



135 River Road • Woolwich, ME 04579  
207-837-2199 • [tim@atlanticenviromaine.com](mailto:tim@atlanticenviromaine.com)  
[www.atlanticenviromaine.com](http://www.atlanticenviromaine.com)



March 25, 2019

Mr. Alex Jaegerman, Director of Planning & Development  
Town of Yarmouth  
200 Main Street  
Yarmouth, ME 04096

Re: Shoreland Zoning Permit Application for a Dock consisting of a Pier, Ramp, and Float and the Stabilization of a Shoreline with Riprap, 36 Oakland Avenue, Yarmouth, Maine.

Dear Mr. Jaegerman,

On behalf of Jim and Mary Highland, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of a permanent pier with a seasonal ramp and float and the stabilization of a portion of the shoreline with riprap. The dock will provide recreational water access to Casco Bay and adjacent coastal waters (see Location Map).

More specifically, the Applicant proposes to remove an existing set of non-conforming stairs and construct a four (4) foot wide by twenty (20) foot long set of access stairs. The access stairs will connect to a six (6) foot wide by thirty (30) foot long pile-supported pier. The pier will connect to a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long seasonal float. The float will be secured in place with cross chains and helix anchors. The ramp and float will be in place for less than seven (7) months and stored off-site in an upland location during the off-season. In addition, the Applicant proposes to place riprap along approximately ninety (90) linear feet of the base of the shoreline where there is demonstrated erosion.


The Applicant's property is located in the Low Density Residential (LDR) and the Shoreland Overlay Districts (SOD) and a portion is located within the Resource Protection District. Tom Federle of Federle Law has met with your office as well as Nat Tupper, Town of Yarmouth Town Manager to discuss the title, right, or interest to the project site. AE has included correspondence regarding the Town's opinion of ownership to the portion of Oakland Avenue where the dock is proposed. 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.

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

Please review the attached information demonstrating compliance with these Articles. The Applicant has submitted applications to the Maine Department of Environmental Protection (MDEP) and the Army Corps of Engineers (ACOE) and relevant sections of those applications are included in the attached application materials. A copy of the ACOE permit is attached and a copy of the DEP permit will be forwarded to the Town 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](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.

A handwritten signature in black ink that reads "Timothy A. Forrester". The signature is written in a cursive style with a large, stylized 'T' and 'F'.

Timothy A. Forrester, Owner

# TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

Ck 1298

## SHORELAND ZONING PERMIT APPLICATION

PERMIT # 19-17 ISSUE DATE \_\_\_\_\_ FEE AMOUNT 150.00

Date: 3/25/2019 Zoning District LDR, SZO, RP Map 53 Lot 34 Ext \_\_\_\_\_

APPLICANT NAME: Atlantic Environmental, LLC c/o Tim Forrester PHONE NO: (207) 837 - 2199

MAILING

ADDRESS: 135 River Road Woolwich, ME 04579 e-mail tim@atlanticenviromaine.com

OWNER (other than applicant)

NAME: James and Mary Highland PHONE NO: (207) 523- 8650

MAILING

ADDRESS: 36 Oakland Avenue Yarmouth, ME 04096 e-mail jhighland84@gmail.com

CONTRACTOR

NAME: Custom Floats (Dock) and Linkel Construction (Shoreline Stabilization) PHONE NO: (888) 844 - 9666 (Custom Floats)  
(207) 725 - 1438 (Shoreline Stabilization)

MAILING 11 Wallace Avenue South Portland, ME 04106 (Custom Floats) info@customfloat.com

ADDRESS: 286 Augusta Road Topsham, ME 04086 (Shoreline Stabilization) e-mail matt@linkelconstruction.com (Shoreline Stabilization)

PROPERTY

LOCATION: 36 Oakland Avenue

***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.**

Proposed use of project: Residential

Estimated cost of construction \$50,000 - \$75,000

Lot area (sq. ft.) 30,492

Frontage on Road (FT) N/A

SQ. FT. of lot to be covered by non-vegetated surfaces 270 sq. ft. along shoreline

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 180 ft.

Height of proposed structure 2 ft. - 12 ft. Re

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.
- B) Actual shore setback of existing structure proposed for expansion (measured as required in SOD, e.g.: Highest Annual Tide; Upland Edge of Coastal Wetland; Top of Bank (RP); Normal High Water Line of rivers and streams; as applicable): Water Dependent
- C) Building footprint area of expansions of portion of structure that is less than required setback from 1/1/89 to present: N/A SQ.FT.
- D) Building footprint area of proposed expansion of portion of structure that is less than required setback: N/A 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 =  $((C+D) \times 100) / A =$   
N/A %
- F) Floor Area and Market Value of Structure prior to improvements: (a) Area: N/A  
Value:. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: Value:. 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 re-calculate 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 from 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.
- ☒ 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 [www.yarmouth.me.us](http://www.yarmouth.me.us).

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD
- ☒ Square footage and % of cleared area within lot area within the SOD
- ☒ Delineation of 75' setback from upland edge of the coastal wetland
- ☒ Delineation of 250' SOD line from upland edge of the coastal wetland.
- ☒ 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
- ☐ Building elevations of any proposed structures as viewed from side and rear lot lines
- ☐ % 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) Area: \_\_\_\_\_ Value: \_\_\_\_\_. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: \_\_\_\_\_ Value: \_\_\_\_\_.
- ☐ Elevation of lowest finished floor to 100 year flood elevation
- ☐ 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
- ☒ 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) (rocky 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)
- ☒ 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  
(if applicable)



Date March 21, 2019

-----  
Code Enforcement Officer \_\_\_\_\_

DATE OF APPROVAL / DENIAL OF APPLICATION \_\_\_\_\_  
(by either staff or planning board)



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[www.atlanticenviromaine.com](http://www.atlanticenviromaine.com)

June 14, 2018

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the construction of a dock and the stabilization of the shoreline located at 36 Oakland Avenue 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](mailto:tim@atlanticenviromaine.com).

James P. Highland  
Print Name

[Signature]  
Signature

6-14-2018  
Date

Sincerely,  
Atlantic Environmental LLC.

[Signature]

Timothy A. Forrester, Owner

## EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns several parcels of land that are located on Oakland Avenue in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The Applicant has provided a legal summary in **Exhibit 10.0** to demonstrate the title, right, and or interest in the project site.

There is an existing non-conforming (does not meet Town sideline setbacks) set of access stairs that are in disrepair and there are signs of severe erosion underneath the stairs and signs of undercutting along a portion of the shoreline of the Applicant's property. The stairs provide access to the upper intertidal of the shoreline; however, there is no formal access to the resource for recreational boat access from the Applicant's property. In order to safely and reasonably access the adjacent coastal waters for boating and other recreational pursuits, the Applicant proposes to relocate and reconstruct the access stairs and construct a permanent pier with a seasonal ramp and float. In addition, the Applicant proposes to place riprap to stabilize the shoreline to address the safety issues that are a result of the eroding shoreline.

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 stabilizing a portion of the shoreline to 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.

### DOCK PROJECT DESCRIPTION

In order to reach navigable waters on a partial tide basis and accommodate the Applicant's watercraft, the Applicant proposes to remove the existing access stairs and reconstruct a four (4) foot wide by twenty (20) foot long set of access stairs that will be



supported with eight (8), eight (8) inch by eight (8) inch pilings and helix anchors. The stairs will connect to a six (6) foot wide by thirty (30) foot long pier that will be supported with six (6), eight (8) inch by eight (8) inch pilings and helix anchors that will be located in the upland. There will be no direct impacts to the coastal wetland as all supports are located in the upland. The pier includes a hanging kayak rack on the side to store kayaks outside of the coastal wetland when not in use. The pier will connect to a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long seasonal float. The float will be secured in place with cross chains and helix anchors. During the off-season, the ramp will be stored on the pier and the float will be hauled off-site and stored in an upland location.

#### **SHORELINE STABILIZATION PROJECT DESCRIPTION**

The Applicant's residential structure is located approximately seventy-five (75) feet from the top of the bank and there is demonstrated erosion along the shoreline in this area. In order to address this safety issue, the Applicant proposes to place irregular stones that measure approximately two (2) to four (4) feet in diameter along approximately ninety (90) linear feet of the base of the shoreline. The bank will be graded to achieve to 1H: 1V slope and a portion of the upland will be re-sculpted to achieve this. Filter fabric will be placed below the existing grade and the riprap will extend three (3) feet above the Highest Annual Tide (HAT) and three (3) feet below the HAT. The bottom row of riprap will be pinned to ledge or buried in a trench. The overall direct impacts to the coastal wetland as a result of the placement of the riprap below the HAT will be approximately two hundred and seventy (270) square feet. The Applicant does not propose to remove trees to construct the stabilization.

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 intertidal at the site of the proposed project contains mixed coarse and fines and sand flats. There is marsh vegetation located to the east of the project site; however, there will be no structures located over this vegetation. Based on the 2013 Eelgrass survey layer of the Maine Office of GIS, eelgrass is located within the vicinity of the project site. Based on AE's assessment, eelgrass is approximately 238 feet from the base of the bank and the proposed structures will not impact eelgrass. The support pilings will be located above the Highest Annual Tide (HAT) line and will not result in measurable impacts to the coastal wetland. The Applicant has included a Coastal Wetland Characterization in the attached application materials.**

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 a northwesterly direction. Portions of the existing shoreline are exhibiting fairly severe erosion and the Applicant is proposing to stabilize these areas to control the ongoing erosion. The Applicant does not anticipate any adverse causes of erosion or sediment as a result of the proposed dock.**

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. The float has been positioned far enough from existing moorings to provide safe boating access. No points of public access will be impacted by the proposed dock. There are private docks in the project vicinity. The proposed dock is located within the riparian lines of their property and will not interfere with the existing docks or abutting property owners.**

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 mixed coarse and fines and sand flats. The proposed structures will be located outside of existing eelgrass beds as stated in (a) above. According to the Significant Wildlife Habitat maps, the site is mapped by the Maine Department of Inland Fisheries and Wildlife (MDIFW) as Tidal Waterfowl and Wading Bird habitat. The ramp and float will be in place on a seasonal basis and elevated over the substrates during all tides. In addition, the dock was reviewed by the US Fish and Wildlife Service (USFWS) and they did not identify any concerns. The dock is currently under review with MDIFW and any recommendations will be**



incorporated into the proposed design of the dock. The project has been designed to avoid and minimize impacts to significant resources. There are numerous docks within the vicinity of the proposed project area and the proposed dock will be similar in size and design. 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 six (6) foot wide dock that is consistent with existing docks in the surrounding area. The proposed length provides reasonable partial tide access for recreational use.**

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.

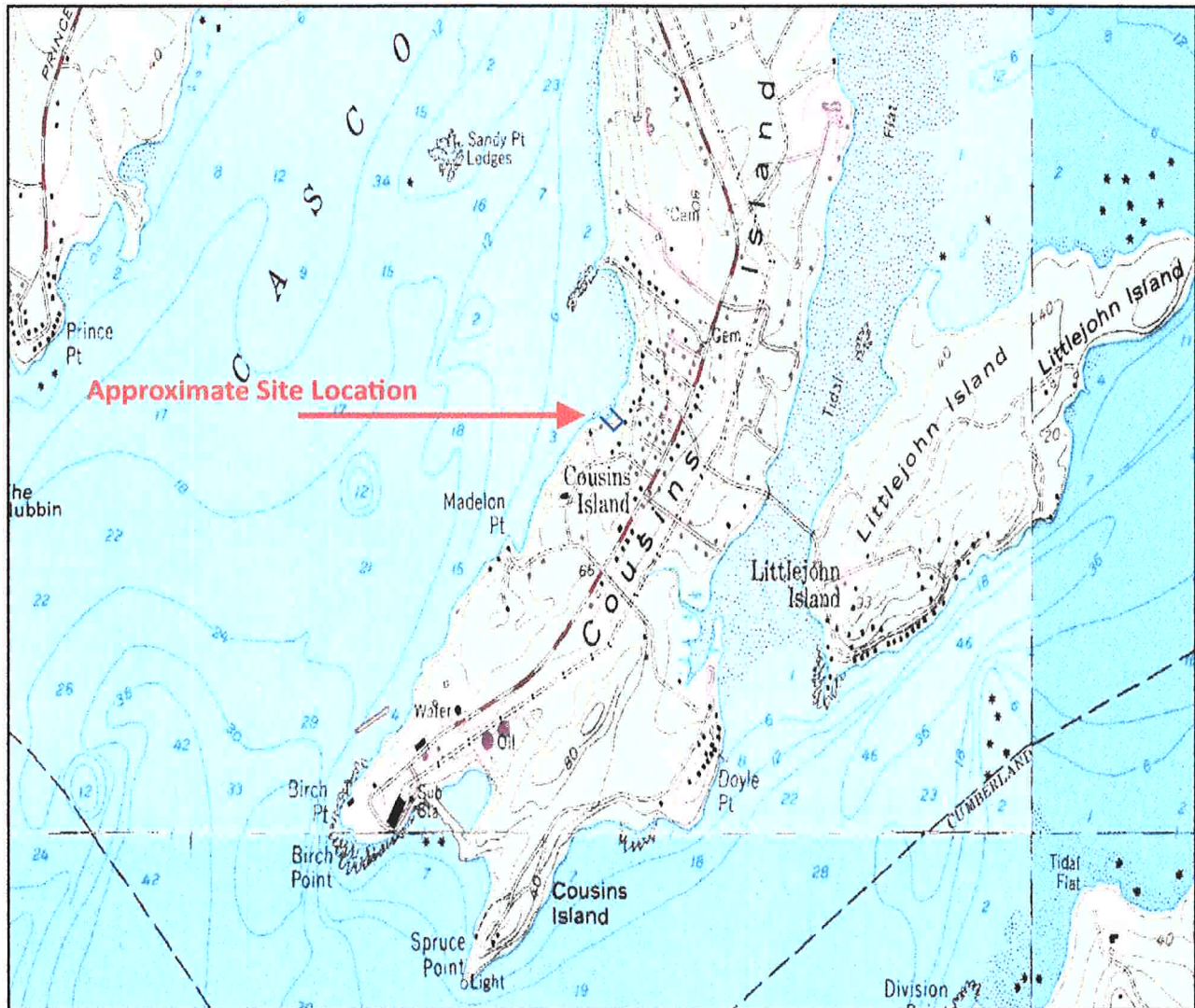
**The proposed dock meets the dimensional requirements. The pier will be six (6) feet in width, the ramp will be three (3) feet in width, and the float will be two hundred and eighty-eight (288) square feet.**

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. The pier is located in the upland. As such, the Applicant has avoided and minimized impacts to regulated resources.**

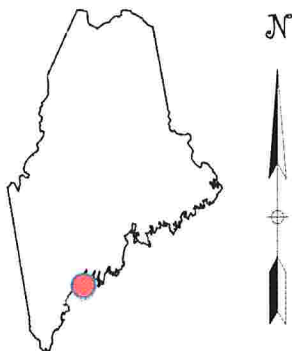


## EXHIBIT 3.0: LOCATION MAP

James and Mary Highland, 36 Oakland Avenue, Yarmouth, Maine



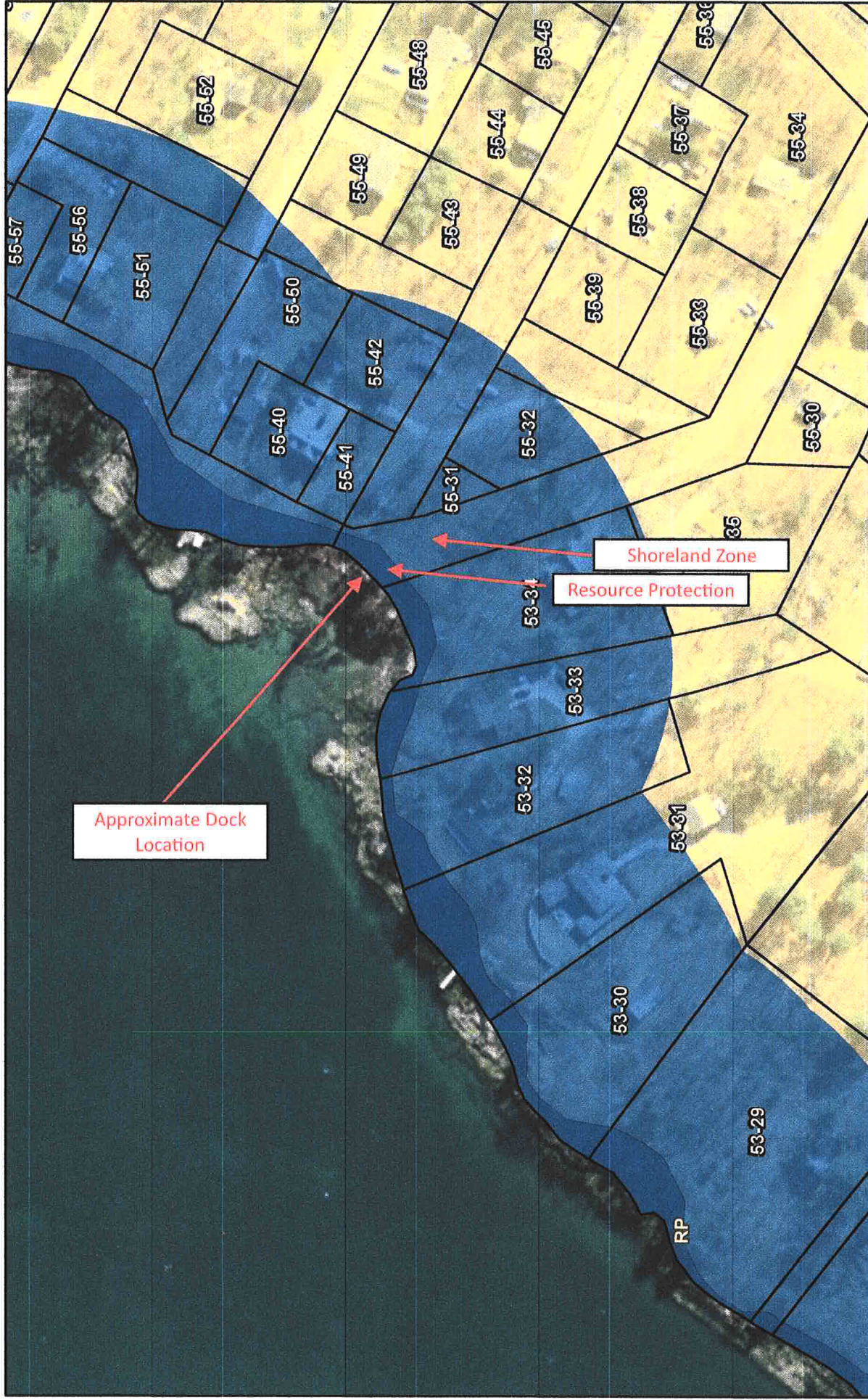
**Directions:** From downtown Yarmouth, follow Route 88 south. Turn left onto Princes Point Road. At the intersection, turn left and continue for 2.8 miles on Gilman Road which becomes Cousins St. once you cross the bridge onto Cousins Island. Turn right on Oakland Avenue. Destination will be at the end of the street.



Notes:	
Gazetteer Map 6 (Section D-1) 43.760344	
 ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com	
Date: 6/15/20 18	DWG Name: Highland Site Location



# Highland Zoning Map



3/20/2019, 10:06:36 AM

Parcel ID's Shoreland Overlay District Zoning

Parcels

Low Density Residential  
Resource Protection

1:2,257

0 0.01 0.03 0.05 mi  
0 0.02 0.04 0.08 km

DigitalGlobe, Town of Yarmouth

Public User  
Town of Yarmouth



## EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the existing conditions of the site located at 36 Oakland Avenue in the Town of Yarmouth, ME.



**Photograph One. Aerial View of Project Site. Red arrow indicates location of proposed dock and shoreline stabilization. Source: Bing. Date: Unknown.**



**Photograph Two. Facing northerly - view of area. Red arrow is highlighting location of eelgrass. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: June 19, 2018.**





**Photograph Three. View of erosion under existing access stairs. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: September 27, 2017.**



**Photograph Four. View of erosion that is occurring along shoreline, specifically by existing stairs. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: June 19, 2018.**





**Photograph Five. View of existing riprap on abutting shoreline. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: September 27, 2017.**



**Photograph Six. View of undercut bank. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: June 19, 2018.**



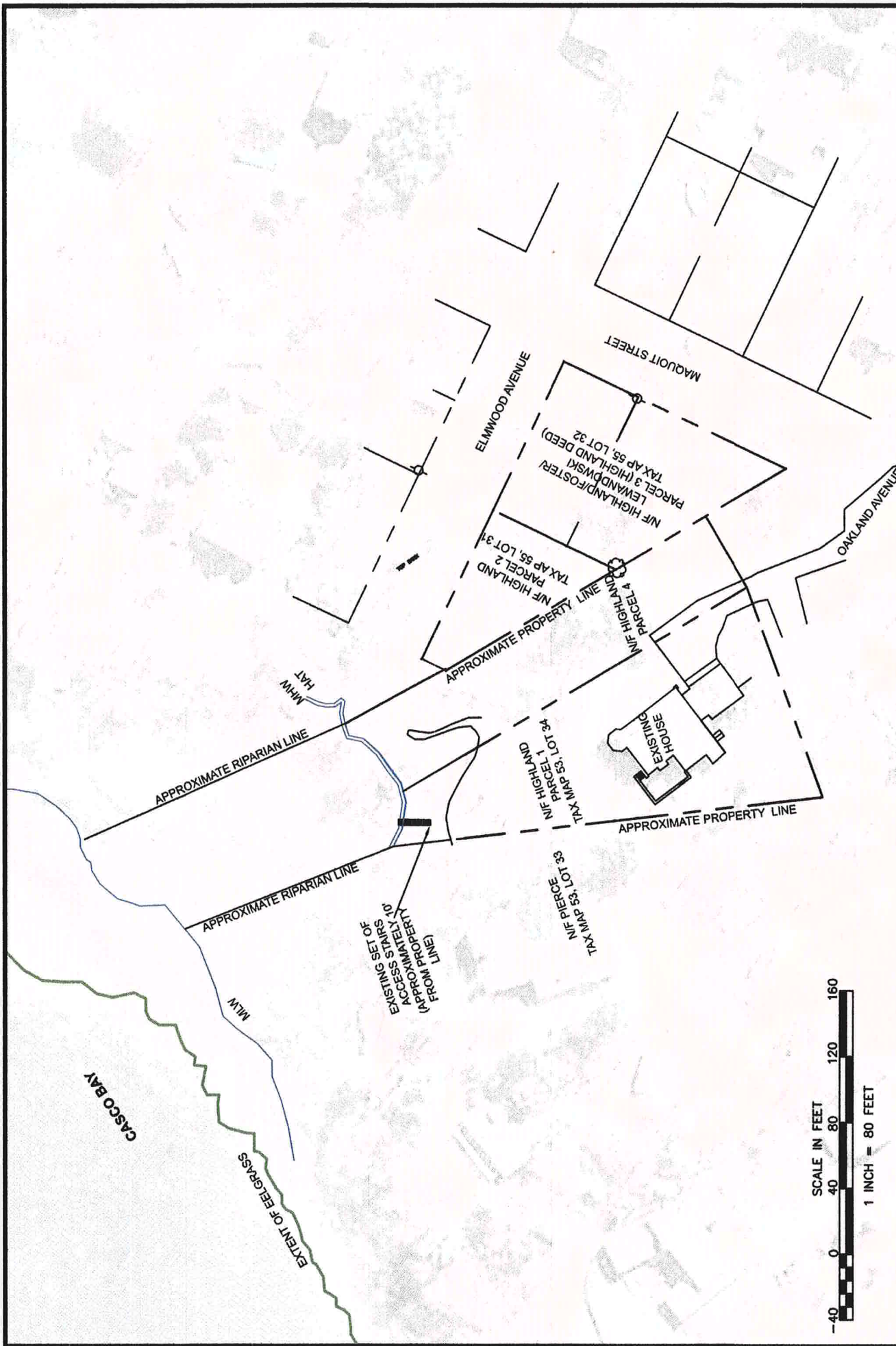


**Photograph Seven. Facing southeasterly – view of Applicant’s residential structure that is located +/- 75 feet from the top of the bank. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: November 21, 2017.**



**Photograph Eight. Facing easterly – view of intertidal area and surrounding area. Note – no structures will impact fringing salt marsh. Photographer: Lisa Vickers, Atlantic Environmental, LLC Date: June 19, 2018.**

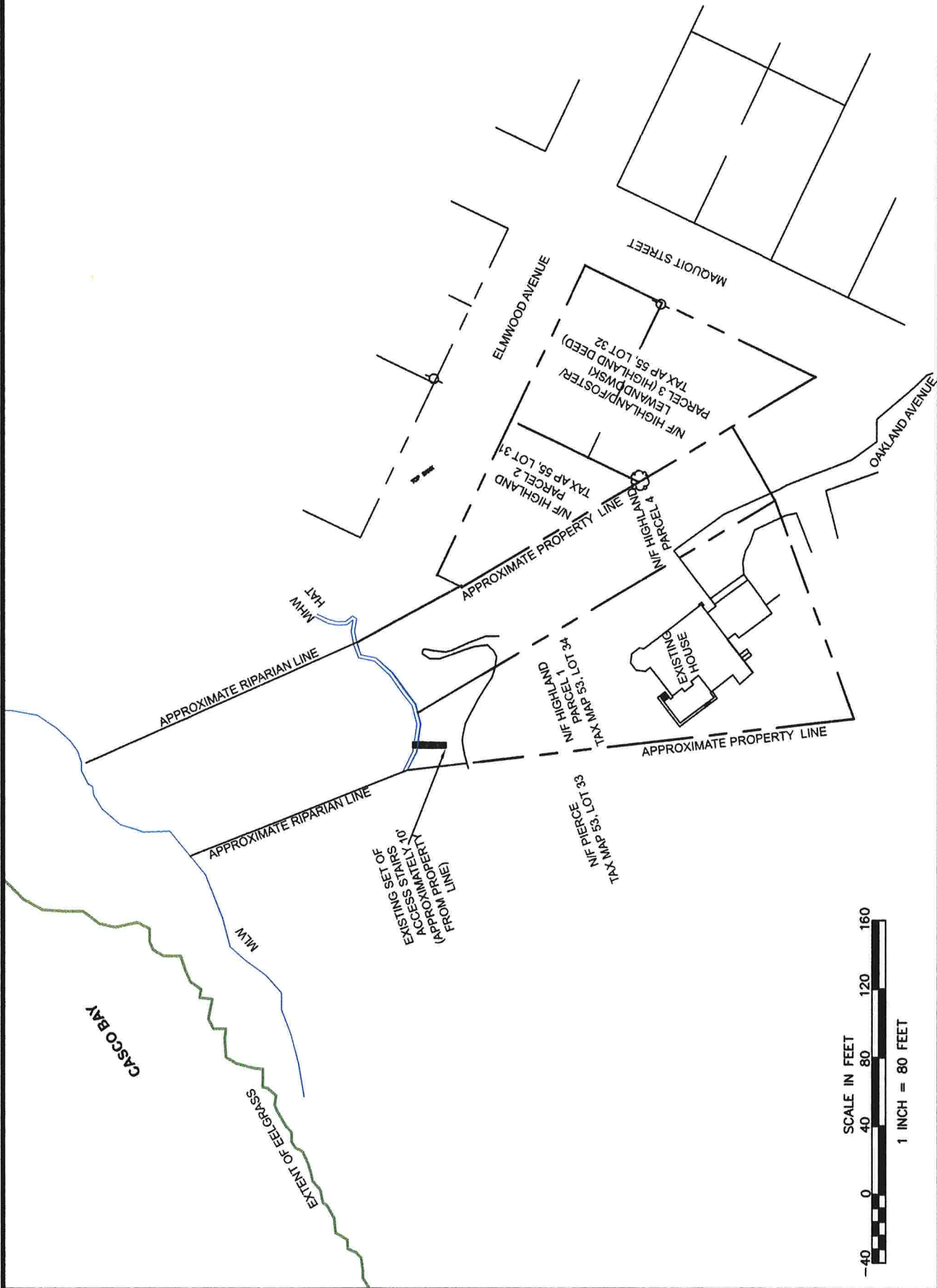




**ATLANTIC ENVIRONMENTAL LLC.**  
Environmental Consultants  
135 River Road, Woolwich, ME 04579  
(207) 837-2199  
tim@atlanticeviromaine.com

Date: 3/12/2019  
Revised:  
Project: Highland, Yarmouth  
Drafted By: LCV

Existing Conditions of the Project Site for James and Mary Highland, 36  
Oakland Avenue in Yarmouth, Maine.



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

Date: 3/12/2019  
 Revised:  
 Project: Highland, Yarmouth  
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Existing Conditions of the Project Site for James and Mary Highland, 36  
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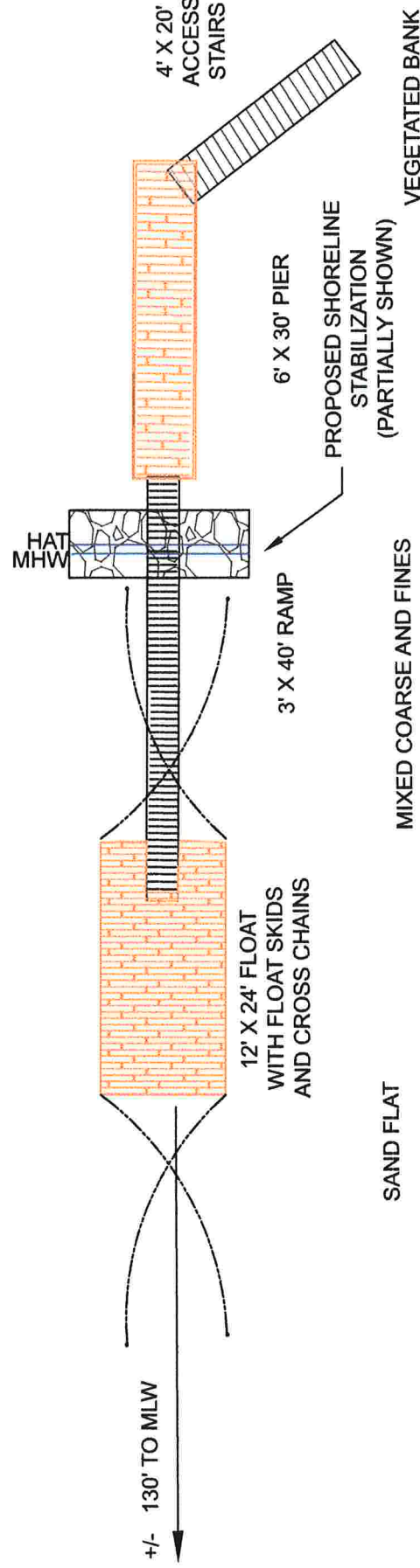
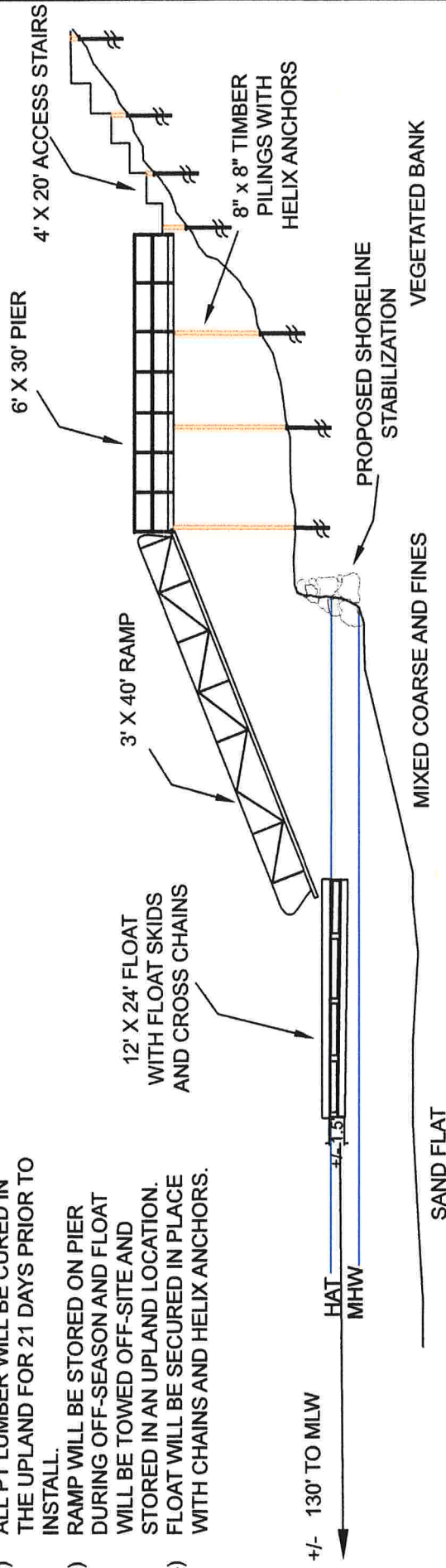






**NOTES:**

- 1) TIMBERS WILL BE SUPPORTED WITH 8" X 8" TIMBERS AND HELIX ANCHORS.
- 2) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 3) RAMP WILL BE STORED ON PIER DURING OFF-SEASON AND FLOAT WILL BE TOWED OFF-SITE AND STORED IN AN UPLAND LOCATION.
- 4) FLOAT WILL BE SECURED IN PLACE WITH CHAINS AND HELIX ANCHORS.



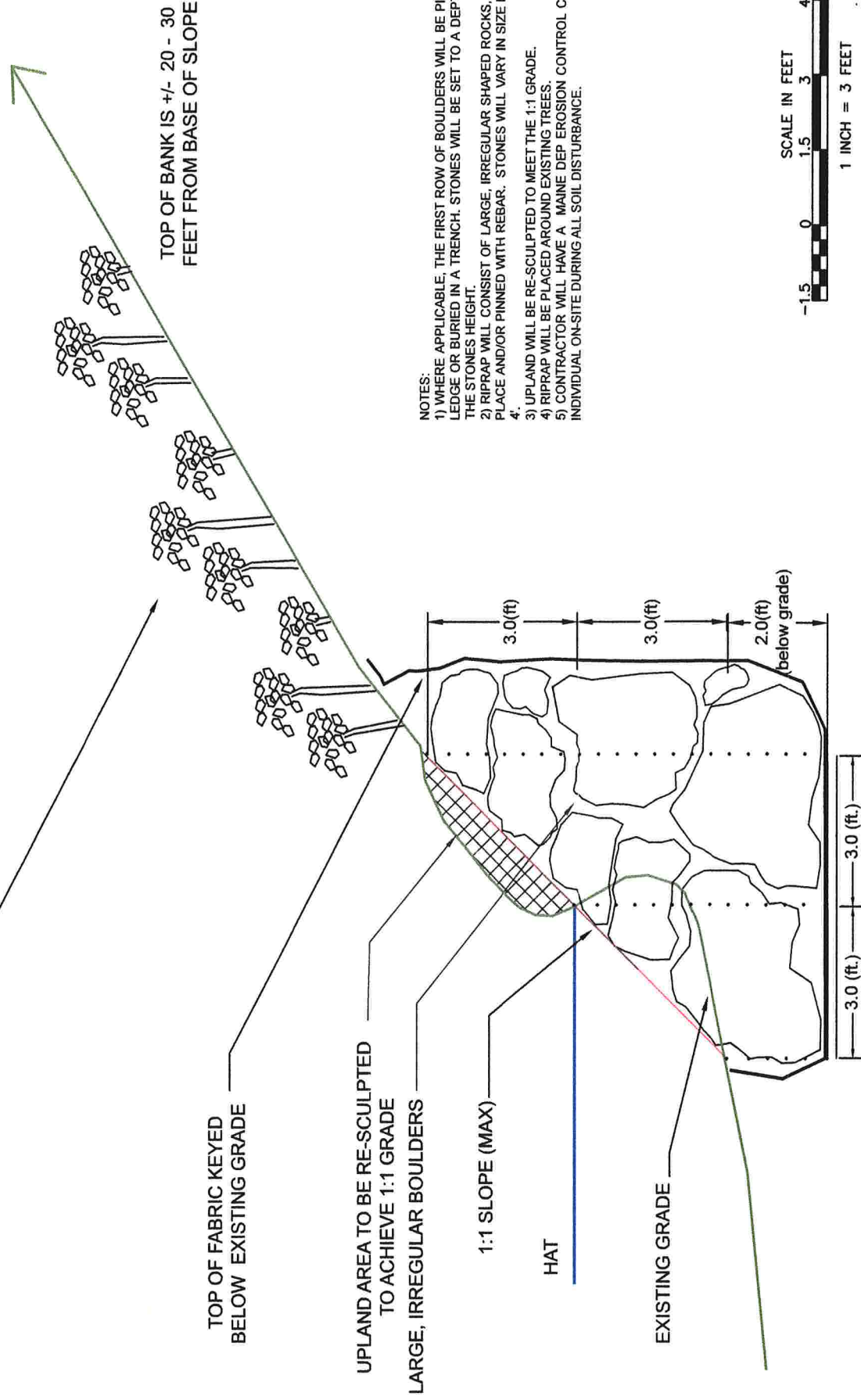
**ATLANTIC ENVIRONMENTAL LLC.**  
Environmental Consultants  
135 River Road, Woolwich, ME 04579  
(207) 837-2199  
tim@atlanticenviromaine.com

Date: 3/12/2019  
Revised:  
Project: Highland, Yarmouth  
Drafted By: LCV

Cross Section View of the proposed Access Stairs, Pier, Ramp and Float for James and Mary Highland located at 836 Oakland Avenue in Yarmouth, Maine.

Sheet  
3  
of  
3

REPLACEMENT PLANTINGS AS NECESSARY  
(3' ON CENTER)



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

Date: 3/12/2019  
Revised:  
Project: Highland, Yarmouth  
Drafted By: LCV

Cross section of the proposed shoreline stabilization for James and Mary Highland located at 36 Oakland Avenue in Yarmouth, Maine.

Sheet  
4  
of  
4



## EXHIBIT 6.0: CONSTRUCTION PLAN

### DOCK CONSTRUCTION

The access stairs and pier will be supported with pilings and helix anchors as described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The ramp and 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 dock. The construction of the dock should take approximately one (1) to two (2) weeks.

### SHORELINE STABILIZATION

The Applicant intends to access the site from the upland and stones will be stockpiled to a height above Mean High Water (MHW) and will provide a platform for the excavator to work from. The area where the Applicant proposes to stabilize the shoreline will be graded to achieve a 1H : 1V slope. Geotextile fabric will be placed behind the stone and large diameter, irregular stones (approximately 2 – 4 feet) will be dug into a trench or pinned to ledge at the base of the slope, where applicable, and placed at a height of approximately three (3) feet above the HAT and three (3) feet below the HAT. Upon completion of the riprap, the Applicant proposes to place plants at the top of the riprap in areas that are disturbed during construction or that require more dense vegetation. The plants will be spaced approximately three (3) feet on center, depending on the size and type of plant. Native plant species may include but not be limited to the following: Creeping Juniper (*Juniperus horizontalis*), Northern Bayberry (*Myrica pensylvanica*), Beach Plum (*Prunus maritima*), and Virginia Rose (*Rosa virginiana*). The final

number of plants will be determined once the riprap is installed. The contractor performing the work will place construction mats in order to minimize potential impacts to the intertidal area.

The contractor working on-site will have a Maine DEP Erosion Control Certified Individual certificate onsite during all construction activity.



## EXHIBIT 7.0: EROSION CONTROL PLAN

The construction of the dock will not result in measurable erosion or sedimentation. The Applicant proposes to minimize potential erosion at the site from the construction of the riprap through the use of rubber tracked equipment and construction mats (if necessary). At the completion of construction, any areas of soil disturbance 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.

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

NAME OF APPLICANT: James and Mary Highland      PHONE: (207) 523 - 8650

APPLICATION TYPE: Individual NRPA

ACTIVITY LOCATION: Yarmouth      COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill    ☒ pier    ☐ lobster pound    ☒ shoreline stabilization  
☐ dredge    ☐ other

DATE OF SURVEY: June 19, 2018

OBSERVER: Lisa Vickers

TIME OF SURVEY: 10:30 am

TIDE AT SURVEY: Low-Tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 270 sq. ft. new impacts

Subtidal area: 0 square feet

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: +/- 370 sq. ft. (dock shading)

Subtidal area: 0 square feet

HABITAT TYPES PRESENT (check all that apply):

☐ sand beach    ☐ boulder/cobble beach    ☒ sand flat    ☒ mixed coarse & fines    ☒ salt marsh (in project vicinity)  
☐ 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*In location of proposed structures

SIGNS OF SHORELINE OR INTERTIDAL EROSION?

☒ yes    ☐ no

PREVIOUS ALTERATIONS?

☒ yes\*    ☐ no

\*Access Stairs

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped    ☒ residential    ☐ commercial    ☐ degraded    ☒ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs    ☒ Overhead drawing

(pink)



**WARRANTY DEED**  
**Maine Statutory Short Form**

KNOW ALL BY THESE PRESENTS, That We, **John K. Dickason and Nancy M. Dickason, Co-Trustees of the John K. Dickason Trust under Revocable Trust Agreement dated November 3, 1999, an Ohio trust, and Nancy M. Dickason and John K. Dickason, Co-Trustees of the Nancy M. Dickason Trust under Revocable Trust Agreement dated November 3, 1999, an Ohio trust,** of Windham, Maine, for consideration paid, grant to:

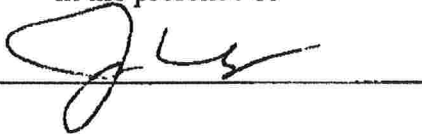
**James P. Highland and Mary B. Highland**

whose mailing address is: 36 Oakland Avenue, Yarmouth, Maine 04096, with **warranty covenants, as joint tenants**, the real estate situated in Yarmouth, County of Cumberland, and State of Maine, described as follows:


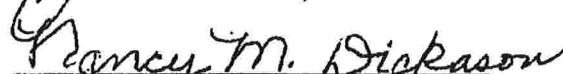
A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Yarmouth, County of Cumberland, and State of Maine being more particularly described in Exhibit A attached hereto and made a part hereof.

Witness our hands and seals this 13<sup>th</sup> day of February, 2016.

Signed, Sealed and Delivered  
in the presence of

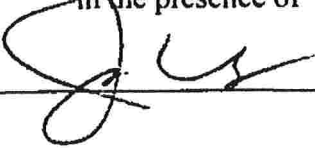


**John K. Dickason Trust**

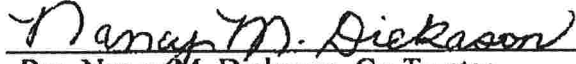
  
By: John K. Dickason, Co-Trustee  
By: Nancy M. Dickason, Co-Trustee

MAINE REAL ESTATE TAX PAID

Signed, Sealed and Delivered  
in the presence of



Nancy M. Dickason Trust



By: Nancy M. Dickason, Co-Trustee



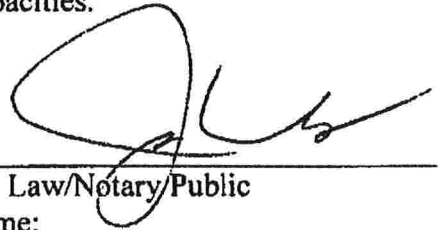
By: John K. Dickason, Co-Trustee

State of Maine  
County of Cumberland

February 13, 2016

Then personally appeared before me the above named John K. Dickason and Nancy M. Dickason, Co-Trustees of the John K. Dickason Trust and John K. Dickason and Nancy M. Dickason, Co-Trustees of the Nancy M. Dickason Trust and acknowledged the foregoing instrument to be their free act and deed in said respective capacities.

Before me,



Attorney at Law/Notary/Public  
Printed Name:

Janet Thompson  
Notary Public, State of Maine  
My Commission Expires July 23, 2022



**EXHIBIT A****PARCEL 1:**

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

Beginning at a stake at high water mark on the road laid out for a "Town Landing"; thence running southerly by said road three hundred and four (304) feet, more or less, to the northeasterly corner of a lot of land conveyed by Julia E. Hill to Raymond H. Talbot by deed dated February 14, 1907, and recorded in the Cumberland County Registry of Deeds in Book 798, Page 492; thence turning and running westerly by said lot one hundred thirty-seven and 5/10 (137.5) feet, more or less, to a stone wall at land now or formerly of heirs of Joseph Hamilton; thence turning and running northerly by said land now or formerly of heirs of Joseph Hamilton two hundred and sixty three (263) feet, more or less, to high water mark; thence turning and running by the sea shore forty-nine and 5/10 (49.5) feet, more or less to the point of beginning.

Subject to an easement from Helen W. Bartlett to Yarmouth Water District dated June 23, 1966 and recorded in the Cumberland County Registry of Deeds in Book 3007, Page 281.

**PARCEL 2:**

A certain lot or parcel of land, with the buildings thereon, situated on Cousins Island in the Town of Yarmouth, County of Cumberland and State of Maine, being lot numbered one hundred seventy-nine (179) as shown on a Plan of Land of Seashore Land Company, Cousins Island, Maine made by I.W. Barbour, C.E. and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 119, to which Plan reference is made for a more particular description.

**PARCEL 3:**

Also conveying a one-quarter interest in common and undivided, by quitclaim with covenant only, in and to two certain lots or parcels of land, situated on Cousins Island, in the Town of Yarmouth, County of Cumberland and State of Maine, and being Lots No. 177 and 178 as shown on a Plan of Land of the Seashore Land Company, Cousins Island, Maine, made by I.W. Barbour, C.E. and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 119.

**PARCEL 4:**

Also conveying by quitclaim covenant only, any and all right, title and interest we have in and to that portion of the way known as Oakland Avenue, formerly known as "the road laid out for a Town Landing", which lies between the above-described parcels, subject to the rights if any, of others entitled thereto.

Being the same premises conveyed to the Grantors herein by warranty deed from John K. Dickason, also known as John Dickason, and Nancy M. Dickason, also known as Nancy Dickason, dated August 19, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28242, Page 193.

Received  
Recorded Register of Deeds  
Feb 18, 2016 09:30:07A  
Cumberland County  
Nancy A. Lane

# FEDERLE LAW

--Sent Electronically--

February 8, 2019

Peggy Bensinger

Assistant Attorney General

Maine Attorney General's Office

Augusta, Maine 04330

RE: *Jim Highland; Oakland Avenue, Yarmouth, ME*

*DEP File Number #L-27653-4P-A-N/L-27653-4D-B-N/L-27653-TW-C-N;*

*Title, Right & Interest for Proposed Stairs, Ramp and Float and Shoreline Stabilization*

Dear Peggy:

I am following up from our phone meeting of January 14<sup>th</sup> and providing to you the two documents requested on that call.

The first is a letter from the Yarmouth Town Manager confirming that the town makes no claim to the Highland property seaward of Maquoit Street. The second is a deed from Goodwin to Dickason dated 1998 quitclaiming the portion of Highland's land depicted as Parcel 4 on the attached plan. This is the first deed in which Parcel 4 is explicitly conveyed in the chain of deeds leading into Highland's ownership. Goodwin purchased what is depicted as Parcel 1 in 1979 by deed recorded in CCRD at Book 4437, Page 81. In 1984, Goodwin purchased what is depicted as Parcel 2 and 3 by deeds recorded in the CCRD at Book 6490, Page 197 and Book, 6502 Page 128.

Shortly after the Goodwin to Dickason deed in 1998, Dickason built a home approved by the Town that is partially located within Parcel 4 (driveway, patio, hardscaping and landscaping all within Parcel 4). Dickason maintained the entire property as his own. Dickason then sold the property to Highland in 2016 expressly conveying all four parcels.

I trust that the letter from Nat Tupper is satisfactory confirmation that the Town is not claiming rights to Highland's land. I trust further that all of the supporting information provided to date is satisfactory confirmation that Highland's deed which includes Parcels 1, 2, 3 and 4 provides Highland with sufficient title, right and interest to proceed with a Natural Resources Protection Act application before the MDEP.

Best Regards,





# TOWN OF YARMOUTH

200 Main Street  
Yarmouth, Maine  
04096

Phone: (207) 846-9036

Fax: (207) 846-2403

Nathaniel J. Tupper

Town Manager

Email: [ntupper@yarmouth.me.us](mailto:ntupper@yarmouth.me.us)

January 22, 2019

Peggy Bensinger  
Assistant Attorney General  
Maine Attorney General's Office  
6 State House Station  
Augusta, Maine 04330

RE: *Jim Highland; Oakland Avenue, Yarmouth, ME*  
*DEP File Number #L-27653-4P-A-N/L-27653-4D-B-N/L-27653-TW-C-N;*  
*Title, Right & Interest for Proposed Stairs, Ramp and Float and Shoreline*  
*Stabilization*

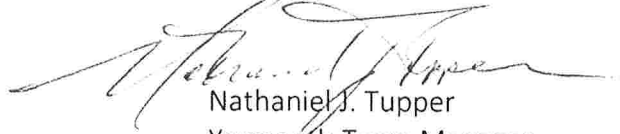
Peggy:

I understand that you have been advising the Maine Department of Environmental Protection as it considers the question of Jim Highland's Title, Right and Interest to construct stairs, a ramp, and a float and to stabilize shoreline at his property in Yarmouth. I understand further that you and Kevin Martin from MDEP spoke with Mr. Highland and his counsel, Tom Federle, last week and that one question you had remaining was the position of the Town of Yarmouth with regards to the town's rights to the portion of Oakland Avenue on the seaward side of Maquoit Street.

I am writing now to indicate that the Town of Yarmouth does not claim real or incipient rights in Oakland Avenue on the seaward side of Maquoit Street arising out of the layout of Oakland Avenue as a paper street in the Seashore Land Company subdivision in the early 20<sup>th</sup> century or from any laying out of a road to a proposed town landing in the 19<sup>th</sup> century.

I hope that this answers the question you had relating to the town's position.

Sincerely,



Nathaniel J. Tupper  
Yarmouth Town Manager

BK 14084 PG 211

WARRANTY DEED  
Joint Tenancy  
Maine Statutory Short Form 57618

**Know all Persons by these Presents,**

**That** ERNOLD R. GOODWIN, JR. AND NANCY A. GOODWIN

of Portland, County of Cumberland, State of Maine  
for consideration paid, grant to JOHN DICKASON AND NANCY DICKASON

of Vermilion, County of Lorain, State of Ohio  
whose mailing address is 4588 Linda Drive  
Box 443  
Vermilion, Ohio 44089

with warranty covenants, as joint tenants the land in Yarmouth, County of Cumberland,  
State of Maine, described as ☐ follows: or ☒ on the attached: Exhibit A

MAINE REAL ESTATE TAX PAID

Witness our hands and seal this 21st day of the month of

August, 1998.

Signed, Sealed and Delivered

in presence of

State of Maine, County of Cumberland

Ernold R. Goodwin, Jr.  
ERNOLD R. GOODWIN, JR.  
Nancy A. Goodwin  
NANCY A. GOODWIN  
ss. August 21, 1998.

Then personally appeared the above named Ernold R. Goodwin, Jr. and Nancy A. Goodwin  
and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Attorney at Law

Donnelly S. Douglas  
Printed Name



## EXHIBIT A

PARCEL 1:

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

Beginning at a stake at high water mark on the road laid out for a "Town Landing"; thence running southerly by said road three hundred and four (304) feet, more or less, to the northeasterly corner of a lot of land conveyed by Julia E. Hill to Raymond H. Talbot by deed dated February 14, 19707, and recorded in the Cumberland County Registry of Deeds in Book 798, Page 492; thence turning and running westerly by said lot one hundred thirty-seven and 5/10 (137.5) feet, more or less, to a stone wall at land now or formerly of heirs of Joseph Hamilton; thence turning and running northerly by said land now or formerly of heirs of Joseph Hamilton two hundred and sixty-three (263) feet, more or less, to high water mark; thence turning and running by the sea shore forty-nine and 5/10 (49.5) feet, more or less to the point of beginning.

Subject to an easement from Helen W. Bartlett to Yarmouth Water District dated June 23, 1966 and recorded in the Cumberland County Registry of Deeds in Book 3007, Page 281.

Being the same premises conveyed to the Grantors herein by warranty deed from Robert B. Pearson and Dorothy K. Pearson dated June 6, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4437, Page 81.

PARCEL 2:

A certain lot or parcel of land, with the buildings thereon, situated on Cousins Island in the Town of Yarmouth, County of Cumberland and State of Maine, being lot numbered one hundred seventy-nine (179) as shown on a Plan of Land of Seashore Land Company, Cousins Island, Maine made by I.W. Barbour, C.E. and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 119, to which Plan reference is made for a more particular description.

Being the same premises conveyed to the Grantors herein by warranty deed from Virginia C. Bailey, Frederick H. Bailey and Marjorie P. Cardwell dated June 29, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6490, Page 197.

PARCEL 3:

Also conveying a one-quarter interest in common and undivided, by quitclaim with covenant only, in and to two certain lots or parcels of land, situated on Cousins Island, in the Town of Yarmouth, County of Cumberland and State of Maine, and being Lots No. 177 and 178 as shown on a Plan of Land of the Seashore Land Company, Cousins Island, Maine, made by I.W. Barbour, C.E. and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 119.

Being the same premises conveyed to the Grantors herein by quitclaim deed with covenant from Virginia C. Bailey dated July 10, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6502, Page 128.

PARCEL 4:

Also conveying by quitclaim covenant only, any and all right, title and interest we have in and to that portion of the way known as Oakland Avenue, formerly known as "the road laid out for a "Town Landing", which lies between the above-described parcels, subject to the rights if any, of others entitled thereto.

RECEIVED  
RECORDED REGISTRY OF DEEDS

1998 AUG 21 PM 3:15

CUMBERLAND COUNTY

John B. O'Brien