# Shoreland Zoning Permit Application Blaney Point East Revetment Rehabilitation

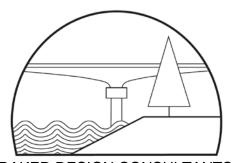
Yarmouth, Maine

# **Applicant:**

Cousin Blaney's LLC 403 Sea Meadows Lane Yarmouth, ME 04096

## **Submitted To:**

Nicholas Ciarimboli Codes Enforcement Officer Town of Yarmouth 200 Main Street Yarmouth, ME 04096



BAKER DESIGN CONSULTANTS Civil, Marine, and Structural Engineering 7 Spruce Road, Freeport, ME 04032



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Freeport, Maine 04032
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Part I – Shoreland Zone Permit Application

# TOWN OF YARMOUTH

200 Main Street Yarmouth, Maine 04096

(207)846-2401 WWW.YAI

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

## SHORELAND ZONING PERMIT APPLICATION

PERMIT #_		-	ISSUE DATE		FEE AN	JOL	JNT_\$150.00
Date: 06/29/2	0	Zoning District_	LDR, RP, SOD	Map_	060 Lot_	003	_Ext
APPLICANT	NAME: _	Baker Design Cons	ultants (Agent)		_PHONE N	O: _	(207) 846-9724
MAILING ADDRESS: _	7 Spruce Rd	; Freeport, ME 04032	2		e-mail_b.ba	aker@	bakerdesignconsultants.com
OWNER (othe NAME:	r than appli Cousin Blan				_PHONE N	IO: _	Contact Agent
MAILING ADDRESS:	540 Maryvill	e Centre Dr., Suite 1	05 St. Louis, MO 63141		e-mail Co	ontact	Agent
CONTRACTO	)R TDB				_ PHONE 1	NO:	ТВО
MAILING ADDRESS:	TBD				_e-mailT	BD	
PROPERTY LOCATION:_	403 Sea Me	adows Lane; Yarmo	uth, ME 04096				
construction	ı, (E.G. L	and clearing, r	oad building, sept	ic syst	ems and v	vells	tion of all proposed s – Please note: A x 17" or greater than
Please note:	: Plan set	must be boun	d (not rolled) witl	ı a cov	ver sheet	and	index.
Proposed use	e of proje	ct: Reconstructio	n of an existing armored	coastal s	lope.		
Estimated co	ost of con	struction\$450,0	000				
Lot area (sq.	ft.) 322,3	344					
Frontage on	Road (F7	C)N/A					
SQ. FT. of lo	ot to be co	overed by non-	vegetated surfaces	NO C	HANGE		
Elevation ab	ove 100	YR Flood Plain	PRELIMINARY BFE 13	3' NAVD	88		
Frontage on	water boo	dy (FT.) No chang	ge				
Height of pr	oposed st	ructure No change	•				
Revised 11/30/	/2017	Shoreland Zoning	g Permit Application	Appl	icant Initial:	s BJ	B 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: No change 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): No change	
C) Building footprint area of expansions of portion of structure that is less that required setback from 1/1/89 to present: No change SQ.FT.	
D) Building footprint area of proposed expansion of portion of structure that is less than required setback: No change 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 = (( <u>C+D</u> )x100)/A = No change %	
F) Floor Area and Market Value of Structure prior to improvements: (a) Area: No change  Value: N/A  Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: No change Value: N/A  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.	
Draw a simple sketch showing both the existing and proposed structures with dimensions.	
Revised 11/30/2017 Shoreland Zoning Permit Application Applicant Initials BJB Page 2 of 4	



## 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 <a href="https://www.yarmouth.me.us">www.yarmouth.me.us</a>.

✓	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
$\checkmark$	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) <u>Area:</u>
	<u>Value:</u> . 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
$\checkmark$	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
$\checkmark$	Copy of additional permit(s) if applicable:
	<ul> <li>Planning Board (e.g. Subdivision, Site Plan Review)</li> </ul>
	Board of Appeals
	<ul> <li>Flood Hazard</li> </ul>
	<ul> <li>Exterior plumbing permit (Approved HHE 200 Application Form)</li> </ul>
	Interior plumbing permit
	DEP permit (Site Location, Natural Resources Protection Act)
	<ul> <li>Army Corps of Engineers Permit (e.g. Sec. 404 of Clean Waters Act)</li> </ul>
abla	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)
abla	Copy of deed
✓	Soil erosion control plan
☑	Photographs
✓	Plan view
_	A ATTAC TAT !!
Rev	rised 11/30/2017 Shoreland Zoning Permit Application Applicant Initials BJB Page 3 of 4



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_ 6.29.20
Agent Signature Brunong France, (if applicable)	
Code Enforcement Officer	
DATE OF APPROVAL / DENIAL OF APPLICATION (by either staff or planning board)	N
Revised 11/30/2017 Shoreland Zoning Permit Application	Applicant Initials Page 4 of 4



# **Agent Authorization**

Cousin Blaney's LLC 540 Maryville Centre Dr Suite 105 St Louis, Mo 6314

By signing below, I authorize Barney Baker PE of Baker Design Consultants and Mitchell Buck PE of the Woods Hole Group to act as Agents for the purpose of permit communication on applications filed for coastal stabilization projects on property at 403 Sea Meadows Lane (Map 50; Lot 003)

Signed: <u>KR7</u> Date: <u>7/6/2020</u>



# **Project Narrative**

The Cousin Blaney's LLC property is located at 403 Sea Meadows Lane in Yarmouth, ME (Tax Map 060, Lot 003) in the Limited Development Residential (LDR), Shoreland Overlay (SOD) and Resource Protection (RPD) districts. The 7.4-acre lot includes a residential house, a detached garage w/ apartment, paved/gravel driveways, lawn and landscape beds, wooded areas, and a timber staircase with access to a pile supported pier.

Refer to the project plans appended. The project is for the reconstruction of an existing armored coastal slope. The 'East Revetment' is believed to have originally been installed in the 1960's to protect the property from wave action. The stone armor matrix has deteriorated with time to the point where it is no longer providing the erosion control protection necessary to protect the upland property and needs to be rebuilt.

As shown on Sheet C-2 Proposed Site Plan and Sheet C-3 Typical Section, the reconstructed revetment is within the footprint of the existing stone riprap. The proposed toe closely follows the HAT line but extends beyond to intersect the beach gradient. Also refer to Cross Section Sheets X-1 & X-2 attached which show the HAT line with respect to the proposed and existing riprap conditions.

## **DESCRIPTION OF PROPOSED CONSTRUCTION**

The entire riprap slope will be reconstructed with geotextile and existing stone. No additional soil material will be imported. Larger stone will supplement the armoring and the toe will be embedded into the beach to improve revetment resilience as detailed.

Above the stone armor will be a planted buffer area that runs the length of the East Slope. Refer to Sheet G-2 for salt-tolerant planting schedule.

## CONSIDERATION OF REGULATORY STANDARDS

All work proposed is in conformity with regulations of the LDR, SOD and RPD districts. The applicable Town of Yarmouth regulatory land use standards are provided below and addressed in the text that follows.

## § Shoreland Overlay District Standards

a. Stream Protection District.

N/A

### b. Dimensional Standards

- 1. The existing lot is 7.4 acres in size, exceeding the 30,000-sf minimum. 2.14 acres are located within the Shoreland Zone.
- 2. Land below the Normal High-Water line is not included toward calculating the minimum lot area.
- 3. N/A



- 4. The minimum lot width within the Highest Annual Tide is significantly greater than the shore frontage requirement for residential use adjacent to tidal areas, which is 150-ft.
- 5. N/A
- 6. The lot has approximately ± 2350 of shore frontage, exceeding the 150-foot minimum for a residential unit adjacent to tidal areas.
- c. Principal and Accessory Structures

No change.

d. Parking Areas.

No change.

e. Roads and Driveways.

No change.

f. Storm Water Runoff.

No change.

q. Essential Services

N/A

h. Mineral Exploration and Extraction

N/A

i. Agriculture

N/A

j. Timber Harvesting.

N/A

k. Clearing or Removal of Vegetation

Low growth coastal vegetation is cleared to provide space and access for embankment stabilization.

I. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

N/A

m. Exemptions to Clearing and Vegetation Removal Requirements

N/A

n. Revegetation Standards.



A revegetation plan is proposed for the embankment stabilization area.

#### o. Erosion and Sedimentation Control

- 1. Application of temporary and permanent erosion control measures for the project shall be in accordance with procedures and specifications of the current Maine Erosion and Sediment Control Handbook for Construction; Best Management Practices, by the MaineDEP.
- 2. All erosion control measures shall be installed before excavation takes place and shall be maintained continuously until construction is complete and the site is stabilized.
- 3. All coastal stabilization construction shall be stabilized complete and in-place at the end of each day and between high tide cycles.
- 4. The contractor is certified by MaineDEP in E.&S.C. practices.

## p. Soils.

This project reconstructs an existing armored coastal embankment to protect upland property.

q. Water Quality.

This project will not impact water quality once completed and functioning.

r. Archaeological Sites

This site is not listed on, or eligible to be listed on the National Register of Historic Places.

s. Septic Waste Disposal.

N/A



# ATTACHMENT 1 MHPC Correspondence

The Maine Historic Preservation Commission has not been contacted because the project involves the reconstruction of an existing armored slope with no change in footprint.

# ATTACHMENT 2 Additional Permits

Timing of Activity clearance with the Department of Marine Resources, Maine DEP NRPA permit, and an Army Corps permit are provided on the attached pages.



# REQUEST FOR APPROVAL OF TIMING OF ACTIVITY (DMR)

This form is for use in obtaining approval from the **Department of Marine Resources (DMR)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

To be filled out by applicant: (Instructions are on the back of this form) Cousin Blaney's Trust 1. Applicant's name: Address: 403 Sea Meadows Lane Yarmouth, Maine 04096 Agent: Baker Design Consultants- (207) 846-9724 telephone: 2. I plan to perform the following activity (please check the appropriate box): ☐ Sec. 3 Intake pipes (tidal waters only) **Sec. 4 Replacement of structures** (tidal waters only) ☐ Sec. 7 Outfall pipes (tidal waters only) ☐ Sec. 9 Utility crossings (any location if performed between Oct. 2 and July 14) ☐ Sec. 12 Restoration of natural areas (tidal waters only) ☐ Sec. 15 Public boat ramps (tidal waters only) ☐ Sec. 18 Maintenance dredging (tidal waters only) Brief description of project: [please include the name of the stream or waterbody, if known] Rehabilitation of approximately 500-ft existing deteriorated riprap coastal embankment installed circa 1960. Existing stone will be removed and reset with geotextile in the same footprint. Upper slopes will be revegetated. A preapplication meeting was conducted with DEP and Yarmouth Town Staff. Clair Briggs (DEP-Portland) reviewed attached plans and confirmed project would be eligible for an NRPA Permit by Rule. Project timetable dependent on Contractor availability. The reconstruction would occur during the fall/winter months with planting in the spring. and April 1, 2021 4. I plan to perform this activity between the dates of September 1, 2020 (start date) (end date) 5. I have included a map showing the location of my project. \*[Please note that if no location map is provided, no approval will be granted by DMR] 6. Send completed form to: DMR Environmental Coordinator P. O. Box 8, West Boothbay Harbor, ME 04575-008 For agency use only: The Department has reviewed the proposed timing of the activity identified above and: Approves of the project's timing as proposed. ☐ requires that the project's timing be changed to occur between and (start date) (end date) ☐ Other comments: DMR Environmental Coordinator

DEPLW0117-A1999



06/01/2020

# DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Natural Resouces Protection Act - Permit by Rule Standards, Chapter 305)

APPLICANT INFORMATION (Owner)		AGENT INFORMATION (If Applying on Behalf of Owner)						
Name:	COUSIN BLANEYS LLC			Name:	Baker Design Consultants			
Mailing Address:	540 MARYVILLE CENTRE DR			Mailing Address:	7 Spruce Road			
Mailing Address:	SUITE 105			Mailing Address:				
Town/State/Zip:	ST LOUIS, MO 63141			Town/State/Zip:	Freeport, ME 04032			
Daytime Phone #:	(207) 846-	9724	Ext:		Daytime Phone #:	(207) 846-9	724	Ext:
Email Address:		Contact Ag	ent		Email Address:	b.bake	er@bakerdesig	nconsultants.com
			PRC	JECT	INFORMATION			
Part of a larger project? (check 1):				□ Yes ☑ No	Name of waterbody:	Casco Bay		
Project Town:	Yarmouth		Town Email Address:	nciar	imboli@yarmouth.me.	us	Map and Lot Number:	060-003
Brief Project Description:	Refer to th	e project plans a	appended. Th	ne proj	ect is for the reconstru	uction of an	existing armor	ed coastal slope.
Project Location & Brief Directions to Site:	Rte 88 to 0	Cousins Island R	oad to Sea N	/leado	ws Lane. Follow to er	nd. Refer to	Location Map	
	y-Rule (PB	R) under DEP R			n filing notice of my in I and my agent(s), if a			
Sec. (2) Act. Adj.	to Prot. Na	tural Res.	☐ Sec. (9) Uti	lity Cr	ossing	☐ Se	c. (16) Coastal	Sand Dune Projects
Sec. (3) Intake P			☐ Sec. (10) Stream Crossing ☐ Sec. (17) Transfer/Permit Ext					
Sec. (4) Replace		_	_		ansportation Facilities	_	c. (18) Maintena	
Sec. (6) Moveme		-			tion of Natural Areas		c. (19) Act. Nea	
_ , ,	☐ Sec. (7) Outfall Pipes ☐ Sec. (13) F&W Creat./Water Qual. Improv. ☐ Sec. (20) Act. Near Waterfowl/Bird Habitat							
Sec. (8) Shoreline Stabilization Sec. (15) Public Boat Ramps  NOTE: Municipal permits also may be required. Centact your local code enforcement office for information. Endered permits may be required.								
for stream crossing	NOTE: Municipal permits also <i>may</i> be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.							
NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE								
Attach all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.								
☐ Attach a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).								
registration	<u>Attach</u> Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <a href="http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x">http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x</a> ). Individuals and municipalities are not required to provide any proof of identity.							
FEE: I will pay the	Permit-by-f	Rule fee (https://	www.maine.g	gov/de	p/feeschedule.pdf) by	·:		
Credit Card	– Pay onlii	ne through the P	ayment Por	tal. (A	ttach payment confir	mation wh	en filing this	notification form.)
□ Check – Fill in all the information below and mail a copy of this form (without attachments) and a check made payable to "Treasurer, State of Maine," to: Maine DEP, 17 State House Station, Augusta, ME 04333-0017.								
Name: Phone: Ext. Check #: Email Filing Date:								
Signature & Certification:								
<ul> <li>I authorize staff of the Departments of Environmental Protection, Inland Fisheries &amp; Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules.</li> </ul>								
	<ul> <li>I understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, unless the Department approves or denies the PBR prior to that date.</li> </ul>							
	By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.							
Signature of Ager Applicant (may be	Barney Baker PE (AGENT)					Date:	06/19/2020	
Keen a conv as a	record of	nermit Email th	is completed	form	with attachments to DI	ED at: DED	DDDNIotificatio	an@maina.gov

Keep a copy as a record of permit. Email this completed form with attachments to DEP at: DEP.PBRNotification@maine.gov.

DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.





## STATE OF MAINE

# DEPARTMENT OF ENVIRONMENTAL PROTECTION Permit-by-Rule & Notice of Intent Review Form

Natural Resources Protection A Stormwater Management Law Maine Construction General Po	PBR # 70407 PBR # NOI #			
Applicant: Cousin Blaney's LLC	- 403 Sea Meadows Lane	Town: Yarmouth		
	NRPA PBR Sections - Ch. 30	5		
Sec. 2 Act. Adj. to Prot. Natural Res.  Sec. 3 Intake Pipes  Sec. 4 Replacement of Structures  Sec. 6 Movement of Rocks or Veg.  Sec. 7 Outfall Pipes  Sec. 8 Shoreline Stabilization	□ Sec. 9 Utility Crossing     □ Sec. 10 Stream Crossing     □ Sec. 11 State Transport. Facilities     □ Sec. 12 Restoration Natural Areas     □ Sec. 13 F&W Creat/Water Quality     □ Sec. 15 Public Boat Ramps	Sec. 16 Coastal Sand Dune Project     Sec. 17 Transfer/Permit Extension     Sec. 18 Maintenance Dredging     Sec. 19 Act. Near SVP Habitat     Sec. 20 Act. Near Waterfowl/Bird Hab		
Notes: Project involves reconstruction of a buffer strip and planting area.	of an existing riprap slope. Stabilizi	ng the embankment also incorporat		
Section 2 was added to cover the	ne buffer and planting area.			
Reviewer:	Deficient Date:	□ NRPA □ SW □ N		
Reviewer: Lucien Langlois	Accepted Date: 7/20/20	20 NRPA I SW I N		

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Rev. 5/1/2020





#### DEPARTMENT OF THE ARMY

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

Regulatory Division

July 20, 2020

CENAE-RDC

CORPS PERMIT#: NAE-2020-01888

Ken French Cousin Blaney's, LLC 403 Sea Meadows Lane Yarmouth, Maine 04096

Mr. French:

We recently reviewed your proposal to place permanent fill below the high tide line of the Atlantic Ocean off 403 Sea Meadows Lane at Yarmouth, Maine in order to stabilize approximately 450 linear feet of eroded shoreline.

On October 12, 2015, we issued a Maine General Permit that, subject to our discretion, eliminates the need for individual Department of the Army permits for certain work that is regulated by the State of Maine. The general permit may be found at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/.

Your project as proposed and as shown on the attached plans received by the Corps qualifies for a general permit under the self-verification category (Category 1). No further action is necessary from the Corps on this project.

Please note that all work is subject to the conditions contained in the general permit. No work may be started unless and until all other required local. State and Federal licenses and permits have been obtained. If any change in the plans or construction methods is found necessary, please contact us immediately to discuss modification of your permit. Any change must be approved before it is undertaken.

Please refer to identification number NAE-2020-01888 in any correspondence concerning this project. If you have any questions on this matter, please contact Colin Greenan of my staff at 978-318-8676 at our Augusta, Maine Project Office.

Good luck with your project.

Sincerely,

GREENAN.COLIN. Digitally signed by GREENAN.COLIN.M.1546383926 Date: 2020.07.20 09:48:36 -04'00'

For Frank J. Del Giudice Chief, Permits & Enforcement Branch

Regulatory Division



# ATTACHMENT 3 Deed

• Trustee Deed: Office of Recorder of Deeds of Cumberland County, ME, Book: 33609, Page: 315-317, Instrument Number: 60989.

DOC:60989 BK:33609 PG:315

After Recording, Return to: SML 90836 McLane Middleton, PA 900 Elm Street, P.O. Box 326 Manchester, NH 03105-0326 DLN: 1001640010982

## TRUSTEE'S DEED

(Maine Statutory Short Form)

BRIAN M. KING, Trustee of the COUSIN BLANEY'S TRUST, a trust created u/d/t dated September 24, 2013, with a mailing address c/o Plancorp, 540 Maryville Centre Drive, Suite 105, St. Louis, Missouri 63141, for consideration paid, GRANTS to COUSIN BLANEY'S, LLC, a New Hampshire limited liability company, with a mailing address c/o Plancorp, 540 Maryville Centre Drive, Suite 105, St. Louis, Missouri 63141, with QUITCLAIM COVENANTS, the following described premises:

#### Parcel 1

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

- Beginning at an iron pipe in the ground, bearing N 1° W from a distant 229.3 feet from the brick line in foundation of the most northerly corner of the Francis W. Gibson, Jr. residence on the northeasterly end of said Cousins Island;
- 2. S 79° E, 166.8 feet to an iron pipe;
- Continuing on exactly the same course, 135.5 feet to another iron pipe;
- Continuing on exactly the same course to low water mark;
- Following low water mark around Blaney Point, so-called, and in general
  northeasterly, northerly, northwesterly, westerly and southwesterly courses to a
  point at low water mark bearing N 79° W from the iron pipe marking the point of
  beginning;
- S 79° E to the point of beginning.



#### DOC:60989 BK:33609 PG:316

TOGETHER WITH all the right, title and interest of the Grantor in and to the shores and flats abutting or bounding on the above described premises and all riparian and littoral rights of said Grantor in connection with the above described premises.

TOGETHER WITH a right of way, in common with Francis W. Gibson, Jr. and others, 40 feet in width, leading in to the above described premises from the main road on said Cousins Island running from the Cousins Island Bridge to the Power Company, said right of way to generally follow, whenever possible, the present traveled way leading to the house of Francis W. Gibson, Jr. and in no event shall said right of way pass less than 75 feet from the house of the said Francis W. Gibson, Jr. as it now exists.

As part of the consideration for this conveyance, the Grantee herein agrees, for itself, heirs, administrators, executors and assigns that, without the consent of the Francis W. Gibson, Jr., his heirs and assigns, no building of any kind shall be erected or maintained on the following portion of the above described premises;

- Beginning at the iron pipe marking the point of beginning of the above described premises, said pipe bearing N 1° W from the northerly corner of the present residence of Francis W. Gibson, Jr. and being 229.3 feet distant from said corner;
- S 79° E 166.8 feet to an iron pipe;
- 3. Continuing S 79° E 135.5 feet to an iron pipe;
- Northwesterly and forming an interior angle of 27° 18' with the line last mentioned, and passing through the center of an iron pipe driven into the ground to low water mark on Casco Bay;
- Southwesterly by low water mark to a point bearing N 79° W from the point of beginning;
- 6. S 79° E to the point of beginning.

#### Parcel 2

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

The island off the northerly end of Blaney Point, so-called, on Cousins Island, said island being commonly known as High Tide Island, said island being approximately 400 feet from said northerly end of Blaney Point, together with all the right, title and interest of the Grantor in and to the flats, shore, and riparian and littoral rights bounding or abutting on said island.

All bearings in this deed are magnetic and made in 1959.

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RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS

11/15/2016, 12:17:45F

Register of Deeds Nancy A. Lane E-RECORDED

TOGETHER WITH the right, privilege and authority to construct, operate and maintain telephone lines and poles, electrical lines and poles, water pipes and mains, gas pipes and mains and any other utilities in a reasonable manner, in over and or under the 40 foot right of way given by Francis W. Gibson, Jr. and Emily (also known as Emilie) B. Gibson to Raymond H. Houghton and Mildred S. Houghton in a deed dated January 24, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2454, Page 323, said right of way leading in from the main road on Cousins Island running from the Cousins Island bridge to the power company to the premises of the said Raymond H. and Mildred S. Houghton.

MEANING AND INTENDING to describe and convey the same premises conveyed to Brian M. King, Trustee of the Cousin Blaney's Trust by deed of James B. Barns, Trustee of the Lizzie, Macy and Higgins Revocable Trust dated October 24, 2013 and recorded in the Cumberland County Registry of Deeds at Book 31116, Page 280.

This deed was prepared from information supplied by the within Grantor, and no independent title examination has been performed.

I hereby covenant that I am the Trustee pursuant to said Declaration of Trust; that said Trust is still in full force and effect; that I have the power thereunder to convey as aforesaid; and that, in making the conveyance, I have, in all respects, acted pursuant to the authority vested in and granted to me therein.

WITNESS, my hand and seal this 10th day of Wovember, 2016.

Signed, Sealed and Delivered in the presence of:

Brian M. King, Trustee of the Cousin

Blanev's Trust

STATE OF MISSOURI COUNTY OF ST FOUND

The foregoing instrument was subscribed, sworn to and acknowledged before me this /07h day of No Ven Der., 2016 by Brian M. King, Trustee of the Cousin Blaney's Trust on

behalf of the Trust.

Notary Public/Justice of the Peace
Tinted Name: Jamie M. Cailfeux

Mark Framission Expires: /2/-/, 9

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# ATTACHMENT 4 Soil Erosion Control Plan

The project involves excavation and re-grading of a portion of the property embankment and intertidal area. Some vegetation removal exposing erodible surface areas will also take place at the top of the embankment above the exposed ledge shoreline. Upland areas will be stabilized with erosion control blankets secure in place at the end of each work day to prevent erosion of earthwork materials from migrating into the coastal wetland. All stone toe armoring will be constructed between tide cycles for portions of the work beyond the intertidal zone and shall be secured in-place at the end of each work day and before proceeding upgradient with staircase construction and slope stabilization. All slope stabilization work shall also be secured at the end of each workday with stone step materials and/or erosion control matting.

MaineDEP Best Management Practices for erosion control will be referenced in the construction documents.

- 1. Application of temporary and permanent erosion control measures for the project shall be in accordance with procedures and specifications of the current Maine Erosion and Sediment Control Handbook for Construction; Best Management Practices.
- 2. All areas disturbed during construction shall be reconstructed and stabilized to their preconstruction conditions or better unless noted otherwise.
- 3. All work shall be executed from shore by barge or upland by small excavator at the top of the embankment, or by hand labor on the embankment slope. No tracked or wheeled equipment shall be operated or placed below or in tidal waters.
- 4. Temporary erosion control measures shall be removed upon completion of grading operations, and restoration and stabilization of all disturbed areas.
- 5. The Contractor shall be responsible for maintaining erosion control measures during construction.



# ATTACHMENT 5 Photograph



Feb 2018-Southeast end of existing riprap that will be reconstructed as part of project



Feb 2018-Looking along existing slope and beach at low tide from southeast end of project.





Feb 2018-Looking at existing slope with house in background.



Feb 2018-Looking along slope and Beach at low tide. Furthest point is Northwest Corner of project.



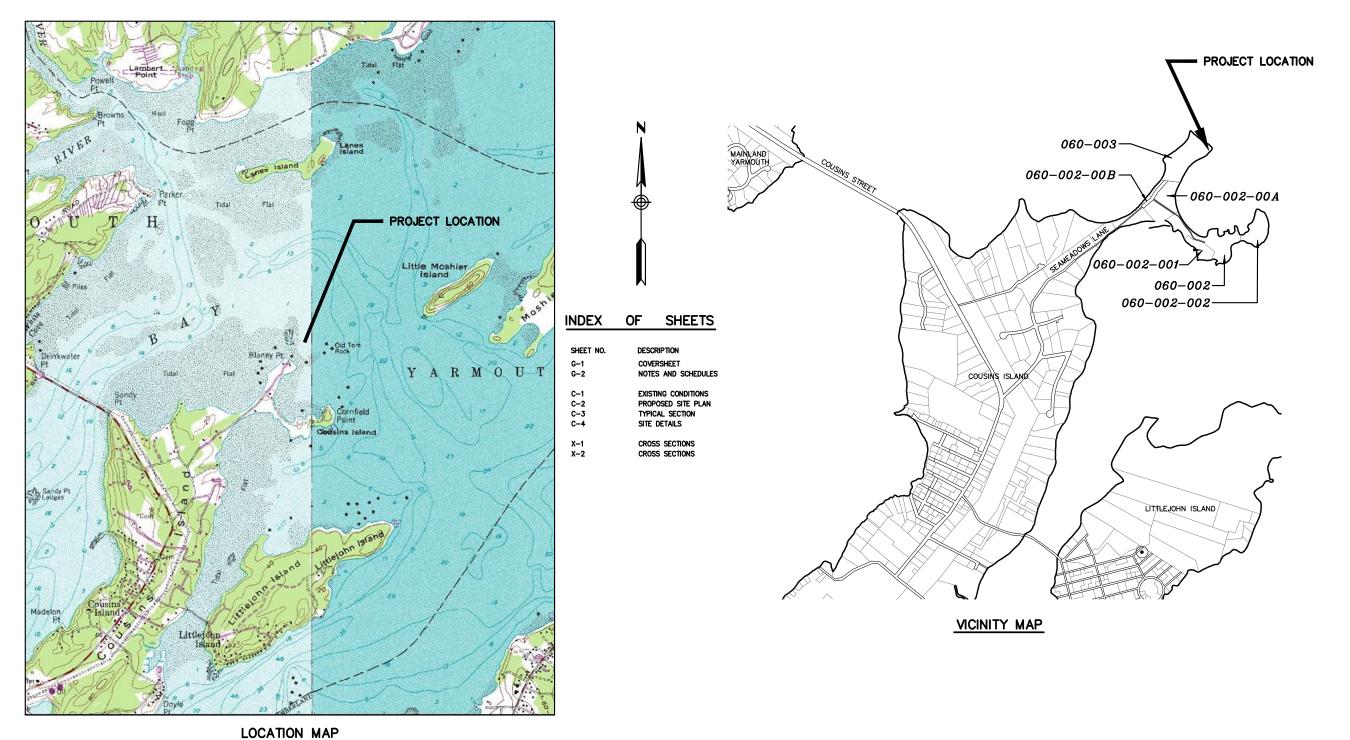
# ATTACHMENT 6 Project Plans

The following project plans are included:

- G-1 COVERSHEET
- G-2 NOTES AND SCHEDULES
- C-1 EXISTING CONDITIONS
- C-2 PROPOSED SITE PLAN
- C-3 TYPICAL SECTION
- C-4 SITE DETAILS
- X-1 CROSS SECTIONS
- X-2 CROSS SECTIONS

# EAST REVETMENT RECONSTRUCTION

# COUSINS ISLAND, YARMOUTH, MAINE PROJECT NO. 13-66c



x:\13\13-66c blaney point east revetment reconstruction\cad\13-66c\_blaney point\_ge

REVETMENT RECONSTRUCTION

#### SITE NOTES

- THE CONTRACTOR SHALL BE GOVERNED BY MAINE CONSTRUCTION SAFETY RULES AND SHALL BE SUBJECT TO THE SAFETY AND HEALTH REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) AS PROMULGATED BY THE US DEPARTMENT OF LABOR.
- THE PLAN IS BASED ON A SURVEY OF THE PROPERTY BY ROYAL RIVER SURVEY INC., PROFESSIONAL LAND SURVEYORS, 9-27-2010.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE REPLANTED AND /OR REINSTATED WITH NATIVE SPECIES.
- 4. ALL ELEVATIONS ARE TO NGVD UNLESS OTHERWISE NOTED.
- BASE FLOOD/TIDAL INFORMATION WAS TAKEN FROM MEDEP, FEMA AND NOAA PUBLISHED DATA FOR CUMBERLAND AND PORTLAND RESPECTIVELY (NGVD DATUM).

ELEVATION	CHART	NGVD29	NAVD88 (ft)	Notes		
	(ft)	(ft)				
Base Flood Elevation (Proposed)	18.3	13.7	13	FEMA 2013 FIRM, ZONE VE		
Base Flood Elevation (Existing)	16.5	12.0	11.3	FEMA 1984 FIRM, ZONE V2		
500-Year Stillwater	14.2	9.7	9.0			
100-Year Stillwater	13.6	9.1	8.4	FEMA Town of Yarmouth Flood		
50-Year Stillwater	13.2	8.7	8.0	Insurance Study		
10-Year Stillwater	12.6	8.1	7.4			
Highest Annual Tide	12.0	7.5	6.8	2019 MEDEP Predictions		
MHHW	9.9	5.4	4.7			
MHW	9.5	5.0	4.2			
NAVD88	5.3		0.0	BASED ON NOAA TIDAL BM		
NGVD29	4.5	0.0	***	"PORTLAND"		
MLW	0.3	-4.2	-4.9			
MLLW	0.0	-4.5	-5.3	1		

#### **EROSION CONTROL NOTES**

- THE CONTRACTOR WILL BE REQUIRED TO HAVE A COPY OF THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, CURRENT EDITION AND WILL BE REQUIRED TO COMPLY WITH THE STANDARDS.
- HAYBALES AND OR SILT FENCE WILL BE MAINTAINED DOWNSTREAM OF ANY CONSTRUCTION UNTIL THE SLOPE VEGETATION HAS BEEN ESTABLISHED.
- MATERIAL STOCKPILE. MATERIAL WILL BE STOCKPILED OFF SITE OR DELIVERED DIRECTLY TO THE SITE FROM BARGE OR TRUCK.
- UNSTABLE OR EXPOSED EMBANKMENTS SOILS SHALL BE DRESSED WITH TOPSOIL, SEEDED AND PROTECTED WITH EROSION CONTROL MAT AND STAPLES

STABILIZATION, RESTORATION, AND REVEGETATION PROTOCOL

#### SITE STABILIZATION NOTES

- 1. All woody and perennial plantings between the top of the newly constructed revetment and the seaward edge of the turf grass lawn to be removed (approximately 30 FT.). To improve drainage and survivorship of native restoration plantings and conservation seed mix, heavily compacted soils to be cultivated prior to planting. Once the native material has been cultivated, top-dress disturbed area with 2-3" of weed-free topsoil and sow area with coastal sait tolerant grass seed mix (New England Coastal Salt Tolerant Grass Mix, or similar).
- 2. Once seed has been sowed, all disturbed areas between the top of the newly constructed revertment and the edge of the lawn to be blanketed with 100% biodegradable erosion control fabric (ECS-2B, or similar), anchored with biodegradable stakes (12" wood Eco-Stakes, or similar) at 2" on-center. Subsequent runs of ECS-2B should overlap previous layers by 4-6" to create a shingled effect. Once ECS-2B Erosion control blankets have been implemented, install 900-g weight coir layer over ECS-2B and anchor with 1"x36" hardwood stakes at 3" on-center, tied and tensioned with jute rope (Figures 1, 2), Restoration plug and potted plantings will then be installed through the erosion control fabric.

#### REVEGETATION PLAN

1. AREA #1: ESTABLISHMENT OF VEGETATED BUFFER

Once erosion control blankets have been properly installed, implement 10" FT.-wide vegetated buffer immediately landward of the newly reconstructed revetment according to the following protocol:

#### Seaward 5.0' of buffer strip:

- American Beach Grass (Ammophila breviligulata) plugs or bare root plantings installed at 12" on-center. If bare root, must be installed dormant (by April 1).
- . Seaside Goldenrod (Solidego sempervirens) plugs installed at 36" on-center
- . Butterfly Milkweed (Asclepias tuberosa) plugs installed at 36" on-center.

#### Landward 5.0' of buffer strip:

- Little bluestem (Schizachyrium scoparium) plugs and/or 1-gallon pots installed at 36" oncenter.
- Switchgrass (Panicum virgatum) plugs and/or 1-gallon pots installed at 36" on-center.
- Beach plum (Prunus maritima) 1-2-gallon pots installed at 60" on-center.
- . Bayberry (Myrica pennsylvanica) 1-2-gallon pots installed at 60" on-center
- 2. AREA #2: RESTORATION PLANTING AREA

Once buffer strip has been established, revegetate remaining +/- 20 FT. of disturbed area between landward edge of buffer strip and seaward edge of turf grass lawn according to the following protocol:

- Install matrix of Seaside Goldenrod (S. sempervirens), Butterfly Milkweed (A. tuberosa), Switchgrass (P. virgatum), Indiangrass (S. nutans), Little Bluestem (S. scoparium), Big Bluestem (A. gerardi), and American Beach Grass (A. breviligulata) plug plantings at 3' oncenter.
- Install matrix of Beach Plum (P. maritima), Bayberry (M. pennsylvanica), and Virginia Rose (R. virginiana) 1-2 gallon potted plantings at 8' on-center
- AREA #3: REGARDING AREAS ALONG EXTREME EAST AND WEST ENDS OF REVETMENT

Areas along the extreme ends of the newly reconstructed revetment area have heavy tree cover. Install buffer strip as specified. Landward of buffer strip, sow NEWP Coastal Salt Tolerant Grass Seed Mix (or, similar) and mulch with chopped straw (EZ Straw, or similar).

#### TEMPORARY IRRIGATION. ONGOING MONITORING. AND MAINTENANCE

- To ensure survivability of native restoration plantings and seed, temporary irrigation will be required for a minimum 2 growing seasons. Please refer to the following planting protocol and typical buffer strip detail (Figures 3, 4) for additional information.
- Within the restoration and revegetation area described above, newly established plantings will be monitored bi-annually (spring and fall) for a minimum of 3 years following implementation to document survivorship. Monitoring reports including site photographs, a count of dead plantings, presence of any invasive vegetation, condition of erosion control fabric, and condition of temporary irrigation system will be submitted to the Client and will be available for inspection. If necessary, additional potted and/or plug plantings will be added to the revegetation areas at the discretion of the Client. If necessary, emergent invasive vegetation will be manually or chemically treated within the restoration and revegetation area (selectively hand-weeded, flush-cut, spot-treated with wetland-approved 3% glyphosate solution (Rodeo, or similar)).
- 3. It should be noted and articulated to the owners that the erosion control blankets are necessary to enhance the stability of the slope above the newly reconstructed revertment. At the same time, the thick layer of blankets can negatively affect the germination rate of restoration seed mixes. Therefore, the specified plug and potted plantings are required to supplement the seed. Further, depending on weather conditions (cool wet spring, hot dry summer, etc.), the owners may be required to add additional plug plantings during the second growing season to make up for the normal, expected loss of some plantings.
- These recommendations are meant as a general guide to help inform the development of project proposal(s). Please feel free to reach out to me directly to discuss alternative planting



Figure 1 – Recommended 100% biodegradable stabilization methods for 30 ft-wide area landward of reconstructed revetment.



Figure 2 – Detail view recommended buffer strip stabilization methods for 30 ft.-wide area landward of reconstructed revetment.

OT FOR CONSTRUCTION

NOTES AND SCHEDULE

NOTES AND PARTY NO. 13-66c.

CONSULTANTS

DESIGN

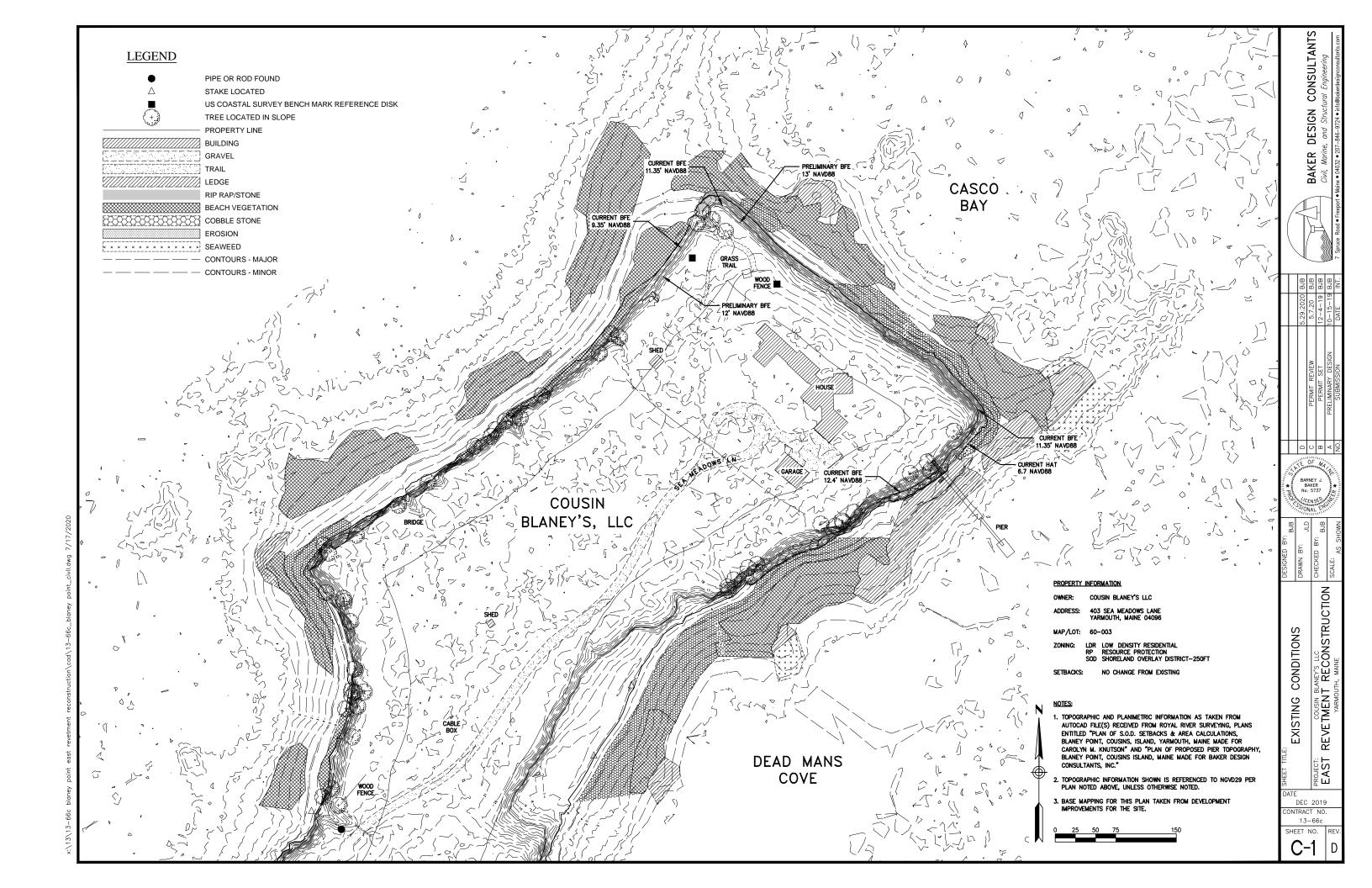
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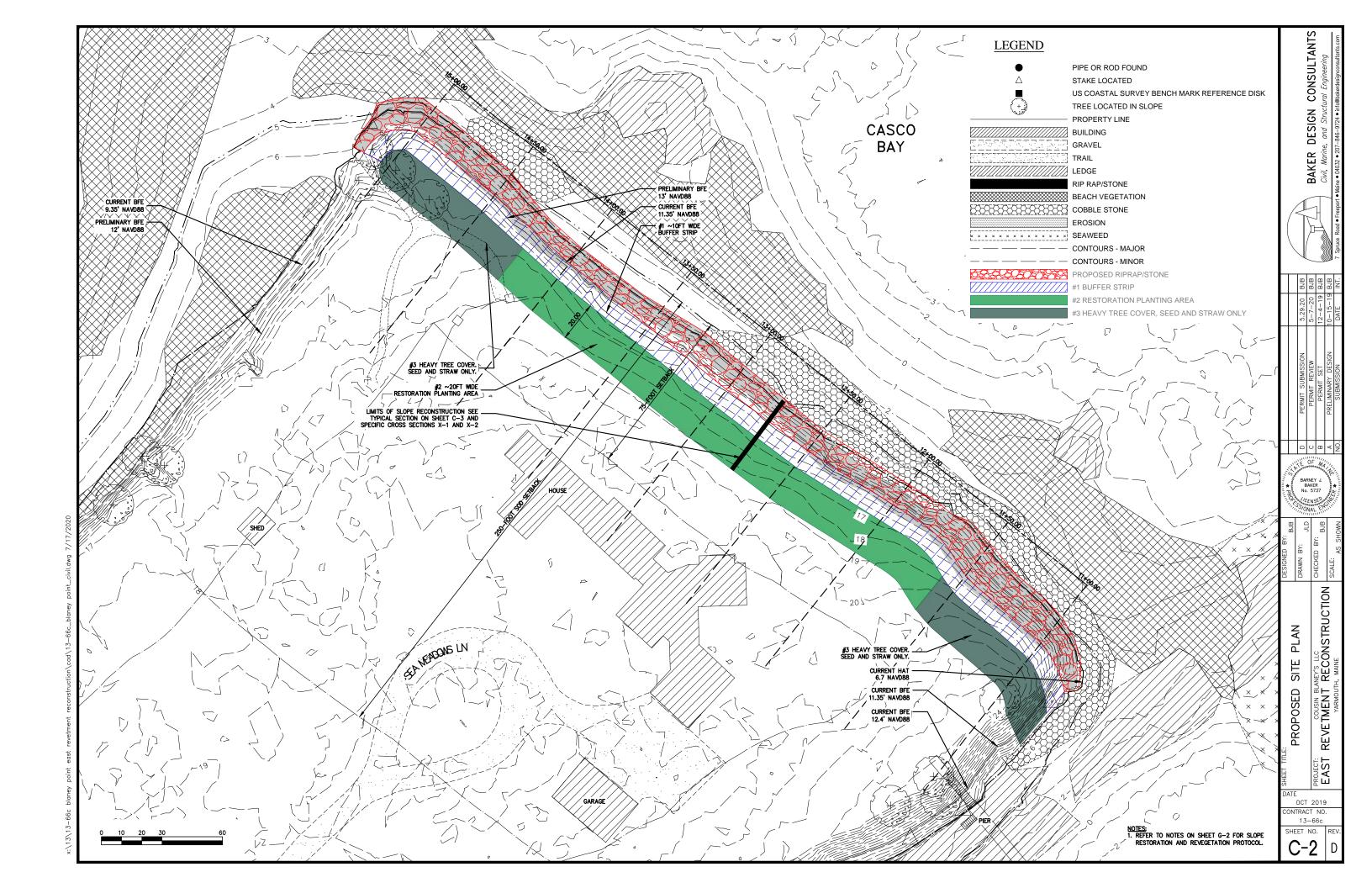
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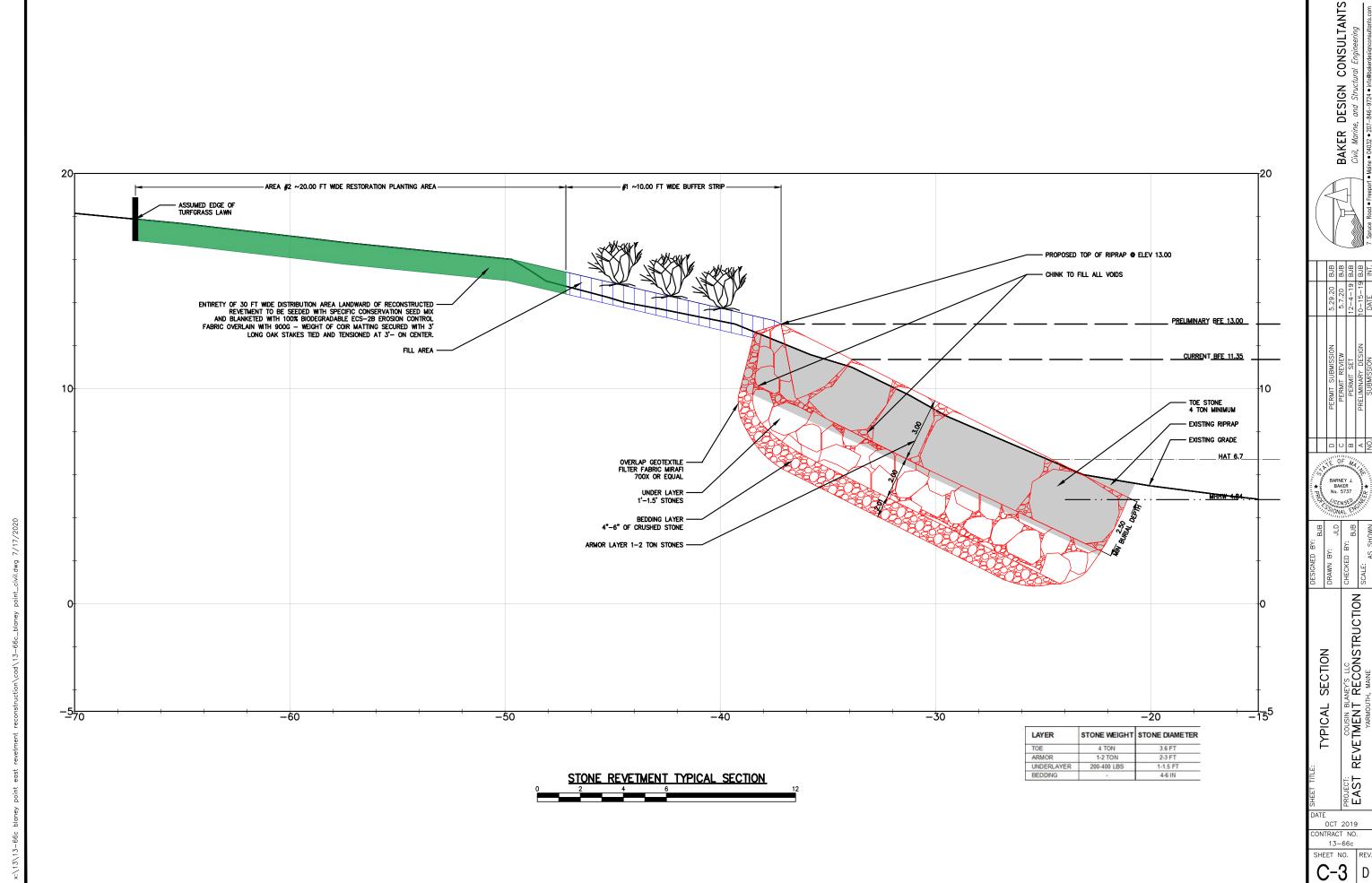
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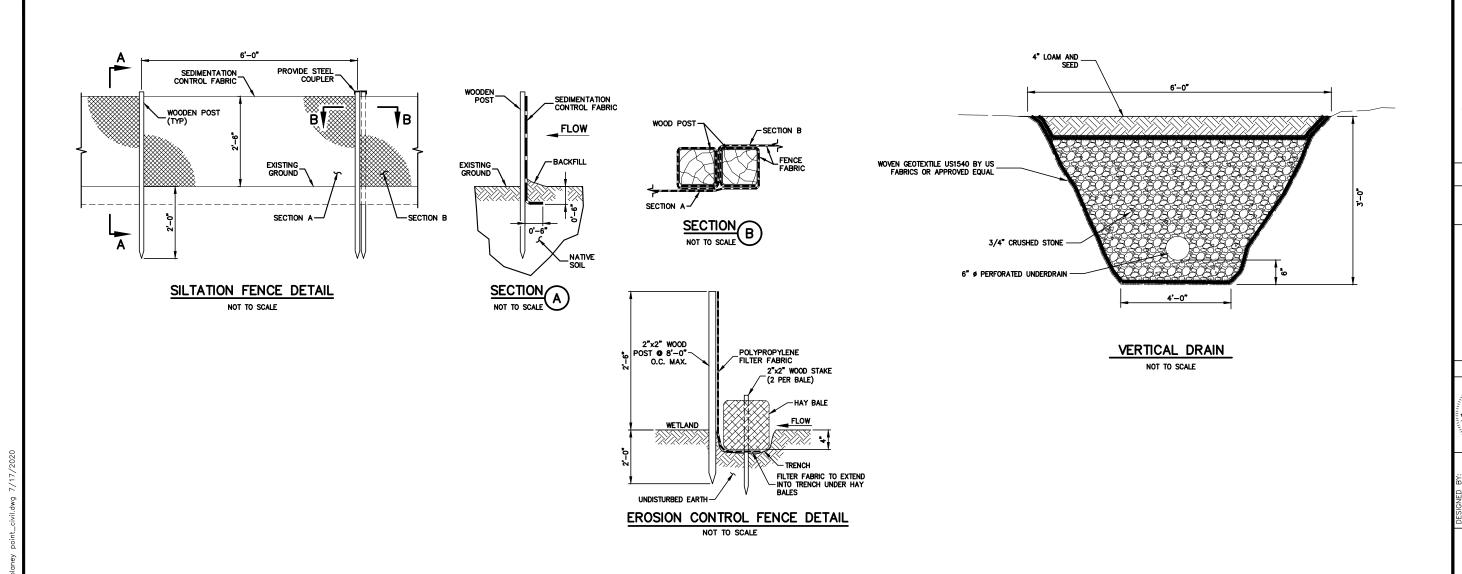
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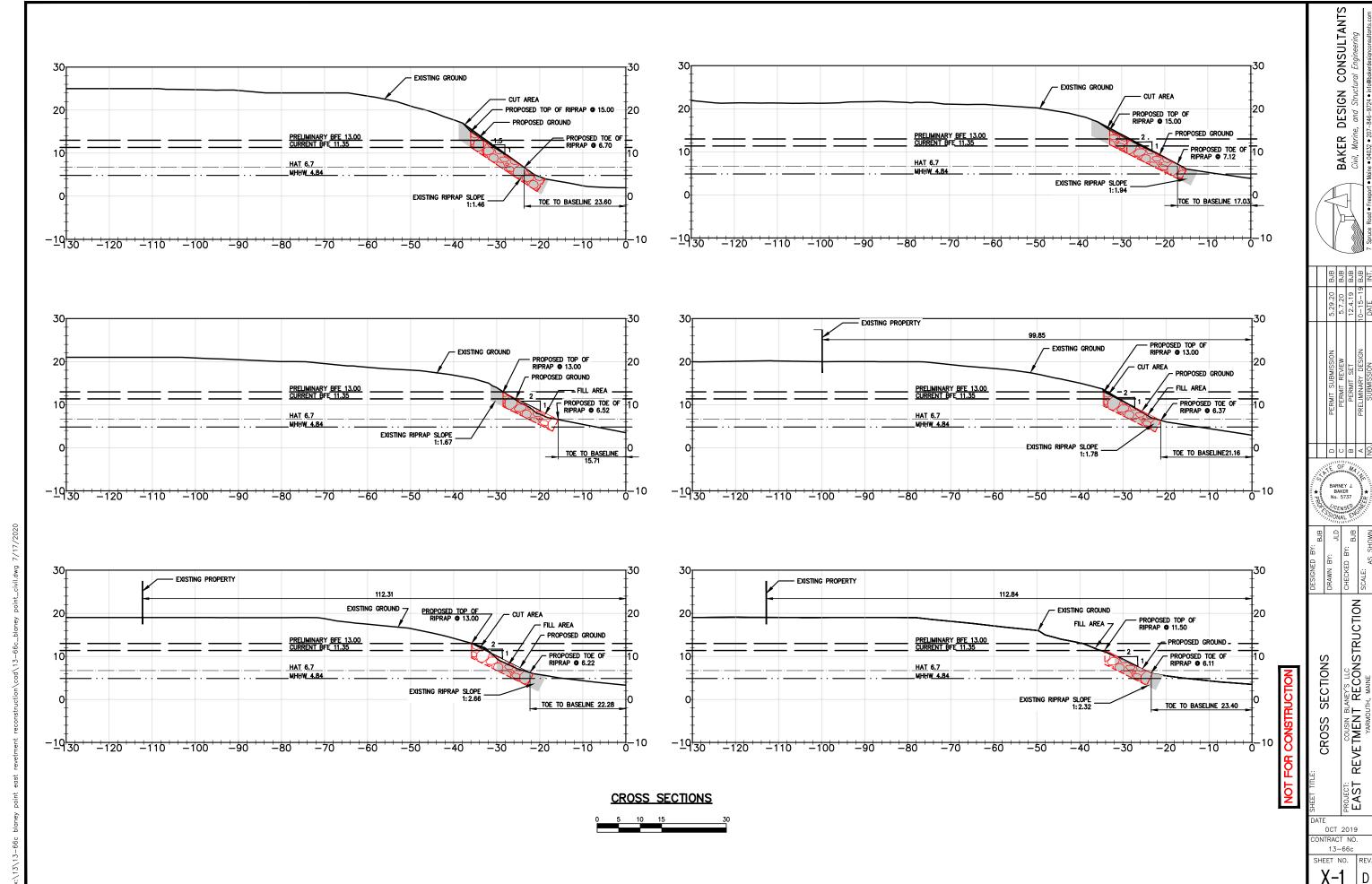


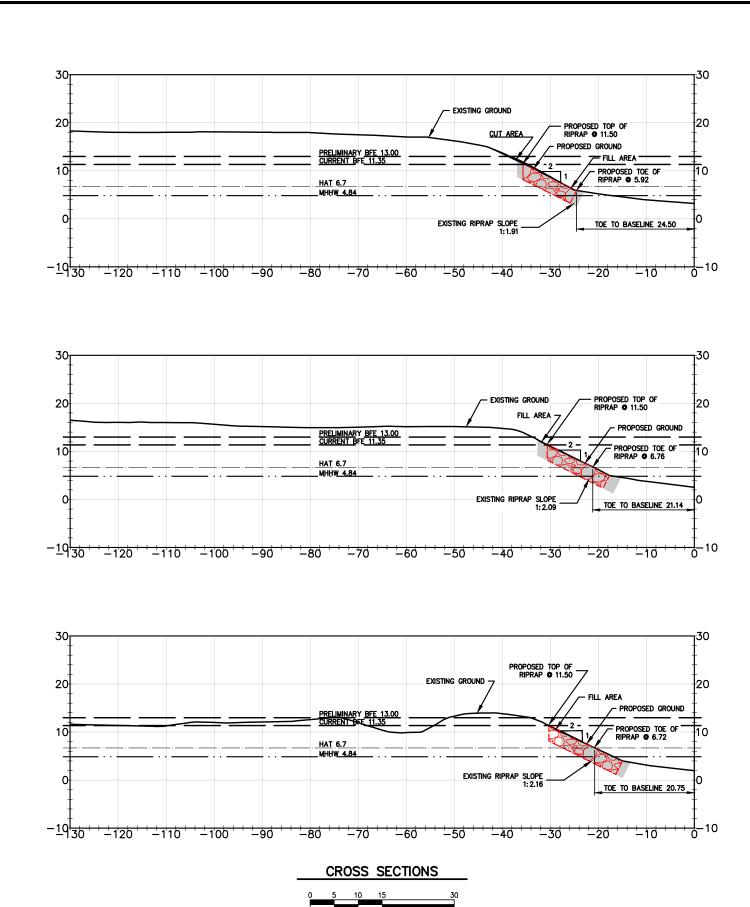




BAKER DESIGN CONSULTANTS

Civil Marine, and Structural Engineering EAST REVETMENT RECONSTRUCTION SITE DETAILS OCT 2019 CONTRACT NO. 13-66c SHEET NO. REV





REVETMENT RECONSTRUCTION SECTIONS PROJECT: EAST

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OCT 2019 13-66c

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