



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

April 26, 2022

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

Re: Shoreland Zoning Permit Application for a Dock located at 64 Eben Hill Road, in Yarmouth, Maine.

Dear Mr. Ciarimboli,

On behalf of David and Amy Pearl, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Permit Application for a dock consisting of a pier, ramp, and float located at 64 Eben Hill Road in Yarmouth, Maine. Specifically, the Applicant proposes to construct a four (4) foot wide by sixty-four (64) foot long pier, a three (3) foot wide by forty-four (44) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float and a twelve (12) foot wide by five (5) foot long kayak float. The proposal includes a four (4) foot wide by eight (8) foot long set of stairs that extend from the pier and provide access to the intertidal zone. 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 ACOE and DEP 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.

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: 4/11/2022 Zoning District LDR, SZ, RP Map 57 Lot 19 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 Amy Pearl PHONE NO: (207) 329 - 9470

MAILING ADDRESS: 64 Eben Hill Road Yarmouth, ME 04096 e-mail David_Pearl@yarmouthschools.org

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: 64 Eben Hill Road

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

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

Proposed use of project: Residential

Estimated cost of construction \$60,000

Lot area (sq. ft.) 60984

Frontage on Road (FT) +/- 240 ft. No additional non-vegetated surfaces above the HAT - All proposed structures will be located below the HAT.
SQ. FT. of lot to be covered by non-vegetated surfaces _____

Elevation above 100 YR Flood Plain N/A

Frontage on water body (FT.) +/- 240 ft.

Height of proposed structure Minimum of 4.0' 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.

- ☒ Complete Shoreland Zoning Permit application including signatures of property owners and agents.
- ☒ Appropriate fee.
- ☒ Square footage of lot area within the 250' SOD +/- 56480 sq. ft.
- ☒ Square footage and % of lot covered by non-vegetated surfaces within the SOD No additional above HAT
- ☒ 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.

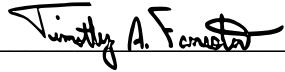
I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Town of Yarmouth Shoreland Regulations in the Zoning Ordinance. I agree to future inspections by the Code Enforcement Officer / Planning Director / Planning Board 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 4/26/2022

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

September 1, 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 the construction of a dock located at 64 Eben Hill Road in Yarmouth, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

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

DAVID PEARL

Print Name

[Signature]

Signature

9/1/2021

Date

Sincerely,
Atlantic Environmental LLC.

[Signature]

Timothy A. Forrester, Owner

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 1.4-acre parcel of land located on Eben Hill Road and adjacent to Casco Bay in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is currently an existing 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 access stairs that provides access to the 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 a partial-tide basis, the Applicant proposes to construct a four (4) foot wide by sixty-four (64) foot long pier that will connect to the existing set of access stairs. The Applicant proposes to construct a four (4) foot wide by eight (8) foot long set of stairs for access to the intertidal from the pier. The pier will be supported with a total of sixteen (16), eight (8) inch by eight (8) inch pilings and helix anchors that will be driven into the substrates. As a result of the supports for the pier, there will be approximately sixteen (16) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by forty-four (44) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float and a twelve (12) foot wide by five (5) foot long low profile kayak float.

The main float will be secured in place with cross chains and helix anchors. The kayak float will connect directly to the main float.

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

The proposed dock does not require additional upland development or trees to be cut.

EXHIBIT 2.0: TOWN OF YARMOUTH STANDARDS

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 site was evaluated based on DEP methodologies that include, “Maine’s Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values” (1999) and “Maine’s Coastal Wetlands: II. Recommended Functional Assessment Guidelines” (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon.

The intertidal at the site of the proposed project contains marsh vegetation and sand. The pier will be supported with helix anchors to reduce impacts to the coastal wetland and will not result in measurable impacts to the coastal wetland. The direct impacts will result in approximately sixteen (16) 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 upland, marsh vegetation and sand. According to the 2018 Maine Department of Environmental Protection’s Eelgrass survey map, eelgrass is not located at the project site. The pier will maintain a 1H:1V 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.**

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).

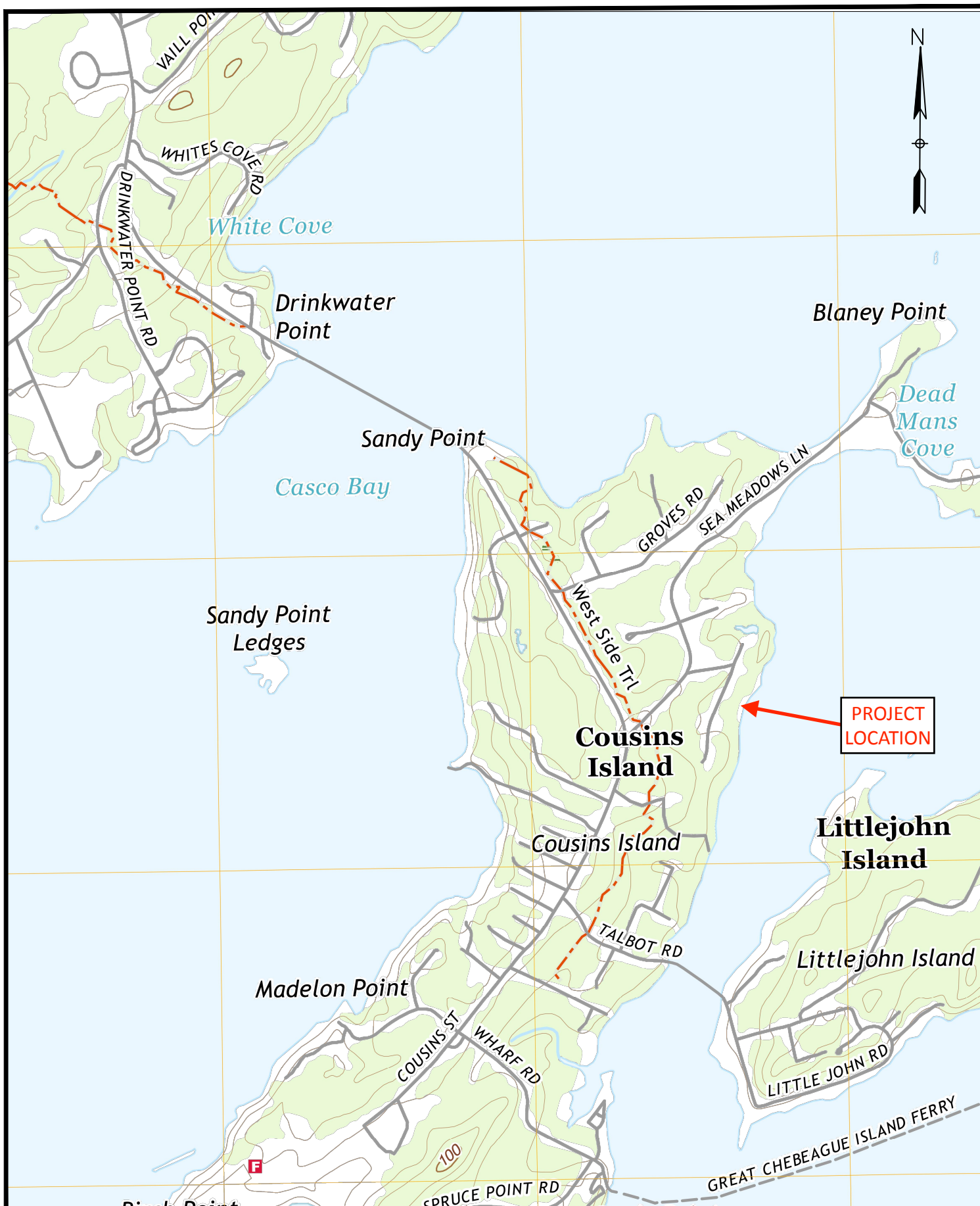
4. The following maximum dimensional requirements shall apply for private docks, located outside of the WOC, WOC II, WOCIII, GD, and Industrial Zones. The requirements for ramp and float size may be waived by the Planning Board if it finds that the proposal has special needs requiring additional area, 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 four (4) feet in width, the ramp will be three (3) feet in width, and the float will be two hundred and forty (240) square feet.

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

EXHIBIT 3.0: LOCATION MAP



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

Date: 9/27/2021
 Revised:
 Project: Pearl, Yarmouth

PROJECT LOCATION
 64 Eben Hill Road
 Yarmouth, ME
 43.766041, -70.134397

Sheet
 1
 of
 1

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 2025

MAP 57(A)

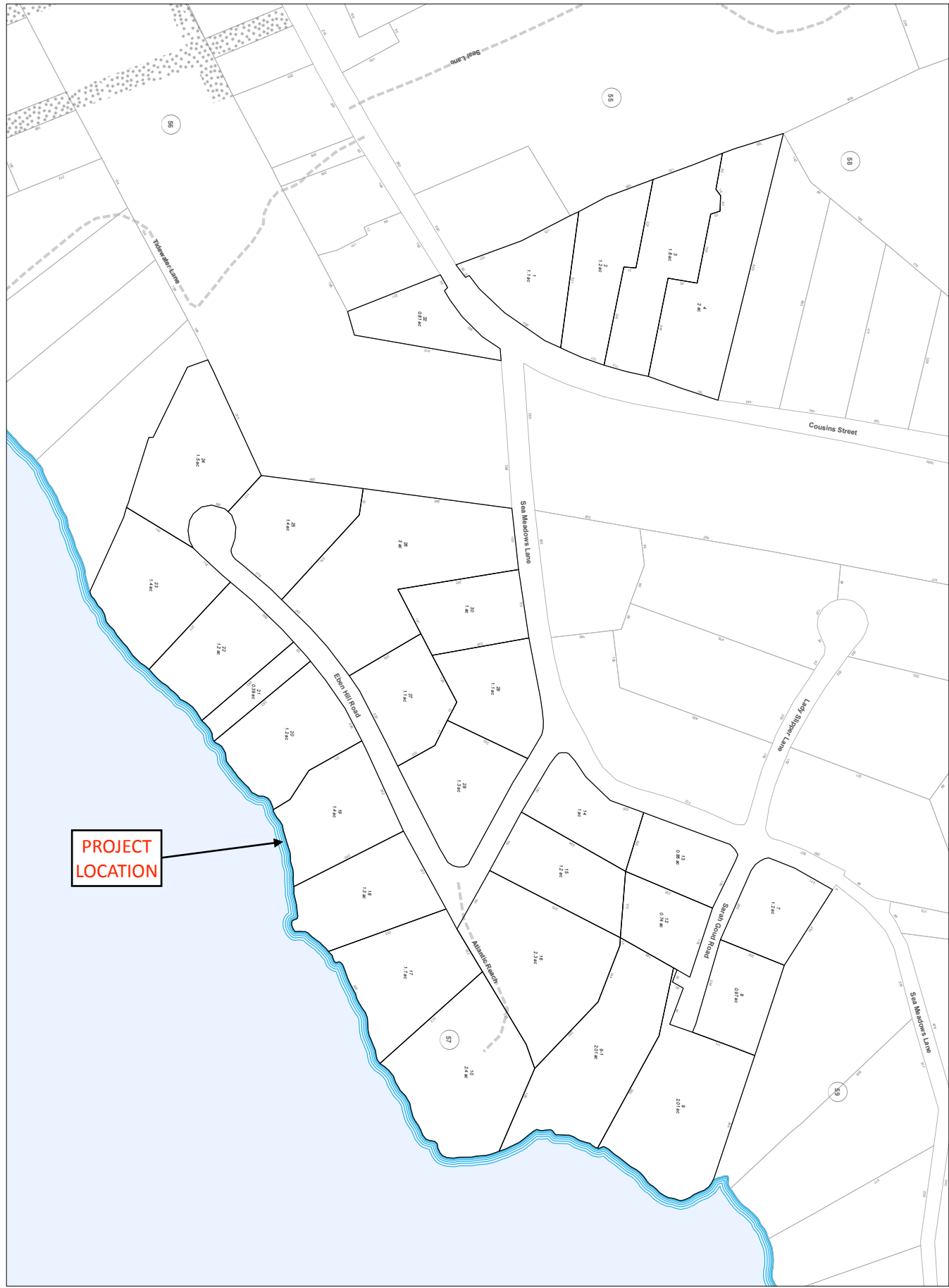


EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the proposed dock located at 64 Eben Hill Road in the Town of Yarmouth, ME.



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



Photograph Two. Overview of project site as taken from drone. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 6, 2021.



Photograph Three. Facing southerly – additional overview of project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 6, 2021.



Photograph Four. Facing westerly – view of existing stairs and upper intertidal. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 6, 2021.

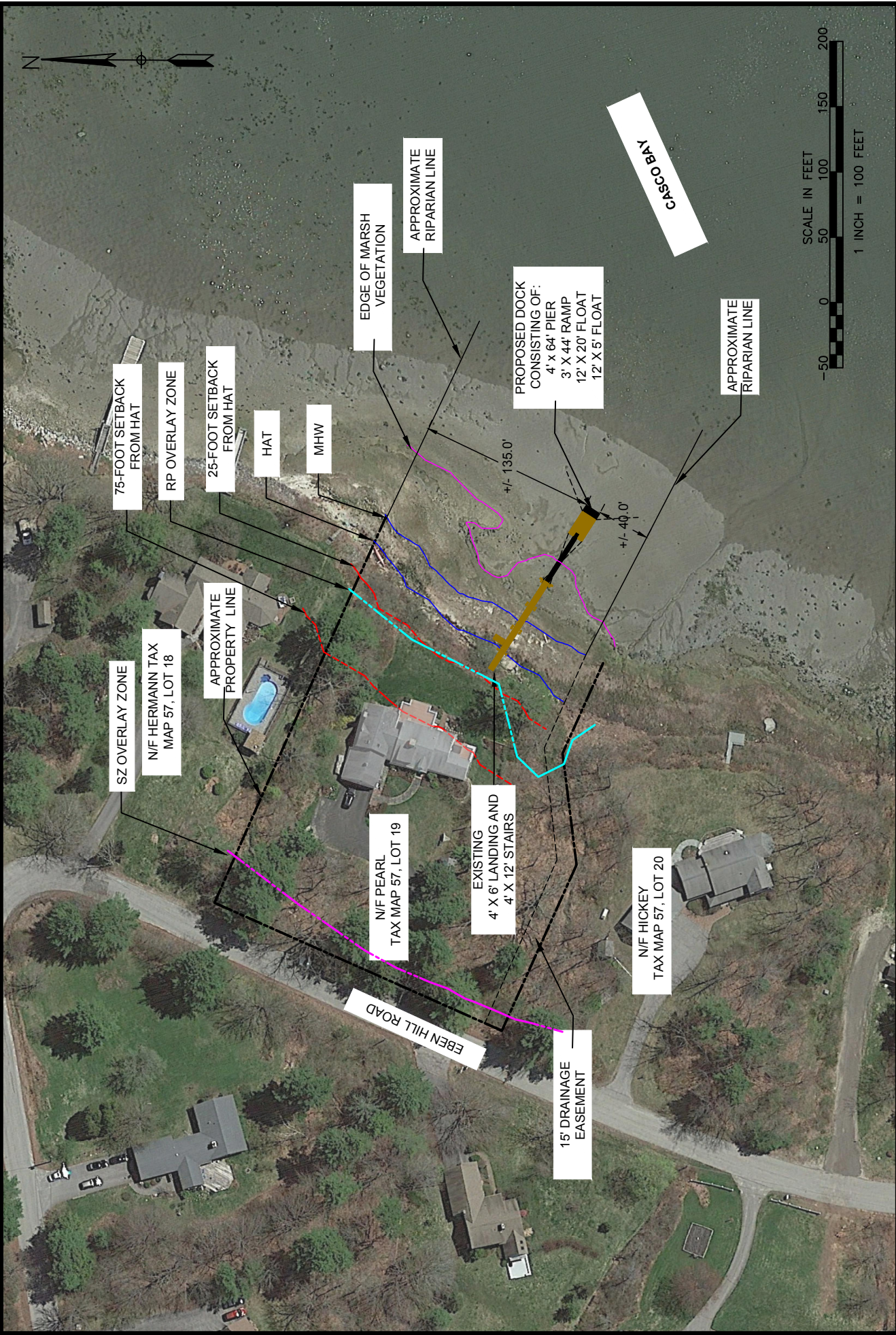


Photograph Five. Facing easterly – view of coastal wetland where float will land. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 6, 2021.

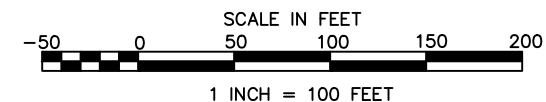
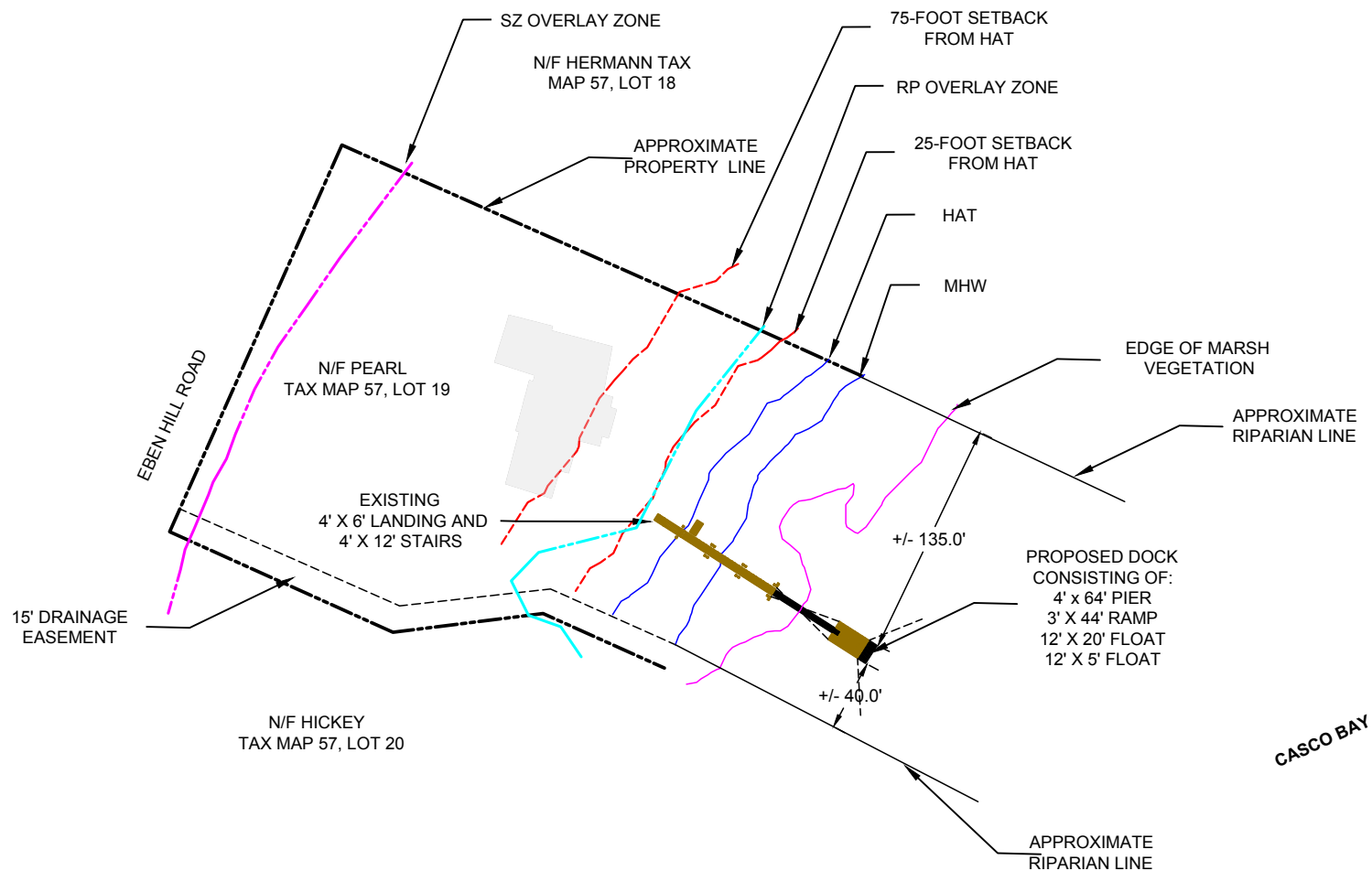


Photograph Six. Facing southerly – view of abutting system. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 6, 2021.

EXHIBIT 5.0: PROJECT PLANS



 ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com	Date: 9/27/2021 Revised: 4/11/2021 Project: Pearl, Yarmouth Drafted By: TAF/LCV	Plan View of the Proposed Dock for David Pearl located at 64 Eben Hill Road in Yarmouth, Maine. FOR PERMITTING PURPOSES	Sheet 1 of 3
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ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticensviromaine.com

Date: 9/27/2021
Revised: 4/11/2021
Project: Pearl, Yarmouth
Drafted By: TAF/LCV

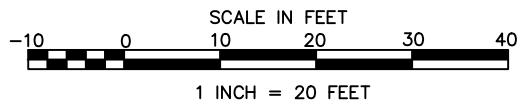
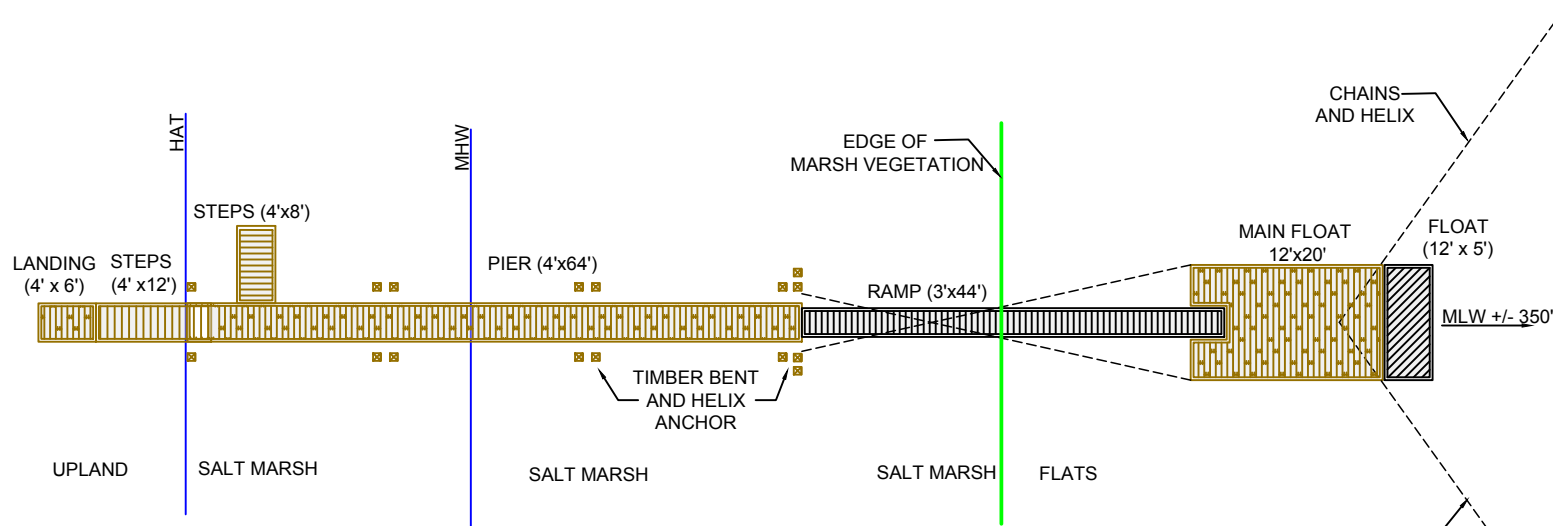
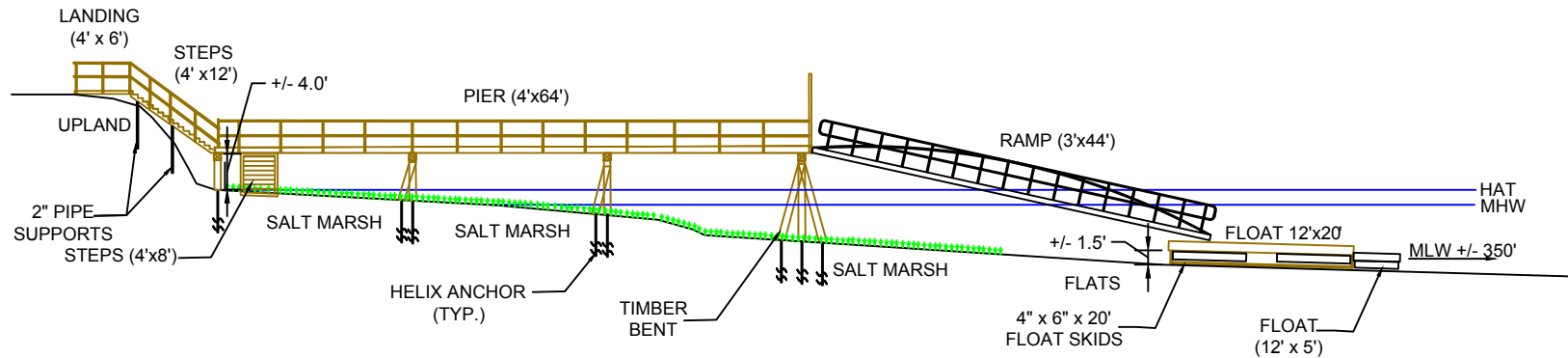
Plan View of the Proposed Dock for David Pearl located at 64 Eben Hill Road in Yarmouth, Maine.

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) 8" X 8" PILINGS AND HELIX ANCHORS WILL SUPPORT THE PROPOSED PIER.
- 3) DURING THE OFF-SEASON, THE RAMP AND THE FLOAT WILL BE STORED IN AN UPLAND LOCATION.
- 4) 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: 9/27/2021
Revised:
Project: Pearl, Yarmouth
Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock for David Pearl located at 64 Eben Hill 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 the **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The aluminum ramp and wood floats will be constructed off-site and set in place once the pier is constructed. The construction of the dock should take approximately one (1) to two (2) weeks.

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. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the dock given the use of helix anchors and construction methods.

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.

EXHIBIT 8.0: COPY OF DEED

Doc#: 84299 Bk:38933 Pg: 220

QUITCLAIM DEED
With Covenant

KNOW ALL MEN BY THESE PRESENTS, that **David A. Pearl** of Yarmouth, Cumberland County, Maine, for and in consideration of one dollar and other valuable consideration paid, grants unto **David A. Pearl and Amy Pearl**, both with a mailing address of 64 Eben Hill Road, Yarmouth, Maine 04096, as **Joint Tenants** with **Quitclaim Covenants**, a certain lot or parcel of land in Yarmouth, County of Cumberland, and State of Maine with all improvements thereon and all appurtenances thereto more particularly described as follows:


See Exhibit A attached hereto.

MEANING AND INTENDING to convey the same premises conveyed to David A. Pearl by deed from Karen D. Pearl dated April 4, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24991, Page 89.

IN WITNESS WHEREOF, the said David A. Pearl has caused this instrument to be signed, sealed and delivered on the date indicated below.

Signed, Sealed and Delivered this 22nd day of November 2021

WITNESS



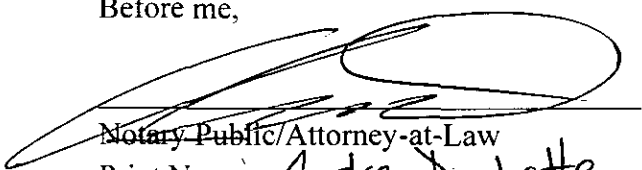
David A. Pearl

STATE OF MAINE
CUMBERLAND, ss.

November 22 2021

Personally appeared the above-named David A. Pearl and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Attorney-at-Law

Print Name: Andre Duchette

My commission expires: Bar No. 9872

EXHIBIT A

A certain lot or parcel of land, with any buildings or improvements thereon, situated on Cousins Island in said Town of Yarmouth and being Lot #5 as shown on a plan of "Sea Meadows", Cousins Island, Yarmouth, Maine, Section 1 recorded in the Cumberland County Registry of Deeds in Plan Book 73, Page 30.

This conveyance is made subject to the 40-foot set back and also the 15-foot drainage easement, all as shown on said Plan.

This conveyance is also made subject to the following utility easements: i) to Central Maine Power Company and New England Telephone & Telegraph dated October 17, 1955 and recorded in said Registry of Deeds in Book 2276, Page 18; ii) to Central Maine Power Company dated November 20, 1964 and recorded in Book 2873, Page 341; iii) to Central Maine Power Company dated December 20, 1966 and recorded in Book 2985, Page 565; and iv) to New England Telephone & Telegraph and Central Maine Power Company, dated November 16, 1979 and recorded in Book 3811, Page 291.

Further conveyed herein is all of the right, title, and interest, of the Grantor with quitclaim covenant, in and to so much of the land situated southeasterly of the mean high-water mark, as depicted on said plan of Sea Meadows, to the Atlantic Ocean.

Received
Recorded Register of Deeds
Nov 29, 2021 01:59:47P
Cumberland County
Jessica M. Spaulding

EXHIBIT 9.0: MHPC AND TRIBE NOTIFICATIONS



September 29, 2021

Ms. Claudette Coyne
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA)
Application for the construction of a dock on behalf of David Pearl located at 64 Eben Hill Road in
Yarmouth, Maine (Tax Map 57, Lot 19).

Dear Ms. Coyne,

David Pearl (Applicant) has applied for a NRPA permit requesting approval to construct a dock and located at 64 Eben Hill Road in Yarmouth, Maine. The dock will consist of a 4' x 6' landing and 4' x 12' stairs that will connect to a 4' x 64' pier, a 3' x 44' ramp, a 12' x 20' float, and a 12' x 5' kayak float. The dock will provide recreational water access to Casco Bay and adjacent waters. Please find a copy of a Location Map and Photographs for your review.

If you have any questions or concerns with this project, please feel free to contact me directly at (207) 837 - 2199 or by e-mail at tim@atlanticenviromaine.com. Thank you in advance for your timely comments.

Sincerely,
Atlantic Environmental LLC.

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

Tim Forrester, Owner

Cc: Kendyl Reis, Aroostook Band of Micmacs
Donald Soctomah, Passamaquoddy Tribe of Indians, PPR
Isaac St. John, Houlton Band of Maliseet Indians
Chris Sockalexis, Penobscot Nation
Donald Soctomah, Passamaquoddy Tribe of Indians, IPR

EXHIBIT 10.0: COASTAL WETLAND CHARACTERIZATION

10.1 INTRODUCTION

AE personnel conducted a site visit at the Applicant's property on July 6, 2021. The purpose of the site visit was to gather data to perform a coastal wetland characterization of the natural resources at the site and to calculate the impacts of the proposed dock. The assessment was conducted at low-tide.

10.2 METHODOLOGIES

The site was evaluated based on DEP methodologies that include, "Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values" (1999) and "Maine's Coastal Wetlands: II. Recommended Functional Assessment Guidelines" (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon. A copy of the checklist is attached in **Exhibit 8.0**. Site-specific data were gathered with a survey level and a Trimble GEO 7X GPS unit. Features identified include rock outcrops, Highest Annual Tide (HAT), Mean High Water (MHW), Mean Low Water (MLW), property pins, habitat types, and existing structures. The collected data were then used to generate plan view and cross section drawings (see **Exhibit 5.0**).

10.3 RESULTS

The site of the proposed project is a 1.4-acre parcel of land that is located on Eben Hill Road in the Town of Yarmouth. The site is developed with a residential structure and associated infrastructure that includes a four (4) foot wide by twelve (12) foot long set of access stairs. The Applicant's shoreline is comprised of a vegetated bank that extends to marsh vegetation. The vegetation extends to sand. Based on the 2018 Eelgrass (*Zostera marina*) survey layer of the

Maine Office of GIS, eelgrass is not located within the vicinity of the proposed structures and the site visit confirmed this by visual analysis and drone imagery.

According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat map, there is Tidal Waterfowl and Wading Bird Significant Wildlife Habitat at the project site.

The energy level is considered semi-protected, the site drains completely, and there are no freshwater wetlands located in the vicinity of the project site.

Three (3) general habitat types were identified in the vicinity of the project site: Upland, Marsh Vegetation, and Sand. The dock will be located over all of these habitat types.

10.4 DISCUSSION AND CONCLUSIONS

The primary organisms that utilize the entire habitat area include: small crustaceans, snails, rock crabs, green crabs, juvenile fish, and tidal waterfowl.

Based on the functional assessment and conditions of the site, all organisms identified within the footprint of the proposed structures are common within the surrounding area and will continue to utilize the area at the completion of construction. It is not anticipated there will be a direct loss of wetland functions or values as a result of the proposed project. The Applicant does not propose to cut any trees to construct the proposed dock.



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 AMY PEARL
64 EBEN HILL ROAD
YARMOUTH, MAINE 04096

CORPS PERMIT # NAE-2021-03118
CORPS GP# 3
STATE ID# NRPA

DESCRIPTION OF WORK:

Construct and maintain a 4-ft. wide x 64-ft. long pile-supported timber pier with a 3-ft. wide x 44-ft. long ramp leading to a 12 ft. x 20 ft. float and a 12 ft. x 5 ft. (kayak) float with associated mooring tackle all below the mean high water mark of Casco Bay off 64 Eben Hill Road at Yarmouth, Maine. The pier will have an attached 4-ft. wide x 8-ft. long set of stairs at the landward end to access the shore. This work is shown on the attached plans entitled "Pearl, Yarmouth" in four sheets dated "9/27/2021". ***See GENERAL and SPECIAL CONDITIONS attached.***

LAT/LONG COORDINATES: 43.084610° N -70.716030° 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: 15DEC2021 LEVEL OF REVIEW: SELF-VERIFICATION: PRE-CONSTRUCTION NOTIFICATION: X

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

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

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

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

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

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-2021-03118**

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. Piles shall be installed during periods of low water when the site is in-the-dry in order to prevent potential effects to endangered marine species.



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

DEPARTMENT ORDER

IN THE MATTER OF

DAVID & AMY PEARL) NATURAL RESOURCES PROTECTION ACT
Yarmouth, Cumberland County) COASTAL WETLAND ALTERATION
RESIDENTIAL PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-29619-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-29619-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 & AMY PEARL 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 propose to construct a residential pier system. The pier system will consist of a four-foot wide by six-foot long landing leading to a four-foot wide by 12-foot long set of access stairs to a four-foot wide by 64-foot long pile-supported pier, a three-foot wide by 44-foot long seasonal ramp, two seasonal floats, one 12-foot wide by 20-foot long and one five-foot wide by 12-foot long low profile kayak float. The applicant is also proposing a four-foot wide by eight-foot long set of steps from the pier system to the intertidal area. The floats will be equipped with skids to limit contact with the mud at low tide. The pier will be supported by 16, eight-inch by eight-inch piles, secured to helical anchors. All piles will be located in the coastal wetland. The pier system will directly alter 16 square feet of coastal wetland due to the piles and indirectly alter 650 square feet of coastal wetland due to shading from the pier, ramp, and floats. The proposed project is located in high value Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated as a Significant Wildlife Habitat under the Natural Resources Protection Act (NRPA). The proposed project is shown on a plan titled “Plan view of the proposed dock for David Pearl located at 64 Eben Hill Road in Yarmouth, Maine” prepared by Atlantic Environmental LLC and dated September 27, 2021. The project site is located at 64 Eben Hill Road in the Town of Yarmouth.

B. Current Use of the Site: The project parcel is approximately 1.4 acres in size and is developed with a residential building, lawn, driveway, and associated improvements. The parcel is identified as Lot 19 on Map 57 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 applicants 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 applicants also submitted several photographs of the proposed project site and surroundings including an aerial photograph of the project site.

The proposed project is located on the northeast shoreline of Cousins Island 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. This area experiences both commercial and residential marine uses. The proposed project is similar in design and scale to other nearby residential pier systems. The ramp and float will be removed seasonally, minimizing visual impacts from the scenic resource. For winter storage, the ramp will be stored on the pier and the floats will be stored in the upland.

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

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

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

All materials will be transported to the site via upland and work will be performed from the upland area. To reduce impacts to the salt marsh, helix anchors will be emplaced into the substrate with pilings attached above to support the pier. The helix anchors will be

installed hydraulically, which results in minimal soil disturbance. The ramp and float will be constructed off site and set in place once the pier is constructed. These construction methods are not expected to create a significant source of sediment. Given that minimal soil disturbance is anticipated, no formal measures are proposed to control erosion or sedimentation.

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 proposed project area consists of lawn in the upland that leads to an approximately 15-foot vegetated bank, to fringing salt marsh in the upper intertidal, and to soft sandy mudflat in the lower intertidal. The area is semi-protected, drains completely at low tide, and contains some marine resource species described further in this section. No eelgrass resources are known to exist in this location.

According to the Department's Geographic Information System (GIS) database, the project is located in an area mapped as TWWH which is designated as Significant Wildlife Habitat. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and commented that because the project is in TWWH the spacing between dock planks should be at least $\frac{3}{4}$ inches to allow sunlight penetration to the marsh grass, soil disturbance is to be kept to an absolute minimum, the vegetated buffer is to be maintained and any vegetation removed is to be replanted with native species. MDIFW further states that because the float is going to bottom out at low tide, the applicants should consider use of a mooring to prevent impacts from boats tied to the float. The applicants agreed to modify the plank spacing to the recommended widths and to utilize a mooring for their boat during low tides.

In its review, the Department of Marine Resources (DMR) stated that soft-shell clam and marine worm resources are known to exist in the proposed project area. Shellfish harvesting is prohibited in this area. Additionally, DMR stated that the project as proposed will have some impacts to marine resources in the project location; however, the proposed float skids will minimize soil compaction under the float and to the resource 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.

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 16 square feet of coastal wetland due to pilings. The proposed project will indirectly alter 650 square feet of coastal wetland due to shading from the pier, ramp, and floats. 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. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier is a water dependent use, and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicants submitted an alternatives analysis for the proposed project completed by Atlantic Environmental, LLC. The purpose of the project is to provide safe boating and kayaking access to the coastal wetland. The applicants considered not constructing the pier system; however, this would not meet the project purpose. The applicants considered not installing the low profile kayak float; however, at higher tides, loading into kayaks from the higher profile float would be difficult and dangerous. The applicants considered constructing a temporary pier system; however, this would not

result in a safe or stable structure. The applicants considered other locations on the parcel; however, the proposed location is already developed and would alleviate the need to disturb additional shoreline. The applicants also considered the use of public and private facilities as an alternative to the proposed project. The closest public boat launch is located approximately five miles away but does not provide readily available access to the resource. The closest private marina is located approximately four miles from the project site, however the applicants determined it would be too costly to maintain a slip and a slip at the marina would also not provide readily available access for kayaking, fishing, or swimming and other recreational uses. Based on these considerations, the applicants stated that there is no other practicable alternative that would accomplish the project purpose and avoid impacts to coastal wetland.

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 minimized impacts by removing the seasonal ramp and float during part of the year. The ramp will be stored on the pile-supported pier and the float will be stored on the upland, above the coastal wetland, during the off-season. In addition, the seasonal floats will have skids to minimize the impacts to the intertidal habitat. The applicants stated that the proposed project minimizes coastal wetland impacts to the greatest practicable extent.

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

The Department finds that the applicants have 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.
- 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 & AMY PEARL to construct a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicants 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.

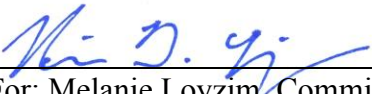
4. All CCA- treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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 25TH DAY OF APRIL, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____


For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AAS/L29619ANBN/ATS#88641,89044

FILED
April 25th, 2022
State of Maine
Board of Environmental Protection



Natural Resources Protection Act (NRPA) Standard Conditions

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

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

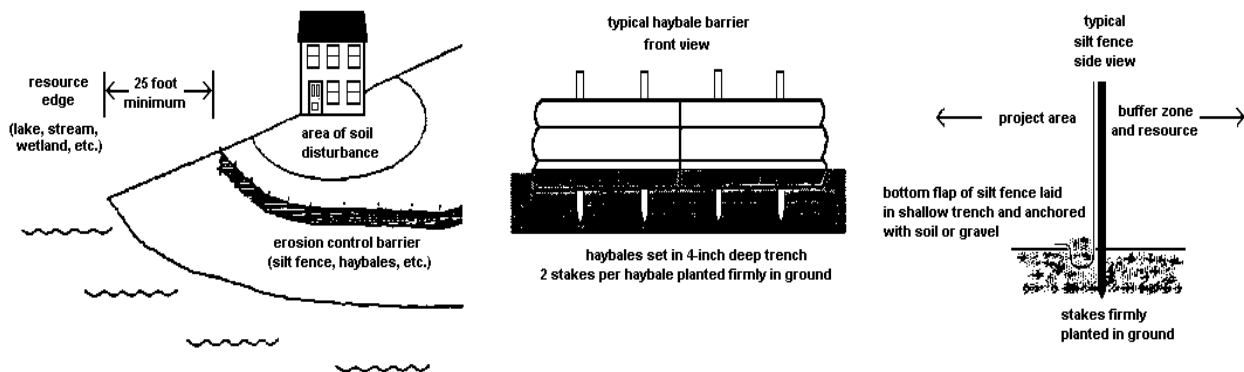


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

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



During Construction

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

After Construction

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

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

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

To Protect the Soil

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

To Save Money (\$\$)

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