



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

March 2, 2022

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

**Re: Shoreland Zoning Permit Application for a Dock located at 39 Nubbin Reach, in Yarmouth, Maine.**

Dear Mr. Ciarimboli,

On behalf of David and Anne Chase, 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 39 Nubbin Reach. 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 twelve (12) foot long set of access stairs. The stairs will connect to a six (6) foot wide by one hundred and thirty (130) foot long pier, a three (3) foot wide by fifty (50) foot long seasonal ramp and a twelve (12) foot wide by twenty-six (26) foot long seasonal float totaling three hundred and twelve (312) 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), 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 approved MDEP and ACOE permits are included in the attached application materials.

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

Sincerely,  
Atlantic Environmental LLC.

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

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: 3/2/2022 Zoning District LDR, SZ, RP Map 24 Lot 15 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@atlanticensviromaine.com

OWNER (other than applicant)  
NAME: David and Anne Chase PHONE NO: (207) 776 - 3031

MAILING ADDRESS: 39 Nubbin Reach Yarmouth, ME 04096 e-mail dave@allinconstruction.com

CONTRACTOR  
NAME: Custom Float PHONE NO: (207) 939 - 1431  
MAILING ADDRESS: 11 Wallace Avenue South Portland, ME 04106 e-mail cpoole@customfloat.com

PROPERTY  
LOCATION: 39 Nubbin Reach

***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 \$120,000

Lot area (sq. ft.) 34412.4 sq. ft.

Frontage on Road (FT) +/- 185 ft.

SQ. FT. of lot to be covered by non-vegetated surfaces +/- 100 sq. ft. (landing, stairs, and portion of pier) - All other structures located below the HAT

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 400 ft.

Height of proposed structure Minimum of 3.5' at HAT

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 Entire lot is within SOD
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD 100 sq. ft./ <1% additional
- ☒ 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. Entire lot is within SOD
- ☒ 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

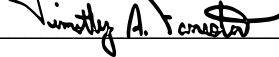
The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions 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 3/2/2022

-----  
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

October 6, 2021

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 natural resource permitting project(s) at my property located at 39 Nubbin Reach 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.

David Chasen

Print Name

David Chasen

Signature

10-6-21

Date

Sincerely,  
Atlantic Environmental LLC.

Timothy A. Forrester

Timothy A. Forrester, Owner

## EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 0.79-acre parcel of land located on Nubbin Reach 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 an existing set of access stairs that provides access to the upper intertidal zone for foot traffic; however, there is no formal access to the resource for boating 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.

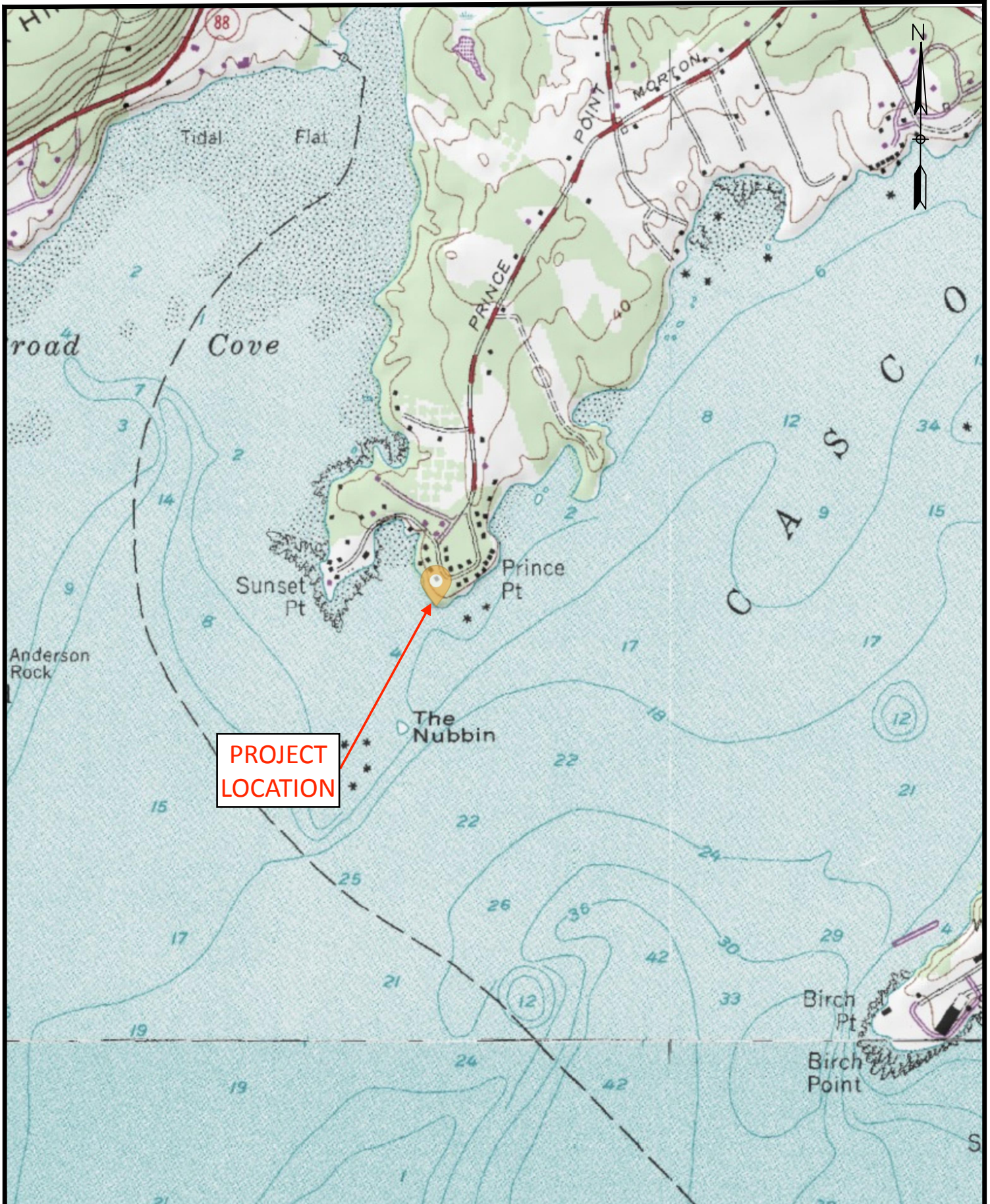
In order to reach navigable waters on an all-tide basis, the Applicant proposes to construct a four (4) foot wide by twenty (20) foot long access path that will extend from the upland to the proposed dock. The path will be constructed with erosion control mulch and does not require trees greater than 4" dbh to be cut. The dock will begin in the upland and will consist of a four (4) foot wide by six (6) foot long landing that connects to a set of four (4) foot wide by twelve (12) foot long stairs. The stairs will connect to a six (6) foot wide by one hundred and thirty (130) foot long pier. The pier will be supported with a total of twenty-two (22), eight (8) inch by eight (8) inch pilings pinned to ledge or driven to refusal. As a result of the supports for the pier, there will be approximately twenty-two (22) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by fifty (50) foot long


seasonal ramp and a twelve (12) foot wide by twenty-six (26) foot long seasonal float. The float will be secured in place with cross chains pinned to ledge and helix anchors.

During the off-season, the ramp will be stored on the pier and the float will be hauled off-site and stored in an upland location.



# EXHIBIT 3.0: LOCATION MAP



 <p><b>ATLANTIC ENVIRONMENTAL LLC.</b> Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com</p>	<p>Date: 9/11/2021 Revised: Project: Chase, Yarmouth</p>	<p><b>PROJECT LOCATION</b> 39 Nubbin Reach Yarmouth, ME 04096 43.761866, -70.174786</p>	<p>Sheet 1 of 1</p>
--	--	---	---------------------------------



**Assessors  
Maps**



Property Boundary

Paper Streets

Water Body

Map Number

Sample Property Label

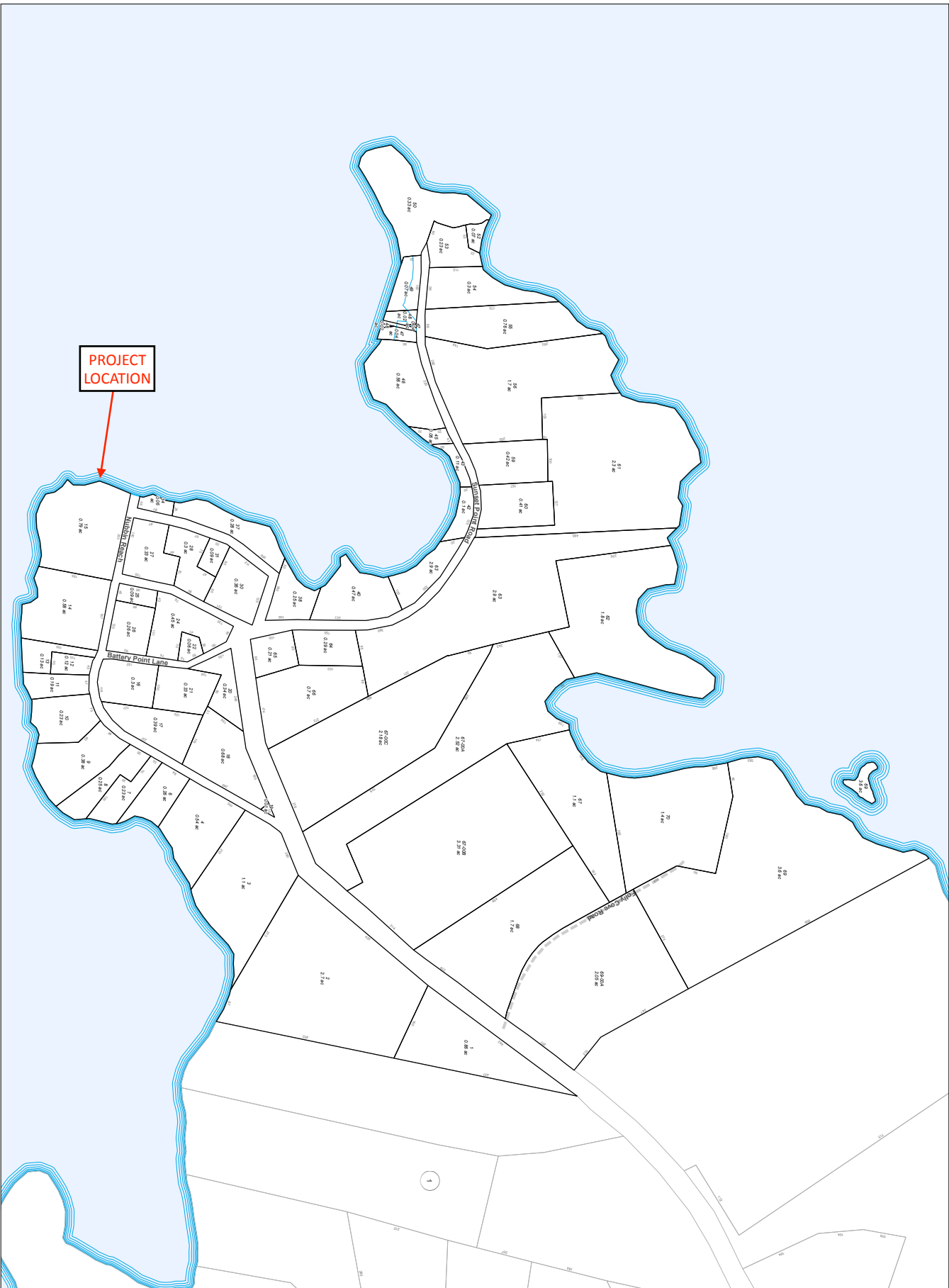
Lot 3  
Unit 31  
1.2 Acres



0 100 200  
1 inch = 100 feet

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

MAP 24



## 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 39 Nubbin Reach 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. Overview of project site that shows ledge and eelgrass within area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**





**Photograph Three. Additional overview of coastal wetland at project site – note areas of ledge within subtidal. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**



**Photograph Four. Facing northerly – view of surrounding area at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**





**Photograph Five. Overview of proposed location where dock will be located. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**



**Photograph Six. Overview of project site – note eelgrass at within subtidal. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**





**Photograph Seven. Additional overview of project site – note ledge within subtidal. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**



**Photograph Eight. View of dense eelgrass adjacent to, but avoided, at the project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**



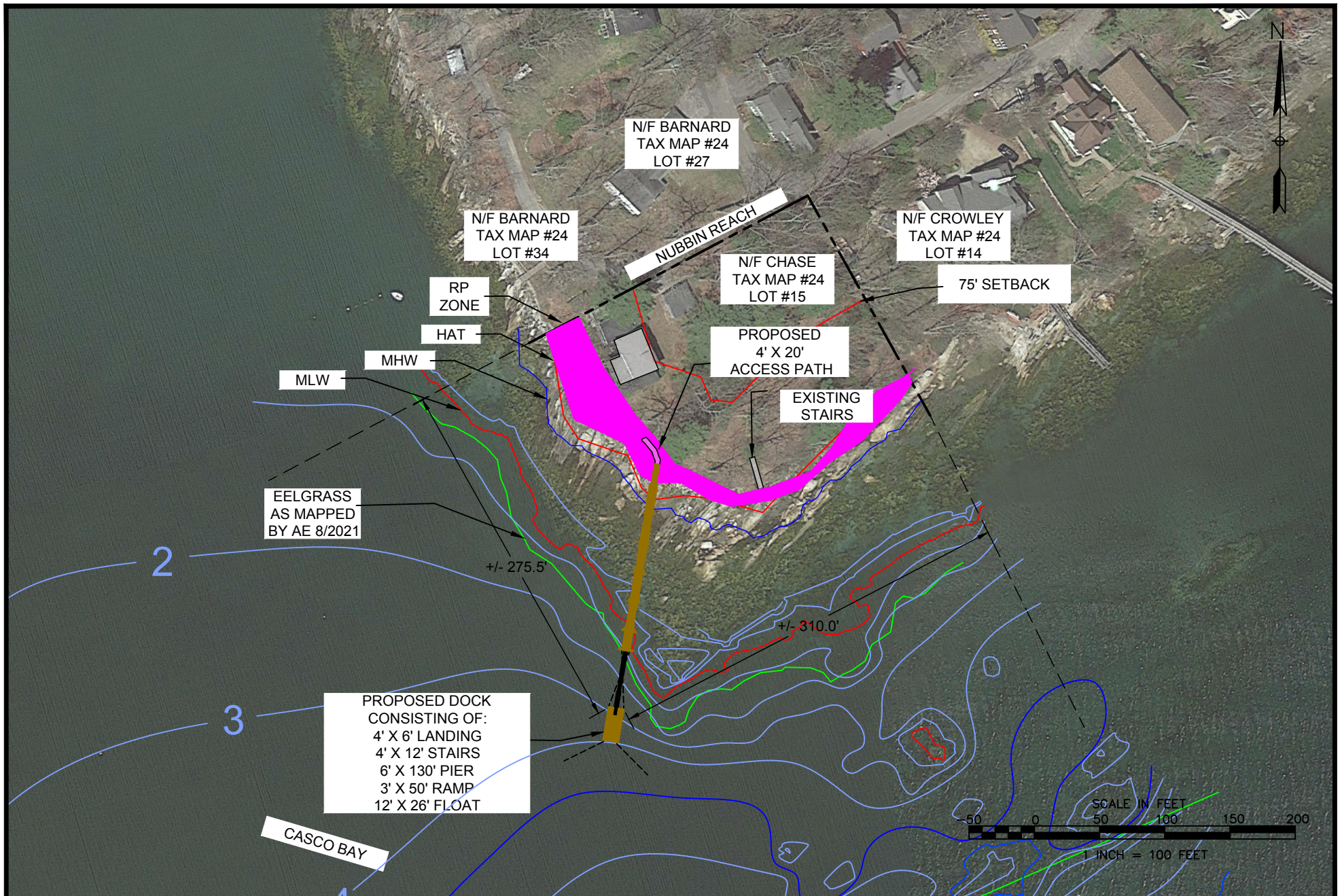


**Photograph Nine. Additional view of dense eelgrass avoided at the project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**



**Photograph Ten. View of subtidal showing ledge and eelgrass in the project area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: August 13, 2021.**





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

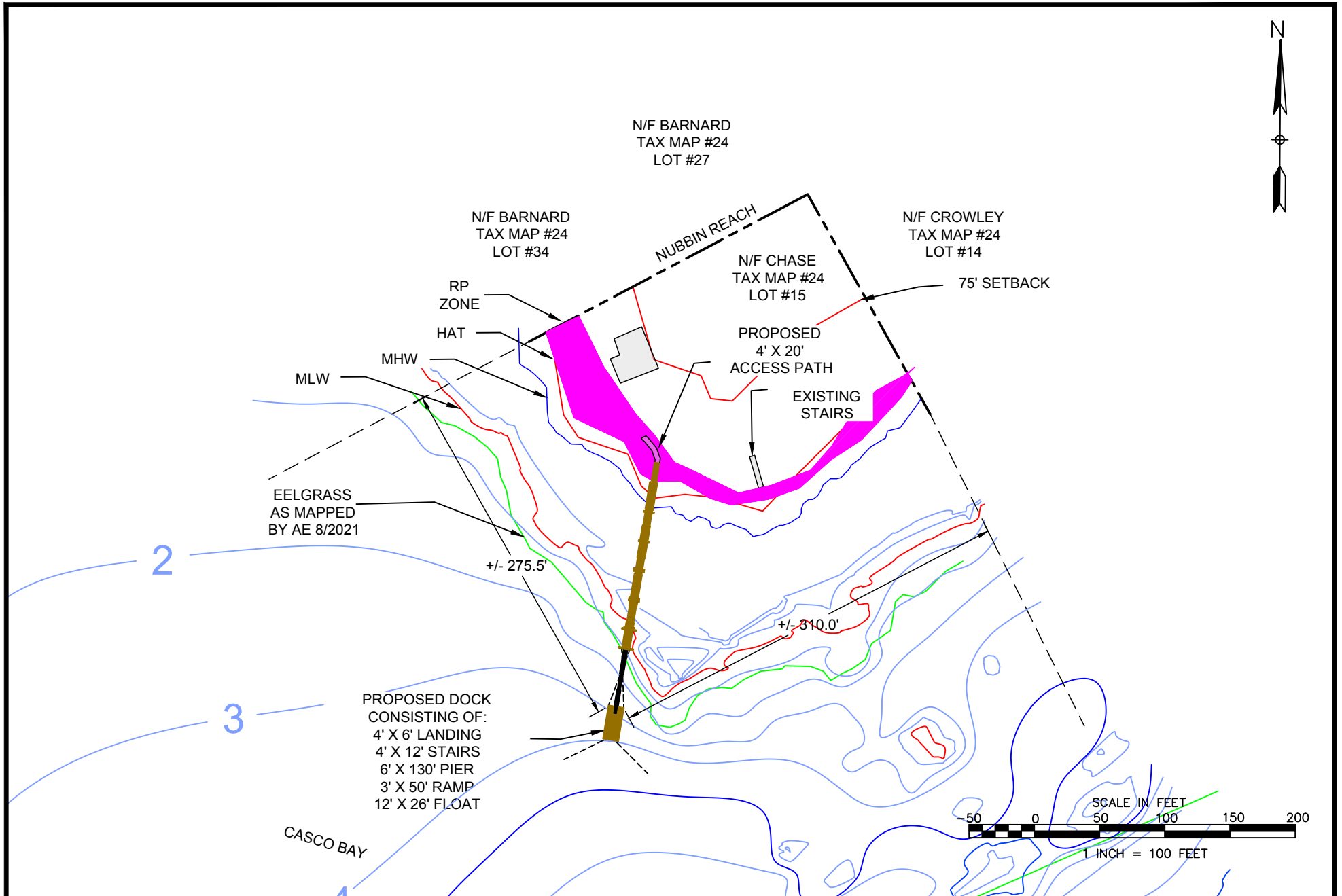
Date: 9/11/2021  
Revised: 1/11/2022  
Project: Chase, Yarmouth  
Drafted By: TAF/LCV

Plan View of the Proposed Dock on behalf of David and Anne Chase located at 39 Nubbin Reach 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: 9/11/2021  
 Revised: 1/11/2022  
 Project: Chase, Yarmouth  
 Drafted By: TAF/LCV

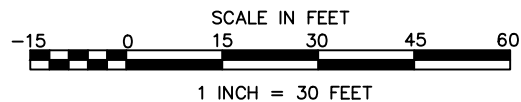
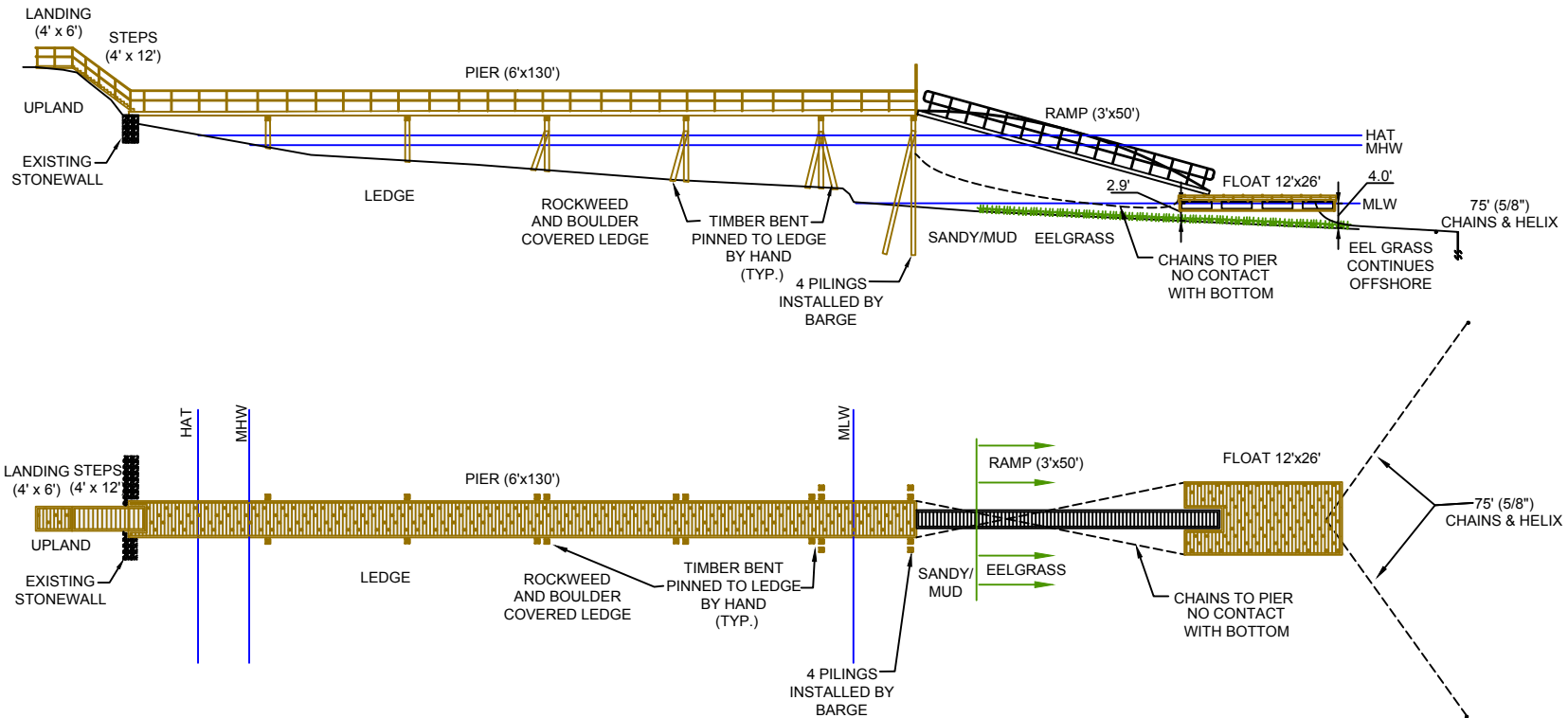
Plan View of the Proposed Dock on behalf of David and Anne Chase located at 39 Nubbin Reach in Yarmouth, Maine.

**FOR PERMITTING PURPOSES**

Sheet  
 2  
 of  
 3

NOTES:

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



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

Date: 9/7/2021  
Revised: 1/11/2022  
Project: Chase, Yarmouth  
Drafted By: TAF/LCV

Cross Section View of the Proposed Dock for David and Anne Chase located at 39 Nubbin Road in Yarmouth, Maine.

**FOR PERMITTING PURPOSES ONLY**

Sheet  
3  
of  
3

## EXHIBIT 6.0: CONSTRUCTION PLAN

The stairs will be constructed with 2" pipe supports driven to refusal. All work for the stairs will be constructed with hand tools and will minimize soil disturbance. The pier will be supported with pilings pinned to ledge. 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. The construction of the dock should take approximately two (2) to three (3) weeks.

All materials will be transported to the site from the adjacent upland area. In addition, construction access will take place from the upland. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the dock given the use of the pipe supports and pinning to ledge and offsite construction of the ramp and float.

## 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. 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.



MAINE REAL ESTATE TAX-Paid

**WARRANTY DEED**  
Statutory short form

DLN1002140149603

KNOW ALL PERSONS BY THESE PRESENTS that we, Sara B. Edwards of the Town of North Haven, County of New Haven, and State of Connecticut and Jeanette T. Barnard of the Town of Yarmouth, County of Cumberland, and State of Maine, for consideration paid, grant to David Chase and Anne Chase of the Town of Yarmouth, County of Cumberland, and State of Maine, with warranty covenants and as joint tenants and not as tenants-in-common, a certain lot or parcel of land, together with the improvements thereon, situated in the Town of Yarmouth, County of Cumberland, and State of Maine, more particularly bounded and described within Exhibit A which is attached hereto and made a part hereof by reference.

IN WITNESS WHEREOF we have set our hands and seals this 18<sup>th</sup> day of June, 2021.

Kataryn Tyraides  
Witness KATARYN TYRAIDES

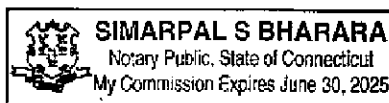
Sara B. Edwards  
Sara B. Edwards

STATE OF CT  
COUNTY OF New Haven, ss. North Haven

On 18<sup>th</sup> day of June, 2021 personally appeared the above named Sara B. Edwards who did acknowledge the foregoing instrument to be her free acts and deeds.

Before me,

Simarpal S. Bharara  
Notary Public/Attorney at Law  
Printed name: Simarpal S. Bharara  
Seal (if any):



\_\_\_\_\_  
Witness

Jeanette T. Barnard  
Jeanette T. Barnard

STATE OF MAINE  
COUNTY OF CUMBERLAND ss.

On 21 day of June, 2021 personally appeared the above named Jeanette T. Barnard who did acknowledge the foregoing instrument to be their free acts and deeds.

Before me,

CBauer  
Notary Public/Attorney at Law  
Printed name: **Constance C Bauer**  
Seal (if any): **Constance C Bauer**  
**Notary Public**  
**My Commission Expires**  
**October 5, 2024**

**EXHIBIT "A"**

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

Beginning at a stone post set in the ground on the southerly side of a street or road extended in an Easterly and Westerly direction near the outer end of Prince's Point, said stone post being located in the most northwesterly corner of the real estate now or formerly of Thomas M. Hodgdon and forty-three and one-half (43 ½) feet in a Westerly direction along the Southerly side of said street or road from an oak tree standing on the boundary line of the Southerly side of said street or road with a northerly line of said Hodgdon land; thence on a course of South 79 1/2° West, a distance of one hundred forty-six and one-half (146 ½) feet to a stone set in the ground at the most Westerly corner of the real estate conveyed to Isobelle M. Taylor by Fanny O. Cleaves by deed dated September 16, 1913 and recorded in the Cumberland County Registry of Deeds in Book 919, Page 398; thence on a course of South 79° West along the northerly line of land so conveyed to Isobelle M. Taylor by Fanny O. Cleaves by deed dated September 7, 1911 and recorded in said Registry of Deeds in Book 885, Page 374, a distance of seventy (70) feet to high water mark; thence Southerly, Southeasterly and Easterly along the high water mark to the Southwesterly line of land now or formerly of Thomas M. Hodgdon; thence North 14 3/4° West along the Westerly line of Hodgdon land, a distance of twenty (20) feet to the top of the bank; thence on a continuation of the same course and by the Westerly line of Hodgdon land, a distance of one hundred forty-nine (149) feet to the point of beginning.

This conveyance is made together with all of the right, title and interest, in and to, the flats, shore rights and privileges appurtenant to the above-described real estate and in and to the street or road referred to, to the center line thereof.

This conveyance is made subject to the limitations and restrictions contained in the deed from Fanny O. Cleaves to Robert L. Maitland dated September 19, 1914 and recorded in the Cumberland County Registry of Deeds in Book 936, Page 462.

Meaning and intending to convey the same premises described in the deed from Edward T. Barnard and Charlotte W. Barnard to David W. Barnard, Sara B. Edwards, and Jeanette T. Barnard dated October 28, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3770, Page 204; as corrected by deed dated October 28, 1975 and recorded in said Registry of Deeds in Book 4327, Page 48; and Quitclaim Deed from David W. Barnard to Sara B. Edwards and Jeanette T. Barnard dated July 10, 2009 and recorded in said Registry of Deeds in Book 27140, Page 338.

Know all Men by these Presents, That

I, Fannie O. Cleaves, of Yarmouth, in the County of Cumberland, and State of Maine,

in consideration of one dollar and other valuable considerations, Robert L. Maitland, of New Rochelle, in the State of New York, paid by

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Robert L. Maitland, his heirs and assigns forever, a certain lot or parcel of land situated on Prince's Point, in said Yarmouth, bounded and described as follows; Beginning at a stone post set in the ground on the Southerly side of a street or road extending in an Easterly and Westerly direction, near the outer end of Prince's Point, said stone being located at the most Northwesterly corner of the real estate of Thomas M. Hodgdon, and forty-three and one half (43 1/2) feet in a Westerly direction along the Southerly side of said street or road from an oak tree standing on the boundary line of the Southerly side of said street or road with the North-erly line of said Hodgdon's land; thence on a course South seventy-nine and one half (79 1/2) degrees West by the Southerly line of said street or road one hundred forty-six and one half (146 1/2) feet to a stone set in the ground at the most Northeasterly corner of the real estate of Isobel M. Taylor; thence South fifteen and one half (15 1/2) degrees East by the most Easterly line of said Taylor's land one hundred seventy-six (176) feet to the edge of the bank; thence on a con-tinuance of said line eighteen (18) feet to high water mark; thence in an Easterly direction by high water mark one hundred forty-seven (147) feet, more or less, to a point marking the most Southwesterly corner of the real estate of said Thomas M. Hodgdon; thence on a course North fourteen and three fourths (14 3/4) degrees West by the Westerly line of said Hodgdon's land twenty (20) feet to the top of the bank; thence on a continuation of the same course and by the Westerly line of said Hodgdon's land one hundred forty-nine (149) feet to the point of beginning. The above described premises is intended to include all land between the Easterly line of the real estate of said Isobel M. Taylor and the Westerly line of the real estate of said Thomas M. Hodgdon. Also all my right, title and interest in and to the flats, shore rights and privileges appurtenant to the above described real estate, and adjoining the Southerly end thereof. The above described real estate is a part of that devised to the grantor under the last Will and Testament of John D. Cleaves, late of said Yarmouth, deceased. This conveyance is made subject to the following limitations and restrictions, namely: That during the lifetime of this grantor and of Mary Bertha Hicks only one building, together with a shed or outbuilding, shall be erected on the above described real estate, except with the written assent of the grantor, if living, and in the event of the grantor's decease, then with the written assent of said Mary Bertha Hicks,

On Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Robert L. Maitland, his heirs and assigns, to his and their use and behoof forever. And I do covenant with the said Grantee, his heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said Fannie O. Cleaves, ( widow)

my hand and seal this nineteenth day of September have hereunto set one thousand nine hundred and fourteen. in the year of our Lord

Signed, Sealed and Delivered in presence of

Benjamin Thompson, Fannie O. Cleaves, Seal

State of Maine, CUMBERLAND, SS. September 26, 1914. Personally appeared the above named Fannie O. Cleaves, and acknowledged the above instrument to be her free act and deed. Before me, Benjamin Thompson, Justice of the Peace. Received Sept. 30, 1914, at 11 o'clock 50 m. A. M., and recorded according to the original.



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

DEPARTMENT ORDER

IN THE MATTER OF

DAVID AND ANNE CHASE	) NATURAL RESOURCES PROTECTION ACT
Yarmouth, Cumberland County	) COASTAL WETLAND IMPACT
RECREATIONAL PIER SYSTEM	) SIGNIFICANT WILDLIFE HABITAT
L-29403-4P-A-N (approval)	) WATER QUALITY CERTIFICATION
L-29403-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 Clean Water 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 DAVID AND ANNE CHASE with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicants are proposing to install a four-foot wide by six-foot long landing, a four-foot wide by 12-foot-long set of stairs, a six-foot wide by 130-foot-long pile supported pier structure, a three-foot-wide by 50-footlong seasonal ramp, and a 12-foot wide by 26-foot-long seasonal float. The pier will be supported by 22 pilings, all of which are located in the resource. The proposed project will provide all-tide access to the resource for recreational use. The proposed project will directly alter approximately 22 square feet of coastal wetland as a result of the pilings and will indirectly alter approximately 1,128 square feet of the coastal wetland as a result of shading over the resource.

According to the Department's Geographic Information System (GIS), Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated Significant Wildlife Habitat, and Essential Habitat for Roseate Tern, which is designated a state Endangered Species is located within the proposed project site. Details regarding the proposed project can be seen on a set of plans, the first of which is entitled, "Plan View of the Proposed Dock," prepared by Atlantic Environmental, LLC and dated September 11, 2021, with a most recent revision dated January 11, 2022. The project is located at 39 Nubbin Reach in the Town of Yarmouth.

B. Current Use of the Site: The site of the proposed project is a 0.79-acre parcel that is developed with a residence and associated improvements. The parcel is identified as Lot 15 on Map 24 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 and surroundings, including an aerial photograph of the project site that show existing pier systems nearby.

The proposed project is located 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. The proposed pier system is similar in size and scale to existing pier systems nearby.

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 wetland.

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.

Construction access to the project site will occur via upland and a barge operating from the resource. The permanent pier will be supported by piles pinned to ledge. The proposed seasonal 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 project site consists of a steep ledge and rockweed covered rocky shore. The subtidal area contains an eelgrass flat spanning the applicants' shoreline, last mapped in 2018 and observed during the applicants' survey conducted on August 13, 2021. Shellfish harvesting is allowed in this location, but no shellfish resources have been documented in this area.

According to the Department's GIS there is TWWH, which is designated Significant Wildlife Habitat and in Essential Habitat for Roseate Tern which is considered a state Endangered Species. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that minimal impacts to wildlife are anticipated for this project if vegetation removed is replanted with native species, construction BMPs are used, activities in the coastal wetland are minimized to the greatest practical extent, and construction occur only between October 31<sup>st</sup> and April 1<sup>st</sup> of any given year.

The DMR stated that the project as proposed is likely to negatively impact the eelgrass resource, as the depth of water during low tide under the float is less than three feet and shading of the vegetation would occur during the growing season. The applicants revised the proposed pier design to lengthen the seasonal ramp, increasing the depth of the float at low tide to four feet. The DMR stated that this change would minimize impact to the eelgrass habitat.

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 occurs between October 31<sup>st</sup> and April 1<sup>st</sup> 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.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly alter approximately 22 square feet of coastal wetland due to pilings and to indirectly alter approximately 1,128 square feet of coastal wetland due to shading. 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 Natural Resources Protection Act (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 wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. A copy of this Order must be included or referenced with payment submittal.

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 considered a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicants submitted an alternative analysis prepared by Atlantic Environmental, LLC. The purpose of the proposed project is to provide readily available access to the coastal resource for recreational activities. As alternative options to the proposed project, the applicants considered the use of the nearest public boat ramp and private marina located in Yarmouth, which are approximately 5 and 3 miles away, respectively, from the project site. The applicants determined that these facilities do not meet their needs as they do not allow for readily available access from the existing residence. The applicants considered other layouts for the pier system but stated that other locations and layouts would either result in the float or boats resting on ledge outcrops when docked or would result in a larger impact to the eelgrass habitat. Based on these considerations, the applicants stated that there is no other practicable alternative to the proposed project that avoids impact to the resource.

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 applicants have minimized impacts to the resource by extending the length of the seasonal ramp to provide enough clearance over eelgrass for the float and boats when docked at low tide.



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. As part of its permitting process, the U.S. Army Corps of Engineers permit, File #NAE-2021-02855, required the applicants to make a contribution to the In-Lieu Fee (ILF) program of the Maine Natural Resources Conservation Program in the amount of \$4,898.46 to compensate for shading impacts to eelgrass.

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 Clean Water 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 that construction occurs between October 31<sup>st</sup> and April 1<sup>st</sup> 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.

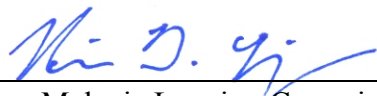
THEREFORE, the Department APPROVES the above noted application of DAVID AND ANNE CHASE to construct a recreational pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

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 shall only occur between October 31<sup>st</sup> and April 1<sup>st</sup> 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.

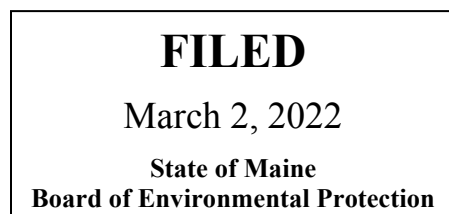
DONE AND DATED IN AUGUSTA, MAINE, THIS 1<sup>ST</sup> DAY OF MARCH, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L29403ANBN/ATS88273, 89127





## 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.

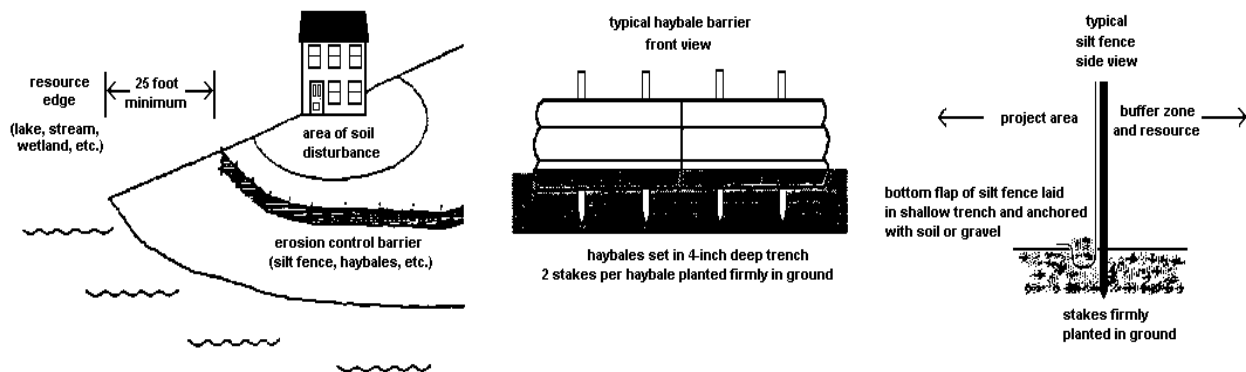


STATE OF MAINE  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

### 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 PERMITS (GPs)  
AUTHORIZATION LETTER AND SCREENING SUMMARY**

**DAVID AND ANNE CHASE**  
**39 NUBBIN REACH**  
**YARMOUTH, MAINE 04096**

**CORPS PERMIT #** NAE-2021-02855  
**CORPS GP#** 3  
**STATE ID#** L-29403-A-N/TW-B-N

**DESCRIPTION OF WORK:**

Construct and maintain a 6-ft. wide x 130-ft. long pile-supported timber pier with a 3-ft. wide x 50-ft. long ramp leading to a 12 ft. x 26 ft. float with associated mooring tackle all below the mean high water mark of Casco Bay off 39 Nubbin Reach at Yarmouth, Maine. This work is shown on the attached plans entitled "Chase, Yarmouth" in one sheet dated "9/11/2021", and three sheets dated (revised) "1/11/2022".

**See GENERAL and SPECIAL CONDITIONS attached.**

**LAT/LONG COORDINATES:** 43.761866° N -70.174786° W **USGS QUAD:** YARMOUTH, MAINE

**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 Special Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the 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: 18NOV2021 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)

Digitally signed by Colin Greenan  
Date: 2022.01.25 09:43:46 -05'00'

**COLIN M. GREENAN**  
**PROJECT MANAGER**  
**MAINE PROJECT OFFICE**

Frank J Del  
Giudice

Digitally signed by Frank J Del Giudice  
Date: 2022.01.26 08:07:11 -05'00'

**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-2021-02855

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 CONDITIONS

1. Piles to be installed by barge shall be conducted during periods of high water such that the barge does not make contact with substrate.

2. Compensatory mitigation for impacts to submerged aquatic vegetation (eelgrass) shall consist of payment of \$4,898.46 to the Maine Natural Resource Conservation Program. The attached completed In-Lieu-Fee (ILF) Project Data Worksheet shall be mailed with a cashier's check or bank draft made out to "Treasurer, State of Maine", with the permit number (NAE-2021-02855) clearly noted on the check. The check and worksheet shall be mailed to Maine Department of Environmental Protection, Attention: ILF Program Administrator, 17 State House Station, Augusta, Maine 04333. **This authorization is not valid** until the permittee provides the Corps with a copy of the check with the permit number noted on the check. The ILF amount is only valid for a period of one year from the date on the authorization letter. After that time, the project shall be reevaluated and a new amount determined.