



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

March 30, 2021

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

Re: Shoreland Zoning Permit Application for a Dock located at 239 Moshier Island in Yarmouth, Maine

Dear Mr. Ciarimboli,

On behalf of Philip and Josephine Ahrens, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of two pier sections that connect to a ramp and float located at 239 Moshier Island. Specifically, the Applicant proposes to construct a four (4) foot wide by twenty-five (25) foot long access pier that connects to a five (5) foot wide by thirty-five (35) foot long pier. The second pier will connect to a three (3) foot wide by forty-five (45) foot long ramp and a twelve (12) foot wide by twenty-four (24) foot long float. The project includes the construction of a four (4) foot wide by six (6) foot long landing and four (4) foot wide by ten (10) foot long access stairs for access along the shoreline and a ten (10) foot wide by forty (40) foot long float haulout for off-season storage of the float. The dock will provide access to Moshier Island and the mainland as well as recreational water access to Casco Bay and adjacent coastal waters (see Location Map).

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

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

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: 3/30/2021 Zoning District RR, SZ, RP Map 64A Lot 4 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: Philip and Josephine Ahrens PHONE NO: (207) 233 - 7893

MAILING

ADDRESS: 97 Cousins Street Yarmouth, ME 04096 e-mail epaley@gmail.com

CONTRACTOR

NAME: Falls Point Marine PHONE NO: (207) 865 - 4567

MAILING

ADDRESS: 3 S Freeport Road Freeport, ME 04032 e-mail carter@fallspoint.com

PROPERTY

LOCATION: 239 Moshier Island

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

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

Proposed use of project: Residential

Estimated cost of construction \$50,000

Lot area (sq. ft.) 662112 sq. ft.

Frontage on Road (FT) N/A

SQ. FT. of lot to be covered by non-vegetated surfaces 164 sq. ft. (pier section and landing and stairs)- All other structures located below the HAT

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 1039 ft.

Height of proposed structure Variable

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 +/- 343,126 sq. ft.
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD 164 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

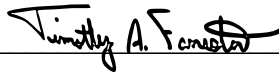
The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions 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 3/30/2021

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

September 30, 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 dock permitting at my property located at 239 Moshier Island 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.

PHILIP AHRENS

Print Name

Philip Ahrens

Signature

11/18/20

Date

JOY AHRENS

Joy Ahrens

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester

Timothy A. Forrester, Owner

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 15.2-acre parcel of land located on Moshier Island and adjacent to Casco Bay in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The site is currently undeveloped and is utilized by the Applicant for recreational purposes. The Applicant is in the process of developing plans for residential use. There is currently no formal access to land watercraft from the mainland or access the resource for recreational water pursuits from the property. In order to meet this project purpose, the Applicant proposes to construct a dock.

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

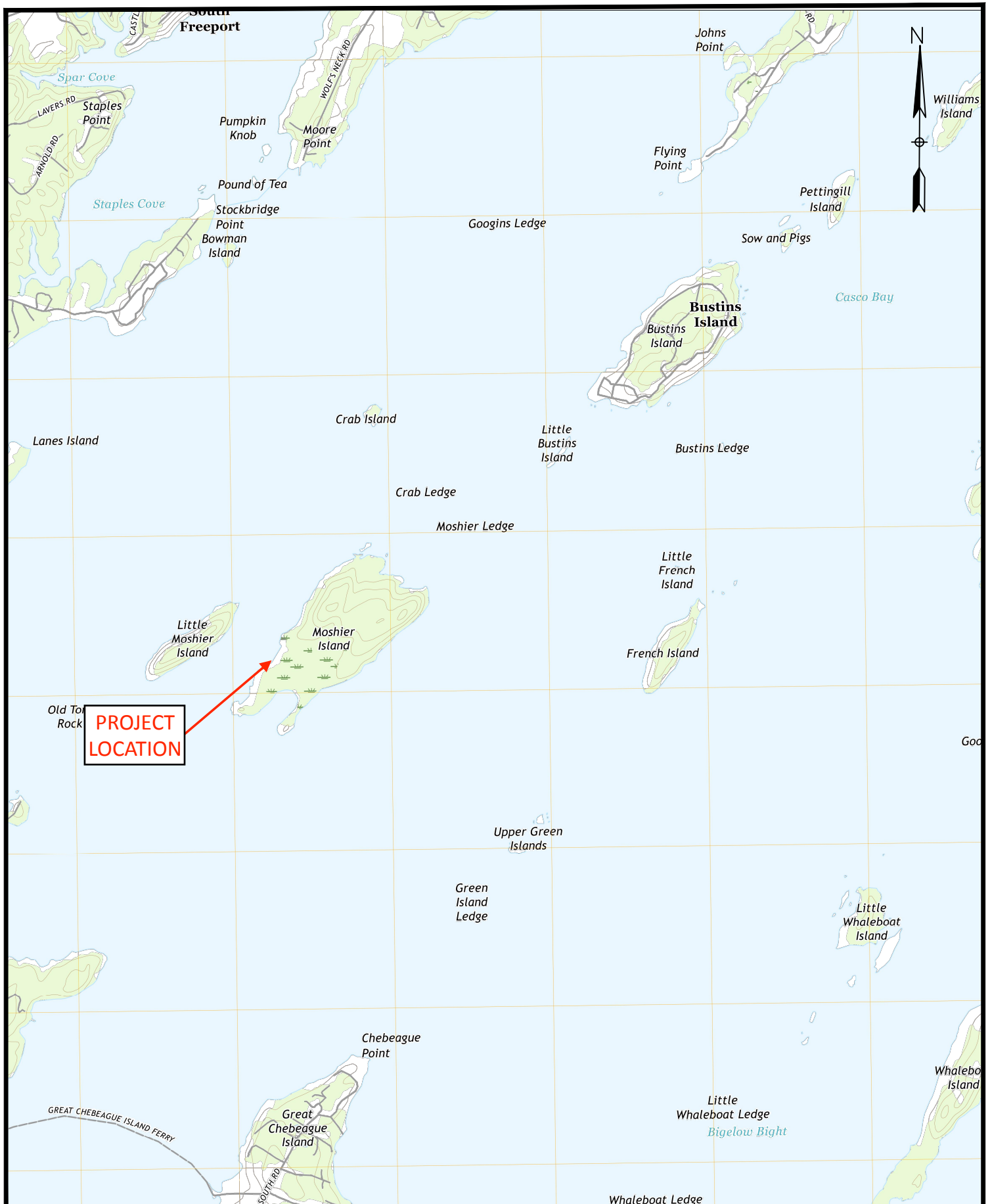
In order to reach navigable waters on a partial-tide basis, the Applicant proposes to construct a four (4) foot wide by twenty-five (25) foot long access pier. The pier will connect to a five (5) foot wide by thirty-five (35) foot long pier. The two piers will be supported with a total of ten (10), ten (10) inches by ten (10) inches pilings that will be pinned to ledge. As a result of the supports for the pier that are located below the Highest Annual Tide (HAT) line, there will be approximately six (6) square feet of direct impacts to the coastal wetland. The second pier will connect to a three (3) foot wide by forty-five (45) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long seasonal float. The float will be secured in place with cross chains and designed with four (4) inches by eight (8) inches skids to reduce

impacts to intertidal flats. The Applicant proposes to construct the float with this size skid for personal safety, boat safety, and ease of use.

During the off-season, the ramp will be stored on the pier. As part of the project, the Applicant proposes to construct a ten (10) foot wide by forty (40) foot long float haulout that will be located to the north of the proposed pier. The haulout will provide off-season storage of the float and will be constructed with four (4), six (6) inches by six (6) inches posts that will be pinned to ledge and two (2), eight (8) inches by eight (8) inches by forty (40) foot long stringers. As a result of the float haulout, there will be approximately one (1) square foot of impacts to the coastal wetland for a total of seven (7) square feet of direct impacts to the resource.

The Applicant also proposes to construct a set of access stairs consisting of a four (4) foot wide by six (6) foot landing and a four (4) foot wide by ten (10) foot long stairs. The stairs will be located to the north of the proposed dock, will be located above the HAT, and will not result in direct impacts to the coastal wetland.

EXHIBIT 3.0: LOCATION MAP



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

Date: 1/11/2021
Revised:
Project: Ahrens, Yarmouth
Drafted By: ---

PROJECT LOCATION
239 Moshier Island, Yarmouth, Maine
Maine Atlas & Gazetteer
Map 6 (Section D-1)
43.781491, -70.103127

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EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the existing conditions and the proposed location of the dock located at 239 Moshier Island 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 northerly – view of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 25, 2020.



Photograph Three. Facing southerly from upland. View of proposed location of dock. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 25, 2020.



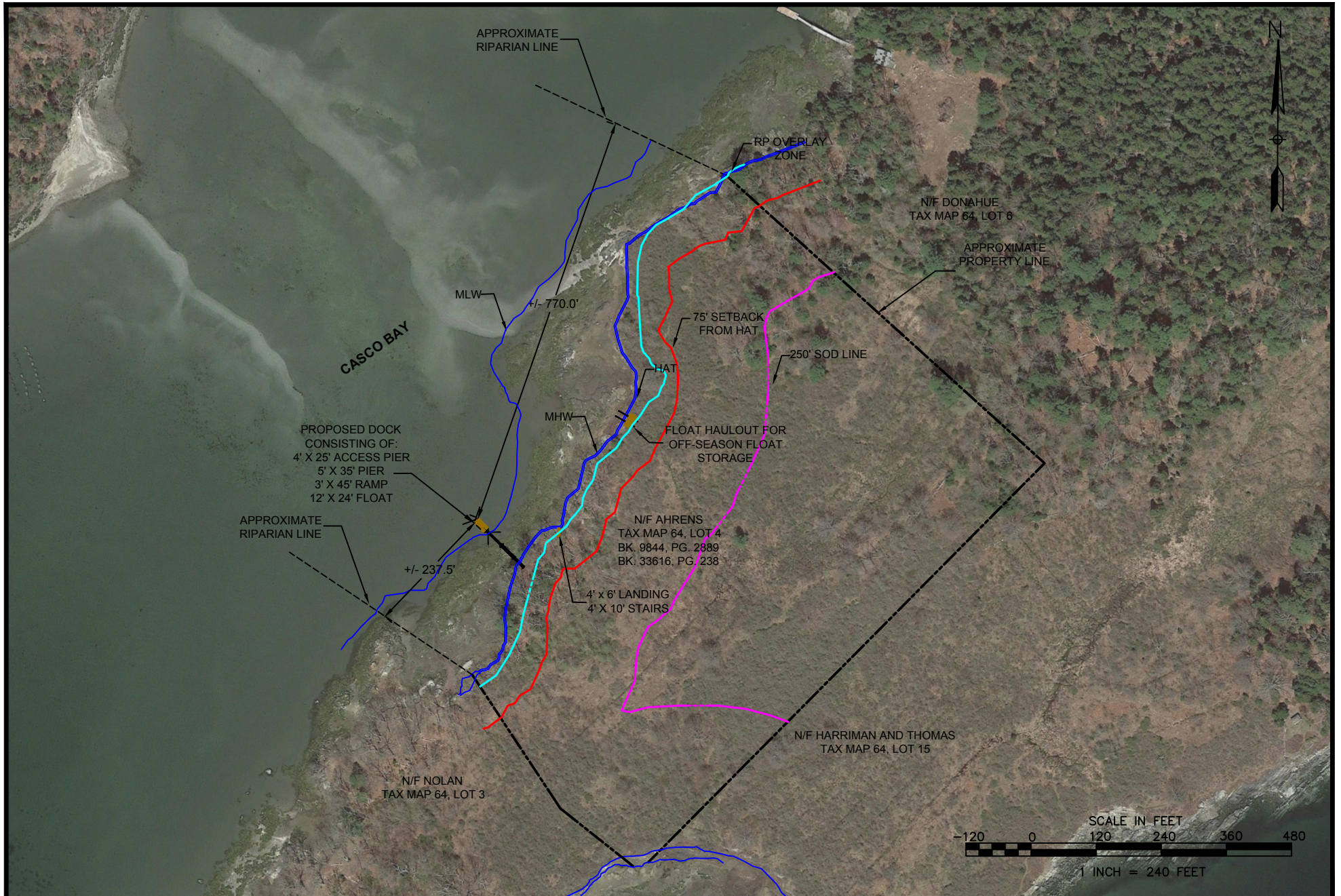
Photograph Four. View of lower intertidal area. Float will land beyond rockweed covered ledge. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 25, 2020.



Photograph Five. View of proposed location where dock will begin. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 25, 2020.



Photograph Six. Facing westerly showing view of proposed dock location from the upland. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 25, 2020.



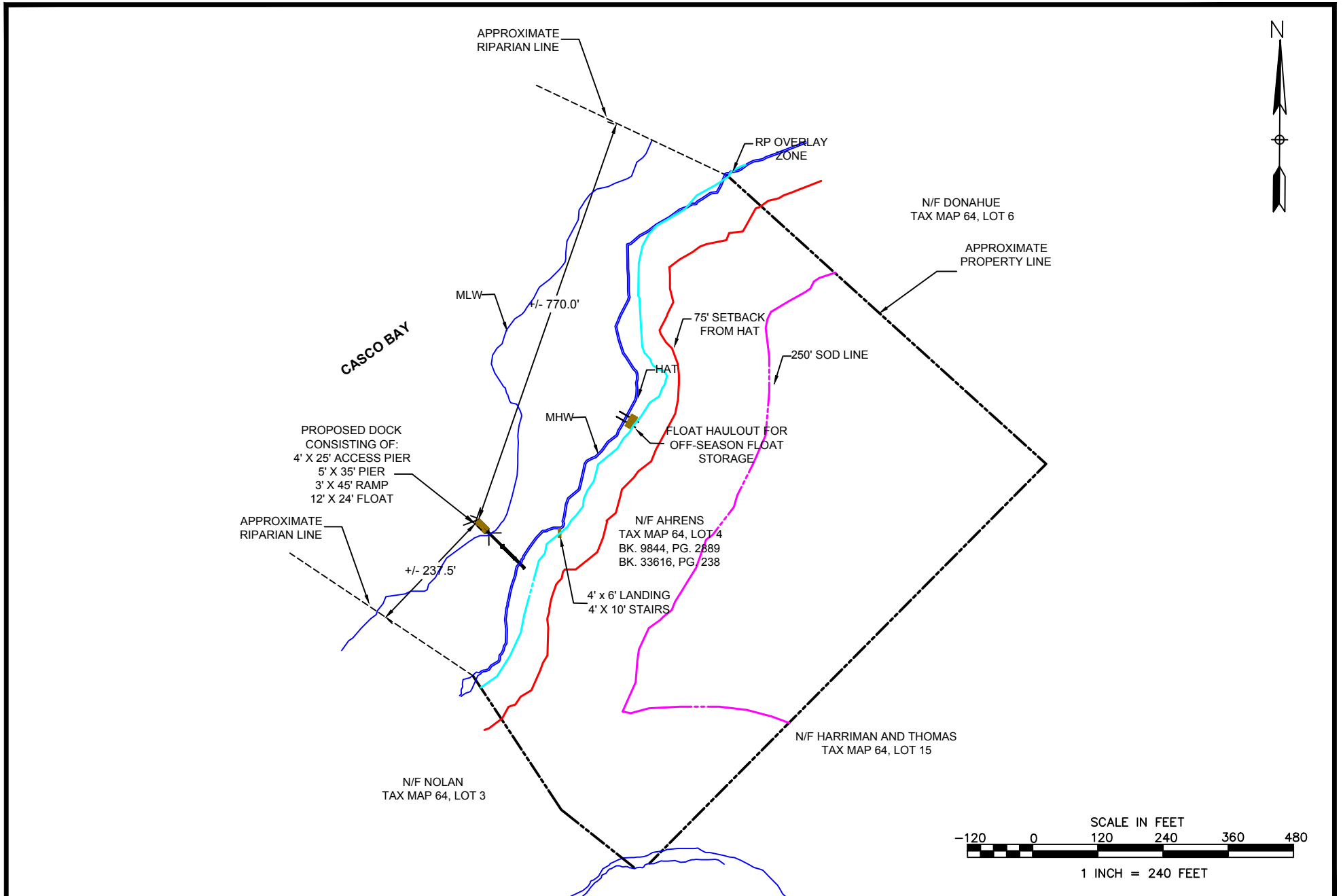
ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 12/16/2020
Revised: 3/30/2021
Project: Ahrens, Yarmouth
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Philip and Joy Ahrens located at 239 Moshier Island in Yarmouth, Maine.

FOR PERMITTING PURPOSES

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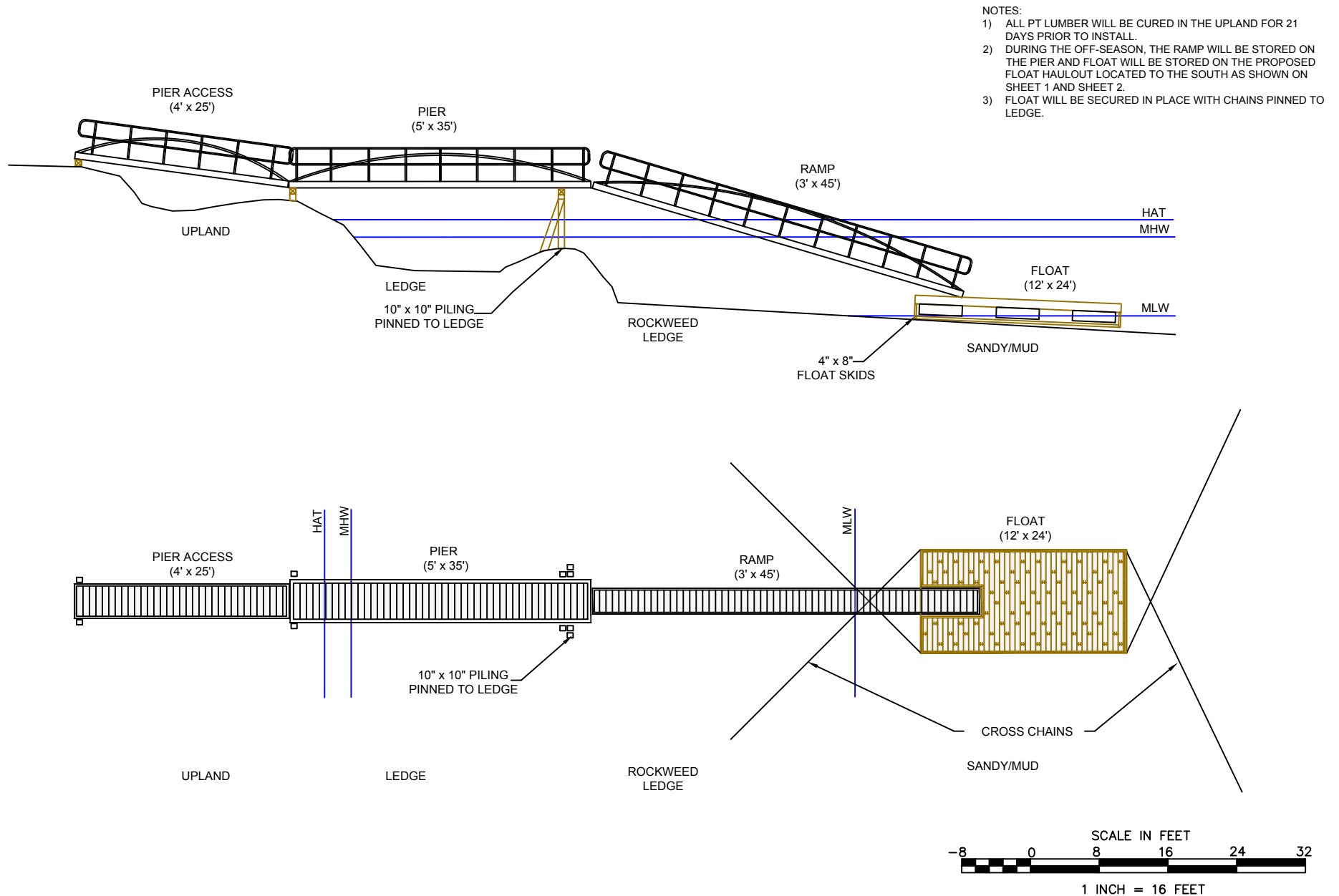
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Date: 12/16/2020
Revised: 3/30/2021
Project: Ahrens, Yarmouth
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Philip and Joy Ahrens located at 239 Moshier Island in Yarmouth, Maine.

FOR PERMITTING PURPOSES

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ATLANTIC ENVIRONMENTAL LLC.
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Date: 12/16/2020
 Revised:
 Project: Ahrens, Yarmouth
 Drafted By: TAF/LCV

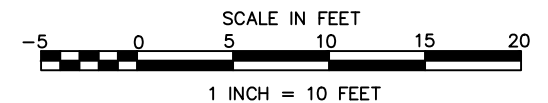
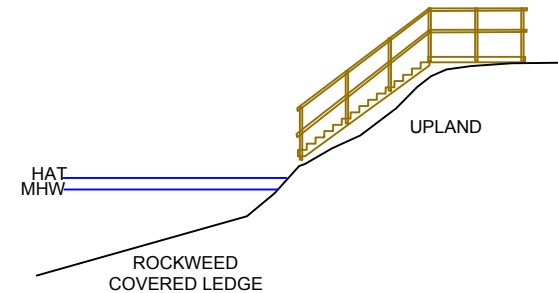
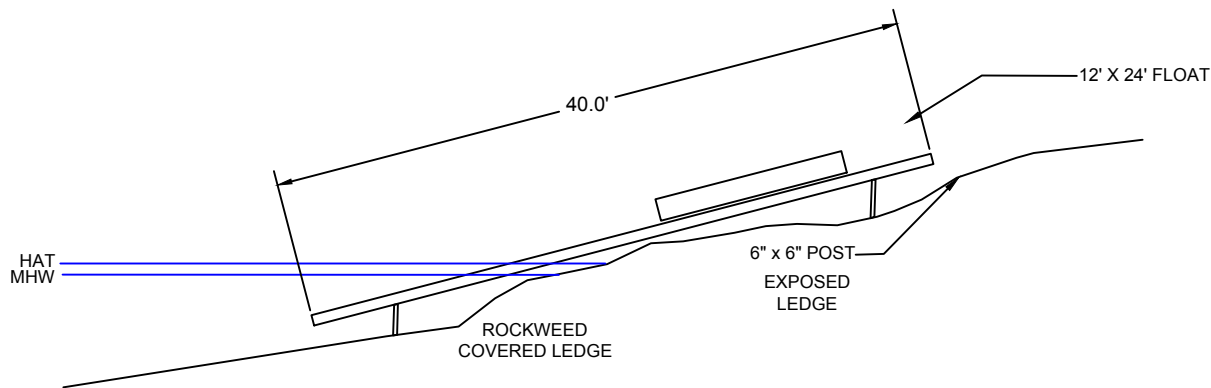
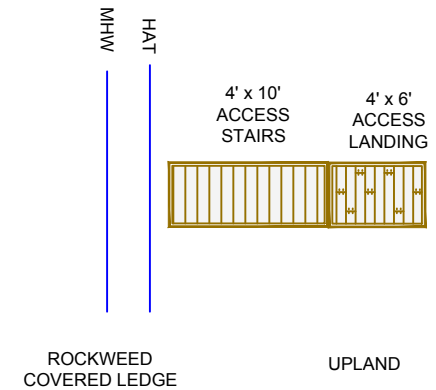
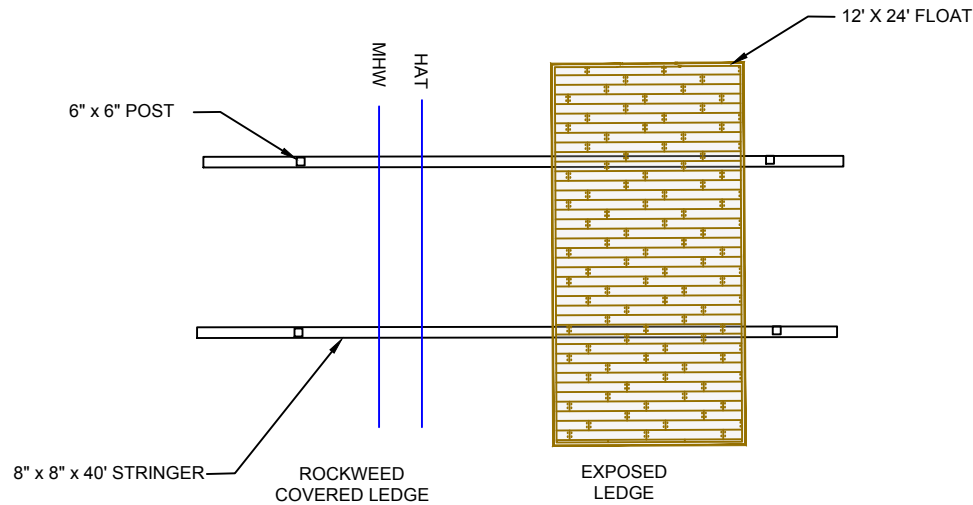
Plan View and Cross Section View of the Proposed Dock for Philip and Joy Ahrens located at 239 Moshier Island in Yarmouth, Maine.

FOR PERMITTING PURPOSES

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 4

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) FLOAT HAULOUT WILL BE CONSTRUCTED WITH 6" X 6" TIMBER POSTS PINNED TO LEDGE AND 8" X 8" X 40' STRINGERS.



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

Date: 1/11/2021
Revised:
Project: Ahrens, Yarmouth
Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Access Stairs and Float Haulout for Philip and Joy Ahrens located at 239 Moshier Island on Moshier Island in Yarmouth, Maine.

FOR PERMITTING PURPOSES

Sheet
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of
4

EXHIBIT 6.0: CONSTRUCTION PLAN

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

All materials will be transported to the site from the water and construction access will take place by boat. There is little work proposed in the upland and 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 and limited upland access. The construction of the project should take approximately one (1) to two (2) weeks.

EXHIBIT 7.0: EROSION CONTROL PLAN

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

**Assessors
Maps**



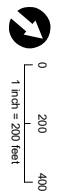
Property Boundary

Paper Streets

Water Body

Map Number

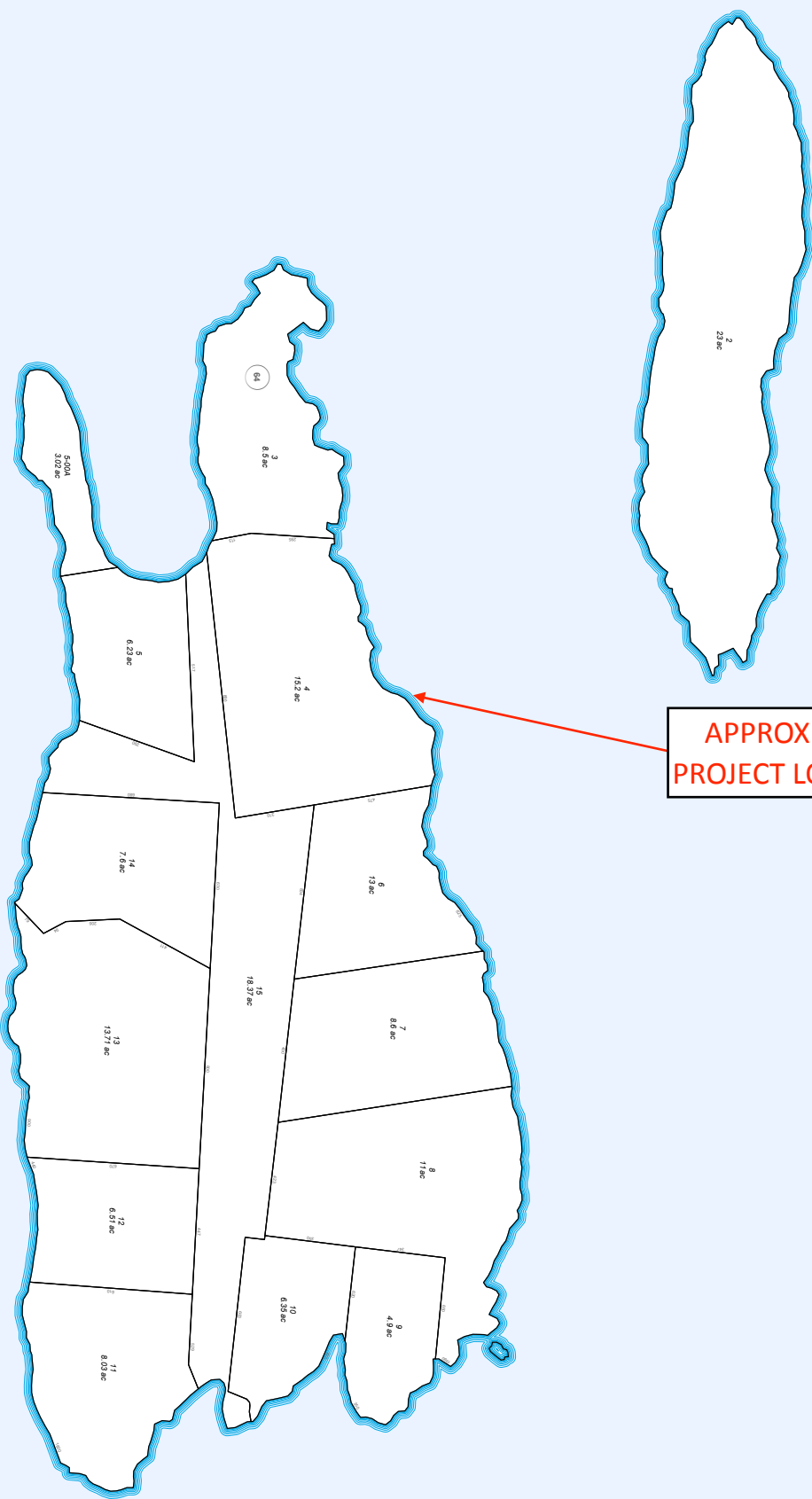
Sample Property Label
Lot 3
Unit 31
1.2 Acres



The Town of Winnetka shall not be held liable for discrepancies in land comparison based on the purpose only. Maps revised to 2020.

MAP 64(A)

**APPROXIMATE
PROJECT LOCATION**



66360
MAINE REAL ESTATE TAX PAID

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that ROBERT P. HAZZARD III of Freeport and CHARLES P. HARRIMAN of Falmouth, both of Cumberland County and State of Maine, in consideration of One Dollar (\$1.00) and other good and valuable consideration paid by PHILIP F.W. AHRENS III and JOSEPHINE M.C. AHRENS, both of whose mailing address is RR #1, Box 145, Cousins Island, Yarmouth, Maine, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Philip F.W. Ahrens III and Josephine M.C. Ahrens as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, the following described real estate:

A certain lot or parcel of land situated on the northerly shore of Great Moshiers Island in Casco Bay, in the Town of Yarmouth, County of Cumberland and State of Maine and further bounded and described as follows:

Beginning an at iron on the northerly shore of said Great Moshiers Island said iron being distant South 51° 59' 51" West, three hundred eleven and fifty-three hundredths (311.53) feet from a drill hole in the ledge on the northerly shore of said Great Moshiers Island, said drill hole being located approximately midway on the northerly shore, and to be considered the base point from which all lots will be located;

Thence from said iron at the point of beginning South 17° 32' 20" East, six hundred eighty-nine and forty-three hundredths (689.43) feet to a drill hole;

Thence South 73° 18' 48" West, six hundred ten and no hundredths (610.00) feet to an iron;

Thence North 16° 50' 19" West, two hundred ninety-four and sixty-four hundredths (294.64) feet to a drill hole in the ledge at the northerly shore of said Island;

Thence on a course of North 6° 50' West to low water mark of Casco Bay;

Thence by said low water mark in a generally northeasterly direction seven hundred (700) feet, more or less, to a point on line extended North 17° 32' 20" West from the point of beginning;

Thence from said low water mark South 17° 32' 20" East to the point of beginning.

Said above described courses are magnetic and of the date of 1968.

Also conveying all the Grantor's right, title and interest in and to any and all riparian rights to all lands contained within the boundary lines as extended to low water mark of Casco Bay.

The parcel of land herein conveyed shall be subject to the following restrictions, limitations, and conditions governing its use, and they shall be construed as real covenants running with the land, enforceable by the Grantors, their successors and assigns, against the Grantees, ~~theirs~~ and assigns, however, the Grantors, their successors and assigns, shall be under no obligation to enforce any of the restrictions, limitations and conditions. Said restrictions, limitations and conditions shall continue to remain in full force and effect until July 1, 2000.

(1) No lot shall be sold, conveyed or transferred on Great Moshiers Island which would result in a parcel less than three (3) acres in tidal area or with an ocean frontage of less than three hundred (300) feet.

(2) No lot or any part of a lot shall be used for any commercial purposes whatsoever, but shall be used solely and exclusively for private residential purposes.

(3) No trailers, mobile homes (whether or not the wheels have been removed), shall be constructed on or moved onto Great Moshiers Island.

(4) No raw sewage of any nature whatsoever shall be disposed of in the ocean.

(5) No building shall be erected nearer than twenty-five (25) feet to the side line or the rear lot line (as opposed to the front line which will be on the ocean). This limitation shall apply to both residential buildings and accessory buildings.

Also conveying a perpetual right and easement for all purposes of a way including ingress and egress over a thirty-three (33) foot wide parcel of land to the low water mark of Casco Bay, said parcel of land being more fully described as follows:

Beginning at an iron at the southwestern corner of the parcel of land described above in this Warranty Deed, said iron being the same as noted in the fourth paragraph of the description above;

Thence South $35^{\circ} 39'$ East, one hundred and thirteen and thirty-two hundredths (113.32) feet to a drill hole;

Thence on a course generally South to low water mark of Casco Bay;

Thence generally northeast along the low water mark of Casco Bay approximately thirty-three (33) feet, more or less, to an unmarked point;

Thence to the upland and continuing North $35^{\circ} 39'$ West, one hundred and thirteen (113) feet, more or less, to the southern property line of the parcel of land described above in this Warranty Deed, said line being the same as noted in the fourth paragraph of the description above;

Thence South $73^{\circ} 18' 48''$ West to an iron at the point of beginning.

Said above described courses are magnetic and of the date of 1968.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Philip F.W. Ahrens III and Josephine M.C. Ahrens as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to them and their use and behoof forever.

AND we do covenant with the said Grantees, their heirs and assigns, that we lawfully seized in fee of the premises, that they are free of all encumbrances except as described above, that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our heirs shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

The conveyance of the perpetual right and easement over the thirty-three (33) foot wide parcel of land as described above is also made by Ingrid M. Thomas and Henry C. Thomas, husband of the said Ingrid M. Thomas, and for that purpose they join in this deed and hereunto set their hands and seals this 31st day of the month of December, A.D. 1986.

IN WITNESS WHEREOF, we, the said Robert P. Hazzard III and Anne P. Hazzard, wife of the said Robert P. Hazzard III and Charles P. Harriman and Ann R. Harriman, wife of the said Charles P. Harriman, both joining in this deed as Grantors, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 31st day of the month of December, A.D. 1986.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Anne M. Royer

Trudy Hope Martin

Joseph A. Hazzard

Joseph B. Hazzard

Robert P. Hazzard III
Robert P. Hazzard III

Anne P. Hazzard
Anne P. Hazzard

Charles P. Harriman
Charles P. Harriman

Ann R. Harriman
Ann R. Harriman



Liese BarnesLiese BarnesW. Ingrid M. Thomas
Ingrid M. ThomasW. Henry C. Thomas
Henry C. ThomasSTATE OF MAINE
COUNTY OF CUMBERLAND, ss.

DECEMBER 31 , 1986

Then personally appeared the above named ROBERT P. HAZZARD III
and acknowledged the
foregoing instrument to be HIS free act and deed.

Before me,

Frank C. Royer Jr.
NOTARY PUBLIC/ATTORNEY AT LAWFRANK C. ROYER JR.
Printed Name

Recorded
Cumberland County
Registry of Deeds
12/30/81 03:03:12PM
Robert P. Titcomb
Register

QUITCLAIM DEED
With Covenant

KNOW ALL BY THESE PRESENTS, that We, CHARLES P. HARRIMAN, of Naples, Florida and INGRID M. THOMAS, of Freeport, Maine,

in consideration of One Dollar and Other Valuable Consideration,

paid by PHILIP F.W. AHRENS III and JOSEPHINE M.C. AHRENS, of Yarmouth, in the County of Cumberland and State of Maine, with a mailing address of 97 Cousins Street, Yarmouth, ME 04096,

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said PHILIP F.W. AHRENS III and JOSEPHINE M.C. AHRENS, as joint tenants and not as tenants in common, their heirs and assigns forever,

A certain lot or parcel of land on the Northerly side of Moshier Island in the Town of Yarmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a capped iron rod set in a drill hole found at or near the high tide line of Casco Bay at the Northwesterly corner of land now or formerly of John W. Walling and Sandra S. Walling as described in the Cumberland County Registry of Deeds, Book 10495, Page 55 and shown as Lot L on a "Plan of Property in Moshiers Island Yarmouth Maine made for Robert P. Hazzard III, Samuel L. Wilkinson & Charles P. Harriman" by H.I & E.C. Jordan, Surveyors, dated May 21, 1968, and recorded said Registry, Plan Book 79, Page 7; thence by the following courses and distances:

- 1) S 31°20'23" E by said land now or formerly of Walling a distance of Four Hundred Seventy-Five and 21/100 (475.21) Feet to the Southwesterly corner thereof;
- 2) S 31°20'23" E along the prolongation of the Southwesterly line of said land now or formerly of Walling a distance of Three Hundred Ten and 00/100 (310.00) Feet to a point;
- 3) S 59°42'02" W a distance of Eight Hundred Ninety and 21/100 (890.21) Feet, more or less, to the high tide line of Casco Bay;
- 4) Westerly along the high tide line of Casco Bay a distance of One Hundred Forty (140) Feet, more or less, to a capped iron rod set in a drill hole found at the Easterly corner of land now or formerly of John Philip Nolan Jr. and Jennifer Nolan as described in said Registry, Book 13205, Page 163;
- 5) N 35°47'39" W by said land now or formerly of Nolan a distance of One Hundred Thirteen and 22/100 (113.22) Feet to a ¾" iron pipe found at the Southwesterly corner of land now or formerly of Philip F.W. Ahrens III and Josephine M.C. Ahrens as described in said Registry, Book 9844, Page 289;
- 6) N 73°10'42" E by said land now or formerly of Ahrens a distance of Six Hundred Ten and 01/100 (610.01) Feet to a capped iron rod set in a drill hole found;
- 7) N 17°39'40" W by said land now or formerly of Ahrens a distance of Six Hundred Eighty-Five and 16/100 (685.16) Feet to a capped iron rod set in the drill hole found at or near the high tide line of Casco Bay;

- 8) Northeasterly along the high tide line of Casco Bay a distance of Three Hundred Sixty (360) Feet, more or less, to the point of beginning.

Also hereby conveying all the Grantors right, title and interest in and to any and all riparian rights to all lands contained within the boundary lines of the above described premises as extended to the low water mark of Casco Bay.

Also hereby conveying and confirming in the Grantees herein, all right, title and interest that the Grantors may have between the high and low water marks northwesterly of the parcel currently owned by the Grantees herein as was conveyed to them by Robert P. Hazzard III and Charles P. Harriman by deed dated December 31, 1986 and recorded in the Cumberland County Registry of Deeds in Book 9844, Page 289.

The above described parcel of land contains Eight and 9/10 (8.9) acres and is a portion of the land now or formerly of Robert P. Hazzard III et al. as described in the Cumberland County Registry of Deeds, Book 15710, Page 21. Bearings are based on Magnetic North as observed in 1968; declination, determined by astronomic observation: 17°51'03" West. Capped iron rods set are 5/8" rebar with 2" aluminum caps inscribed "ISLAND SURVEYS".

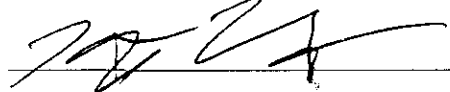
Being a portion of Lot C as conveyed by Ingrid M. Thomas, Trustee of Great Moshier Island Association Trust, to Charles P. Harriman and Ingrid M. Thomas by Trustee's Deed dated December 28, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32828, Page 323.

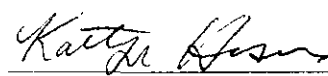
To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, unto the said PHILIP F.W. AHRENS III and JOSEPHINE M.C. AHRENS, as joint tenants and not as tenants in common, their heirs and assigns forever.

And we do covenant with the said Grantees, their heirs and assigns, that we shall and will warrant and defend the premises to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under us.

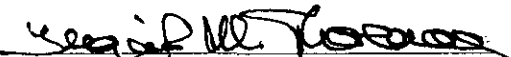
IN WITNESS WHEREOF, Charles P. Harriman and Ingrid M. Thomas, have hereunto set our hands and seals, this 15th day of November, 2016.

Signed, Sealed and Delivered
in the Presence of:






Charles P. Harriman

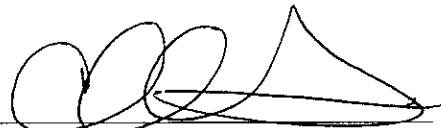

Ingrid M. Thomas

State of Maine
County of Cumberland, ss.

November 17, 2016

Then personally appeared the above-named Ingrid M. Thomas and acknowledged the foregoing instrument to be her free act.

Before me,


Notary **CHARLES R. OESTREICHER**
Print Name: NOTARY PUBLIC, MAINE
My Commission Expires: SEPTEMBER 17, 2017

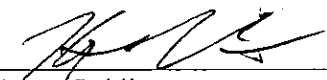
SEAL

State of Florida
County of Collier, ss.

November 15th, 2016

Then personally appeared the above-named Charles P. Harriman and acknowledged the foregoing instrument to be his free act.

Before me,


Notary Public
Print Name: Katy Valentin
My Commission Expires: 3/9/19



Received
Recorded Register of Deeds
Nov 17, 2016 10:06:43A
Cumberland County
Nancy A. Lane



REPLY TO
ATTENTION OF

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

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

ERIC AND SHIRLEY PALEY
33 SARAH GOUD ROAD
YARMOUTH, MAINE 04096

CORPS PERMIT # NAE-2020-03080
CORPS GP# 3
STATE ID# NRPA

DESCRIPTION OF WORK:

Install and maintain a 6-ft. wide x 40 ft. long pile-supported pier with a 3-ft. wide x 40-ft. long ramp leading to a 10-ft. wide x 20-ft. long float with associated mooring tackle off 33 Sarah Goud Road at Yarmouth (Cousins Island), Maine. This work is shown on the attached plans entitled "PROJECT LOCATION", "Plan View", and "Plan View and Cross Section View" in three sheets dated "11/23/2020".

See GENERAL and SPECIAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.768772° N -70.134177° 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 Permits (GPs)** which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/>. Accordingly, we do not plan to take any further action on this project.

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

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

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

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

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

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

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

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 17DEC2020 LEVEL OF REVIEW: SELF-VERIFICATION: _____ PRE-CONSTRUCTION NOTIFICATION: X


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

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

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

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


COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

 12/18/20
FOR FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



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

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 3
PERMIT NO. NAE-2020-03080**

GENERAL CONDITIONS

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

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

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

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. **These forms are attached after the plans.**

SPECIAL CONDITION

1. Intertidal work shall be performed in-the-dry at low tide in order to minimize potential effects to endangered species and essential fish habitat.