



135 River Road • Woolwich, ME 04579
207-837-2199 • tim@atlanticenviromaine.com
www.atlanticenviromaine.com

November 18, 2020

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

Re: Shoreland Zoning Permit Application for a Dock located at 45 Russells Hill Road in Yarmouth, Maine

Dear Mr. Jaegerman,

On behalf of Todd Patstone, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of a series of access stairs and landings that connect to a pier, ramp, and float located at 45 Russells Hill Road. Specifically, the Applicant proposes to construct a four (4) foot wide by six (6) foot long landing that connects to a four (4) foot wide by sixteen (16) foot long set of access stairs, a four (4) foot wide by five (5) foot long landing, and a four (4) foot wide by eight (8) foot set of access stairs that will provide access to the shore. The second landing will connect to a five (5) foot wide by thirty-two (32) foot long pier, a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float totaling two hundred and forty (240) square feet. The dock will provide recreational water access to Casco Bay and adjacent coastal waters (see Location Map).

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

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

Sincerely,
Atlantic Environmental LLC.

A handwritten signature in black ink that reads 'Timothy A. Forrester'.

Timothy A. Forrester, Owner

TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

WWW.YARMOUTH.ME.US

Fax: (207)846-2438

SHORELAND ZONING PERMIT APPLICATION

PERMIT # _____ ISSUE DATE _____ FEE AMOUNT _____

Date: 11/18/2020 Zoning District LDR and SZ Map 3 Lot 3 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: Todd Patsone PHONE NO: (207) 221 - 6964

MAILING

ADDRESS: 45 Russells Hill Road Yarmouth, ME 04096 e-mail patstone@gmail.com

CONTRACTOR

NAME: Custom Floats PHONE NO: (888) 844 - 9666

MAILING

ADDRESS: 11 Wallace Avenue South Portland, ME 04106 e-mail cpoole@customfloat.com

PROPERTY

LOCATION: 45 Russells Hill Road

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

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

Proposed use of project: Residential

Estimated cost of construction \$60,000

Lot area (sq. ft.) 87991.2 sq. ft.

Frontage on Road (FT) +/- 90 ft.

SQ. FT. of lot to be covered by non-vegetated surfaces No additional sq. ft.

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 370 ft.

Height of proposed structure +/- 10 ft.

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.

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD +/- 77,243 sq. ft.
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD 660 sq. ft.
- ☒ Square footage and % of cleared area within lot area within the SOD N/A
- ☒ 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 N/A
- ☐ Building elevations of any proposed structures as viewed from side and rear lot lines N/A
- ☒ % Increase of expansions of portion of structure which is less than the required setback (if applicable)
- ☐ Floor Area and Market Value of Structure prior to improvements: (a) Area: N/A
Value: N/A. Floor Area and Market Value of portions of Structure removed, damaged or destroyed: (b) Area: N/A Value: N/A.
- ☐ Elevation of lowest finished floor to 100 year flood elevation N/A
- ☐ Evidence of submission of the application to the Maine Historic Preservation Commission (MHPC) at least twenty (20) days prior to the Planning Board meeting as required in Article IV.R.O
- ☒ 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

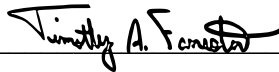
The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions 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 11/18/2020

Code Enforcement Officer _____

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



135 River Road • Woolwich, ME 04579
207-837-2199 • tim@atlanticenviromaine.com
www.atlanticenviromaine.com

June 2, 2020

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 permitting a dock located at 45 Russells Hill Road in Yarmouth, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

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

Todd Patstone
Print Name

[Signature]
Signature

6/2/20
Date

Sincerely,
Atlantic Environmental LLC.

[Signature]

Timothy A. Forrester, Owner

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

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 2.02-acre parcel of land located on Russells Hill Road and adjacent to Casco Bay in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is currently a set of access stairs that extend to exposed ledge; however, the stairs are in disrepair and need to be replaced. In addition, the stairs do not provide safe boating access to the resource for recreational water pursuits from the Applicant's property, therefore, the Applicant proposes to construct a dock. The dock will provide safe and reasonable access to Casco Bay and adjacent waters for recreational purposes.

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

In order to reach navigable waters on a partial-tide basis, the Applicant proposes to remove the existing access stairs and replace the stairs with a four (4) foot wide by six (6) foot long landing, a four (4) foot wide by sixteen (16) foot long set of stairs, and a four (4) foot wide by five (5) foot long landing. The Applicant proposes to construct a four (4) foot wide by eight (8) foot long set of access stairs from the second landing in order to access the shore. The dock will connect from the second landing and will consist of a five (5) foot wide by thirty-two (32) foot long pier. The pier will be supported with a total of eight (8), eight (8) inch by eight (8) inch pilings that will be pinned to ledge. As a result of the support pilings, there will be approximately eight (8) square feet of direct impacts to the coastal wetland. 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 (20) foot long seasonal float. The float will be secured in place with cross chains and helix anchors. The float will be designed with skids to reduce impacts to intertidal flats.

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.

EXHIBIT 2.0

Town of Yarmouth

Chapter 701: Zoning Ordinance

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

Standards of Review:

a. The Permitting Authority may require the applicant to submit an environmental impact analysis assessing the proposal's potential impact on natural areas, including cumulative impacts of the proposed structure in conjunction with other structures. **The intertidal at the site of the proposed project contains exposed ledge, rockweed covered ledge, mixed coarse and fines, and flats. The pilings will be pinned to ledge and will not result in measurable impacts to the coastal wetland. The direct impacts will result in approximately eight (8) square feet.**

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

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

d. The facility shall be located and constructed so as to create minimal adverse effects on fisheries, existing scenic character, or areas of environmental significance, such as: clam flats, eel grass beds, salt marshes, mussel bars and regionally, statewide and national significant wildlife areas as determined by Maine Department of Inland Fisheries and Wildlife (I.F.W.). **The proposed dock has been positioned to provide reasonable tidal access and will be located over exposed ledge, rockweed covered ledge, mixed coarse and fines, and flats. According to the 2018 Maine Department of Environmental Protection's Eelgrass survey map, eelgrass is not located at the project site. The ramp and float will be in place on a seasonal basis and elevated over the substrates during all tides. The project was reviewed by the US Fish and Wildlife Service (USFWS), the Department of Marine Resources (DMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW) and these agencies did not identify any issues. Given these factors, the Applicant does not anticipate there will be adverse effects on fisheries, existing scenic character, or areas of environmental significance.**

e. The activity will not unreasonably interfere with the natural flow of any surface or subsurface waters or impede the navigability of a river or channel. In making a determination regarding

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

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

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

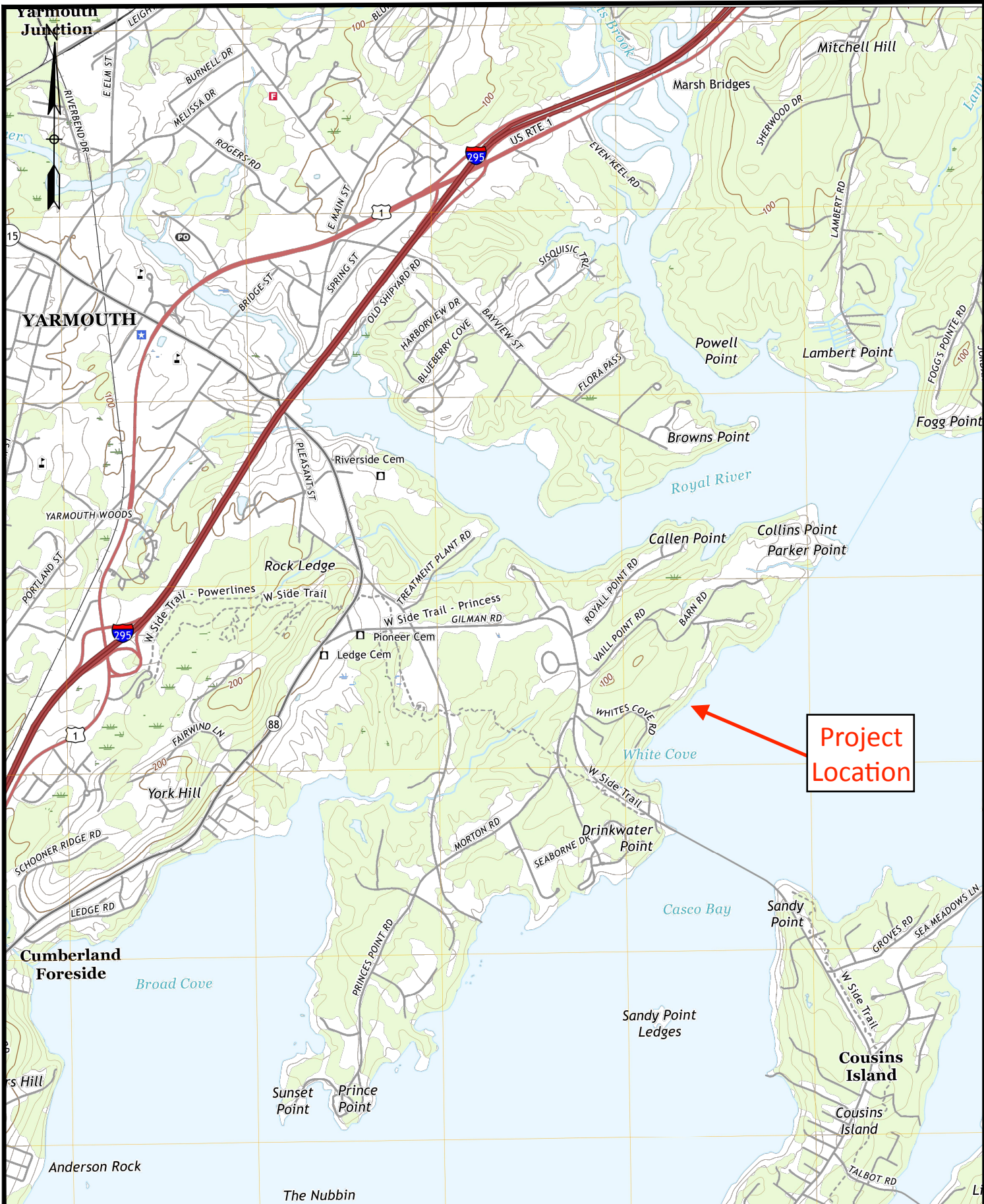
b. Ramp: Three and one half (3.5) feet in width


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

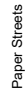
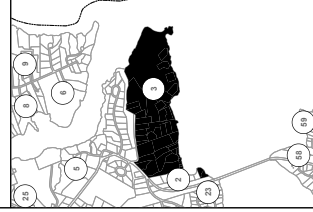
The proposed dock meets the dimensional requirements. The pier will be five (5) feet in width, the ramp will be three (3) feet in width, and the float will be two hundred and forty (240) square feet.

5. MITIGATION The Permitting Authority may require a mitigation of adverse impacts and may impose any reasonable conditions to assure such mitigation as is necessary to comply with these standards. For the purpose of this Section, "mitigation" means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse impact on the significant environmental areas, including minimizing an impact by limiting the dimensions of the Structure and type of materials used; the magnitude, duration, or location of an activity; or by controlling the time of an activity. **The Applicant is proposing a recreational dock that will provide reasonable tidal access to Casco Bay and adjacent waters. In addition, the ramp and float will be in place on a seasonal basis and stored outside the coastal wetland during the off-season.**

EXHIBIT 3.0: LOCATION MAP



 <p>ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticensviromaine.com</p>	<p>Date: 7/6/2020 Revised: Project: Patstone, Yarmouth Drafted By: ---</p>	<p>PROJECT LOCATION 45 Russells Hill Road, Yarmouth, Maine Maine Atlas & Gazetteer Map 6 (Section D-1) 43.782088, -70.151683</p>	<p>Sheet 1 of 1</p>
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 Water Body

The Town of Yarmouth shall not be held liable for discrepancies in land conveyance based on the content of these maps. The maps are for assessing purposes only. Maps revised to 2019.

MAP 3

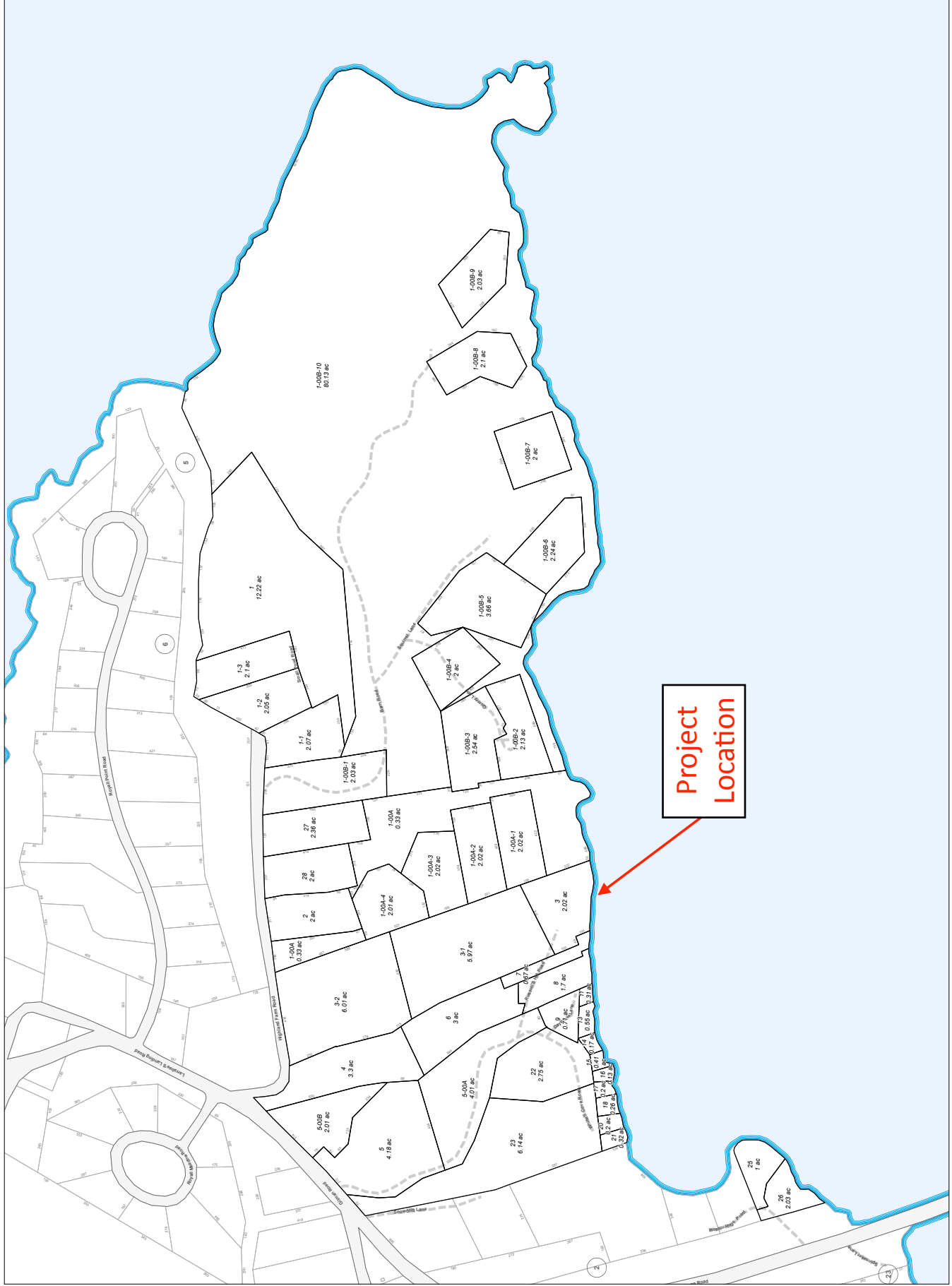


EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the existing conditions and proposed dock located at 45 Russells Hill Road in the Town of Yarmouth, ME.



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



Photograph Two. Facing easterly – view of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 28, 2020.



Photograph Three. Facing southerly – view of upper intertidal and surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 28, 2020.



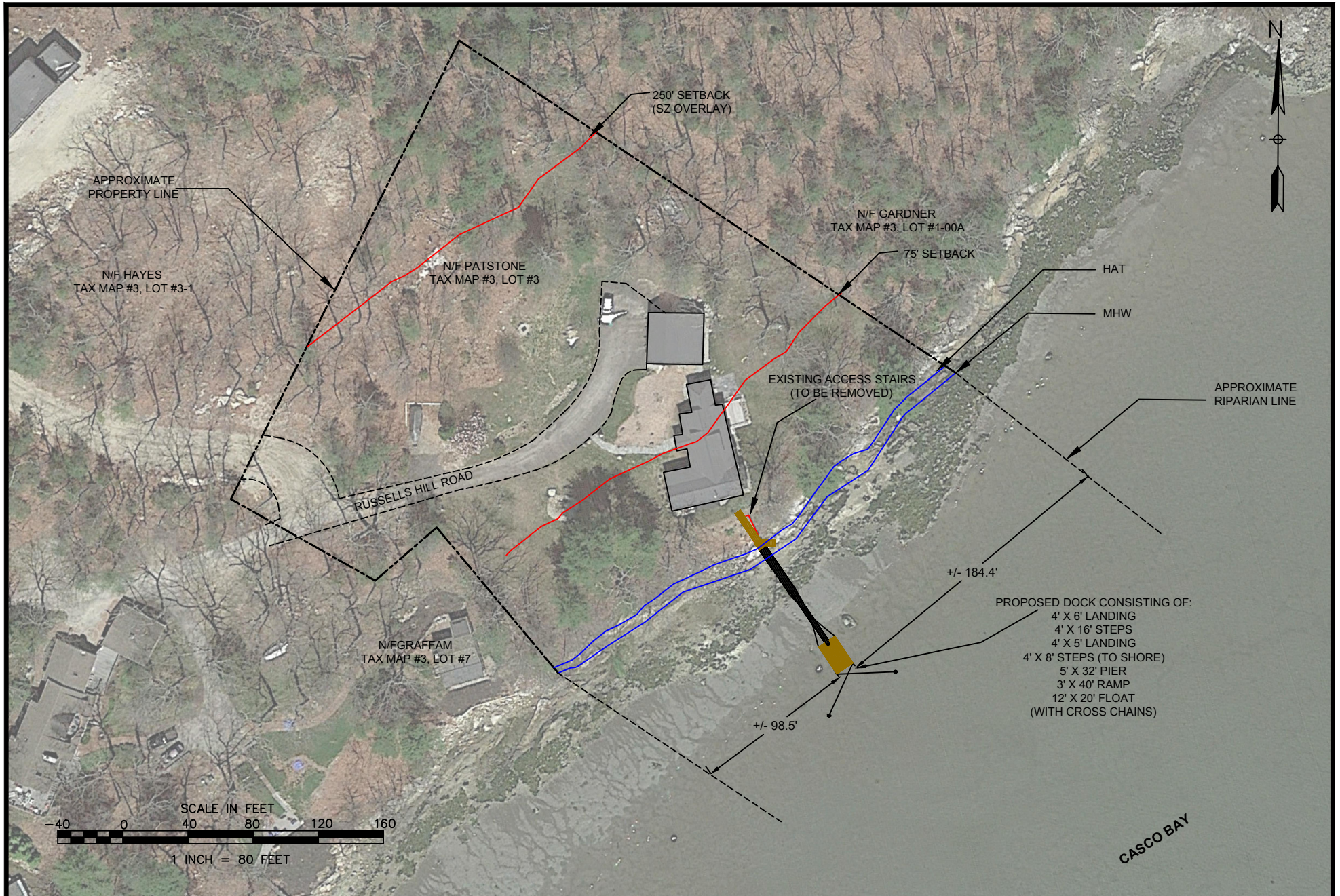
Photograph Four. Facing northerly – additional view of upper intertidal and surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 28, 2020.



Photograph Five. Facing northerly – overview of intertidal area where pier will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 28, 2020.



Photograph Six. Facing westerly – view of upland in location of proposed dock and existing access stairs that will be replaced. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: February 28, 2020.

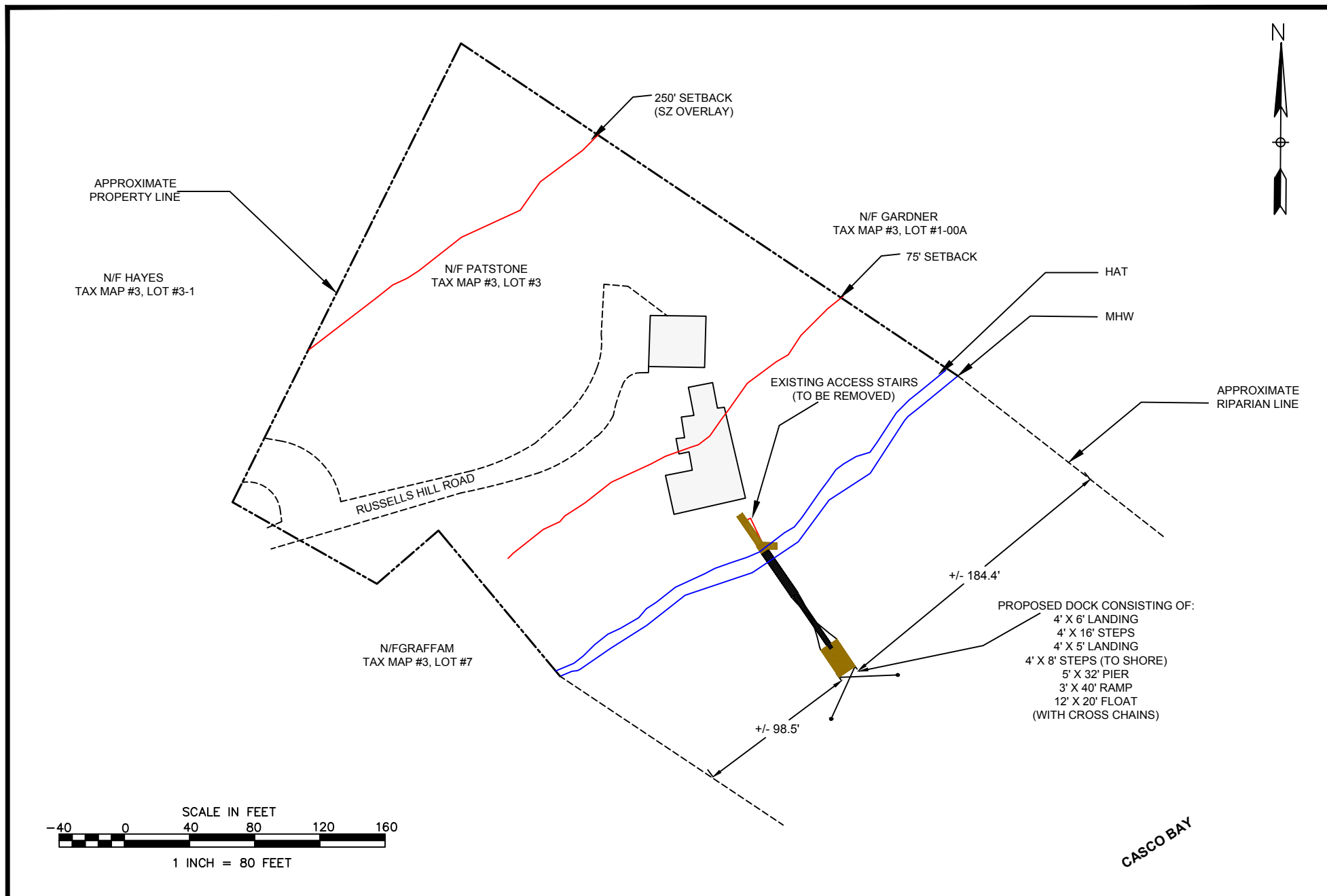


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Date: 7/6/2020
 Revised: 10/29/2020
 Project: Patstone, Yarmouth
 Drafted By: TAF/LCV

Plan View of the Proposed Dock for Todd Patstone located at 46 Russells Hill Road in Yarmouth, Maine.

Sheet
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 of
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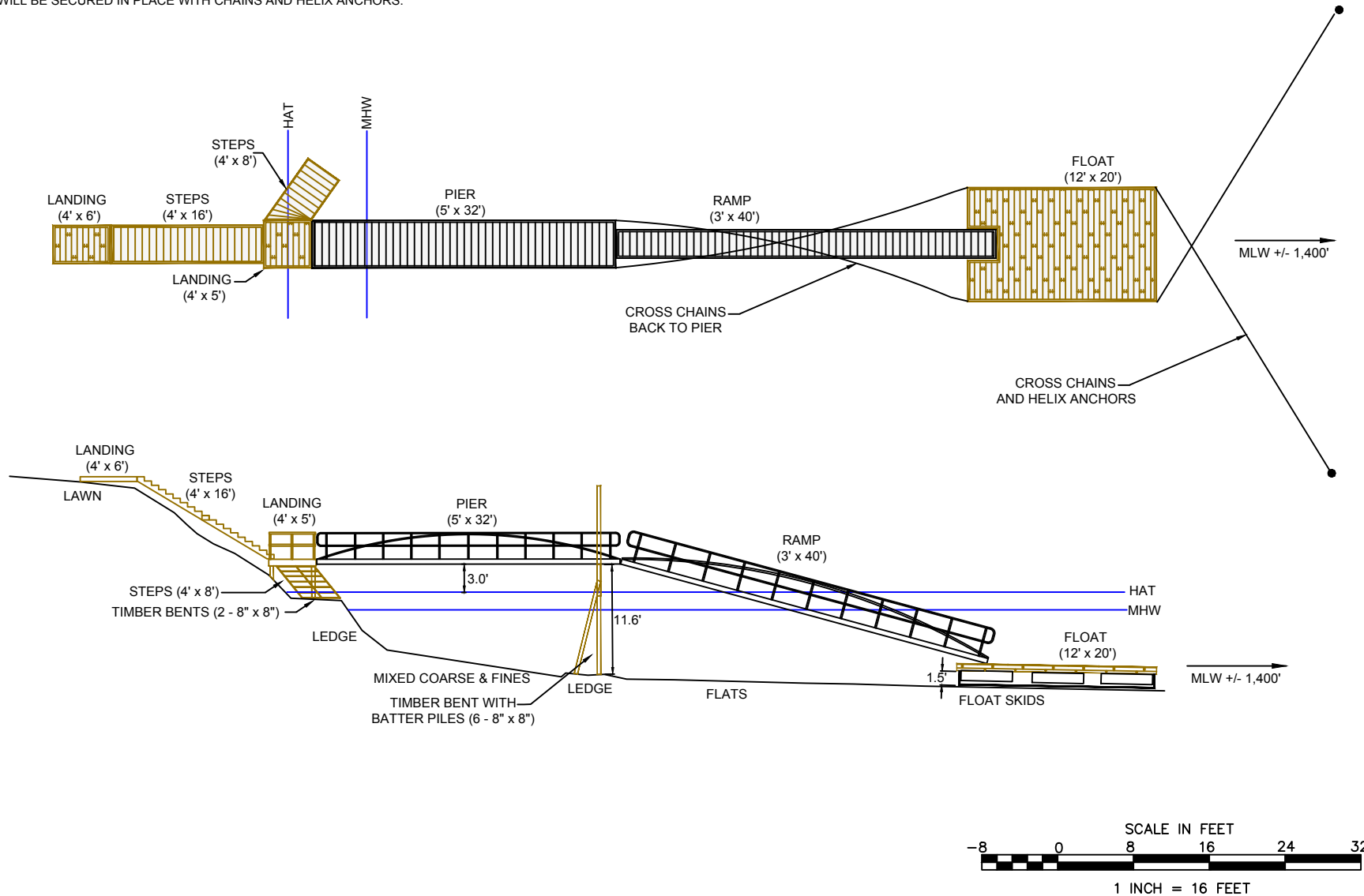
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Plan View of the Proposed Dock for Todd Patstone located at 46 Russells Hill Road in Yarmouth, Maine.

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 3

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) PILINGS WILL BE PINNED TO LEDGE.
- 3) RAMP AND FLOAT WILL BE REMOVED IN THE OFF-SEASON AND STORED IN THE UPLAND.
- 4) FLOAT WILL BE SECURED IN PLACE WITH CHAINS AND HELIX ANCHORS.



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Plan View of the Proposed Dock for Todd Patstone located at 45 Russells Hill Road in Yarmouth, Maine.

Sheet
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 of
 3

EXHIBIT 6.0: CONSTRUCTION PLAN

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

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

EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock, no formal measures are proposed to control erosion or sedimentation.

WARRANTY DEED
Maine Statutory Short Form

Know all Persons by these Presents,

That we, Russell A. Baker, Jr. and Kyle F. Baker, of Yarmouth, State of Maine,
for consideration paid, grant to:

Todd A. Patstone and Andrea D. Patstone

of Yarmouth, State of Maine, whose mailing address is: 4 Silver Street, Yarmouth, Maine
04096, with **warranty covenants, as joint tenants**, the land 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 18th day of November, 2011

Signed, Sealed and Delivered
in the presence of

Sandra J. Wood

Sandra J. Wood

Russell A. Baker, Jr.

Russell A. Baker, Jr.

Kyle F. Baker

Kyle F. Baker

State of Maine
County of Cumberland

ss

November 18, 2011

Then personally appeared before me the above named Russell A. Baker, Jr. and
Kyle F. Baker and acknowledged the foregoing instrument to be their free act and deed.

Sandra J. Wood

Attorney at Law/Notary Public

Printed Name: _____

Sandra J. Wood
Notary Public, State of Maine
My Commission Expires 1-09-2013

SEAL

MAINE REAL ESTATE TAX PAID

EXHIBIT A
45 Russell's Hill Road, Yarmouth, Maine

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

BEGINNING at an iron marker located at the southeasterly side of the Vaill Road in said Yarmouth, said iron marker being located North 63° 36' East and Two Hundred Thirty-Two and Three Tenths (232.3) feet from a point where a stone wall marking the northeasterly boundary line of land now or formerly of Emerson intersects the Vaill Road;

Thence S 30° 23' E 508.9' to an iron marker;
Thence S 51° 21' E 300.3' to an iron marker;
Thence S 46° 00' E 530.5' to an iron marker;
Thence S 41° 53' E 141.3' to an iron marker;
Thence N 70° 11' E 48.6' to an iron marker;
Thence S 21° 43' E 120' to the high water mark;
Thence in an easterly direction along the shore of White's Cove, Casco Bay, to land now or formerly of Frederick S. Vaill, Jr.;
Thence N 37° 14' W 46.8' to an iron marker;
Thence in the same direction 306.4' to an iron;
Thence in the same direction 192.1' to an iron;
Thence in the same direction 231.8' to an iron;
Thence in the same direction 288.1' to an iron;
Thence in the same direction 252.4' to an iron;
Thence in the same direction 191.4' to an iron;
Thence in the same direction 90.5' to an iron;
Thence S 55° 9' W 103.2' to an iron marker;
Thence S 65° 50' W 313.4' to the point of beginning.

Reference is made to Plan of Partial Survey for Carmichael, Baker and Vaill, Whites Cove, Yarmouth, Maine dated August 20, 1976 and recorded in the Cumberland County Registry of Deeds in Plan Book 117, Page 53.

Also conveying those certain easements or rights of way as set forth in deed from Paul Dingley to Russell A. Baker dated July 3, 1963 and recorded in the Cumberland County Registry of Deeds in Book 2834 Page 47, and in deed from Robert S. Ordway to Russell A. Baker dated July 3, 1963 and recorded in said Registry of Deeds in Book 2834 Page 49, to which deeds and the record thereof reference is hereby made.

Also conveying, with quitclaim covenant, an easement or right of way appurtenant to the above-described premises for purposes of ingress and egress and the installation and maintenance of utilities extending from Gilman Road over the existing private way known as White's Cove Road and the existing private way known as Russell's Hill Road to the above-described premises.

- Also conveying any right, title and interest we may have in and to Vaill Road, also known as Vaill Point Road.

Also conveying all right, title and interest in and to the intertidal zone lying between the above-described premises and the low water mark of Casco Bay.

Being the same premises conveyed to the Grantors herein by warranty deed from Russell A. Baker, Jr. dated March 30, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23804, Page 161.

Received
Recorded Register of Deeds
Nov 21, 2011 02:55:50P
Cumberland County
Pamela E. Lovley



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TODD PATSTONE) NATURAL RESOURCES PROTECTION ACT
Yarmouth, Cumberland County) COASTAL WETLAND ALTERATION
RESIDENTIAL PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-28791-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-28791-TW-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of TODD PATSTONE with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: On May 19, 2016, the Department accepted a Natural Resource Protection Act (NRPA) Permit by Rule (PBR# 61674), pursuant to Chapter 305 §§ 2 and 7, for the expansion of an existing building and the removal of a structure adjacent to the coastal resource.

B. Summary: The applicant proposes to construct a recreational pier system with partial-tide access for recreational boating and docking. The proposed pier system consists of a four-foot wide by six-foot long landing platform, a set of four-foot wide by 16-foot long steps, a four-foot wide by five-foot long landing platform with a set of a four-foot wide by 8-foot long steps to access the shore, a five-foot wide by 32-foot long pile-supported permanent pier structure, a three-foot wide by 40-foot long seasonal ramp, and a 12-foot wide by 20-foot long seasonal float. The pier structure will be supported by eight eight-inch diameter pilings pinned to ledge, all of which are located within the resource. The float will be secured in place by a set of a cross chains and helix anchors. The proposed project will result in approximately eight square feet of direct impact to the coastal resource and approximately 572 square feet of indirect impact to the coastal resource.

According to the Department's Geographic Information System (GIS) Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated as a Significant Wildlife Habitat, is located within the proposed project site. Details of the proposed project are identified on a set of plans, the first being titled, "Plan View of the Proposed Dock for Todd Patstone located at 45 Russells Hill Road in Yarmouth, Maine," prepared by Atlantic Environmental, LLC. and dated July 6, 2020. The proposed project is located at 45 Russells Hill Road in the Town of Yarmouth.

C. Current Use of the Site: The 2.02-acre parcel is developed with a residential building and associated improvements with a set of wooden access stairs that will be removed and replaced during the project. The parcel is identified as Lot 3 on Map 3 of the Town of Yarmouth's tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings, including an aerial photograph of the project site.

The proposed project is located on White Cove in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. There is one other pier system in this area and the applicant has proposed a pier system that is similar in length to the existing pier system. The applicant proposes to remove the ramp and float from the resource seasonally, reducing the visual impact of the project.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal resource.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

No trees or other vegetation removal are proposed during construction of the proposed pier system which will be constructed from upland. Pilings for the proposed pier system will be pinned to ledge. The proposed ramp and float will be constructed at an off-site location and set in place once the pier is constructed. The proposed project will work in accordance with the Department's *Maine Erosion and Sediment Control Best Management Practices*, dated October 2016. Based upon these construction methods, the applicants anticipate that soil disturbance associated with project construction will be minimal.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The habitat in the immediate area of the proposed project consists of exposed and rockweed covered ledge and mixed coarse and fines in the upper intertidal area. The lower intertidal consists of soft sediment mud flats.

According to the Department's GIS there is TWWH, which is designated as a Significant Wildlife Habitat. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and recommended that construction BMPs be followed and that all construction not occur during May 1 through June 20 and July 15 through October 1 of any given year, as well as to minimize the dimensions of the structure in order to minimize avian predator perching opportunities and disturbance to seasonal migratory waterfowl and wading birds. In response, the applicant reduced the length of the float to the greatest extent practicable, stating that the permanent pier structure could not be reduced further due to existing ledge in the intertidal that would prohibit float stability.

In its review, the DMR stated that the project as proposed would have some impacts to the marine resources and habitat, because the float will rest on the soft bottom habitat during all low tides. The applicant proposes skids for the float, which will minimize the impacts to the resource.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided construction does not occur May 1 through June 20 and July 15 through October 1 of any given year.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter approximately eight square feet of coastal wetland to construct the proposed pier system and to indirectly alter 572 square feet of coastal wetland. All coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicant also submitted an alternatives analysis for the proposed project completed by Atlantic Environmental, LLC. The project purpose is to provide safe, readily available recreational boating access to the resource. The applicant considered not constructing a pier system but given the rocky habitat in the immediate area and steep slope, the applicant has determined that accessing the resource for boating from the existing conditions isn't possible. The applicant considered the use of a temporary structure but stated that a temporary structure wouldn't provide the stability and safety needed in order to meet the project purpose. The applicant considered other locations on the parcel but found that other locations would require a longer pier structure to allow the float to land

beyond the ledge. The applicant considered public and private facilities, both located approximately three miles away, but found that neither option provided readily available access to the resource. The proposed project provides the safest readily available access to the resource for recreational boating.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant reduced the size of the float from 24 feet long to 20 feet long, equipped it with skids, and will seasonally remove both the ramp and float to minimize the impacts to the coastal wetland.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided construction does not occur May 1 through June 20 and July 15 through October 1 of any given year.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA-treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

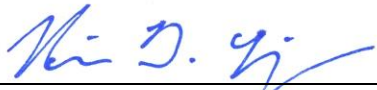
THEREFORE, the Department APPROVES the above noted application of TODD PATSTONE to construct a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.
5. Construction of the pier system shall not occur from May 1 through June 20 and July 15 through October 1 of any given year.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 2ND DAY OF NOVEMBER, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyz, Acting Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L28791ANBN/ATS#86268, 86572

FILED
November 3, 2020
State of Maine
Board of Environmental Protection



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

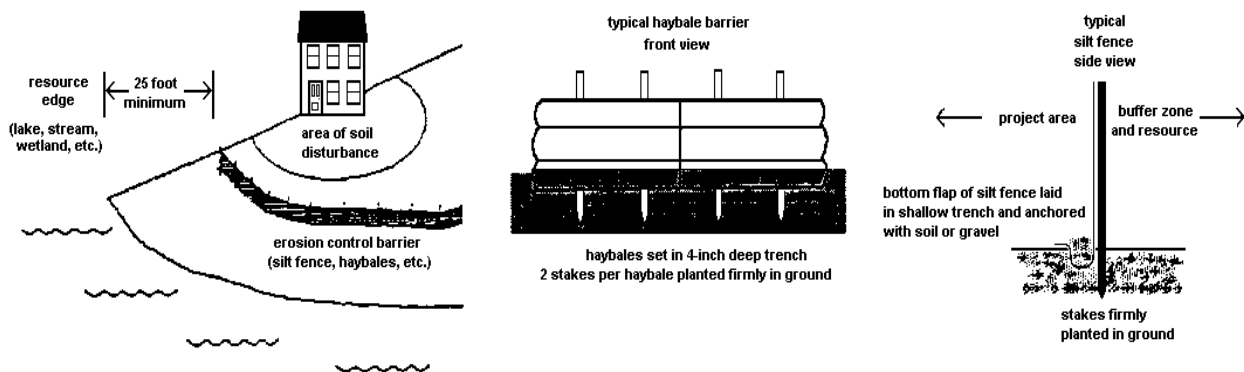


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead – buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?**To Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



REPLY TO
ATTENTION OF

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

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

TODD PATSTONE
45 RUSSELLS HILL ROAD
YARMOUTH, MAINE 04096

CORPS PERMIT # NAE-2020-01774
CORPS GP ID# 20-381
STATE ID# NRPA

DESCRIPTION OF WORK:

Install and maintain a 32-ft. long x 5-ft. wide pile-supported pier with a 40-ft. long x 3-ft. wide ramp leading to a 24-ft. long x 12-ft. wide float with associated mooring tackle all below the mean high water line of White Cove off 45 Russells Hill Road at Yarmouth, Maine. This work is shown on the attached plans entitled "PROJECT LOCATION", and "Plan View" in three sheets all dated "7/6/2020".

See GENERAL and SPECIAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.782088° N -70.151683° W USGS QUAD: YARMOUTH, ME

I. CORPS DETERMINATION:

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

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

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

Condition 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

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

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

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

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

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 16JUL2020 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

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

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

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

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

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION
16JUL2020
DATE



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

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2020-01774**

GENERAL CONDITIONS

10. Navigation: c. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

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

28. Inspections: The permittee shall allow the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP and any written verification. To facilitate these inspections, the permittee shall complete and return to the Corps the following forms: a) Work-Start Notification Form and b) Compliance Certification Form, when either is provided with the authorization letter. **These forms are attached after the plans.**

SPECIAL CONDITIONS

1. Installation of the pier's timber bent with batter piles shall be conducted during periods of low water when the site is in-the-dry in order to minimize potential effects to local water quality, endangered species and essential fish habitat.
2. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above the high tide line and not on tidal marsh or in wetlands.
3. This permit does not eliminate the need to obtain local harbormaster approval or conform to local harbor management plans.