

The primary organisms that utilize the entire habitat area include: small crustaceans, tidal waterfowl, and juvenile fish.

Based on the site characterization and conditions of the site, all organisms identified within the footprint of the proposed structures are common within the surrounding area and will continue to utilize the area at the completion of construction. It is not anticipated there will be a loss of wetland functions or values as a result of the proposed project. The Applicant does not propose to cut any trees for the construction of the dock.





MAINE GENERAL PERMITS (GPs) <u>AUTHORIZATION LETTER</u> AND SCREENING SUMMARY

GARY (WAYNE) AND ANNETTE MCCARY
154 WHITES COVE ROAD
YARMOUTH, MAINE 04096

CORPS PERMIT #	NAE-2022-00496
CORPS GP#	3
STATE ID#	NRPA

DESCRIPTION OF WORK:

Construct and maintain a 6-ft. wide x 30-ft. long pile-supported pier with a 3-ft. wide x 32-ft. long ramp leading to a 12-ft. wide x 20-ft. long float with associated mooring tackle all below the mean high water mark of White Cove (Casco Bay) off 154 Whites Cove Road at Yarmouth, Maine. In addition, a 4 ft. x 6 ft. set of stairs will be constructed landward of the mean high water mark. This work is shown on the attached plans entitled "McCary, Yarmouth" in four sheets dated "2/18/2022".

See GENERAL and SPECIAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.780158° N -70.154288° W USGS QUAD: YARMOUTH

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 <u>including any required mitigation</u>]. 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 [X], ISSUED [], DENIED [] DATE
APPLICATION TYPE: PBR:
III. FEDERAL ACTIONS:
JOINT PROCESSING MEETING: 10MAR2022 LEVEL OF REVIEW: SELF-VERIFICATION: PRE-CONSTRUCTION NOTIFICATION:

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: <u>http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0</u>

COLIN M. GREENAN PROJECT MANAGER MAINE PROJECT OFFICE FRANK J. DEL GIUDICE CHIEF, PERMITS & ENFORCEMENT BRANCH REGULATORY DIVISION



PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR DEPARTMENT OF THE ARMY MAINE GENERAL PERMIT 3 PERMIT NO. NAE-2022-00496

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 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 subcontract or subcontract or subcontract 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. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

SPECIAL CONDITION

1. Piles shall be installed during periods of low water when the site is in-the-dry in order to prevent potential effects to endangered marine species.