



135 River Road • Woolwich, ME 04579  
207-837-2199 • [tim@atlanticenviromaine.com](mailto:tim@atlanticenviromaine.com)  
[www.atlanticenviromaine.com](http://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 33 Sarah Goud Road in Yarmouth, Maine**

Dear Mr. Ciarimboli,

On behalf of Eric and Shirley Paley, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of an access landing and steps that connect to a pier, ramp, and float located at 33 Sarah Goud 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 ten (10) foot long set of access stairs. The stairs will connect to a six (6) foot wide by forty (40) foot long pier, a three (3) foot wide by forty (40) foot long seasonal ramp and a ten (10) foot wide by twenty (20) foot long seasonal float totaling two hundred (200) square feet. The project includes the construction of a set of four (4) foot wide by twelve (12) foot long stairs for access to the intertidal. 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) 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](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.

A handwritten signature in black ink, reading '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 LDR, SZ, RP Map 57 Lot 9-1 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: Eric and Shirley Paley PHONE NO: (617) 270 - 4576

MAILING

ADDRESS: 33 Sarah Goud Road Yarmouth, ME 04096 e-mail epaley@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: 33 Sarah Goud 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 \$40,000

Lot area (sq. ft.) 87555.6 sq. ft.

Frontage on Road (FT) +/- 35 ft.

SQ. FT. of lot to be covered by non-vegetated surfaces 64 sq. ft. (landing and stairs) - All other structures located below the HAT

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 237 ft.

Height of proposed structure Minimum of 6 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](http://www.yarmouth.me.us).

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD +/- 58,000 sq. ft.
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD 64 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

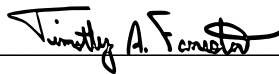
The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions 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](mailto:tim@atlanticenviromaine.com)  
[www.atlanticenviromaine.com](http://www.atlanticenviromaine.com)

November 7, 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 33 Sarah Goud 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](mailto:tim@atlanticenviromaine.com).

Eric Paley

Print Name

A handwritten signature in black ink that reads 'Eric Paley'.

Signature

11 / 08 / 2020

Date

Sincerely,  
Atlantic Environmental LLC.

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

Timothy A. Forrester, Owner

## EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 2.0-acre parcel of land located on Sarah Goud 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 no formal access to the resource for recreational water pursuits from the Applicant's property, therefore, the Applicant proposes to construct a dock in order to provide safe and reasonable access to Casco Bay and adjacent waters for recreational purposes.

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

In order to reach navigable waters on a partial-tide basis, the Applicant proposes to construct a four (4) foot wide by six (6) foot long landing that connects to a four (4) foot wide by ten (10) foot long set of stairs. The stairs will connect to a six (6) foot wide by forty (40) foot long pier. The pier will include a set of four (4) foot wide by twelve (12) foot long access steps to the shore. The pier will be supported with a total of fourteen (14), eight (8) inch by eight (8) inch pilings that will be secured to helix anchors that are driven into the substrates. As a result of the supports for the pier and stairs, there will be approximately fourteen (14) 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 ten (10) foot wide by twenty (20) foot long seasonal float. The float will be secured in place with cross chains and helix anchors and 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.

Town of Yarmouth

Chapter 701: Zoning Ordinance

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

**Standards of Review:**

a. The Permitting Authority may require the applicant to submit an environmental impact analysis assessing the proposal's potential impact on natural areas, including cumulative impacts of the proposed structure in conjunction with other structures. **The intertidal at the site of the proposed project contains mixed coarse and fines, marsh vegetation, and flats. The pier will be supported with pilings and helix anchors and will not result in measurable impacts to the coastal wetland. The direct impacts will result in approximately fourteen (14) 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 mixed coarse and fines, marsh vegetation, and flats. According to the 2018 Maine Department of Environmental Protection's Eelgrass survey map, eelgrass is not located at the project site. The pier will be elevated 1:1 for height to width over the marsh vegetation to minimize the potential for shading impacts. The ramp and float will be in place on a seasonal basis and elevated over the substrates during all tides. The project was reviewed by the US Fish and Wildlife Service (USFWS), the Department of Marine Resources (DMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW) and these agencies have not identified any issues. Given these factors, the Applicant does not anticipate there will be adverse effects on fisheries, existing scenic character, or areas of environmental significance.**

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

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

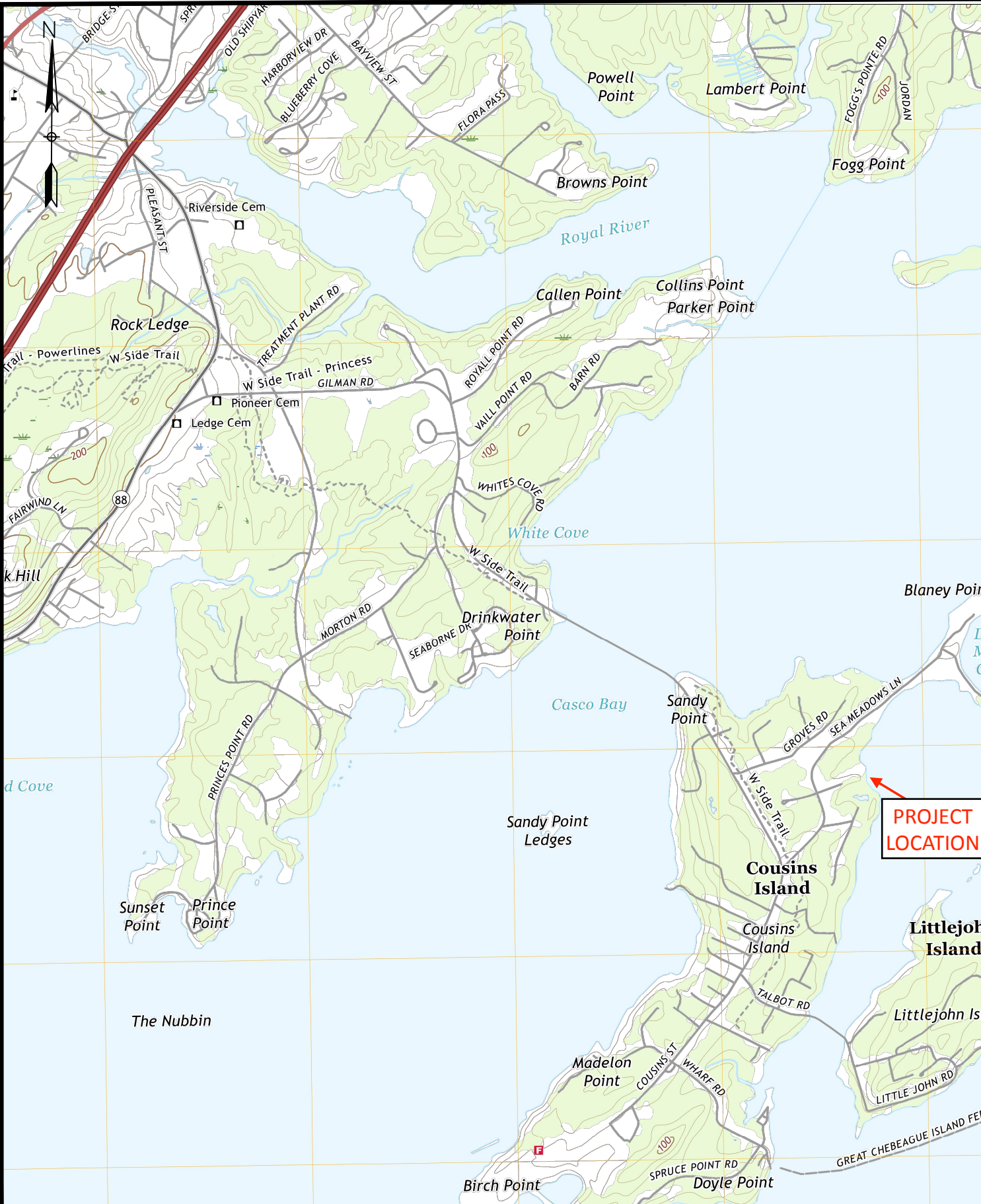
c. Float: Three hundred twenty (320) square feet.

**The proposed dock meets the dimensional requirements. The pier will be six (6) feet in width, the ramp will be three (3) feet in width, and the float will be two hundred (200) 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





**Assessors  
Maps**



Property Boundary

Paper Streets

Water Body

Map Number

Sample Property Label  
Lot 3  
Unit 31  
1.2 Acres



0 100 200  
1 inch = 100 feet

The Town of Wrentham shall not be held liable for discrepancies in land coverage based on the purpose only. Maps revised to 2019

MAP 57(A)



## EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the dock located at 33 Sarah Goud Road in the Town of Yarmouth, ME.



**Photograph One. Aerial View of Project Site – aerial does not indicate existing conditions. Site was recently developed with a residential structure. Red arrow indicates approximate location of project. Source: Google Earth. Date: May 4, 2018.**



**Photograph Two. Facing easterly – view of intertidal at project site. Note – dock will be elevated 1:1 over vegetation. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 3, 2020.**





**Photograph Three. Facing northerly – additional view of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 3, 2020.**



**Photograph Four. Facing southerly – additional view of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 3, 2020.**



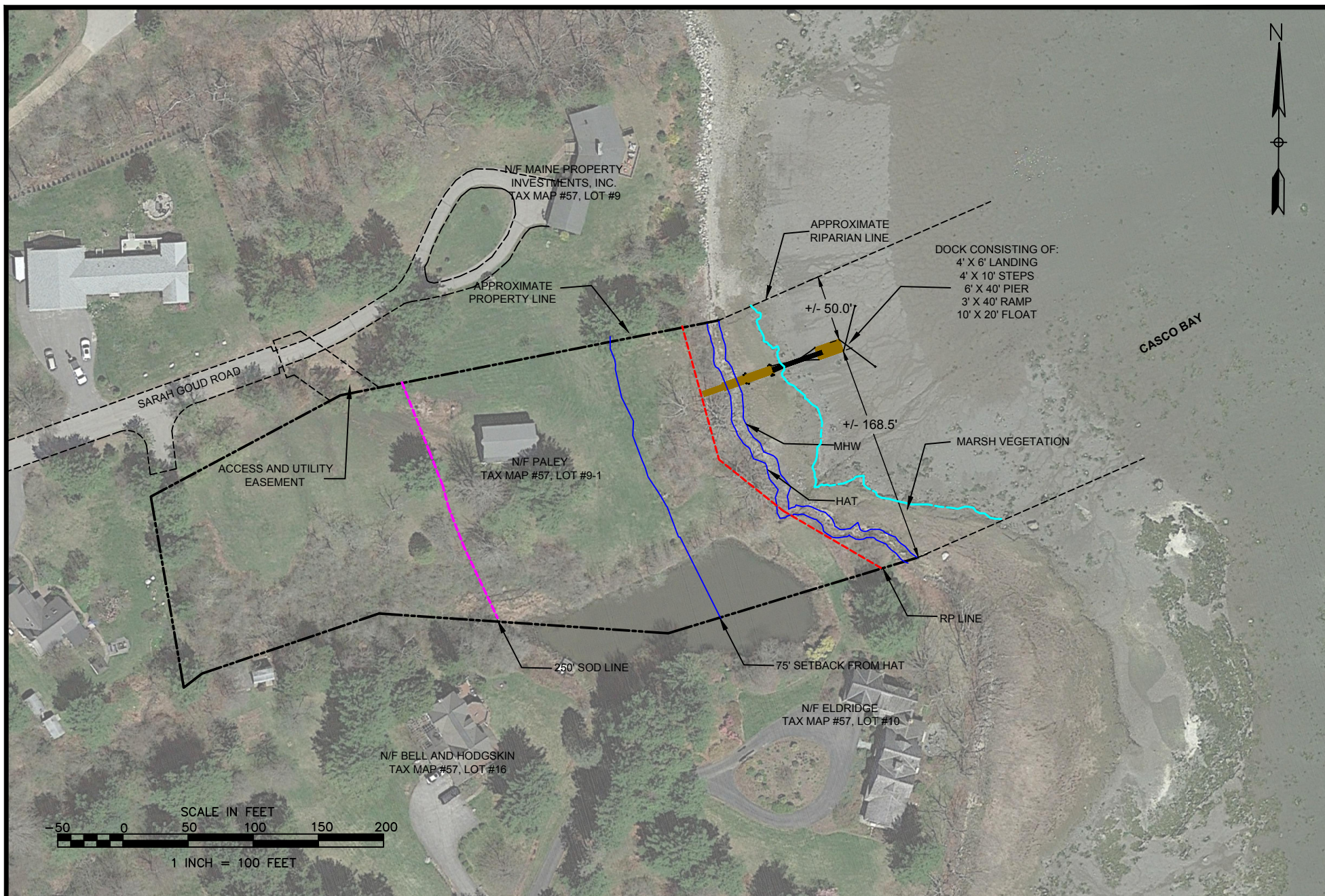


**Photograph Five. Facing easterly – view of area where ramp and float will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 3, 2020.**



**Photograph Six. Facing westerly – view of Applicant's residential structure and area where pier will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: November 3, 2020.**





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

Date: 11/23/2020  
Revised: 3/30/2021  
Project: Paley, Yarmouth  
Drafted By: TAF/LCV

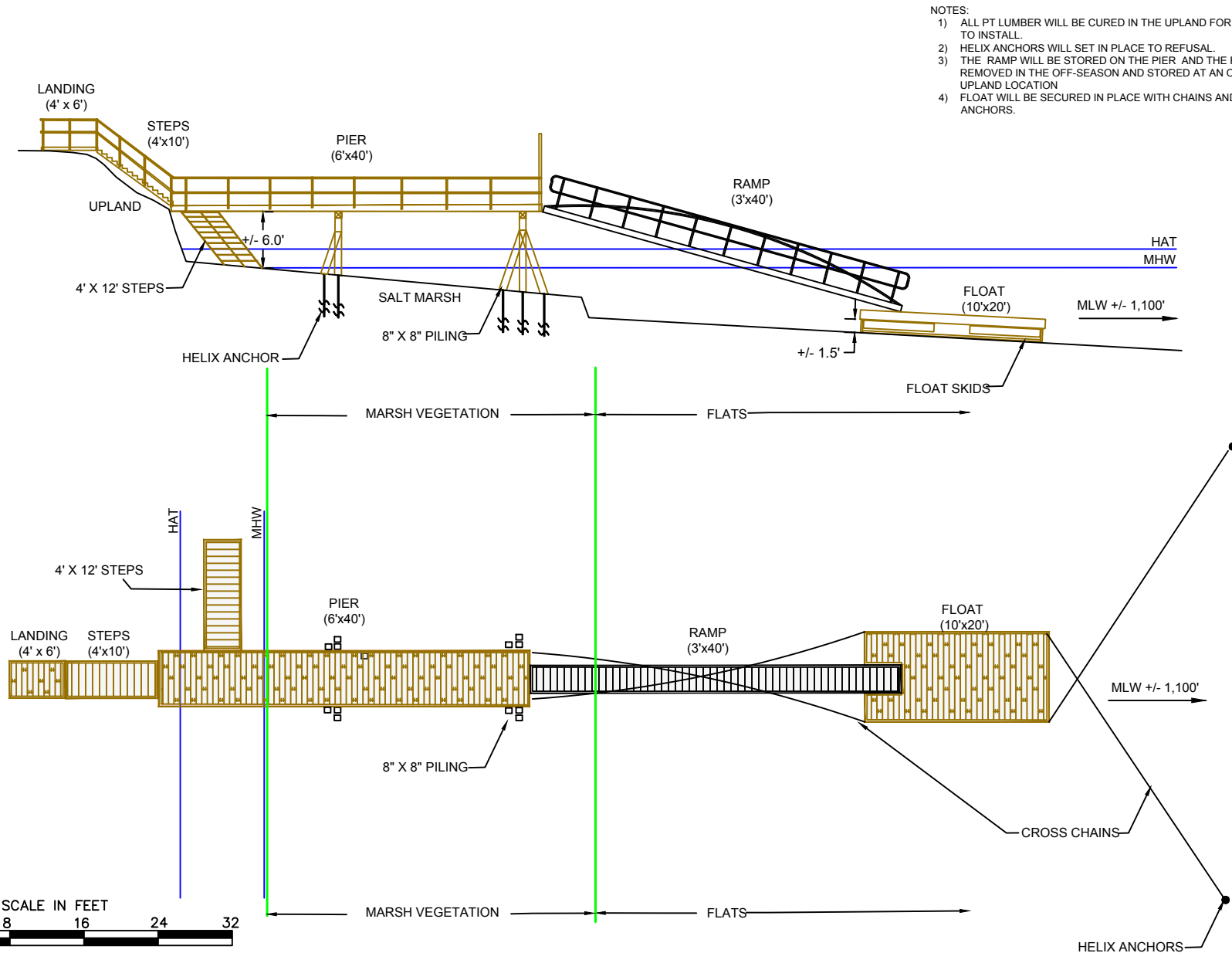
Plan View of the Proposed Dock for Eric and Shirley Paley located at 33 Sarah Goud Road in Yarmouth, Maine.

**FOR PERMITTING PURPOSES**

Sheet  
1  
of  
3







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

Date: 11/23/2020  
 Revised:  
 Project: Paley, Yarmouth  
 Drafted By: TAF/LCV

Plan View of the Proposed Dock for Eric and Shirley Paley located at 33 Sarah Goud Road in Yarmouth, Maine.

**FOR PERMITTING PURPOSES**

Sheet  
 3  
 of  
 3

## EXHIBIT 6.0: CONSTRUCTION PLAN

The pier will be supported with pilings and helix anchors as described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction.

All materials will be transported to the site from the adjacent upland area. In addition, construction access will take place from the upland. The helix anchors will be installed hydraulically. The anchors are held in place and the power head winds the helix into the ground, resulting in minimal soil disturbance. The ramp and float will be constructed off-site and set in place once the pier is constructed. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the pier given the use of helix anchors and construction methods. The construction of the dock should take approximately one (1) to two (2) weeks.



## EXHIBIT 7.0: EROSION CONTROL PLAN

The project 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.

DLN: 1002040090756

## WARRANTY DEED

**MAINE PROPERTY INVESTMENTS, INC.**

a Maine Corporation with a mailing address of 5210 Paylor Lane, Sarasota, FL 34240

for consideration paid, grants to

**ERIC B. PALEY AND SHIRLEY S. PALEY**

of 52 Laconia Street, Lexington, MA 02420, **as joint tenants and not as tenants in common**, with WARRANTY COVENANTS, the following described real property in Yarmouth, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF, **Maine Property Investments, Inc.** has caused this instrument to be executed by **Michael T. Emmons**, its President, thereunto duly authorized this 25 day of March, 2020.

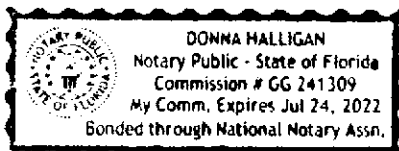
**Maine Property Investments, Inc.**

*Michael T. Emmons*  
By: **Michael T. Emmons**  
Its: **President**

State of Florida  
County of Sarasota, ss.

March 25, 2020

Personally appeared before me **Michael T. Emmons**, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of **Maine Property Investments, Inc.**



Before me,

Notary Public

Printed Name:

Commission Expires:

*Donna Halligan*  
**Donna Halligan**  
7/24/2022

## EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated southerly of but not adjacent to Sarah Goud Road in the Town of Yarmouth, County of Cumberland and State of Maine, being shown as "Proposed Parcel B" on "Boundary and Topographic Survey for proposed Lot Division at 37 Sarah Goud Road, Cousins Island, Yarmouth, Maine" dated June 4, 2018 by Owen Haskell, Inc. recorded in Cumberland County Registry of Deeds in Plan Book 218, Page 246 (the "Plan") more particularly described as follows:

Commencing at a point on the southerly sideline of Sarah Goud Road, at the northwesterly corner of the turn-a-round, at the northeasterly corner of land now or formerly of Peter A. and Louise L. Smith as described in a deed recorded in said Registry of Deeds in Book 12135, Page 117;

Thence, S 07°16'37" W along land of said Smith 39.21 feet to the Point of Beginning;

Thence, from said point of beginning, N 79°38'39" E along "Proposed Parcel A" as shown on said plan 164.43 feet to a point;

Thence, S 83°58'33" E along said "Proposed Parcel A" 283.15 feet to a point at the Highest Annual Tide (HAT) line of Casco Bay;

Thence, continuing S 83°58'33" E along said "Proposed Parcel A" 18 feet more or less to the approximate mean high water line of Casco Bay;

Thence, southerly along the mean high water line of Casco Bay 252 feet more or less to a point at land now or formerly of Lynne J. Eldridge as described in a deed recorded in said Registry of Deeds in Book 18330, Page 141;

Thence, N 89°33'24" W along land of said Eldridge 79 feet more or less to a point, said point being S 07°34'30" E a distance of 221.64 feet from the last named point;

Thence, continuing N 89°33'24" W along land of said Eldridge and thru a pond 126.53 feet to a point;

Thence, N 68°34'16" W continuing thru said pond and along land now or formerly of Arthur L Bell and Robin Lin Hodgskin as described in a deed recorded in said Registry of Deeds in Book 13063 page 132 a distance of 219.96 feet;

Thence, S 88°43'55" W along land of said Bell and Hodgskin 144.28 feet;

Thence, S 69°00'52" W along land of said Bell and Hodgskin 17.03 feet to land of said Smith;

Thence, N 07°16'37" E along land of said Smith 149.02 feet to the point of beginning.

Containing 2.01 acres more or less to the HAT line of Casco Bay.

Also Granting and Conveying all right, title and interest in and to the shore, beach and flats adjacent to and in front of the above described premises between the high water mark and low water mark.

The above described parcel of land is subject to a 15 foot wide sewer easement and 15 foot wide drainage easement as shown on said plan and shown on plan recorded in Cumberland County Registry of Deed Plan Book 130, Page 46.

Also granting and conveying an appurtenant "Access and Utility Easement" for all purposes of ingress and egress and installation, maintenance and repair of utilities, and installing, maintenance and repair of a paved driveway as shown on said Plan Book 281, Page 246, being more particularly bounded and described as follows:

Commencing at an iron pipe located at the southeasterly corner of land now or formerly of Debra A. Murphy as described in Deed Book 34281, Page 153, said point also being the northeasterly corner of the end of Sarah Goud Road;

Thence, S 02°11'08" E along the easterly end of said Sarah Goud Road 8.81 feet to the Point of Beginning;

Thence, from said point of beginning N 87°48'52" E across said "Proposed Parcel A" a distance of 22.77 feet;

Thence, S 37°01'38" E across said "Proposed Parcel A" a distance of 74.14 feet to the northerly line of said "Proposed Parcel B";

Thence, N 83°58'33" W along the northerly line of said "Proposed Parcel B" a distance of 30.42 feet;

Thence, S 79°39'25" W along the northerly line of said "Proposed Parcel B" a distance of 8.70 feet;

Thence, N 37°01'38" W across said "Proposed Parcel A" a distance of 33.80 feet;

Thence, S 87°48'52" W across said "Proposed Parcel A" a distance of 7.10 feet to the easterly end of said Sarah Goud Road;

Thence, N 02°11'08" W along the easterly end of said Sarah Goud Road 30.00 feet to the point of beginning.

Also granting and conveying an exclusive appurtenant easement for the purpose of maintaining, mulching, weeding, trimming, and planting or replacing trees within the following two easement areas:

- (A) Commencing at a point where the Southeasterly corner of the "Proposed Access and Utility easement" intersects the "Proposed property line" establishing the northerly line of Parcel B and the southerly line of Parcel A as depicted on the plan;

Thence S 83° 58' 33" E along the proposed property line a distance of 283.15 feet to a point;

Thence in a northerly direction a distance of 10 feet, more or less, to a point;

Thence N 83° 58' 33" W and maintaining a distance of 10 feet from the said northerly line of Parcel B, to the easterly side of the Proposed Access and Utility easement;

Thence southeasterly along the easterly side of the "Proposed Access and Utility easement" to the point of beginning.

- (B) Beginning at the northwesterly corner of the premises conveyed herein, at the easterly side of land now or formerly of Peter A. and Louise L. Smith as described in a deed recorded in Book 12135, Page 117;

Thence N 79° 36' 39" E along the northerly sideline of the parcel conveyed herein a distance of 164.43 feet to a point;

Thence northwesterly to a point on the easterly terminus of Sarah Goud Road at the intersection with the southwest corner of the Proposed Access and Utility easement;

Thence S 2° 11' 8" E along the Sarah Goud Road a distance of 11.27 feet;

Thence S 67° 48' 52" W along the southerly side of Sarah Goud Road a distance of 91.29 feet;

Thence S 7° 16' 37" W along the Sarah Goud Road a distance of 30 feet;

Thence S 87° 48' 52" W along the Sarah Goud Road 30 feet to said land now or formerly of Peter A. and Louise L. Smith;

Thence S 7° 16' 37" W a distance of 30 feet to the point of beginning.

For title reference see deed given by Katharine T. Vroman to Maine Property Investments, Inc. dated June 7, 2018, and recorded on June 8, 2018, in the Cumberland County Registry of Deeds in Book 34896, Page 219.



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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

  
COLIN M. GREENAN  
PROJECT MANAGER  
MAINE PROJECT OFFICE

 12/10/20  
FOR FRANK J. DEL GIUDICE DATE  
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.