

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, May 9, 2019 5:09 PM
To: MacNeil, Jami
Subject: thoughts?

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Jami,

Thanks again for helping me sort this out.

I went down and walked the shoreline and found a couple of alternate spots, but like you were saying the tradeoffs might not make sense. (one place i have to clear a new road to waterfront and remove a grouping of oak trees to access the no-grass area. The other, i would have to clear a new road about 750' to the waterfront and then the banking is much steeper and would require more excavation/fill to make work i imagine) Attached is a new picture, i lifted the large granite blocks that are anchors for the dock out of the way to get abetter picture and then drove some stakes at approx. 12' wide and found a possible way to get through the grass as-is. I will just move the dock to the 'right in photo' a little bit to accommodate.

What do you think? See attached picture.

Thanks,
-jeff



York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, May 9, 2019 5:18 PM
To: MacNeil, Jami
Subject: RE: thoughts?
Attachments: Alternative1-near campsite-InkedIMG_1831_LI.jpg

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Here is the 1st alternative i mentioned. It is amazingly grass free, i imagine because its under this oak tree perhaps? I have marked the group of oak trees that i imagine would have to go, i would then clear a road approx. 100-150' straight back to the campsite area. In terms of work effort, i am ambivalent about this option. If it satisfies the DEP/Army Corp, i could handle it.

There is one other option, will send in asecond.

Thanks!



York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Thursday, May 9, 2019 6:01 PM
To: MacNeil, Jami
Subject: final option
Attachments: InkedInkedalternative2-2_LI.jpg

Follow Up Flag: Follow up
Flag Status: Completed

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Hi once again Jami, here is the final option, it took me a few minutes to sketch this one out. It is actually the location of the old brick sheds (historical aside: they made bricks from clay in the area, stacked them in sheds here, burned the sheds to cook the bricks and then loaded bricks onto barge)

As you can see from the yellow circle, there are bricks everywhere...the entire banking is brick just under the grass and drops off steeply into water. between the orange lines is just regular grass like you might have on your lawn (expect its all grown up and full of debris from spring flooding), not the common cordgrass.

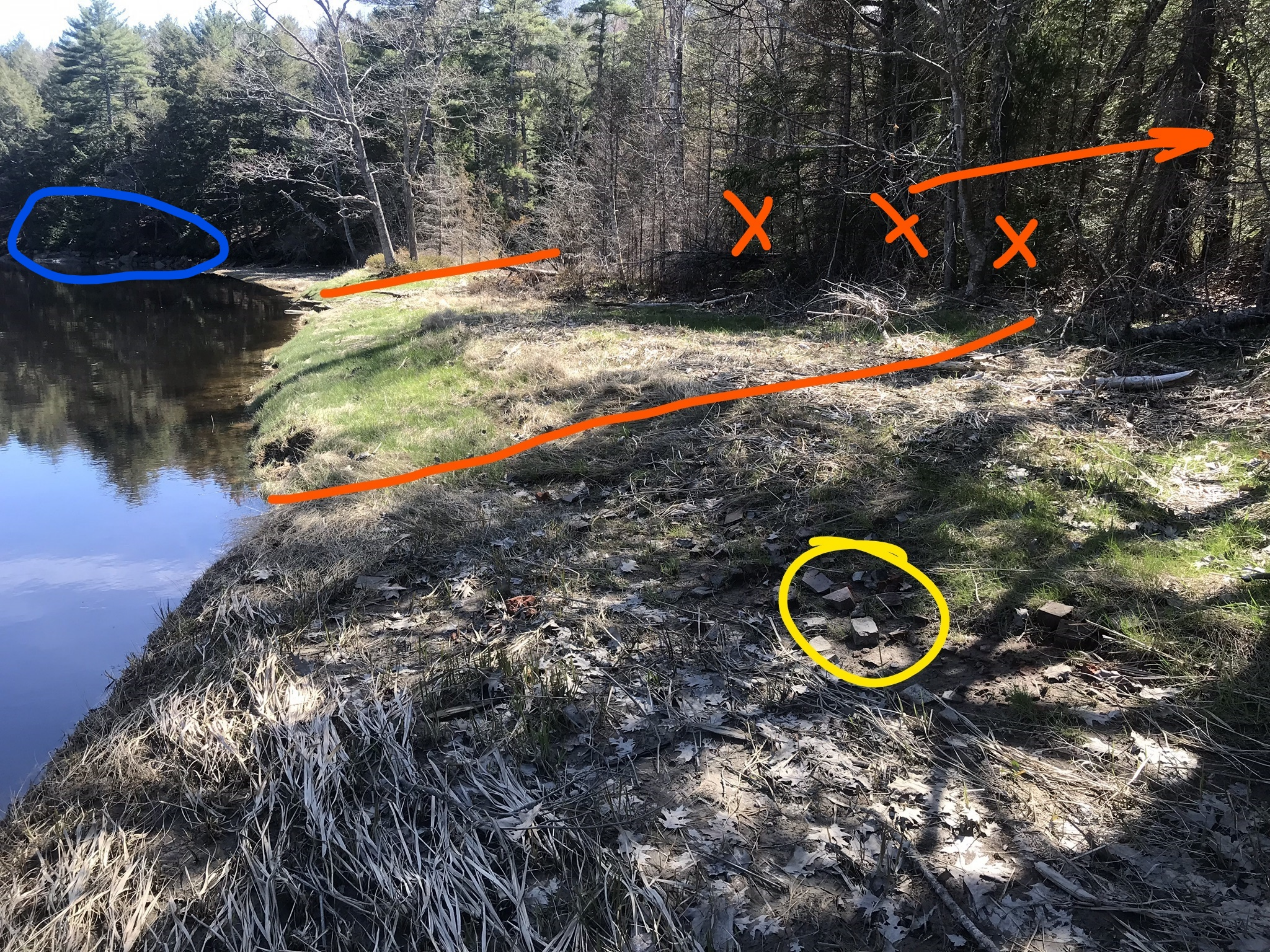
The shoreline south of this is significantly steeper (blue circle) and a road would be very hard to build.

I would still need to build a significant road to get to this location, im speculating it is easily 750' - 1000' and although the water is deeper at this location, the embankment is much steeper as this is the site of an old pier where they loaded bricks.

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdrive.google.com%2Fopen%3Ffid%3D1Qd4Kf5fX1riiMPabnFjOapcVKhZK9RC4%26usp%3Dsharing&data=02%7C01%7Cjami.macneil%40maine.gov%7C64b2b1f87d0b42aa963508d6d4c9dd6a%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C636930361156101374&reserved=0> -- this satellite map shows the options in context of the property.

Please let me know what option you think i should pursue.

Thanks,
-jeff



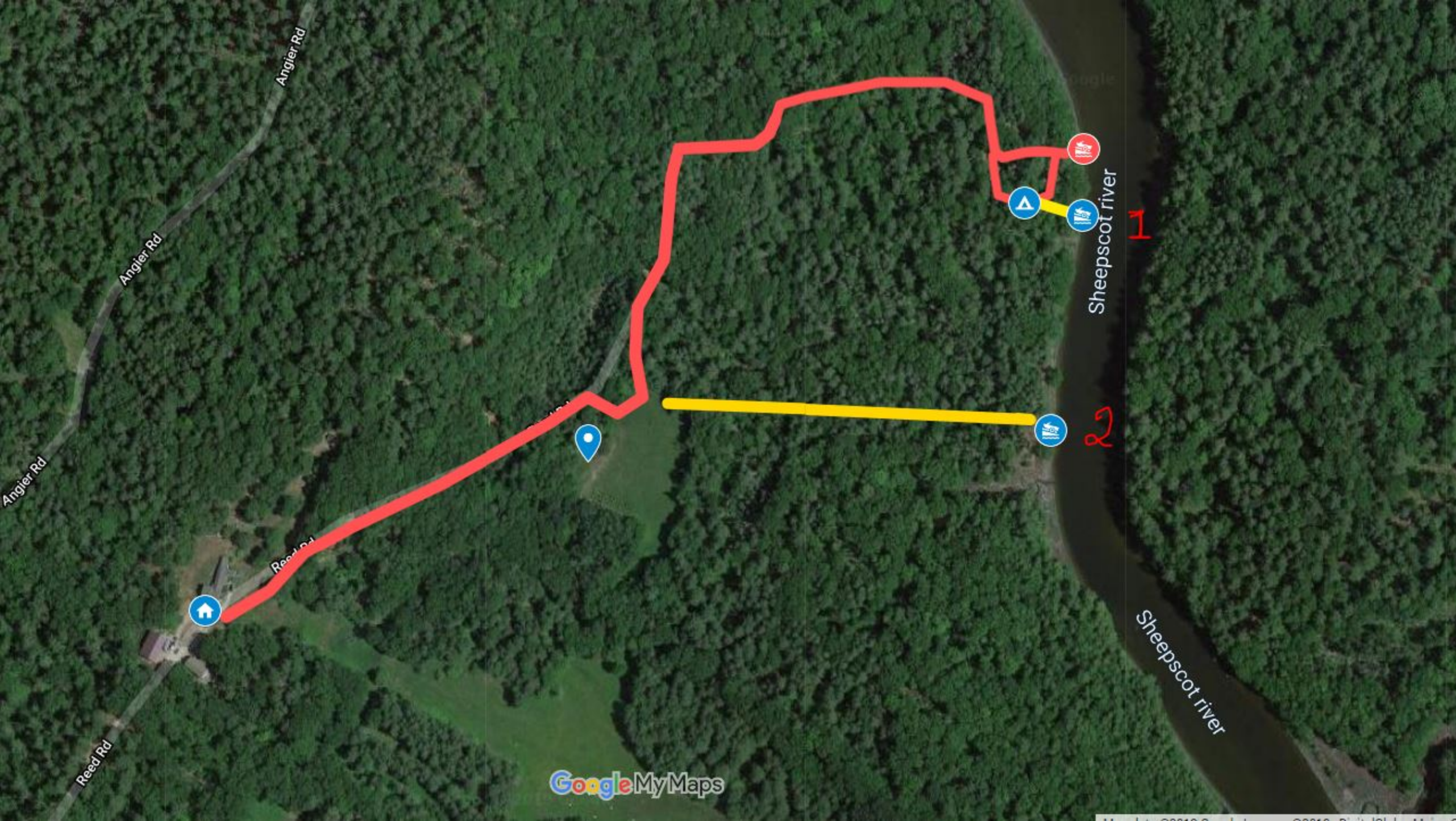
York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, May 9, 2019 6:14 PM
To: MacNeil, Jami
Subject: Sent from Snipping Tool
Attachments: SnipImage.JPG

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Just in case you cant access the map i sent a link to, here is a screenshot of it with optiosn 1 & 2 labeled. Yellow lines are the roads that would have to be built.

Thanks,
-jeff



Angier Rd

Reed Rd

Sheepscot river

Sheepscot river

Google MyMaps



York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Friday, May 10, 2019 4:20 PM
To: MacNeil, Jami
Subject: Re: RE: thoughts?

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Ok. Thank you, let me think this over further and figure out what to do. Have a great weekend, jeff

> On May 10, 2019, at 4:05 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> Thank you for the maps and pictures. Since our discussion yesterday, I've talked to my supervisor and more experienced staff about your project. They related to me that it is unusual for the Department to approve a permit for a boat ramp for a private individual. The permits we issue for these are typically to a municipality, condominium association, or a business -- somewhere where there will be shared use among many people, and/or the ramp access is needed for the nature of the business (a marina or boat repair business, for example).

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> This isn't to say your project is not possible. We cannot make that determination without conducting a review of a full application. However, I do want to caution you that I am told that approval is not likely. The Department has issued denials for private boat ramps in the past. For the application to have a chance of getting approved, your alternatives analysis would have to be very thorough in telling us why the concrete ramp is needed (recreation, commercial, or access to property; elaborate on the number of people, the number of vessels, and the frequency of use), and in describing all of the other access options that were considered and why they are not feasible, including the "do nothing" alternative (which means you do not build the ramp and continue to access the water as you have been).

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> Have you considered temporary boat ramp options that would be removed seasonally? I can't recommend any particular companies or products, but an internet search should pull up images and ideas for this. The DEP does not regulate temporary structures, although you would still need to get approval from the Army Corps of Engineers. You can call their project office at 623-8367 for more info on what they might need. You will still need a NRPA permit from the DEP for the pier. Given your pier design, which is minimal and largely seasonal, it would be very simple for us to approve a permit for the pier alone, without the ramp.

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> Regarding the alternative locations you sent, I think the existing site is probably best (with the ramp location moved a little closer to the current pier location as you described). However, I strongly encourage you to think about other ways to improve your current access (such as a temporary ramp), or substantially expand your alternatives analysis prior to submitting.

>

> Feel free to call or email if you want to discuss further. I will be leaving the office soon for the weekend, but will be back on Monday.

>

> Sincerely,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]

> Sent: Thursday, May 09, 2019 5:09 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: thoughts?

>

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> Hi Jami,

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> Thanks again for helping me sort this out.

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> What do you think? See attached picture.

>

> Thanks,

> -jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Monday, May 20, 2019 4:47 PM
To: MacNeil, Jami
Subject: RE: thoughts?

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Hi Jami,

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Option 1. I found this as a roll in/roll out solution

<https://nam03.safelinks.protection.outlook.com/?url=http%3A%2F%2Ffauntrackway.com%2Faccess%2Fmarine-access%2Fboat-ramp-kit&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cc2942b8d9c904e9907ce08d6dd645257%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C636939820280827709&sdata=I9Ki30h7EHB7H7DURfp6ACrpnjKP5JS7dmismjnnneM%3D&reserved=0> but it seems to require heavy machinery to put it in and out each time. Also, the footprint size is larger than what i am seeking. (only available in 10.8' or 13.8' widths). Finally, the cost is approx. 4-5 times that of a concrete plank option and still requires some site prep work.

Option 2.

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.flexamat.com%2F&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cc2942b8d9c904e9907ce08d6dd645257%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C636939820280827709&sdata=MIE9KHVe0suw18pgNL0%2BG75IRRgOYWxxc344anZatlo%3D&reserved=0> -- this seems to be an interesting option, it is little concrete pyramids on a geotextile fabric and apparently grass and stuff grows right through it. i was told it has 30% 'gaps' so its technically less surface area than a solid surface and the manufacturer says that makes it more environment friendly. I was told by the manufacturer that these are being used on some boat ramps by the state here in maine. I think cost is reasonably comparable but still needs a subbase prepared.

Option 3. The original concrete planks idea, thinking about the 'space' in option 2 between the blocks, i could calculate this out for the planks. Every plank that is 15" wide has 6" between them if i recall....i didn't know this was a big deal before i talked to the flexamat guys.

Also, i had a couple of other thoughts after talking to the guys i fish with who also use this.

One of them suggested that we just do the 'above HAT line' portion (get the permit for the pier/ramp change, and the rip/rap/piling posts to support the new ramp). And see if that helps us enough that we just use the rest of the launch ramp as we have been for a while to see if that is close enough.

So, i think that would handle the pier permit you mentioned, and take care of the substantial erosion part I'm worried about on the shoreline from increased trailers/vehicles launching. I assume the DEP permit is needed for the above HAT work?

What do you think about that? Does that somehow preclude us from coming back in another year after having tried it and requesting the ramp part then? Im just not certain how this works.

Also, can you give me some idea of the cost of this permit process? (i know it is a big deal above 480 square feet, but i think i know we can stay below that).

Thanks,
-j

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, May 10, 2019 4:05 PM
To: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: thoughts?

Hi Jeff,

Thank you for the maps and pictures. Since our discussion yesterday, I've talked to my supervisor and more experienced staff about your project. They related to me that it is unusual for the Department to approve a permit for a boat ramp for a private individual. The permits we issue for these are typically to a municipality, condominium association, or a business -- somewhere where there will be shared use among many people, and/or the ramp access is needed for the nature of the business (a marina or boat repair business, for example).

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Have you considered temporary boat ramp options that would be removed seasonally? I can't recommend any particular companies or products, but an internet search should pull up images and ideas for this. The DEP does not regulate temporary structures, although you would still need to get approval from the Army Corps of Engineers. You can call their project office at 623-8367 for more info on what they might need. You will still need a NRPA permit from the DEP for the pier. Given your pier design, which is minimal and largely seasonal, it would be very simple for us to approve a permit for the pier alone, without the ramp.

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Feel free to call or email if you want to discuss further. I will be leaving the office soon for the weekend, but will be back on Monday.

Sincerely,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Thursday, May 09, 2019 5:09 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: thoughts?

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Hi Jami,

Thanks again for helping me sort this out.

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What do you think? See attached picture.

Thanks,
-jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Wednesday, May 22, 2019 10:30 AM
To: MacNeil, Jami
Subject: RE: thoughts?

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Jami,

As always, thanks for the info. I am learning a lot for sure.

What I am struggling to follow along with is this (multi person use requirement) appears to be some sort of unwritten rule. When i look up the nrpa requirements from the <https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fland%2Fnrpa%2Fin dex.html&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cb842b089685841856e9a08d6dec1f95d%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C636941322028253253&reserved=0> site, i find the following text:

"To receive an NRPA permit, the applicant must demonstrate that the proposed activity will NOT:

-unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses -cause unreasonable erosion of soil or sediment, or prevent naturally occurring erosion -unreasonably harm any significant wildlife, fisheries or aquatic habitat -unreasonably interfere with the natural flow of any surface or subsurface waters -lower water quality -cause or increase flooding -unreasonably interfere with supply or movement of sand to sand dune areas -cross a river segment identified in the NRPA as "outstanding" unless no other alternative having less adverse impact on the river exists.

"

I think that my project passes the above tests assuming i don't cover the grass to either side and use proper turbidity curtains, etc like we talked about during construction.

Can you point me to the specific NRPA rule or law that specifies this multi-person part so that i can have a look for myself and show the othersf?

Of course, I would prefer not to apply for two different permits, each costing me over \$500 it seems if i don't have to. Am i understanding that right, the \$515 is for the pier & shoreline rip rap and above HAT work, it would be another \$515 if i then applied for the ramp another year down the road?

Finally, I'm going to take your advice and call the army corps and chat with them, see if they have any other ideas.

Thanks,
-jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Tuesday, May 21, 2019 3:33 PM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: thoughts?

Hi Jeff,

I think the real sticking point will be establishing a strong enough purpose for a privately-owned boat ramp, rather than the materials and methods. You are clearly exploring alternatives and trying to minimize your impact, but private ramps are just not often approved. If you do apply for one, make sure it has zero direct impacts to any marsh grass (as we discussed before), and make it as narrow as possible. And provide plenty of information on the purpose, the number of people and vessels making use of it, and why there is no other access point.

The roll-in roll-out aluminum mat, if removed seasonally, could be exempt from the NRPA (i.e., wouldn't need a State permit), but would still need Army Corps approval. If it does require heavy equipment and is wider than you need it, that obviously isn't what we would prefer, but the way the law is written, the DEP doesn't regulate temporary structures under the NRPA.

The concrete flexmat is interesting, but we would still consider the entire footprint to be permanent fill, and would still want it placed outside of any salt marsh grass. So from a permitting standpoint, it's only marginally easier to approve than concrete planks.

Your final thought of applying for the pier and riprap portion of the project, and waiting on the ramp to see if you need it, would be the most expedient option for you. The pier and riprap alone would be fairly simple to approve. And yes, we do need to review and approve the activities above the HAT as well (anything within 75 feet of the resource). You would not be precluded from later applying for the ramp, but you would at that time face the same challenges with justifying the purpose, and it would require an additional individual NRPA application and fee. The current application fee for these types of coastal wetland alterations is \$515.00.

Let me know if you have further questions. I encourage you to reach out to the Army Corps if you haven't yet (207-623-8367). They may have more ideas or guidance, especially if you decide to go with a temporary ramp structure.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Monday, May 20, 2019 4:47 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: thoughts?

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York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, May 23, 2019 2:26 PM
To: MacNeil, Jami
Subject: Re: RE: thoughts?

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Ok. Thanks. That seems fair.

> On May 23, 2019, at 2:14 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> If you were to submit a plan that the Department decided it could not approve, we would let you know and you would have the option of either withdrawing the application or revising the plan. Revisions are common during the review processing, we try to work with the applicant to find a plan that both works for them and meets the standards of the NRPA.

>

> If you did not wish to withdraw or revise, we would issue a denial. You would not get a refund. The only time you would get a refund is if we were to return the application very early on, due to it being incomplete or ineligible for the type of permit for which you'd applied. Occasionally an applicant withdraws their application early enough in the process that a refund is issued. But generally, once the Department has invested time into a review, it does not issue a refund.

>

> Hope that helps,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

> Sent: Thursday, May 23, 2019 12:08 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: RE: thoughts?

>

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>

> If i apply for a permit, and they deny it for some reason do i get a chance to adjust the permit or do they just take my money and deny it? How does that usually work?

> -----Original Message-----

> From: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Sent: Wednesday, May 22, 2019 3:29 PM

> To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

> Subject: {EXTERNAL} RE: thoughts?

>

> Hi Jeff,

>

> That is a fair question. We look to Chapter 310 of Department Rules (attached) for guidance on interpreting the NRPA. For applications that involve wetland alterations, Chapter 310(5)(A) specifies that an Analysis of Alternatives is required, and directs us to Ch. 310(9)(A). This section states, in part, "A report that analyzes whether a less environmentally damaging practicable alternative to the proposed alteration, which meets the project purpose, exists." Subsection 4 of this section also specifies that the project purpose must be demonstrated as a part of the alternatives analysis. Thus, a key part of considering whether a viable alternative exists is establishing a strong purpose for the project.

>

> Essentially, the more people that use the ramp, the stronger the need or purpose for the project, the easier it is to justify the wetland alteration.

>

> If there is just one person using this access point, then the Department may determine that despite the erosion that is caused from launching here without a ramp, and despite the inconvenience to the user, NOT having a ramp is still a practicable alternative to building one. However, if, say, a dozen people use this access point, and/or it is used often and frequently enough, then the do-nothing alternative (not installing a ramp) may result in a level of erosion and inconvenience that is NOT practicable, and the Department may therefore approve the project. But you would have to convince us that this is the case.

>

> There is also precedence for the Department issuing denials for private boat ramps. The majority of the approvals are for boat ramps that are either public, commercial (associated with commercial fishing, marinas, boat repair businesses, lobster pounds, etc), or are expansions or replacements of existing ramps.

>

> And yes, you are correct that if you apply for riprap and a pier system now, you would pay the \$515 application fee, and if you later applied for a boat ramp, you would pay the application fee again. A new fee schedule is published every November, and the fees generally go up each year (from last year to this year, it was a \$15 increase).

>

> Feel free to call if you want to discuss further.

>

> Best,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey [<mailto:Jeffrey.Spinney@LibertyMutual.com>]

> Sent: Wednesday, May 22, 2019 10:30 AM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: RE: thoughts?

>

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>

> Jami,

>

> As always, thanks for the info. I am learning a lot for sure.

>

> What I am struggling to follow along with is this (multi person use requirement) appears to be some sort of unwritten rule. When i look up the nrpa requirements from the <https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fland%2Fnrpa%2Findex.html&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cedf5c344a2044eb3182908d6dfac1e45%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C636942327675571305&data=y4JtGnHB%2FAlvQrN5yxQmTvEuxoteSAsdPJvGF3T2OoA%3D&reserved=0> site, i find the following text:

>
>
> "To receive an NRPA permit, the applicant must demonstrate that the proposed activity will NOT:

>
> -unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses -cause unreasonable erosion of soil or sediment, or prevent naturally occurring erosion -unreasonably harm any significant wildlife, fisheries or aquatic habitat -unreasonably interfere with the natural flow of any surface or subsurface waters -lower water quality - cause or increase flooding -unreasonably interfere with supply or movement of sand to sand dune areas -cross a river segment identified in the NRPA as "outstanding" unless no other alternative having less adverse impact on the river exists.

> "
>
> I think that my project passes the above tests assuming i don't cover the grass to either side and use proper turbidity curtains, etc like we talked about during construction.

>
>
> Can you point me to the specific NRPA rule or law that specifies this multi-person part so that i can have a look for myself and show the othersf?

>
> Of course, I would prefer not to apply for two different permits, each costing me over \$500 it seems if i don't have to. Am i understanding that right, the \$515 is for the pier & shoreline rip rap and above HAT work, it would be another \$515 if i then applied for the ramp another year down the road?

>
> Finally, I'm going to take your advice and call the army corps and chat with them, see if they have any other ideas.

>
> Thanks,
> -jeff

>
>
>
>
>
>
>
>
>
> -----Original Message-----

> From: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Sent: Tuesday, May 21, 2019 3:33 PM
> To: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
> Subject: {EXTERNAL} RE: thoughts?

>
> Hi Jeff,

>
> I think the real sticking point will be establishing a strong enough purpose for a privately-owned boat ramp, rather than the materials and methods. You are clearly exploring alternatives and trying to minimize your impact, but private ramps are just not often approved. If you do apply for one, make sure it has zero direct impacts to any marsh grass (as we discussed before), and make it as narrow as possible. And provide plenty of information on the purpose, the number of people and vessels making use of it, and why there is no other access point.

>

> The roll-in roll-out aluminum mat, if removed seasonally, could be exempt from the NRPA (i.e., wouldn't need a State permit), but would still need Army Corps approval. If it does require heavy equipment and is wider than you need it, that obviously isn't what we would prefer, but the way the law is written, the DEP doesn't regulate temporary structures under the NRPA.

>

> The concrete flexmat is interesting, but we would still consider the entire footprint to be permanent fill, and would still want it placed outside of any salt marsh grass. So from a permitting standpoint, it's only marginally easier to approve than concrete planks.

>

> Your final thought of applying for the pier and riprap portion of the project, and waiting on the ramp to see if you need it, would be the most expedient option for you. The pier and riprap alone would be fairly simple to approve. And yes, we do need to review and approve the activities above the HAT as well (anything within 75 feet of the resource). You would not be precluded from later applying for the ramp, but you would at that time face the same challenges with justifying the purpose, and it would require an additional individual NRPA application and fee. The current application fee for these types of coastal wetland alterations is \$515.00.

>

> Let me know if you have further questions. I encourage you to reach out to the Army Corps if you haven't yet (207-623-8367). They may have more ideas or guidance, especially if you decide to go with a temporary ramp structure.

>

> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----
> From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
> Sent: Monday, May 20, 2019 4:47 PM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: RE: thoughts?

>

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>

> Hi Jami,

>

>

> My group and i have been doing a lot of calling around and trying to find other solutions like you suggested. Wanted to see what your thoughts are from the perspective of the DEP.

>

>

> Option 1. I found this as a roll in/roll out solution
<https://nam03.safelinks.protection.outlook.com/?url=http%3A%2F%2Ffauntrackway.com%2Faccess%2Fmarine-access%2Fboat-ramp-kit&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cedf5c344a2044eb3182908d6dfac1e45%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C636942327675571305&sd=PuJxgt4d%2FCgEsFZIELc4YnMgen5a8kUHsWdalSWSJ94%3D&reserved=0> but it seems to require heavy machinery to put it in and out each time. Also, the footprint size is larger than what i am seeking. (only available in 10.8' or 13.8' widths). Finally, the cost is approx. 4-5 times that of a concrete plank option and still requires some site prep work.

>

>

> Option 2.

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.flexamat.com%2F&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cedf5c344a2044eb3182908d6dfac1e45%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C636942327675581302&data=tm9pEpbizKqZ5gGzAwCBf5KMTttvYuhXlePHazMO%2Fao%3D&reserved=0> -- this seems to be an interesting option, it is little concrete pyramids on a geotextile fabric and apparently grass and stuff grows right through it. i was told it has 30% 'gaps' so its technically less surface area than a solid surface and the manufacturer says that makes it more environment friendly. I was told by the manufacturer that these are being used on some boat ramps by the state here in maine. I think cost is reasonably comparable but still needs a subbase prepared.

>

>

> Option 3. The original concrete planks idea, thinking about the 'space' in option 2 between the blocks, i could calculate this out for the planks. Every plank that is 15" wide has 6" between them if i recall....i didn't know this was a big deal before i talked to the flexamat guys.

>

>

>

> Also, i had a couple of other thoughts after talking to the guys i fish with who also use this.

>

> One of them suggested that we just do the 'above HAT line' portion (get the permit for the pier/ramp change, and the rip/rap/piling posts to support the new ramp). And see if that helps us enough that we just use the rest of the launch ramp as we have been for a while to see if that is close enough.

>

> So, i think that would handle the pier permit you mentioned, and take care of the substantial erosion part i'm worried about on the shoreline from increased trailers/vehicles launching. I assume the DEP permit is needed for the above HAT work?

>

>

> What do you think about that? Does that somehow preclude us from coming back in another year after having tried it and requesting the ramp part then? Im just not certain how this works.

>

>

> Also, can you give me some idea of the cost of this permit process? (i know it is a big deal above 480 square feet, but i think i know we can stay below that).

>

> Thanks,

> -j

>

>

>

>

>

>

> -----Original Message-----

> From: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Sent: Friday, May 10, 2019 4:05 PM

> To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

> Subject: {EXTERNAL} RE: thoughts?

>

> Hi Jeff,

>

> Thank you for the maps and pictures. Since our discussion yesterday, I've talked to my supervisor and more experienced staff about your project. They related to me that it is unusual for the Department to approve a permit for a boat ramp for a private individual. The permits we issue for these are typically to a municipality, condominium association, or a business -- somewhere where there will be shared use among many people, and/or the ramp access is needed for the nature of the business (a marina or boat repair business, for example).

>

> This isn't to say your project is not possible. We cannot make that determination without conducting a review of a full application. However, I do want to caution you that I am told that approval is not likely. The Department has issued denials for private boat ramps in the past. For the application to have a chance of getting approved, your alternatives analysis would have to be very thorough in telling us why the concrete ramp is needed (recreation, commercial, or access to property; elaborate on the number of people, the number of vessels, and the frequency of use), and in describing all of the other access options that were considered and why they are not feasible, including the "do nothing" alternative (which means you do not build the ramp and continue to access the water as you have been).

>

> Have you considered temporary boat ramp options that would be removed seasonally? I can't recommend any particular companies or products, but an internet search should pull up images and ideas for this. The DEP does not regulate temporary structures, although you would still need to get approval from the Army Corps of Engineers. You can call their project office at 623-8367 for more info on what they might need. You will still need a NRPA permit from the DEP for the pier. Given your pier design, which is minimal and largely seasonal, it would be very simple for us to approve a permit for the pier alone, without the ramp.

>

> Regarding the alternative locations you sent, I think the existing site is probably best (with the ramp location moved a little closer to the current pier location as you described). However, I strongly encourage you to think about other ways to improve your current access (such as a temporary ramp), or substantially expand your alternatives analysis prior to submitting.

>

> Feel free to call or email if you want to discuss further. I will be leaving the office soon for the weekend, but will be back on Monday.

>

> Sincerely,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey [<mailto:Jeffrey.Spinney@LibertyMutual.com>]

> Sent: Thursday, May 09, 2019 5:09 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: thoughts?

>

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>

> Hi Jami,

>

> Thanks again for helping me sort this out.

>

> I went down and walked the shoreline and found a couple of alternate spots, but like you were saying the tradeoffs might not make sense. (one place i have to clear a new road to waterfront and remove a grouping of oak trees to access

the no-grass area. The other, i would have to clear a new road about 750' to the waterfront and then the banking is much steeper and would require more excavation/fill to make work i imagine) Attached is a new picture, i lifted the large granite blocks that are anchors for the dock out of the way to get abetter picture and then drove some stakes at approx. 12' wide and found a possible way to get through the grass as-is. I will just move the dock to the 'right in photo' a little bit to accommodate.

>

>

>

> What do you think? See attached picture.

>

> Thanks,

> -jeff

York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, July 22, 2019 1:18 PM
To: Clement, Jay L CIV USARMY CENAE (US)
Cc: Hallowell, Dawn; MacNeil, Jami
Subject: Re: Jeff Spinney; Alna, ME

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I just left a copy at the front desk of dep for jami. Please let me know what else you need.

> On Jul 22, 2019, at 10:57 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> Jeff:

>

> Can you please provide Jami with a full copy of your most recent package to the Corps? Perhaps after Jami receives and digest it we might collectively sit down and determine the best course of action?

>

> Jay

>

> -----Original Message-----

> From: MacNeil, Jami [mailto:Jami.MacNeil@maine.gov]

> Sent: Monday, July 15, 2019 11:58 AM

> To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>

> Subject: [Non-DoD Source] RE: Jeff Spinney; Alna, ME

>

> Hi Jay,

>

> I have spoken with Jeff about the proposed boat launch on his property. The Department rarely permits a permanent launch for private use, so I steered him in the direction of a temporary ramp. However, if the continued installation and removal of the ramp would result in siltation in the resource, that would result in an enforcement issue for DEP as well as the Corps, regardless of whether the structure is seasonal.

>

> Can you send us a copy of his plans so we can get a better sense of what he's proposing? He might have a chance at getting a DEP permit for a permanent boat launch if he demonstrates that it will be used by a lot of people, not just him and his immediate household. Maybe he could consider making the launch available to the public.

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Hallowell, Dawn

> Sent: Monday, July 15, 2019 11:21 AM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Gray, Kayla <Kayla.Gray@maine.gov>; Shults, Dillon <Dillon.Shults@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>
> Cc: Reily, Chris <Chris.Reily@maine.gov>; Dorr, Dustin <Dustin.Dorr@maine.gov>; Durant, Nathan <Nathan.Durant@maine.gov>
> Subject: FW: Jeff Spinney; Alna, ME

>
> Anyone familiar with this project?

>
> -----Original Message-----

> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Sent: Monday, July 15, 2019 10:16 AM
> To: Hallowell, Dawn <Dawn.Hallowell@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>
> Subject: Jeff Spinney; Alna, ME

>
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>
> Might either of you be aware of conversations between the Department and Mr. Spinney concerning his desire for a hardened boat ramp in the Sheepscot off his property in Alna? He reportedly feels to the need to "try" a temporary ramp design based on conversations with the DEP, rather than a permanent ramp. I can only guess that he heard your typical line of "not allowing private boat ramps as a general rule", and came up with a temporary design because you folks wouldn't then regulate it. He's basically proposing a 10'x 36' temporary ramp consisting of 10' wide concrete planks that he would install/haul out each season.

>
> The issue here is that his photos of the site, apparently already an informal launch point for bunch of neighbors and friends, make it look like the seasonal removal/installation of ramp surface materials is going to turn the intertidal mud and supratidal dirt substrates into one big erosional mess. Wende Mahaney asked and I would agree, wouldn't a small scale permanent option be better for the environment in this case? Just wondering if there's any flexibility with the department in this case.

>
> The site address is 126 Golden Ridge Road in Alna.

>
> Jay

York, Marylisa

From: MacNeil, Jami
Sent: Monday, July 22, 2019 3:31 PM
To: jeff spinney
Cc: Clement, Jay L CIV USARMY CENAE (US); Hallowell, Dawn
Subject: RE: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

I think what you have provided (Army Corps permit packet) will be sufficient. If you have example pictures of the different materials proposed for the ramp, those may help the conversation along.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, July 22, 2019 3:27 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Hallowell, Dawn <Dawn.Hallowell@maine.gov>
Subject: Re: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

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Ok, Do i need to bring anything else with me? Thank you

> On Jul 22, 2019, at 3:14 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> I'm setting aside a conference room at the Ray Building (28 Tyson Drive) in Augusta, for 9am on Wednesday, July 31st. See everyone then.

>

> Best,

>

> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Sent: Monday, July 22, 2019 3:12 PM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>; jeff spinney <jeff.spinney@gmail.com>
> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>
> Subject: RE: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

>

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>

> Works

>

> -----Original Message-----

> From: MacNeil, Jami [mailto:Jami.MacNeil@maine.gov]

> Sent: Monday, July 22, 2019 3:10 PM

> To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; jeff spinney <jeff.spinney@gmail.com>

> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>

> Subject: RE: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

>

> Jay, is 9am early enough?

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> Sent: Monday, July 22, 2019 3:04 PM

> To: jeff spinney <jeff.spinney@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>

> Subject: RE: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

>

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>

> I can do the 31st, early, at DEP's office. Someone just confirm.

>

> -----Original Message-----

> From: jeff spinney [mailto:jeff.spinney@gmail.com]

> Sent: Monday, July 22, 2019 2:45 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Hallowell, Dawn <Dawn.Hallowell@maine.gov>

> Subject: [Non-DoD Source] Re: Jeff Spinney; Alna, ME

>

> I can do 7/31, let me know what time and if its at dep or army corp building, ive been to both now.

>

>> On Jul 22, 2019, at 2:31 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>>

>> Thank you Jeff, I have the packet. I think a joint meeting would be helpful. Dawn and I have the following dates available: 7/31, 8/5, and 8/6. The 5th would have to be at our office, since we are both on-call that day. Jay and Jeff, would any of these work for you?

>>

>> -Jami MacNeil

>> Environmental Specialist III

>> Bureau of Land Resources

>> Maine Department of Environmental Protection

>> (207) 446-4894 | jami.macneil@maine.gov

>>

>> -----Original Message-----

>> From: jeff spinney <jeff.spinney@gmail.com>

>> Sent: Monday, July 22, 2019 1:18 PM

>> To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

>> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>

>> Subject: Re: Jeff Spinney; Alna, ME

>>

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>>

>> I just left a copy at the front desk of dep for jami. Please let me know what else you need.

>>

>>> On Jul 22, 2019, at 10:57 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>>>

>>> Jeff:

>>>

>>> Can you please provide Jami with a full copy of your most recent package to the Corps? Perhaps after Jami receives and digest it we might collectively sit down and determine the best course of action?

>>>

>>> Jay

>>>

>>> -----Original Message-----

>>> From: MacNeil, Jami [mailto:Jami.MacNeil@maine.gov]

>>> Sent: Monday, July 15, 2019 11:58 AM

>>> To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

>>> Cc: Hallowell, Dawn <Dawn.Hallowell@maine.gov>

>>> Subject: [Non-DoD Source] RE: Jeff Spinney; Alna, ME

>>>

>>> Hi Jay,

>>>

>>> I have spoken with Jeff about the proposed boat launch on his property. The Department rarely permits a permanent launch for private use, so I steered him in the direction of a temporary ramp. However, if the continued installation and removal of the ramp would result in siltation in the resource, that would result in an enforcement issue for DEP as well as the Corps, regardless of whether the structure is seasonal.

>>>

>>> Can you send us a copy of his plans so we can get a better sense of what he's proposing? He might have a chance at getting a DEP permit for a permanent boat launch if he demonstrates that it will be used by a lot of people, not just him and his immediate household. Maybe he could consider making the launch available to the public.

>>>

>>> -Jami MacNeil

>>> Environmental Specialist III

>>> Bureau of Land Resources

>>> Maine Department of Environmental Protection

>>> (207) 446-4894 | jami.macneil@maine.gov

>>>

>>> -----Original Message-----

>>> From: Hallowell, Dawn

>>> Sent: Monday, July 15, 2019 11:21 AM

>>> To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Gray, Kayla <Kayla.Gray@maine.gov>; Shults, Dillon <Dillon.Shults@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>

>>> Cc: Reily, Chris <Chris.Reily@maine.gov>; Dorr, Dustin <Dustin.Dorr@maine.gov>; Durant, Nathan <Nathan.Durant@maine.gov>

>>> Subject: FW: Jeff Spinney; Alna, ME

>>>

>>> Anyone familiar with this project?

>>>

>>> -----Original Message-----

>>> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

>>> Sent: Monday, July 15, 2019 10:16 AM

>>> To: Hallowell, Dawn <Dawn.Hallowell@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>

>>> Subject: Jeff Spinney; Alna, ME

>>>

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>>>

>>> Might either of you be aware of conversations between the Department and Mr. Spinney concerning his desire for a hardened boat ramp in the Sheepscot off his property in Alna? He reportedly feels to the need to "try" a temporary ramp design based on conversations with the DEP, rather than a permanent ramp. I can only guess that he heard your typical line of "not allowing private boat ramps as a general rule", and came up with a temporary design because you folks wouldn't then regulate it. He's basically proposing a 10'x 36' temporary ramp consisting of 10' wide concrete planks that he would install/haul out each season.

>>>

>>> The issue here is that his photos of the site, apparently already an informal launch point for bunch of neighbors and friends, make it look like the seasonal removal/installation of ramp surface materials is going to turn the intertidal mud and supratidal dirt substrates into one big erosional mess. Wende Mahaney asked and I would agree, wouldn't a small scale permanent option be better for the environment in this case? Just wondering if there's any flexibility with the department in this case.

>>>

>>> The site address is 126 Golden Ridge Road in Alna.

>>>

>>> Jay

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, July 31, 2019 11:59 AM
To: MacNeil, Jami
Subject: RE: quick question

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Ok, that makes sense. i just jotted down the license and was confused by it. wanted to make sure i hadn't missed something key, thanks!

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, July 31, 2019 11:56 AM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: quick question

Hi Jeff,

We use the terms "license" and "permit" interchangeably. You may also hear us call it an "Order." It's all the same thing, essentially.

For your project you need one DEP permit and one Army Corps permit. The DEP permit has a single fee of \$515. This is technically made up of a processing fee of \$412 and a licensing fee of \$103 (412+103=515), but you will just combine them and pay the one fee (\$515) with your application.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, July 31, 2019 11:17 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: quick question

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Jami,

One quick thing i was mulling over while driving to work...Dawn mentioned a 'license' that also would be needed. Can you please confirm that is what the fee is for? Or is it something else? I may just be confused by the terms but wanted to check to be safe.

Thanks,

jeff

York, Marylisa

From: MacNeil, Jami
Sent: Tuesday, August 20, 2019 1:53 PM
To: Spinney, Jeffry; Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: quick question

Hi Jeff - That sounds right to me. Thanks for checking in.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, August 20, 2019 1:49 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: quick question

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Hi Jami & Jay,

I promise i have not forgotten, i just have just been swept up in some other things i had to finish first.

A quick update, I just sent the certified mailings to the abutters, and have the receipts along with the list of them. As well, i submitted the same thing to the local newspaper for them to print. A copy of the entire thing will eventually get to the town office as well once i get it finished up.

As i understand it, i now need to get my final NRPA together and send to you guys, but first i was going to redraft some of the narrative and send to you for your thoguths, is that right?

I just want to make sure ive captured this process right before i get going here this afternoon.

Thanks again for the help!

-jeff

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Sent: Wednesday, July 31, 2019 11:56 AM
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-----Original Message-----

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Sent: Wednesday, July 31, 2019 11:17 AM

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jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Tuesday, August 20, 2019 4:26 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: draft NRPA attachment 1, 2, 7 for review

Follow Up Flag: Follow up
Flag Status: Completed

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Jami/Jay,

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I will obviously bundle this all back into a large printed official copy at the end but wanted to get this draft copy to you for review.

Thank you!
-jeff

Attachment 1: Activity Description

The proposed activity in this application is to modify an existing boat launch area on the Sheepscot river to include pre-cast concrete ramp planks & appropriate supporting stone bedding with fabric and surrounded by appropriately sized rip-rap to prevent further erosion and damage to planks through continued use and ice during winter.

This improvement to the ramp from its current mixed mud/gravel will make both safer and easier the repeated launching & removal of boats & floats as well as to stabilize the embankment around the pier/launch ramp area used by a recreational club for day use. This club is a group of approximately 25 local area folks who use the river for a variety of activities in the spring/summer/fall. Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and (attached) Dyer rivers. This location provides for access in a unique area where it would otherwise not be possible due to the old mill dam falls in Sheepscot village..

The existing pier, ramp, and float (located approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally. The current pier/ramp/float design extends and places the float just below the low tide line so that there is always water and 3-4' at low tide. Ice has damaged the existing pier which has been removed and is seeking to be replaced by a free span aluminum ramp anchored to the shoreline to maintain same float placement beside the boat ramp.

The location of this project is in the town of Alna on the particular ~6.5 mile tidal segment of the Sheepscot river between the reversing falls in Sheepscot village and the Head Tide dam, approximately 2.5 miles north from the reversing falls on site of the old mill dam in Sheepscot village.

Access to the site is gained via an existing private woods road from the Golden Ridge Road and it is located on a 120 acre, privately owned parcel, tax map R-4, 21.

This property along with several others is used by a recreational club for swimming, fishing, hunting and members pool their resources through membership dues to maintain the common infrastructure such as the gun range located upland on the property, the dock and the boat ramp.

The proposed precast reinforced planks proposed, available locally here in Maine, are the smaller size of the two available commercially and should accommodate the size range of vessels being used in this area on an in & out basis. Each plank is 10' long by approximately 1.5' wide, by 6" thick and weighs approx. 945lbs. This size is necessary to safely accommodate both the trailered watercraft launched at this site as well as annual removal of docks for winter storage and fits within the existing launch space so as to minimize any additional disturbance. Once bolted together in a string approx 40' in length (below HAT) total and when installed flush to the surface of the shoreline with stone rip rap (1' surrounding the sides and bottom), are expected to be impervious to damage from ice flow conditions in winter and spring flood debris such as trees/branches.

The manufacturer recommended base of crushed stone (the minimum volume would be used to do the job properly) would be put in place in/around/between planks to assist in holding planks/preventing erosion and ensuring bank stability. As well, per a joint discussion with Army Corps and DEP recently, a fabric material was suggested to help stabilize the stone & plank material from sinking and needing to be repaired. Any excess material or material that may need to be removed from the site, would be loaded into a dump trailer or small truck and hauled to an upland disposal area in one of the fields on the property at least 1000' feet upland from the river to prevent any erosion or other damage.

In support of the pier replacement with an aluminum free span ramp (3'x40' approx.) from shore to float, two large wooden piles (approx. 12-16") would be set, cross braced together in standard fashion and then braced back onto other two piles located further inland (effectively creating a 'pier' on shore safe from ice), this will provide a stable anchor point for the aluminum ramp and keep the float/ramp from pulling the piles out into river and from pushing them into the shore as the tide ebbs & flows. The 2 water side piles would rise approx. 8-9' and form a gantry style lift using a pulley as is typically used on piers to lift ramps up in winter time. The float would then be disconnected and hauled up onto the boat ramp above tideline for winter storage. The two water side piles at the HAT line would be surrounded by larger rip rap to provide ice protection in winter and increase stability of overall design.

It is expected that this redesign of the pier/ramp/float system will lessen the footprint and therefore impact of pier on the environment since it would be a free span ramp from shore to float.

NOTE: The exact square footage represented (~475 square feet below HAT) is a conservative approximate value due to the fact that the nearest Maine DEP HAT levels for 2018 reporting station is at the village of Sheepscot (below the rapids), several miles downriver. The OBSERVED HAT line at the base of the embankment to the forest floor has been used as it is clearly delineating based upon the fact that there are (large 12-24") trees, bushes, and non-submergent grasses growing at this level that would otherwise perish in the brackish water.

At the recommendation of the DEP on call person, a calculation line just above the observed HAT line is being used to be conservative in ensuring the calculation is sufficient.

Furthermore, square footage also includes an observed negative tide per DEP guidance in NRPA guidelines (-0.46 at 7:46am on Tuesday May 7, 2019) observation-based finding of the low tide line.

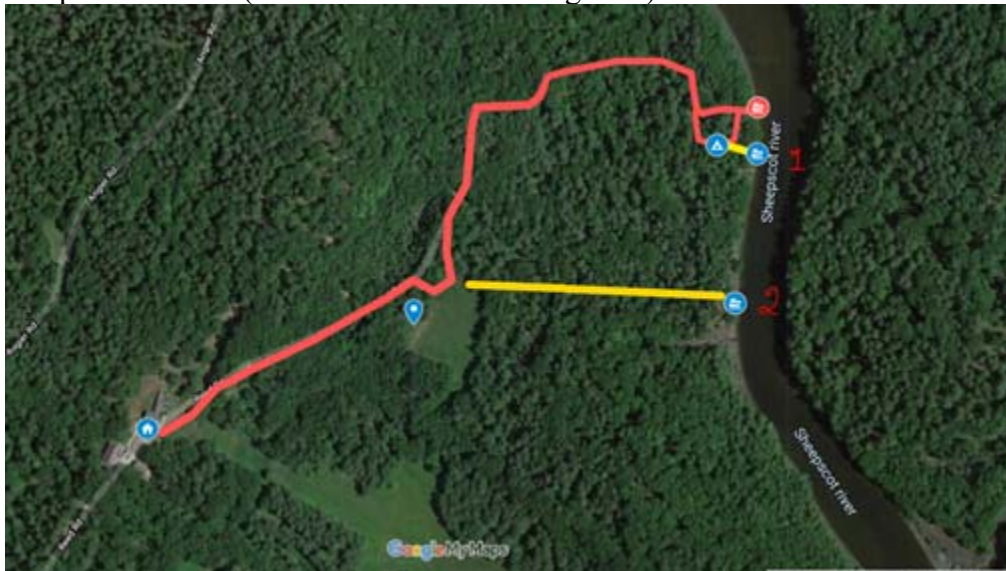
Attachment 2: Alternative Analysis

The intent of the precast planking & rip-rap surrounding it is to enhance the existing access and prevent continued erosion in the launch area through in & out use by club members. **There are no reasonable or alternatives to this access on this particular river segment as it is bounded to the South by the reversing falls at the old mill dam site and no Northern launch facility exists or is planned effectively making a captive segment of the river inaccessible without the continued use of this launch point..**

The size and scope of this project is the minimum size necessary, and is intended to only disturb the minimum square footage of approx <475 square feet total below HAT line.

As required, we have reviewed any potential alternatives to the proposed activity.

See picture below (red line indicates existing road).



Alternate site locations: The far Southern portion of property (just off photo bottom) is salt marsh and unsuitable for use. The area from bottom of photo to just south of option 2 is steep/rocky incline and therefore unsuitable for use without significant alteration.

Option 2 would require the construction of a new road from the small field or the camping area approximately 800-1000' long for access (large yellow line), as well as an new embankment cut. The shoreline is also steeper at this location as it was used to load brick barges in past and has a sharp drop off.

Option 1 would require a small (100-150' road from camping area – small yellow line) and could pose a reasonable alternative location, although it would require removal of several trees and a new embankment cut in rivers shoreline.

It would seem that the relative tradeoff of impacts would indicate that the least impactful site solution is the proposed (and already in use) one (the top, red marker on above map) as 1.) the established road system already exists and would not need to be created either in terms of cost to the club or in terms of environmental impact, 2.) the river embankment already has an established cut as it is currently an in use ramp and 3.) minimal if any additional tree removal would be necessary to support construction.

Alternate materials considered for use at the existing ramp site: In addition to alternate launch sites, we reviewed and discussed with Army Corps and DEP a couple of alternate material options including wood swamp mats such as used for logging and construction which posed a significant flotation & anchoring challenge and were effectively ruled out, removable concrete without sub base preparation which while it removed the flotation concerns of the wood option still had safety concerns due to slippage of vehicles as well as silting concerns from repeated installation/removal. Finally there was a rollout (removable) aluminum option which was only available in a much larger than needed footprint and was significant in terms of cost. As well, the aluminum option needed subbase preparation too.

All of the temporary solutions had a common concern by IF&W of silting from annual installation/removal when being reviewed with Army Corp so in turn the suggestion was made to return to the permanent solution as having the least long term impact. The permanent concrete plank solution with proper subbase preparation and site prep to ensure minimal impact seems to be the most acceptable solution and is therefore being proposed.

Alternate to aluminum ramp with 2 piles versus pier/ramp: Finally, the 'alternative' to the alteration of existing pier/ramp/float, by embedding the piling support structure in the rip-rap at the HAT line and using a longer free span aluminum ramp, is simply to continue to repair the pier and redrive piles into the shoreline as needed. The proposed activity (reducing the impact and footprint of pier piles and maintenance of such) seems to be a better approach with less impact on the environment and less likelihood of ice damage in off season as it is removed nearly completely from the ice zone.

Attachment 7: Construction details

The work site will be accessed via the existing gravel access road from the home located at 126 Golden Ridge Rd. in Alna. The timing of work is somewhat flexible, we are seeking to minimize impacts and avoid wet season and would need to be timed to coincide with low tide due to the nature of the work to be done below the high tideline.

Turbidity curtain would be extended into the water to encapsulate the work area completely and minimize silting/turbidity issues in river and a local state/DEP licensed contractor trained in erosion control has agreed to perform all work.

Larger (10" – 2') natural boulder/stone material to be used for piling rip-rap as noted in diagrams.

Once complete, if applicable, any extra material would be returned to the upland area and used for other unrelated projects as needed.

Pre-cast boat launch concrete planks would be brought in on a trailer, lifted off and into place by tractor/excavator and bolted together in place per manufacturers recommended approach. Sub Base material (crushed stone) would be brought in in small truck/trailer and be put into place by excavator, no extra material would be left on site. It is not expected that there would be any additional removal of trees as there is an existing launch ramp of same size in use now. Any disturbed material would be regraded/replanted as necessary at completion, any silt/mud removed to make way for subbase would be removed from shoreland zone to upland location.

All machinery and material not in use or placed would not remain in tidal zone, work would be coordinated to occur at low tide.

York, Marylisa

From: MacNeil, Jami
Sent: Wednesday, August 21, 2019 3:18 PM
To: Spinney, Jeffry; Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: draft NRPA attachment 1, 2, 7 for review

Hi Jeff,

To clarify: Wherever the silt fence is place in the upland, it should be trenched in. But it should not be placed in the intertidal.

I don't remember what I said before for number of copies, but one printed copy should be enough, as long as you also send or provide an electronic copy. If scanning is an issue, let me know. I might be able to just scan the copy you submit.

Additional questions:

1. Check "no" for after-the-fact.
2. Check "yes" for previous wetland alteration, although I think the alteration was exempt from permitting at the time.
3. \$515.00 is the correct application fee.
4. For application type, write, "Individual NRPA – boat ramp."

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, August 21, 2019 2:49 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: draft NRPA attachment 1, 2, 7 for review

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Ok, thanks. I think I've got it. I will just clarify wording that, it is not to be dug in and only used in upland areas if needed. Thanks for pointing that out. I'm looking to drop off the final copy perhaps tomorrow by your office.

How many printed copies did you say you needed? I know you and i talked about this and it was different than the written guidance on the pink form. i just cant find where i noted it down. I had a couple other small things that im just taking a best guess at.

- 1.) Section 22 of NRPA application - (after the fact?) do i check yes or no or check both here? In my mind, dock is after the fact but ramp is very old (pre NRPA). thought i should confirm with you guys to be sure

- 2.) Section 25 of NRPA application – (previous wetland alteration?) I’m leaning towards ‘yes’ because there is an existing ramp/dock, but thought i should confirm with you guys to be sure.
- 3.) In the NRPA line 28 fees -- \$515 is the amount Jami had indicated and I will include a check for this amount when i drop off.
- 4.) Appendix A – MDEP visual evaluation checklist - ‘Application type’ – not sure what to put in this field. Leaning towards leaving this blank as the next field is description.

If i can use an electronic scanner to scan it, do you want me to try and do that? (not sure how it will handle double side or color, but i can try).

Thanks!
-jeff

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, August 21, 2019 2:04 PM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: draft NRPA attachment 1, 2, 7 for review

The turbidity curtain is good. The silt fence in the intertidal should be avoided. If dug in, it just results in more disturbance in the resource, and if not dug in, it isn’t effective anyway. Jay, if you have a different opinion, please weigh in.

Silt fence would be appropriate in the upland, between any areas of disturbed soil and the river. Or between material stockpiles (loam, gravel, etc.) and the river.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, August 21, 2019 9:25 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: draft NRPA attachment 1, 2, 7 for review

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Yes, i remember you telling me about the turbidity curtain vs a silt fence as the fence is normally dug in. I had just figured both and not dig in the fence? Maybe that’s overkill? im willing to do whatever is the preferred method, i just wasn’t certain if you do both and just don’t dig it in or just leave out the fence all together. What is the most desired thing and ill certainly adjust to that. Im just trying not make sure we don’t leave out any possible things.

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, August 21, 2019 8:54 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: draft NRPA attachment 1, 2, 7 for review

Hi Jeff,

Thank you for sending the draft for these sections. I think you covered just about everything we discussed in the meeting. I have one question: Regarding Attachment 8, can you describe what you mean by "silt screen" in the intertidal? Is this like a silt sock, or is it something that needs to be trenched? We generally do not want erosion controls trenched into the intertidal substrate.

-Jami MacNeil

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My apologies, i should have included section 8 as well: Here it is:

Attachment 8: Erosion control plan

- silt screen around site area (intertidal zone) during work as temporary control (short term)
- turbidity curtain around site area (sub-tidal zone) during work as temporary control of silting (short term)
- timing of work to coincide with low tide to prevent unnecessary silting of river as planks are placed. All equipment removed from zone when not in use or as needed if tide comes in and work is not done.
- regrading/replanting of any damage to trees/vegetation in the event any should occur (short term)
- smaller stone in.& around launch ramp planks help to control erosion (long term)
- stones/boulders to be placed around piles as rip-rap to stabilize/protect as shown in plan (long term)
- hay/seeding/erosion control of any disturbed ground in upland areas used for access during and after construction as needed

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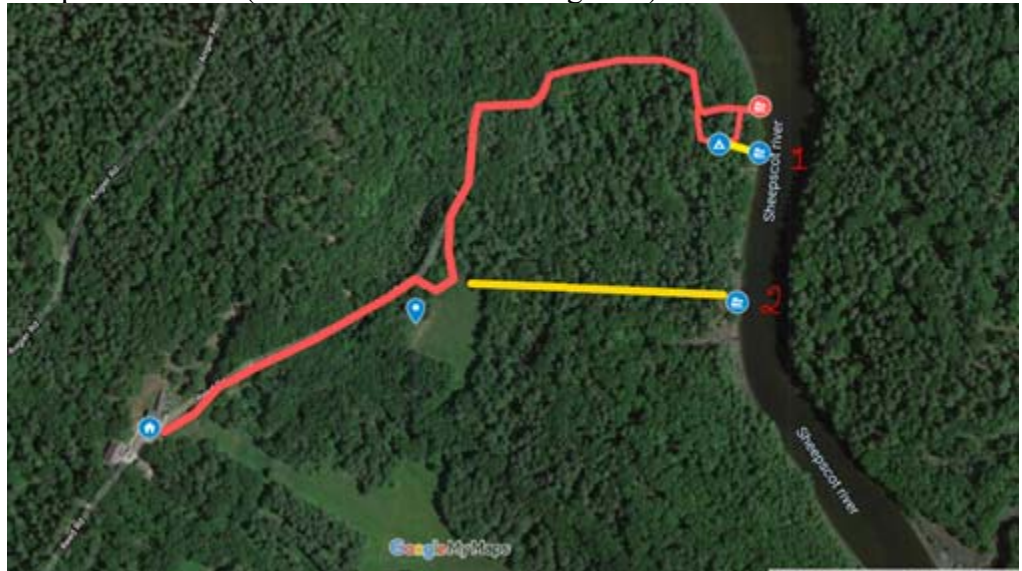
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The intent of the precast planking & rip-rap surrounding it is to enhance the existing access and prevent continued erosion in the launch area through in & out use by club members. **There are no reasonable or alternatives to this access on this particular river segment as it is bounded to the South by the reversing falls at the old mill dam site and no Northern launch facility exists or is planned effectively making a captive segment of the river inaccessible without the continued use of this launch point..**

The size and scope of this project is the minimum size necessary, and is intended to only disturb the minimum square footage of approx <475 square feet total below HAT line.

As required, we have reviewed any potential alternatives to the proposed activity.

See picture below (red line indicates existing road).



Alternate site locations: The far Southern portion of property (just off photo bottom) is salt marsh and unsuitable for use. The area from bottom of photo to just south of option 2 is steep/rocky incline and therefore unsuitable for use without significant alteration.

Option 2 would require the construction of a new road from the small field or the camping area approximately 800-1000' long for access (large yellow line), as well as a new embankment cut. The shoreline is also steeper at this location as it was used to load brick barges in past and has a sharp drop off.

Option 1 would require a small (100-150' road from camping area – small yellow line) and could pose a reasonable alternative location, although it would require removal of several trees and a new embankment cut in rivers shoreline.

It would seem that the relative tradeoff of impacts would indicate that the least impactful site solution is the proposed (and already in use) one (the top, red marker on above map) as 1.) the established road system already exists and would not need to be

created either in terms of cost to the club or in terms of environmental impact, 2.) the river embankment already has an established cut as it is currently an in use ramp and 3.) minimal if any additional tree removal would be necessary to support construction.

Alternate materials considered for use at the existing ramp site: In addition to alternate launch sites, we reviewed and discussed with Army Corps and DEP a couple of alternate material options including wood swamp mats such as used for logging and construction which posed a significant flotation & anchoring challenge and were effectively ruled out, removable concrete without sub base preparation which while it removed the flotation concerns of the wood option still had safety concerns due to slippage of vehicles as well as silting concerns from repeated installation/removal. Finally there was a rollout (removable) aluminum option which was only available in a much larger than needed footprint and was significant in terms of cost. As well, the aluminum option needed subbase preparation too.

All of the temporary solutions had a common concern by IF&W of silting from annual installation/removal when being reviewed with Army Corp so in turn the suggestion was made to return to the permanent solution as having the least long term impact. The permanent concrete plank solution with proper subbase preparation and site prep to ensure minimal impact seems to be the most acceptable solution and is therefore being proposed.

Alternate to aluminum ramp with 2 piles versus pier/ramp: Finally, the 'alternative' to the alteration of existing pier/ramp/float, by embedding the piling support structure in the rip-rap at the HAT line and using a longer free span aluminum ramp, is simply to continue to repair the pier and re-drive piles into the shoreline as needed. The proposed activity (reducing the impact and footprint of pier piles and maintenance of such) seems to be a better approach with less impact on the environment and less likelihood of ice damage in off season as it is removed nearly completely from the ice zone.

Attachment 7: Construction details

The work site will be accessed via the existing gravel access road from the home located at 126 Golden Ridge Rd. in Alna. The timing of work is somewhat flexible, we are seeking to minimize impacts and avoid wet season and would need to be timed to coincide with low tide due to the nature of the work to be done below the high tideline.

Turbidity curtain would be extended into the water to encapsulate the work area completely and minimize silting/turbidity issues in river and a local state/DEP licensed contractor trained in erosion control has agreed to perform all work.

Larger (10" – 2') natural boulder/stone material to be used for piling rip-rap as noted in diagrams.

Once complete, if applicable, any extra material would be returned to the upland area and used for other unrelated projects as needed.

Pre-cast boat launch concrete planks would be brought in on a trailer, lifted off and into place by tractor/excavator and bolted together in place per manufacturers recommended approach. Sub Base material (crushed stone) would be brought in in small truck/trailer and be put into place by excavator, no extra material would be left on site. It is not expected that there would be any additional removal of trees as there is an existing launch ramp of same size in use now. Any disturbed material would be regraded/replanted as necessary at completion, any silt/mud removed to make way for subbase would be removed from shoreland zone to upland location.

All machinery and material not in use or placed would not remain in tidal zone, work would be coordinated to occur at low tide.

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Friday, August 23, 2019 11:31 AM
To: MacNeil, Jami
Subject: Re: RE: draft NRPA attachment 1, 2, 7 for review

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi jami. Im heading up to your office now, i couldnt get our scanner to scan properly. Do you think we could scan it at your office when i stop by if its not too much trouble?

On Aug 21, 2019, at 3:18 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Jeff,

To clarify: Wherever the silt fence is place in the upland, it should be trenched in. But it should not be placed in the intertidal.

I don't remember what I said before for number of copies, but one printed copy should be enough, as long as you also send or provide an electronic copy. If scanning is an issue, let me know. I might be able to just scan the copy you submit.

Additional questions:

1. Check "no" for after-the-fact.
2. Check "yes" for previous wetland alteration, although I think the alteration was exempt from permitting at the time.
3. \$515.00 is the correct application fee.
4. For application type, write, "Individual NRPA – boat ramp."

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, August 21, 2019 2:49 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: draft NRPA attachment 1, 2, 7 for review

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Ok, thanks. I think I've got it. I will just clarify wording that, it is not to be dug in and only used in upland areas if needed. Thanks for pointing that out. I'm looking to drop off the final copy perhaps tomorrow by your office.

How many printed copies did you say you needed? I know you and i talked about this and it was different than the written guidance on the pink form. i just cant find where i noted it down. I had a couple other small things that im just taking a best guess at.

- 1.) Section 22 of NRPA application - (after the fact?) do i check yes or no or check both here? In my mind, dock is after the fact but ramp is very old (pre NRPA). thought i should confirm with you guys to be sure
- 2.) Section 25 of NRPA application – (previous wetland alteration?) I'm leaning towards 'yes' because there is an existing ramp/dock, but thought i should confirm with you guys to be sure.
- 3.) In the NRPA line 28 fees -- \$515 is the amount Jami had indicated and I will include a check for this amount when i drop off.
- 4.) Appendix A – MDEP visual evaluation checklist - 'Application type' – not sure what to put in this field. Leaning towards leaving this blank as the next field is description.

If i can use an electronic scanner to scan it, do you want me to try and do that? (not sure how it will handle double side or color, but i can try).

Thanks!
-jeff

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, August 21, 2019 2:04 PM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: draft NRPA attachment 1, 2, 7 for review

The turbidity curtain is good. The silt fence in the intertidal should be avoided. If dug in, it just results in more disturbance in the resource, and if not dug in, it isn't effective anyway. Jay, if you have a different opinion, please weigh in.

Silt fence would be appropriate in the upland, between any areas of disturbed soil and the river. Or between material stockpiles (loam, gravel, etc.) and the river.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, August 21, 2019 9:25 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: draft NRPA attachment 1, 2, 7 for review

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, i remember you telling me about the turbidity curtain vs a silt fence as the fence is normally dug in. I had just figured both and not dig in the fence? Maybe that's overkill? im willing to do whatever is the preferred method, i just wasn't certain if you do both and just don't dig it in or just leave out the fence all together. What is the most desired thing and ill certainly adjust to that. Im just trying not make sure we don't leave out any possible things.

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, August 21, 2019 8:54 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: draft NRPA attachment 1, 2, 7 for review

Hi Jeff,

Thank you for sending the draft for these sections. I think you covered just about everything we discussed in the meeting. I have one question: Regarding Attachment 8, can you describe what you mean by "silt screen" in the intertidal? Is this like a silt sock, or is it something that needs to be trenched? We generally do not want erosion controls trenched into the intertidal substrate.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, August 20, 2019 4:57 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: draft NRPA attachment 1, 2, 7 for review

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My apologies, i should have included section 8 as well: Here it is:

Attachment 8: Erosion control plan
-silt screen around site area (intertidal zone) during work as temporary control (short term)
-turbidity curtain around site area (sub-tidal zone) during work as temporary control of silting (short term)
-timing of work to coincide with low tide to prevent unnecessary silting of river as planks are placed. All equipment removed from zone when not in use or as needed if tide comes in and work is not done.

- regrading/replanting of any damage to trees/vegetation in the event any should occur (short term)
- smaller stone in.& around launch ramp planks help to control erosion (long term)
- stones/boulders to be placed around piles as rip-rap to stabilize/protect as shown in plan (long term)
- hay/seeding/erosion control of any disturbed ground in upland areas used for access during and after construction as needed

From: Spinney, Jeffry
Sent: Tuesday, August 20, 2019 4:26 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: draft NRPA attachment 1, 2, 7 for review

Jami/Jay,

Here is my rewritten drafts for attachment 1, 2, and 7 of the NRPA form. Appreciate any feedback or things that you notice i might have forgotten to include that you think might be helpful.

I will obviously bundle this all back into a large printed official copy at the end but wanted to get this draft copy to you for review.

Thank you!
-jeff

Attachment 1: Activity Description

The proposed activity in this application is to modify an existing boat launch area on the Sheepscot river to include pre-cast concrete ramp planks & appropriate supporting stone bedding with fabric and surrounded by appropriately sized rip-rap to prevent further erosion and damage to planks through continued use and ice during winter. This improvement to the ramp from its current mixed mud/gravel will make both safer and easier the repeated launching & removal of boats & floats as well as to stabilize the embankment around the pier/launch ramp area used by a recreational club for day use. This club is a group of approximately 25 local area folks who use the river for a variety of activities in the spring/summer/fall. Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and (attached) Dyer rivers. This location provides for

access in a unique area where it would otherwise not be possible due to the old mill dam falls in Sheepscot village..

The existing pier, ramp, and float (located approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally. The current pier/ramp/float design extends and places the float just below the low tide line so that there is always water and 3-4' at low tide. Ice has damaged the existing pier which has been removed and is seeking to be replaced by a free span aluminum ramp anchored to the shoreline to maintain same float placement beside the boat ramp.

The location of this project is in the town of Alna on the particular ~6.5 mile tidal segment of the Sheepscot river between the reversing falls in Sheepscot village and the Head Tide dam, approximately 2.5 miles north from the reversing falls on site of the old mill dam in Sheepscot village.

Access to the site is gained via an existing private woods road from the Golden Ridge Road and it is located on a 120 acre, privately owned parcel, tax map R-4, 21.

This property along with several others is used by a recreational club for swimming, fishing, hunting and members pool their resources through membership dues to maintain the common infrastructure such as the gun range located upland on the property, the dock and the boat ramp.

The proposed precast reinforced planks proposed, available locally here in Maine, are the smaller size of the two available commercially and should accommodate the size range of vessels being used in this area on an in & out basis. Each plank is 10' long by approximately 1.5' wide, by 6" thick and weighs approx. 945lbs. This size is necessary to safely accommodate both the trailered watercraft launched at this site as well as annual removal of docks for winter storage and fits within the existing launch space so as to minimize any additional disturbance. Once bolted together in a string approx 40' in length (below HAT) total and when installed flush to the surface of the shoreline with stone rip rap (1' surrounding the sides and bottom), are expected to be impervious to damage from ice flow conditions in winter and spring flood debris such as trees/branches.

The manufacturer recommended base of crushed stone (the minimum volume would used to do the job properly) would be put in place in/around/between planks to assist in holding planks/preventing erosion and ensuring bank stability. As well, per a joint discussion with Army Corps and DEP recently, a fabric material was suggested to help stabilize the stone & plank material from sinking and needing to be repaired. Any excess material or material that may need to be removed from the site, would be loaded into a dump trailer or small truck and hauled to an upland disposal area in one of the fields on the property at least 1000' feet upland from the river to prevent any erosion or other damage.

In support of the pier replacement with an aluminum free span ramp (3'x40' approx.) from shore to float, two large wooden piles (approx. 12-16") would be set, cross braced together in standard fashion and then braced back onto other two piles located further inland (effectively creating a 'pier' on shore safe from ice), this will provide a stable anchor point for the aluminum ramp and keep the float/ramp from pulling the piles out into river and from pushing them into the shore as the tide ebbs & flows. The 2 water side piles would rise approx. 8-9' and form a gantry style lift using a pulley as is typically used on piers to lift ramps up in winter time.

The float would then be disconnected and hauled up onto the boat ramp above tideline for winter storage. The two water side piles at the HAT line would be surrounded by larger rip rap to provide ice protection in winter and increase stability of overall design.

It is expected that this redesign of the pier/ramp/float system will lessen the footprint and therefore impact of pier on the environment since it would be a free span ramp from shore to float.

NOTE: The exact square footage represented (~475 square feet below HAT) is a conservative approximate value due to the fact that the nearest Maine DEP HAT levels for 2018 reporting station is at the village of Sheepscot (below the rapids), several miles downriver. The OBSERVED HAT line at the base of the embankment to the forest floor has been used as it is clearly delineating based upon the fact that there are (large 12-24") trees, bushes, and non-submergent grasses growing at this level that would otherwise perish in the brackish water.

At the recommendation of the DEP on call person, a calculation line just above the observed HAT line is being used to be conservative in ensuring the calculation is sufficient.

Furthermore, square footage also includes an observed negative tide per DEP guidance in NRPA guidelines (-0.46 at 7:46am on Tuesday May 7, 2019) observation-based finding of the low tide line.

Attachment 2: Alternative Analysis

The intent of the precast planking & rip-rap surrounding it is to enhance the existing access and prevent continued erosion in the launch area through in & out use by club members. **There are no reasonable or alternatives to this access on this particular river segment as it is bounded to the South by the reversing falls at the old mill dam site and no Northern launch facility exists or is planned effectively making a captive segment of the river inaccessible without the continued use of this launch point..**

The size and scope of this project is the minimum size necessary, and is intended to only disturb the minimum square footage of approx <475 square feet total below HAT line.

As required, we have reviewed any potential alternatives to the proposed activity.

See picture below (red line indicates existing road).
<image001.png>

Alternate site locations: The far Southern portion of property (just off photo bottom) is salt marsh and unsuitable for use. The area from bottom of photo to just south of option 2 is steep/rocky incline and therefore unsuitable for use without significant alteration.

Option 2 would require the construction of a new road from the small field or the camping area approximately 800-1000' long for access (large yellow line), as well as an new embankment cut. The shoreline is also steeper at this location as it was used to load brick barges in past and has a sharp drop off.

Option 1 would require a small (100-150' road from camping area – small yellow line) and could pose a reasonable alternative location, although it would require removal of several trees and a new embankment cut in rivers shoreline.

It would seem that the relative tradeoff of impacts would indicate that the least impactful site solution is the proposed (and already in use) one (the top, red marker on above map) as 1.) the established road system already exists and would not need to be created either in terms of cost to the club or in terms of environmental impact, 2.) the river embankment already has an established cut as it is currently an in use ramp and 3.) minimal if any additional tree removal would be necessary to support construction.

Alternate materials considered for use at the existing ramp site: In addition to alternate launch sites, we reviewed and discussed with Army Corps and DEP a couple of alternate material options including wood swamp mats such as used for logging and consturtion which posed a

significate flotation & anchoring challenge and were effectively ruled out, removeable concrete without sub base preperation which while it removed the flotation concerns of the wood option still had safty concerns due to slippage of vehicles as well as silting concerns from repeated installation/removeal. Finally there was a rollout (removeable) aluminum option which was only available in a much larger than needed footprint and was significant in terms of cost. As well, the aluminum option needed subbase preparation too.

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Alternate to aluminum ramp with 2 piles versus pier/ramp:

Finally, the 'alternative' to the alteration of existing pier/ramp/float, by embedding the piling support structure in the rip-rap at the HAT line and using a longer free span aluminum ramp, is simply to continue to repair the pier and redrive piles into the shoreline as needed. The proposed activity (reducing the impact and footprint of pier piles and maintenance of such) seems to be a better approach with less impact on the environment and less likelihood of ice damage in off season as it is removed nearly completely from the ice zone.

Attachment 7: Construction details

The work site will be accessed via the existing gravel access road from the home located at 126 Golden Ridge Rd. in Alna. The timing of work is somewhat flexible, we are seeking to minimize impacts and avoid wet season and would need to be timed to coincide with low tide due to the nature of the work to be done below the high tideline.

Turbidity curtain would be extended into the water to encapsulate the work area completely and minimize silting/turbidity issues in river and a local state/DEP licensed contractor trained in erosion control has agreed to perform all work.

Larger (10" – 2') natural boulder/stone material to be used for piling rip-rap as noted in diagrams.

Once complete, if applicable, any extra material would be returned to the upland area and used for other unrelated projects as needed.

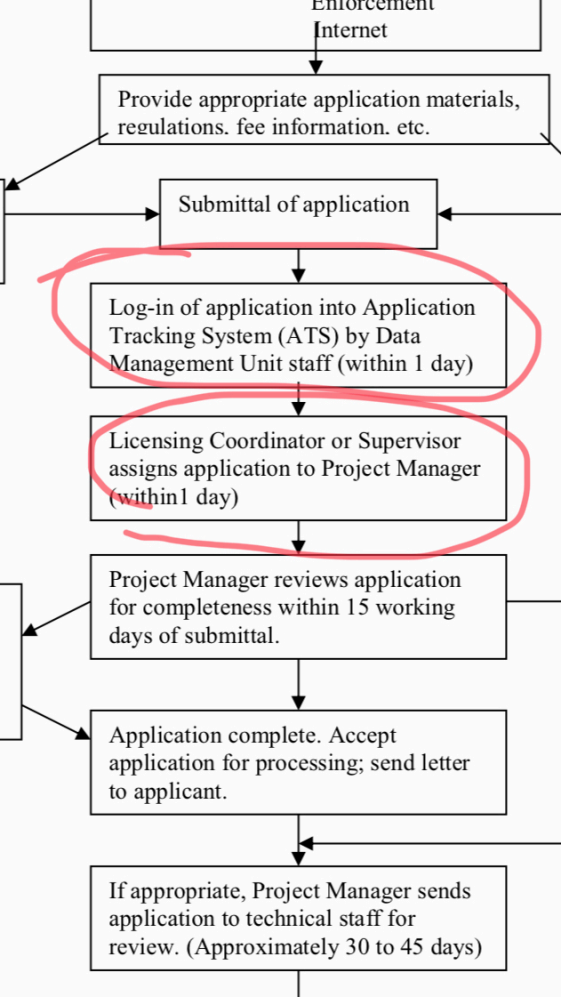
Pre-cast boat launch concrete planks would be brought in on a trailer, lifted off and into place by tractor/excavator and bolted together in place per manufacturers recommended approach. Sub Base material (crushed stone) would be brought in in small truck/trailer and be put into place by excavator, no extra material would be left on site. It is not expected that there would be any additional removal of trees as there is an existing launch ramp of same size in use now. Any disturbed material would be regraded/replanted as necessary at completion, any silt/mud removed to make way for subbase would be removed from shoreland zone to upland location.

All machinery and material not in use or placed would not remain in tidal zone, work would be coordinated to occur at low tide.

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Monday, August 26, 2019 10:30 PM
To: MacNeil, Jami
Subject: Process question
Attachments: IMG_2246.jpg; ATT00001.txt

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Enforcement
Internet

Provide appropriate application materials,
regulations. fee information. etc.

Submittal of application

Log-in of application into Application
Tracking System (ATS) by Data
Management Unit staff (within 1 day)

Licensing Coordinator or Supervisor
assigns application to Project Manager
(within 1 day)

Project Manager reviews application
for completeness within 15 working
days of submittal.

Application complete. Accept
application for processing; send letter
to applicant.

If appropriate, Project Manager sends
application to technical staff for
review. (Approximately 30 to 45 days)

Hi jami, a couple of the guys were asking me tonight about whats next in our application process. Attached is a pic from the nrpa guide we were looking at.

I just wanted to check and make sure that im right. I figure you must be the "project manager" ? And we must be at one of the two red circles by now?

So, according to this chart it takes about 15 more days for dep to review, is that correct? What about army corps and if&w or are they factored into that since its the nrpa combined application now?

I let jay know that i had given you sn electronic copy the other day.

Thank you again, jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, August 27, 2019 10:11 AM
To: MacNeil, Jami
Subject: Re: RE: RE: Process question

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cool. Thanks

> On Aug 27, 2019, at 10:09 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> You have it exactly right. Your application has been logged in and has been assigned to me as of today. As the project manager, I have until 9/16 to review it for completeness, but I will try to get that done much sooner than that. Once I accept it, I'll notify you by letter and email. I will then send a request for comments to various reviewers, and allow them 30 days to respond. In the meantime I will be working on a draft of the permit and reaching out to you as questions or comments come up. From the date of acceptance we have 120 days max to issue a decision. It will likely take about 2 months from acceptance.

>

> IF&W's review is incorporated into ours. They will be one of the reviewers with 30 days to comment. Army Corps will conduct their own review and issue a separate permit, but will work off the same application materials you provided to us. I am not sure of their timeline.

>

> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
> Sent: Tuesday, August 27, 2019 9:37 AM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: Re: RE: RE: Process question

>

> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

> Weird. The picture must have messed up format of email. It was just the dep nrpa flowchart.

>

> My question was:

>

> Hi jami, a couple of the guys were asking me tonight about whats next in our application process. Attached is a pic from the nrpa guide we were looking at.

>

> I just wanted to check and make sure that im right. I figure you must be the "project manager"? And we must be at one of the two red circles by now?

>

> So, according to this chart it takes about 15 more days for dep to review, is that correct? What about army corps and if&w or are they factored into that since its the nrpa combined application now?

>

> I let jay know that i had given you sn electronic copy the other day.

>

>

> Thank you again, jeff

>

>

>

>

>

>> On Aug 27, 2019, at 9:21 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>>

>> Hi Jeff,

>>

>> Can you explain your question or describe the attachments? I can't open them without any indication of their content (security reasons).

>>

>> Thanks,

>>

>> -Jami MacNeil

>> Environmental Specialist III

>> Bureau of Land Resources

>> Maine Department of Environmental Protection

>> (207) 446-4894 | jami.macneil@maine.gov

>>

>> -----Original Message-----

>> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>

>> Sent: Monday, August 26, 2019 10:30 PM

>> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

>> Subject: Process question

>>

>> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

York, Marylisa

From: Heath, Kathy
Sent: Tuesday, August 27, 2019 4:51 PM
To: MacNeil, Jami
Subject: RE: Spinney application, type code change

Record has been updated. Thanks.

From: MacNeil, Jami
Sent: Tuesday, August 27, 2019 4:06 PM
To: Heath, Kathy <Kathy.Heath@maine.gov>
Subject: Spinney application, type code change

Hi Kathy,

Can you please change #L-28397-4P-A-N to a **4E**? This is for Jeff Spinney in Alna. He is doing a pier, but also a boat ramp (smaller than 1,000 s.f., so it isn't a 4C). Rather than give the application both a 4P and a 4E, we will just put it all under a 4E. Should be no change in the fee.

Thanks!

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, September 4, 2019 2:51 PM
To: MacNeil, Jami
Subject: RE: RE: NRPA application - site visit

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Cool.....ill see you then, we can ride in the gator then. thanks!

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, September 04, 2019 2:45 PM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: RE: NRPA application - site visit

Hi Jeff,

I am still planning to come out on Friday at 9am. It looks like it will be just me.

Thanks,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, September 04, 2019 12:35 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: RE: NRPA application - site visit

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jami,

Just checking in...we are on for Friday @ 9? Are you coming alone or are there others? I want to make sure i have enough transportation readily available to get down there.

Thanks,
-j

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Tuesday, August 27, 2019 11:00 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: RE: NRPA application - site visit

Confirmed.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, August 27, 2019 10:50 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: RE: NRPA application - site visit

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Perfect. Say 9am? Thanks!

On Aug 27, 2019, at 10:36 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

That's okay. How about Friday next week, 9/6? Anytime from 9am to 2pm would work for me.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, August 27, 2019 10:33 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: NRPA application - site visit

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Shoot. Im out of state at the moment for work. Could you do either fri or sometime next week?

On Aug 27, 2019, at 10:16 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Jeff – We try to visit the sites where we have projects under review. I am planning to be in the field this Thursday with a couple other co-workers. Can we stop by your property to get a sense of the site and do

a visual assessment? It would probably help if you are there, but you do not necessarily need to be, if you're okay with us going to the shoreline.

We can do as early as 8:30am, or push it back later in the morning, if that works for you. We could also do noon. We have to back to the office by 1pm that day.

Let me know. Thanks,

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: MacNeil, Jami
Sent: Tuesday, September 10, 2019 1:16 PM
To: Spinney, Jeffry
Subject: NRPA application -- acceptance
Attachments: Accept.pdf

Hi Jeff,

Attached is a letter of acceptance for the NRPA application you submitted for a dock system and boat ramp in Alna. I will reach out to you if questions come up during the review.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

September 10, 2019

Jeffrey Spinney
126 Golden Ridge Road
Alna, Maine 04535

**RE: NATURAL RESOURCES PROTECTION ACT APPLICATION, ALNA
DEP #L-28397-4E-A-N**

Dear Jeff,

The application you submitted for a Natural Resources Protection Act permit was received by the Department of Environmental Protection on August 23, 2019, and found to be acceptable for processing on September 9, 2019. Acceptance of the application does not preclude the Department from requesting additional information during processing. Your application has been given the above reference number.

The project will now be examined to determine whether a license can be issued. The statutory deadline for the Department to reach a final decision on your application is January 7, 2020; however, we will do our best to process the application and issue a decision as soon as possible. No construction related to the proposed activities currently under review may be started prior to receiving a final decision from the Department.

Please feel free to contact me at (207) 446-4894 or via email at jami.macneil@maine.gov if you have any questions regarding this project.

Sincerely,

Jami MacNeil, Project Manager
Bureau of Land Resources

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, September 10, 2019 1:17 PM
To: MacNeil, Jami
Subject: RE: NRPA application -- acceptance

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hahha....thanks. i just sent you an email, that's too funny. I am also going to preemptively meet with my other neighbor in case he had same concerns.

Thanks!

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Tuesday, September 10, 2019 1:16 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} NRPA application -- acceptance

Hi Jeff,

Attached is a letter of acceptance for the NRPA application you submitted for a dock system and boat ramp in Alna. I will reach out to you if questions come up during the review.

Thank you,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: William A Weary <w.weary@gmail.com>
Sent: Thursday, September 12, 2019 4:33 PM
To: MacNeil, Jami
Subject: Re: NRPA comments, Spinney application

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Thanks, Jami. Very helpful. Bill

On Thu, Sep 12, 2019, 07:32 MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Bill,

The Department is currently reviewing Jeff Spinney's application for a dock system and boat ramp under Maine's Natural Resources Protection Act. The application was accepted for processing on September 9, 2019. The statutory deadline for the Department to reach a final decision on the application is January 7, 2020; however, the goal date for a decision is November 15, 2019. Written comments will be accepted until a decision is issued. I recommend submitting your comments by October 8, 2019, to allow the Department ample time to consider them.

The Department's record, which includes the application of specific interest to you, is available to be viewed at any time. Feel free to contact the Department's File Room at (207) 287-7843 to request a day and time that is convenient for you to view the record.

Feel free to contact me with additional concerns, questions, or comments. I can be reached at (207) 446-4894 or via this email address.

Best,

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: William A Weary <w.weary@gmail.com>
Sent: Wednesday, September 11, 2019 9:56 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: NRPA comments

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, Jami. I told Jeff I'd put some thoughts together for you. By what date do you need them? Best - Bill

On Tue, Sep 10, 2019, 14:08 MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Thank you Jeff. If William or any other member of the public would like to submit comments on the project, they may do so in writing to this email address, or they may mail written comments addressed to my attention at:

Maine DEP

28 Tyson Drive

Augusta, ME 04330

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, September 10, 2019 1:16 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: William A Weary <w.weary@gmail.com>
Subject: NRPA comments

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jami,

I wanted to take a moment to introduce you to William Weary (cc), my neighbor/abutter from across the river.

I just met with him a little while ago and walked the site and alternate sites and discussed my plans. He was interested in alternate site 2.

I explained the tradeoffs that we had discussed of additional footprint issue (new road, new river embankment cut, etc.) vs the existing site, and promised that I would provide him with your email if he wanted to comment further.

Additionally, I think a portion of concern was the distance into river that the dock extends, but after I explained that it was measured from the actual shoreline and the relative width of the river as measured, William indicated that it made more sense. In my drawing I didn't depict clearly distance to the far side of river which would have helped. As I indicated to William, intent is that dock remains at original position, only pier/ramp is being replaced by aluminum free span ramp of same total distance..

Thanks again,

-Jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Friday, September 13, 2019 8:07 PM
To: MacNeil, Jami
Subject: FW: fyi
Attachments: dock vs overall width.jpg

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Jami,

I was putting together some visuals to try and explain about extension of dock into river to my neighbor who is from away. Attached is a set of two google earth pictures from 2012 i think, looks like i had only 1/2 the float portion in at this time....but it gives the same projection into river. Thought i would provide a copy to you as well if it helps.

- Left photo measures dock system protrusion from shore. (~45' or so including pier/ramp/floats - trees shown hang out over river on left side which is deceiving in the picture)

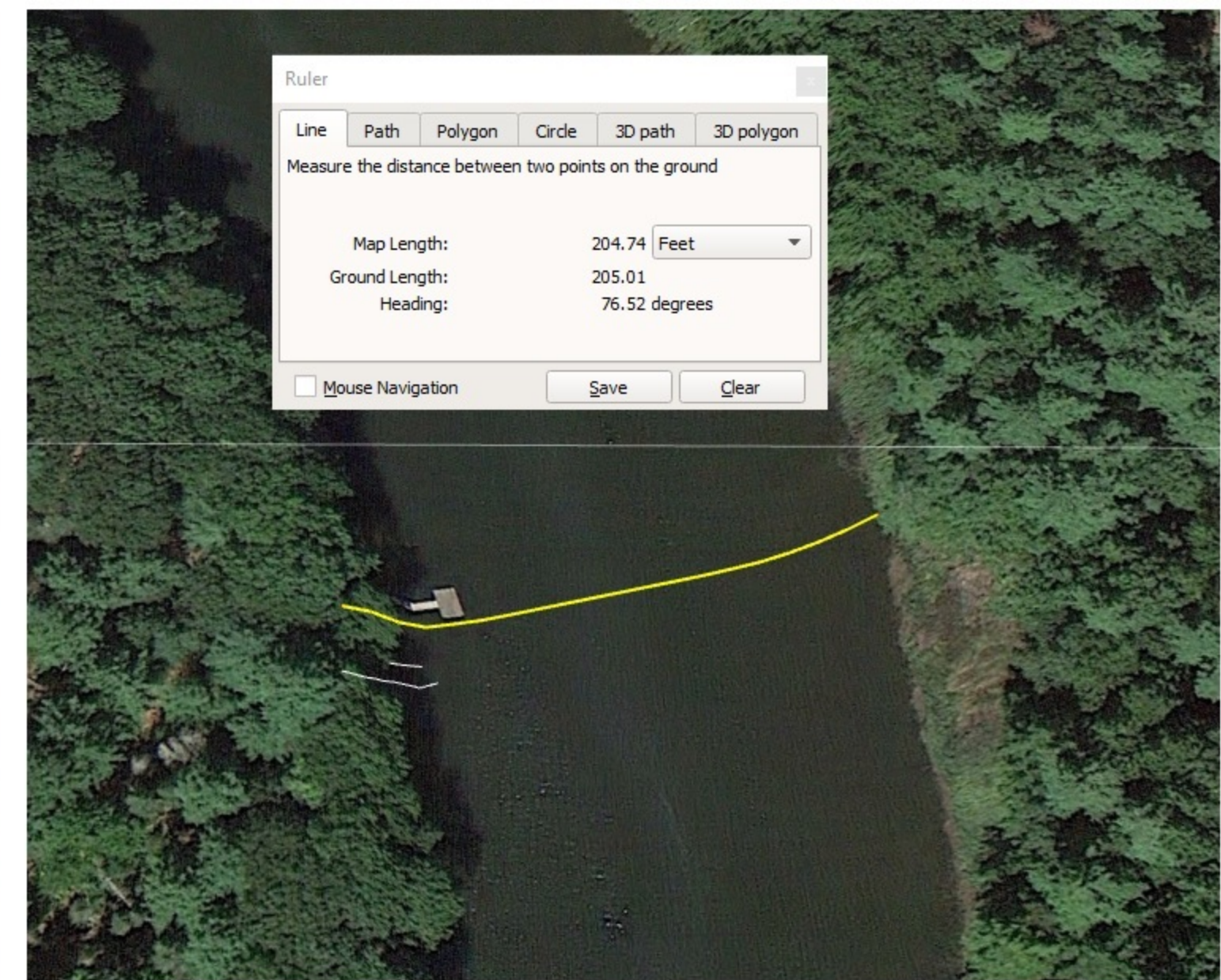
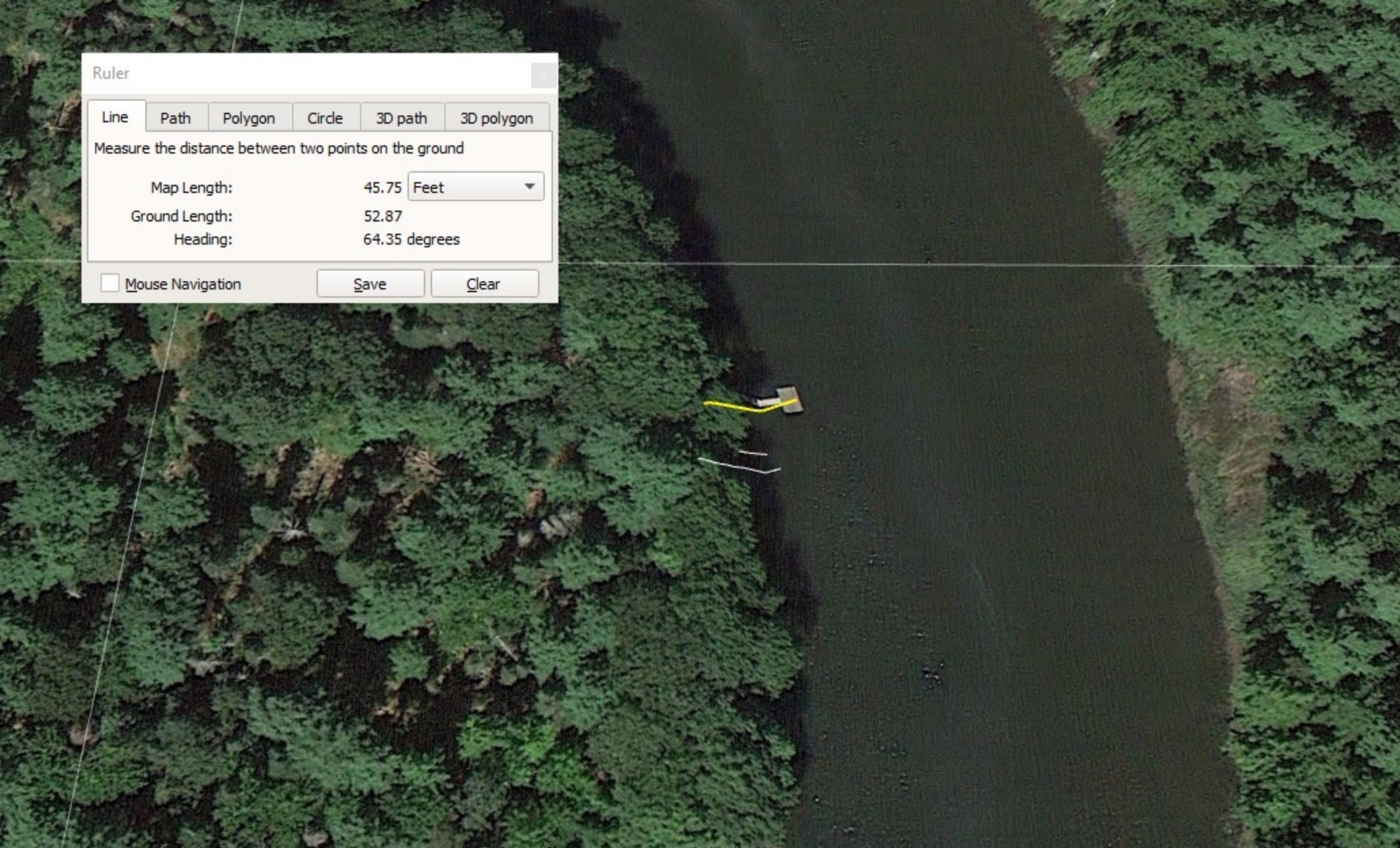
- Right photo measures river width (approximately 205' from this particular measurement) as best i can and puts it into visual context with river.

I figured i would provide this graphic to help as some additional support that the dock even at the MAXIMUM POSSIBLE estimation of 35' (ramp) + 16' (max extension/runout float that supports ramp end) + 8' (float) = 59' (total) as i drew in my NRPA plan, will extend 29% into/across the river - approx. the width of the end float additional to the existing picture here)

Once i can set and determine the exact position of the two piles at the HAT and compute the MINIMUM ramp length needed to then keep floats floating at low tide, i expect things to be shorter to keep costs down. Until then, all i can do is conservatively estimate.

My point being is this is in no way obtrusive or otherwise blocking the river.

Thanks,
-jeff



York, Marylisa

From: Settele, Rebecca
Sent: Monday, September 16, 2019 10:21 AM
To: MacNeil, Jami
Cc: Perry, John
Subject: RE: NRPA review request

Hi Jami,

Minimal impacts to wildlife are anticipated for this project. Please let me know if you have any questions.

Becca Settele

Wildlife Biologist

Maine Dept of Inland Fisheries & Wildlife
Wildlife Division
650 State St
Bangor ME 04401
(207)941-4438
mefishwildlife.com | [facebook](#) | [twitter](#)

Correspondence to and from this office is considered a public record and may be subject to a request under the Maine Freedom of Access Act. Information that you wish to keep confidential should not be included in email correspondence.

From: MacNeil, Jami
Sent: Tuesday, September 10, 2019 2:20 PM
To: Nault, Denis-Marc <Denis-Marc.Nault@maine.gov>; IFWEnvironmentalreview <IFWEnvironmentalreview@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: NRPA review request

Please find attached a review request for a NRPA application submitted by Jeff Spinney for a boat ramp and pier system on the Sheepscot River in Alna. We are requesting comments by 10/7/19.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: MacNeil, Jami
Sent: Monday, September 16, 2019 11:50 AM
To: Spinney, Jeffry
Subject: public interest and public notice
Attachments: tax map_public notice.pdf

Hi Jeff,

Thank you for the visual. I will add it to the file. I have not yet received any written comments, but I have received a phone call from Carol Ervin, who I believe is your neighbor to the north (Map R-4 Lot 21). She has some concerns, which I asked her to submit in writing. I will share them with you if/when she sends them.

Ms. Ervin said she did not receive a notice in the mail, but I see her on your list of abutters in the application. The notice likely went to her South Carolina address when she was not there. As the applicant, you are only required to send the notices to the addresses that are on file with the Town. However, you may want to send Ms. Ervin a courtesy notice now to her Maine address.

Since it looks like we will have some interested persons for this project, please submit copies of certified mailing receipts for the mailings that you did send. I'd like to have those on file.

After reviewing the tax maps again, I think there are a few additional lots that should receive notice (see attached):

Map R4, Lot 18 (in Alna)

Map 6, Lot 8F (in Newcastle)

Map 6, Lot 9 (in Newcastle)

Please send a notice by certified mail to the owners of these lots, and send me copies of the mailing receipts.

Thank you,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Friday, September 13, 2019 8:07 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: FW: fyi

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jami,

I was putting together some visuals to try and explain about extension of dock into river to my neighbor who is from away. Attached is a set of two google earth pictures from 2012 i think, looks like i had only 1/2 the float portion in at this time....but it gives the same projection into river. Thought i would provide a copy to you as well if it helps.

- Left photo measures dock system protrusion from shore. (~45' or so including pier/ramp/floats - trees shown hang out over river on left side which is deceiving in the picture)

- Right photo measures river width (approximately 205' from this particular measurement) as best i can and puts it into visual context with river.

I figured i would provide this graphic to help as some additional support that the dock even at the MAXIMUM POSSIBLE estimation of 35' (ramp) + 16' (max extension/runout float that supports ramp end) + 8' (float) = 59' (total) as i drew in my NRPA plan, will extend 29% into/across the river - approx. the width of the end float additional to the existing picture here)

Once i can set and determine the exact position of the two piles at the HAT and compute the MINIMUM ramp length needed to then keep floats floating at low tide, i expect things to be shorter to keep costs down. Until then, all i can do is conservatively estimate.

My point being is this is in no way obtrusive or otherwise blocking the river.

Thanks,
-jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Monday, September 16, 2019 12:09 PM
To: MacNeil, Jami
Subject: Re: public interest and public notice

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I know carol. She is the one i made the visual for. I also know her caretaker was busted for clearing in shoreland zone a few years ago and she is quite an intereting character. I sent bailey (husband) certified mail to their address. Ill send upu receipts when i get back home in a bit.

Kinda confused on other abutters though. Only neighbors are weary (he owns from well above me to well below my location across river)

Bailey/carol to north and philbrick to west and south. I thibk i have covered the required folks, but i need to go look at a map a d see what the lots are your talkibg about. Ill double check and give you a call in a bit.

Im pretty certain r4 18 is one of philbricks lots. (Same guy as to west of me). They did get one and ive spoken to them as well.

> On Sep 16, 2019, at 11:50 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> Thank you for the visual. I will add it to the file. I have not yet received any written comments, but I have received a phone call from Carol Ervin, who I believe is your neighbor to the north (Map R-4 Lot 21). She has some concerns, which I asked her to submit in writing. I will share them with you if/when she sends them.

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> Map 6, Lot 9 (in Newcastle)

>

> Please send a notice by certified mail to the owners of these lots, and send me copies of the mailing receipts.

>

> Thank you,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov
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>
> My point being is this is in no way obtrusive or otherwise blocking the river.
>
>
>
> Thanks,
> -jeff
> <tax map_public notice.pdf>

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Monday, September 16, 2019 12:19 PM
To: MacNeil, Jami
Subject: Re: public interest and public notice

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Just looking at a newcastle tax map on my phone, Neither 8f or 9 in newcastle are directly across the public way from any of the possible sites. Why do i need to certify mail to them?

> On Sep 16, 2019, at 11:50 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> Thank you for the visual. I will add it to the file. I have not yet received any written comments, but I have received a phone call from Carol Ervin, who I believe is your neighbor to the north (Map R-4 Lot 21). She has some concerns, which I asked her to submit in writing. I will share them with you if/when she sends them.

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> Please send a notice by certified mail to the owners of these lots, and send me copies of the mailing receipts.

>

> Thank you,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

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> Sent: Friday, September 13, 2019 8:07 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: FW: fyi

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> Hi Jami,

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> My point being is this is in no way obtrusive or otherwise blocking the river.

>

>

>

> Thanks,

> -jeff

> <tax map_public notice.pdf>

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Monday, September 16, 2019 12:24 PM
To: MacNeil, Jami
Subject: Re: public interest and public notice

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I just double checked the alna records to make sure. R4-18 belongs to elain philbrick. (Her son allen is trustee and he got cert mail)

I had checked on this before sending them out and was given this updated info by the philbricks.

I should be back in a bit and will send receipts as well as confirmation that they got them (i already checked on hers when carol tried to claim to the town she didnt get one)

Thanks, jeff

> On Sep 16, 2019, at 11:50 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

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>

> Thank you,

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> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

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> From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

> Sent: Friday, September 13, 2019 8:07 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

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> Once i can set and determine the exact position of the two piles at the HAT and compute the MINIMUM ramp length needed to then keep floats floating at low tide, i expect things to be shorter to keep costs down. Until then, all i can do is conservatively estimate.

>

> My point being is this is in no way obtrusive or otherwise blocking the river.

>

>

>

> Thanks,

> -jeff

> <tax map_public notice.pdf>

York, Marylisa

From: MacNeil, Jami
Sent: Monday, September 16, 2019 1:25 PM
To: Spinney, Jeffry
Subject: RE: public interest and public notice

Hi Jeff,

I'm sorry I missed your phone call. If Lot 18 on Map R4 (in Alna) is also owned by the Philbrook Trust, you do not need to send them an additional notice.

Lot 8F on Map 6 (Newcastle) is across the river and diagonal from the southeast corner of your property. It is also across a CMP corridor. We can accept your argument that this property is not abutting the project boundary and therefore does not need to be notified.

Lot 9 on Map 6 (Newcastle), as far as I can tell, extends on either side of the CMP corridor and is across the river from the southern portion of your property (for reference: <https://maine.maps.arcgis.com/apps/webappviewer/index.html?id=28e35c8fcf514d2685357b78bdd0b246>). Although this parcel is not directly abutting the project boundary, it would be prudent to notify this landowner.

Thank you for the copies of the mailing receipts and newspaper posting. I will keep them on file to demonstrate that this requirement was met.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Monday, September 16, 2019 12:24 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: public interest and public notice

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I just double checked the alna records to make sure. R4-18 belongs to elain philbrick. (Her son allen is trustee and he got cert mail)

I had checked on this before sending them out and was given this updated info by the philbricks.

I should be back in a bit and will send receipts as well as confirmation that they got them (i already checked on hers when carol tried to claim to the town she didnt get one)

Thanks, jeff

> On Sep 16, 2019, at 11:50 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:
>
> Hi Jeff,
>
> Thank you for the visual. I will add it to the file. I have not yet received any written comments, but I have received a phone call from Carol Ervin, who I believe is your neighbor to the north (Map R-4 Lot 21). She has some concerns, which I asked her to submit in writing. I will share them with you if/when she sends them.
>
> Ms. Ervin said she did not receive a notice in the mail, but I see her on your list of abutters in the application. The notice likely went to her South Carolina address when she was not there. As the applicant, you are only required to send the notices to the addresses that are on file with the Town. However, you may want to send Ms. Ervin a courtesy notice now to her Maine address.
>
> Since it looks like we will have some interested persons for this project, please submit copies of certified mailing receipts for the mailings that you did send. I'd like to have those on file.
>
> After reviewing the tax maps again, I think there are a few additional lots that should receive notice (see attached):
> Map R4, Lot 18 (in Alna)
> Map 6, Lot 8F (in Newcastle)
> Map 6, Lot 9 (in Newcastle)
>
> Please send a notice by certified mail to the owners of these lots, and send me copies of the mailing receipts.
>
> Thank you,
>
> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov
>
> -----Original Message-----
> From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
> Sent: Friday, September 13, 2019 8:07 PM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: FW: fyi
>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Hi Jami,
>
> I was putting together some visuals to try and explain about extension of dock into river to my neighbor who is from away. Attached is a set of two google earth pictures from 2012 i think, looks like i had only 1/2 the float portion in at this time....but it gives the same projection into river. Thought i would provide a copy to you as well if it helps.
>
>
> - Left photo measures dock system protrusion from shore. (~45' or so including pier/ramp/floats - trees shown hang out over river on left side which is deceiving in the picture)
>
> - Right photo measures river width (approximately 205' from this particular measurement) as best i can and puts it into visual context with river.

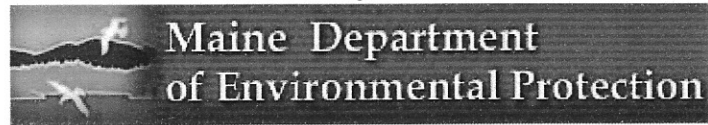
>
>
>
>
>
> I figured i would provide this graphic to help as some additional support that the dock even at the MAXIMUM POSSIBLE estimation of 35' (ramp) + 16' (max extension/runout float that supports ramp end) + 8' (float) = 59' (total) as i drew in my NRPA plan, will extend 29% into/across the river - approx. the width of the end float additional to the existing picture here)
>
> Once i can set and determine the exact position of the two piles at the HAT and compute the MINIMUM ramp length needed to then keep floats floating at low tide, i expect things to be shorter to keep costs down. Until then, all i can do is conservatively estimate.
>
> My point being is this is in no way obtrusive or otherwise blocking the river.
>
>
>
> Thanks,
> -jeff
> <tax map_public notice.pdf>

York, Marylisa

From: thomas mckenzie <mckthomas@gmail.com>
Sent: Monday, September 23, 2019 10:41 AM
To: MacNeil, Jami
Subject: Projest#1-28397-4e-a-n
Attachments: Spinney DEP.pdf

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

see attached



17 State House Station, Augusta, Maine 04333
Bureau of Land Resources

Request for Project Review

TO: Town of Alna, ATTN: Tom McKenzie (CEO)
Jay Clement, ACOE
Denis-Marc Nault, DMR
John Perry, MDIFW
Colin Clark, SLZ

DATE: September 10, 2019

FROM: Jami MacNeil, Project Manager
at (207) 446-4894 or jami.macneil@maine.gov

Please review the project identified below and submit comments by the requested deadline. Questions may be directed to the DEP Project Manager. Please contact the Project Manager if you have not received a copy of the application.

The deadline for agency comments is

October 8, 2019

DEP Application # L-28397-4E-A-N

Applicant Name: Jeff Spinney

Project Name: Boat ramp and pier system

Consultant: NA

Location: Alna

Phone/Email: (207) 227-9017
Jeff.spinney@gmail.com

Notes to Reviewers:

The applicant proposes to construct a pier system and boat ramp. The pier system will consist of a permanent piling-supported frame at the shoreline, a 4' x 35' seasonal ramp, a 5' x 16' float and an 8' x 32' float. The boat ramp will be 10' x 36', constructed of concrete planks. The applicant proposes to support the piling frame and the boat ramp with riprap. The project will result in approximately 475 square feet of direct impact to the coastal wetland. The project site is located off Golden Ridge Road in the Town of Alna. The DEP has accepted the application for review.

This is a NRPA or Site Location of Development Act application.

After a thorough review of the above project, as presented to us, and in consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection.

I see no reason this project should not go forward as planned.

Check if requesting copy of draft Findings of Fact and Order.

(Comments must be signed and dated in order to be accepted by this Department. If additional space is needed, please attach another sheet).

SIGNATURE:

[Handwritten Signature] CEO

DATE:

23 SEP 19

York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Thursday, September 26, 2019 1:16 PM
To: Spinney, Jeffry
Cc: MacNeil, Jami
Subject: RE: [Non-DoD Source] Re: FW: Permit Application on lower reach of Sheepscot River

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

She has the right to voice a comment/concern to her state and federal government and to the degree we're required, we'll do our best to resolve or address her concerns. Concerns outside our authority, e.g. something best handled by the town, are not germane to the process. If we need to contact you for additional info to address her concerns, we will. If that causes delays, that's inescapable I'm afraid. But don't sweat this until she comments and we have a chance to review them.

Jay

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Thursday, September 26, 2019 1:06 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: [Non-DoD Source] Re: FW: Permit Application on lower reach of Sheepscot River

Hi jay,

Just curious, what does it mean (to me and my application) if she starts questioning the 'review standards' that the corps has? Or has some other 'comment'?

Im just trying to figure out how much trouble she is likely to be to me and/or how much limbo/expense this can/would mean.

Essentially, she doesnt like that i have a dock, but i had it long before they ever came here so i struggle with how to deal with her. Especially not knowing how this is typically handled.

Thanks, jeff

> On Sep 26, 2019, at 10:16 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> Heads up.

>

> -----Original Message-----

> **From:** Ervin, Carol B. [mailto:cervin@ycrlaw.com]

> **Sent:** Thursday, September 26, 2019 9:43 AM

> **To:** Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> **Cc:** Bailey Bolen <baileybolen@gmail.com>

> **Subject:** [Non-DoD Source] Permit Application on lower reach of Sheepscot River

>
> Mr. Clement,
>
> My husband Bailey Bolen and I will be filing a public comment about the pending application for permanent structures on the tidal, brackish section of the Sheepscot River, over a mile north of the reversing falls. We are the applicant Jeff Spinney's (of 126 Golden Ridge Road) abutting property owners.
>
> Jami MacNeil of Maine DEP referred me to you as the appropriate Army Corps representative. Are you the Project Manager for this permit? If so, please provide the appropriate mailing address So we can send you our public comment. If not, can you please refer us to the appropriate individual and their office mailing address.
>
> Also, we have a few questions about the Army Corps' review standards for this permit, and would appreciate it if you could call at (843) 906-6351 to discuss.
>
> Thanks so much,
>
> Carol Ervin
>
> Sent from my iPhone

York, Marylisa

From: MacNeil, Jami
Sent: Thursday, October 3, 2019 11:46 AM
To: Puryear, Kristen
Subject: NRPA review request, Spinney boat ramp/dock, Alna
Attachments: PROJREV_MNAP.docx; Spinney NRPA application.pdf; Photos_9.6.2019.pdf

Hi Kristen,

Attached is a NRPA review request for Jeff Spinney's application for a boat ramp and dock system on the Sheepscot River in Alna. I have also attached the application and photos from my site visit on 9/6/19. As I mentioned, there are some interested persons with concerns about adverse impact to salt marsh in this area due to the ramp, dock, and potentially increased boat traffic. Please provide a memo with MNAP's opinion.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov



17 State House Station, Augusta, Maine 04333
Bureau of Land Resources

Request for Project Review

TO: Kristen Puryear, MNAP

DATE: October 3, 2019

FROM: Jami MacNeil, Project Manager
at (207) 446-4894 or jami.macneil@maine.gov

Please review the project identified below and submit comments by the requested deadline. Questions may be directed to the DEP Project Manager. **Please contact the Project Manager if you have not received a copy of the application.**

The deadline for agency comments is

November 1, 2019

DEP Application # L-28397-4E-A-N

Applicant Name: Jeff Spinney

Project Name: Boat ramp and pier system

Consultant: NA

Location: Alna

Phone/Email: (207) 227-9017
Jeff.spinney@gmail.com

Notes to Reviewers:

The applicant proposes to construct a pier system and boat ramp. The pier system will consist of a permanent piling-supported frame at the shoreline, a 4' x 35' seasonal ramp, a 5' x 16' float and an 8' x 32' float. The boat ramp will be 10' x 36', constructed of concrete planks. The applicant proposes to support the piling frame and the boat ramp with riprap. The project will result in approximately 475 square feet of direct impact to the coastal wetland. The project site is located off Golden Ridge Road in the Town of Alna. The DEP has accepted the application for review.

This is a X NRPA or Site Location of Development Act application.

After a thorough review of the above project, as presented to us, and in consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection.

Check if requesting copy of draft Findings of Fact and Order.

(Comments must be signed and dated in order to be accepted by this Department. If additional space is needed, please attach another sheet).

SIGNATURE: _____ **DATE:** _____

Department of Environmental Protection
 Bureau of Land & Water Quality
 17 State House Station
 Augusta, Maine 04333
 Telephone: 207-287-7688

FOR DEP USE
 ATS # 84971
 L- 28397-4E-A-N
 Total Fees: \$315.00 CK# 3087
 Date: Received 8/23/19

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: <u>Jeff Spinney</u>		5. Name of Agent:						
2. Applicant's Mailing Address: <u>126 Golden Ridge Rd. Ana, ME 04535</u>		6. Agent's Mailing Address:						
3. Applicant's Daytime Phone #: <u>(207) 227-9017</u>		7. Agent's Daytime Phone #:						
4. Applicant's Email Address (Required from either applicant or agent): <u>jeff.spinney@gmail.com</u>		8. Agent's Email Address:						
9. Location of Activity: (Nearest Road, Street, Rt.#) <u>126 Golden Ridge Rd</u>		10. Town: <u>Ana</u>	11. County: <u>Lincoln</u>					
12. Type of Resource: (Check all that apply) <input checked="" type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain	13. Name of Resource: <u>Sheepscot River</u>							
	14. Amount of Impact: (Sq.Ft.) Fill: Dredging/Veg Removal/Other:							
15. Type of Wetland: (Check all that apply) <input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS							
	<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">Tier 1</td> <td style="text-align: center;">Tier 2</td> <td style="text-align: center;">Tier 3</td> </tr> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 - 43,560 sq. ft. </td> <td> <input checked="" type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>			Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.
Tier 1	Tier 2	Tier 3						
<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input checked="" type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1						
16. Brief Activity Description: <u>Boat ramp planking / Pier/Ramp alteration</u>								
17. Size of Lot or Parcel & UTM Locations: <input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> <u>120</u> acres		UTM Northing: _____ UTM Easting: _____						
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement								
19. Deed Reference Numbers: Book#: <u>3715</u> Page: <u>99</u>		20. Map and Lot Numbers: Map #: <u>R4</u> Lot #: <u>214</u>						
21. DEP Staff Previously Contacted: <u>Jami McNeil</u>		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
23. Resubmission of Application?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		24. Written Notice of Violation?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
26. Detailed Directions to the Project Site: <u>Rt 218N to Ana, East on Cross Rd, North on Golden Ridge Rd</u>		25. Previous Wetland Alteration: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
27. TIER 1 <input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		TIER 2/3 AND INDIVIDUAL PERMITS <input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required						
28. FEES Amount Enclosed: <u>\$515.-</u>								

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."


SIGNATURE OF AGENT/APPLICANT

8/22/19

Date: 8/22/19

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(pink)

2019 AUG 23 PM 1:35

Divorce Deed

QUITCLAIM DEED

NOW ALL MEN BY THESE PRESENTS, THAT Jeffrey Spinney and Emma Spinney per Divorce Judgement (Docket No. WIS-FM-05180 State of Maine, Lincoln, SS.) does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said Jeffrey Spinney, his heirs and assigns forever, all its right, title and interest in an to the following described real estate:

Those certain premises described on the Tax Maps for the Town of Alna as Map R-4, Lot 21-A & 22 and in certain liens recorded respectively in Book 2902, Page 199 in the Lincoln County Registry of Deeds.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said Jeffrey Spinney his heirs and assigns forever.

IN WITNESS WHEREOF, the said Jeffrey & Emma Spinney have caused this instrument to be sealed with its signature, this 19 of July, 2006.

SIGNED, SEALED and DELIVERED

X *[Signature]*
X *Emma M. Page Spinney*

STATE OF MAINE, Lincoln, ss. July 19, 2006

Personally appeared the above named Jeffrey Spinney acknowledged the foregoing instrument to be his/her free act and deed.

Before me, *[Signature]*

Notary Public/Attorney at Law

DONNA J. WALLACE
Notary Public, Maine

Print Name: _____
My Commission Expires February 18, 2007

STATE OF Texas, Denton, ss. July 28, 2006

08/08

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

Jeff Spinney 126 Golden Ridge Rd
Ana, Me 04535 (207) 227-9017
(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

8/30/19
(anticipated filing date)

The application is for

Dock and boat ramp repair work in
shoreland zone (description of the project)

at the following location:

126 Golden Ridge Rd
(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Ana (town), Maine.

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

- MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
- MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
- MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

(pink)

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

LEN
8/20 ✓
8/20 ✓
8/22 ✓

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

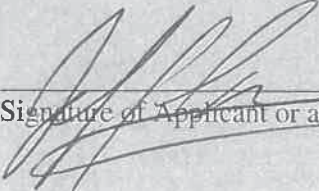
CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

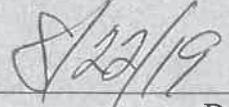
5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____
Date

Approximately _____ members of the public attended the Public Informational Meeting.



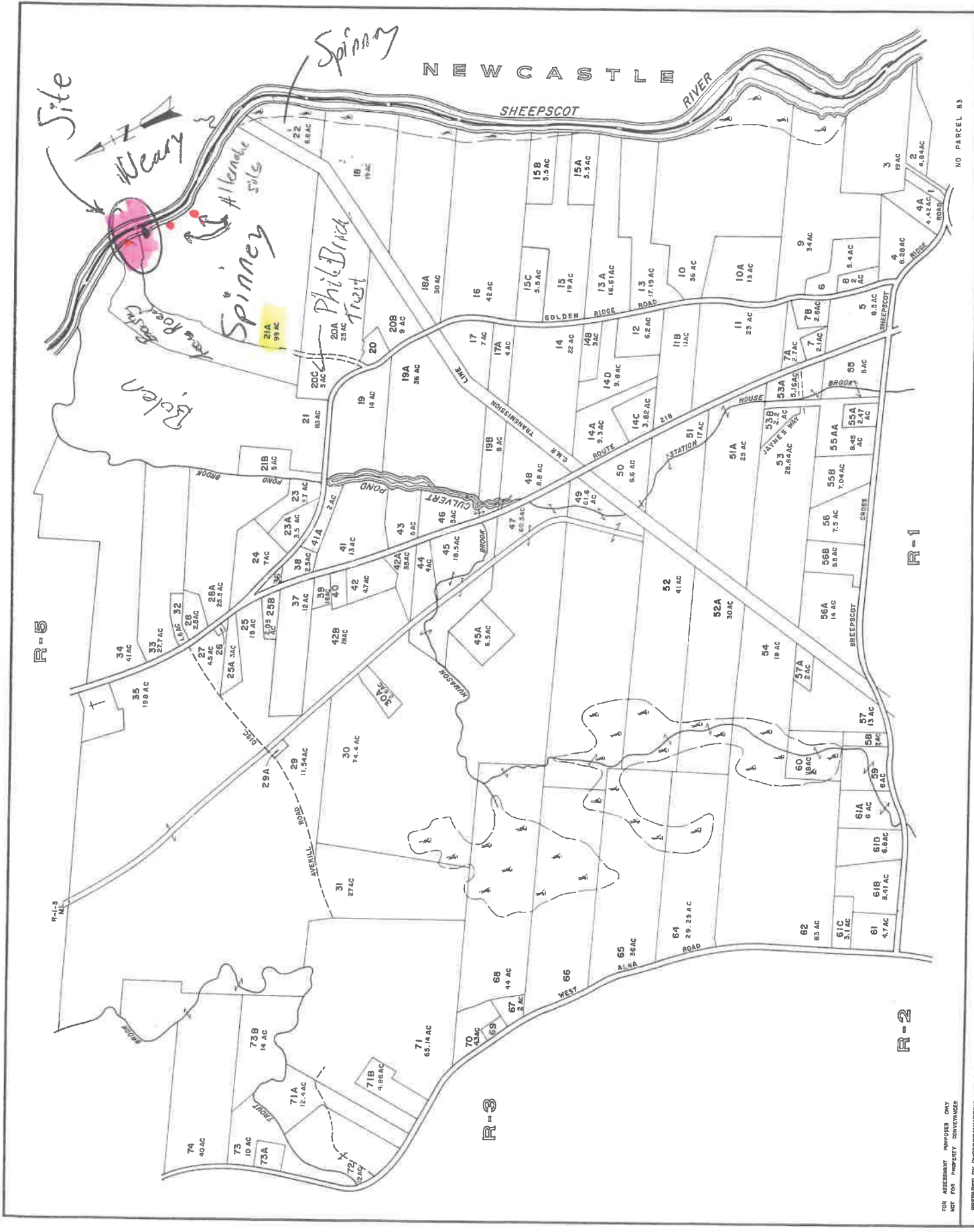
Signature of Applicant or authorized agent



Date

Abutters list

- 1.) Bolen, William Bailey Ervin, Carol B. PO BOX 12850 Charleston, SC 29422 (to north)
- 2.) previously: Philbrick, Elaine B. 316 Ramsay Rd London, Ontario Canada N6G1N8 (now: Philbrick Trustee, Allen J James E Philbrick Tree Farm 2226 Melrose Ann Arbor, MI 48104 – same as abutter 3 – property abutting to west))
- 3.) Philbrick Trustee, Allen J James E Philbrick Tree Farm 2226 Melrose Ann Arbor, MI 48104 - same as abutter 3 – property abutting to west)
- 4.) WEARY, WILLIAM 293 NORTH DYER NECK ROAD 04553 (across river/public way from site)
- 5.) Jeff Spinney – abutter to South



SCALE IN FEET
 0 500 1000

PROPERTY MAP
ALNA
 MAINE

LEGEND
 ADJACENT SHEET NO. 12
 COMMON OWNERSHIP LOT 1
 DEVELOPMENT LOT NO. 2
 SCALED DIMENSION 1/4"

PREPARED BY PHOTOGRAMMETRIC METHODS BY
 JOHN E. O'DONNELL & ASSOCIATES
 AUBURN, MAINE
 1975

FOR ASSESSMENT PURPOSES ONLY
 NOT FOR PROPERTY CONVEYANCES

R-4

NRPA Application – boat ramp/dock repair project

Attachment 1: Activity Description

The proposed activity in this application is to modify an existing boat launch area on the Sheepscot river to include pre-cast concrete ramp planks & appropriate supporting stone bedding with fabric and surrounded by appropriately sized rip-rap to prevent further erosion through continued use.

This improvement to the ramp from its current mixed mud/gravel will make both safer and easier the repeated launching & removal of boats & floats as well as to stabilize the embankment around the pier/launch ramp area used by a recreational club for day use. This club is a group of approximately 25 local area folks who use the river for a variety of activities in the spring/summer/fall. Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and its tributary the Dyer river. This location provides for access in a unique area where it would otherwise not be possible due to the old mill dam falls in Sheepscot village.

The existing pier, ramp, and float (located approx 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally. The current pier/ramp/float design extends from shore and places the float just below the low tide line so that there is always water (3-4') at low tide. Recently, ice has damaged the existing pier which has been removed and is seeking to be replaced by a freespan aluminum ramp anchored to the shoreline to maintain same float relative placement beside the boat ramp at low water.

The location of this project is in the town of Alna on the particular ~6.5 mile tidal segment of the Sheepscot river between the reversing falls in Sheepscot village and the Head Tide dam. The specific location is approximately 2.5 miles north from the falls in Sheepscot village.

Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre, parcel, tax map R-4, 21.

This property along with several others is used by a recreational club for swimming, fishing, hunting and members pool their resources through annual club membership dues to maintain the common infrastructure such as the gun range located upland on the property, the camping area, the dock and the boat ramp.

The proposed precast reinforced planks proposed, available locally here in Maine, are the smaller size of the two available commercially and should accommodate the size range of vessels being used in this area on an in & out basis. Each plank is 10' long by approximately 1.5' wide, by 6" thick and weighs approx 945lbs. This size is necessary to safely accommodate both the trailered watercraft launched at this site as well as annual removal of docks for winter storage and fits within the existing launch space so as to minimize any additional disturbance. Once bolted together in a string approx 40' in length (below HAT) total and when installed flush to the surface of the shoreline with stone rip rap (1' surrounding the sides and bottom), are expected to be impervious to damage from ice flow conditions in winter and spring flood debris such as trees/branches.

The manufacturer recommended base of crushed stone (the minimum volume would used to do the job properly) would be put in place in/around/between planks to assist in holding planks/preventing erosion and ensuring bank stability. As well, per a joint discussion with Army Corps and DEP recently, a fabric material was suggested to help stabilize the stone & plank material from sinking and needing to be repaired. Any excess material or material that may need to be removed from the site, would be loaded into a dump trailer or small truck and hauled to an upland disposal area in one of the fields on the property at least 1000' feet upland from the river to prevent any erosion or other damage.

In support of the pier replacement with an aluminum free span ramp (3'x40' approx.) from shore to float, two large wooden piles (approx. 12-16") would be set, cross braced together in

NRPA Application – boat ramp/dock repair project

standard fashion and then braced back onto other two piles located further inland (effectively creating a ‘pier’ on shore safe from ice), this will provide a stable anchor point for the aluminum ramp and keep the float/ramp from pulling the piles out into river and from pushing them into the shore as the tide ebbs & flows. The 2 water side piles would rise approx. 8-9’ and form a gantry style lift using a pulley as is typically used on piers to lift ramps up in winter time.

The float would then be disconnected and hauled up onto the boat ramp above tideline for winter storage. The two water side piles at the HAT line would be surrounded by larger rip rap to provide ice protection in winter and increase stability of overall design.

It is expected that this redesign of the pier/ramp/float system will lessen the footprint and therefore impact of pier on the environment since it would be a freespan ramp from shore to float.

NOTE: The exact square footage represented (~475 square feet below HAT) is a conservative approximate value due to the fact that the nearest Maine DEP HAT levels for 2018 reporting station is at the village of Sheepscot (below the rapids), several miles downriver. The **OBSERVED** HAT line at the base of the embankment to the forest floor has been used as it is clearly delineating based upon the fact that there are (large 12-24”) trees, bushes, and non-submergent grasses growing at this level that would otherwise perish in the brackish water.

At the recommendation of the DEP on call person, a calculation line just above the observed HAT line is being used to be conservative in ensuring the calculation is sufficient.

Furthermore, square footage also includes an observed negative tide per DEP guidance in NRPA guidelines (-0.46 at 7:46am on Tuesday May 7, 2019) observation-based finding of the low tide line.

NRPA Application – boat ramp/dock repair project

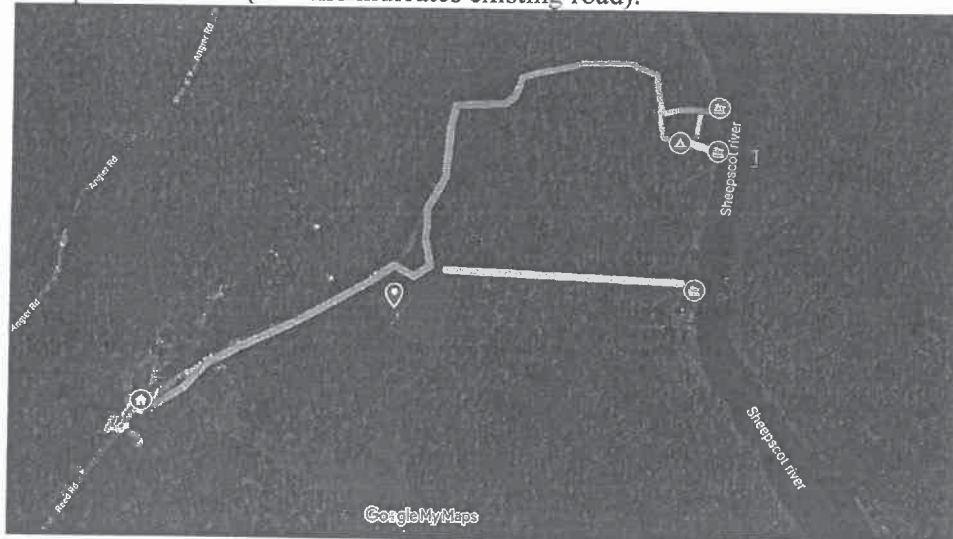
Attachment 2: Alternative Analysis

The intent of the precast planking & rip-rap surrounding it is to enhance the existing access and prevent continued erosion in the launch area through in & out use by club members. **There are no reasonable or alternatives to this access on this particular river segment as it is bounded to the South by the reversing falls at the old mill dam site and no Northern launch facility exists or is planned effectively making a captive segment of the river inaccessible without the continued use of this launch point.**

The size and scope of this project is the minimum size necessary, and is intended to only disturb the minimum square footage of approx <475 square feet total below HAT line.

As required, we have reviewed any potential alternatives to the proposed activity.

See picture below (red line indicates existing road).



Alternate site locations: The far Southern portion of property (just off photo bottom) is salt marsh and unsuitable for use. The area from bottom of photo to just south of option 2 is steep/rocky incline and therefore unsuitable for use without significant alteration.

Option 2 would require the construction of a new road from the small field or the camping area approximately 800-1000' long for access (large yellow line), as well as an new embankment cut. The shoreline is also steeper at this location as it was used to load brick barges in past and has a sharp drop off.

Option 1 would require a small (100-150' road from camping area – small yellow line) and could pose a reasonable alternative location, although it would require removal of several trees and a new embankment cut in rivers shoreline.

It would seem that the relative tradeoff of impacts would indicate that the least impactful site solution is the proposed (and already in use) one (the top, red marker on above map) as 1.) the established road system already exists and would not need to be created either in terms of cost to the club or in terms of environmental impact, 2.) the river embankment already has an established cut as it is currently an in use ramp and 3.) minimal if any additional tree removal would be necessary to support construction.

NRPA Application – boat ramp/dock repair project

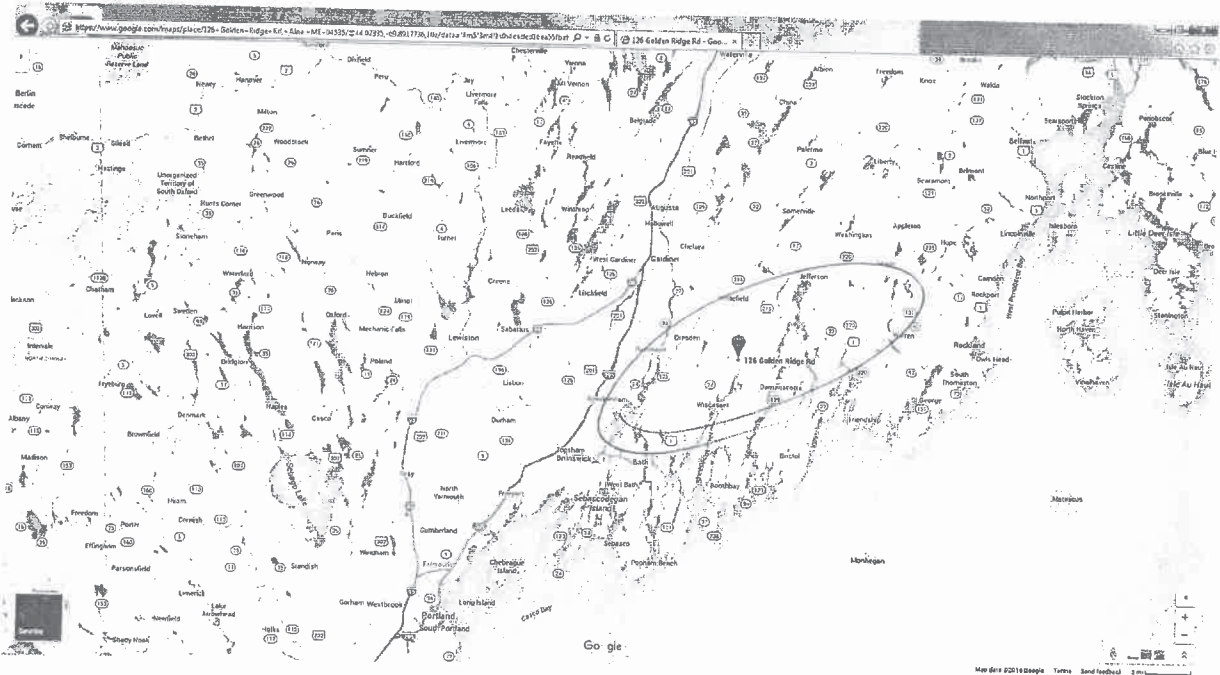
Alternate materials considered for use at the existing launch ramp site: In addition to alternate launch sites, we reviewed and discussed with Army Corps and DEP a couple of alternate material options including wood swamp mats such as used for logging and construction which posed a significant flotation & anchoring challenge and were effectively ruled out, removable concrete without sub base preparation which while it removed the flotation concerns of the wood option still had safety concerns due to slippage of vehicles as well as silting concerns from repeated installation/removal. Finally there was a rollout (removable) aluminum option which was only available in a much larger than needed footprint and was significant in terms of cost. As well, the aluminum option needed subbase preparation too.

All of the temporary solutions had a common concern by IF&W of silting from annual installation/removal when being reviewed with Army Corp so in turn the suggestion was made to return to the permanent solution as having the least long term impact. The permanent concrete plank solution with proper subbase preparation and site prep to ensure minimal impact seems to be the most acceptable solution and is therefore being proposed.

Alternative to aluminum free span ramp with 2 piles versus existing pier & ramp: Finally, the 'alternative' to the alteration of existing pier/ramp/float, by embedding the piling support structure in the rip-rap at the HAT line and using a longer free span aluminum ramp, is simply to continue to repair the pier and re-drive piles into the shoreline as needed. The proposed activity (reducing the impact and footprint of pier piles and maintenance of such) seems to be a better approach with less impact on the environment and less likelihood of ice damage in off season as it is removed nearly completely from the ice zone.

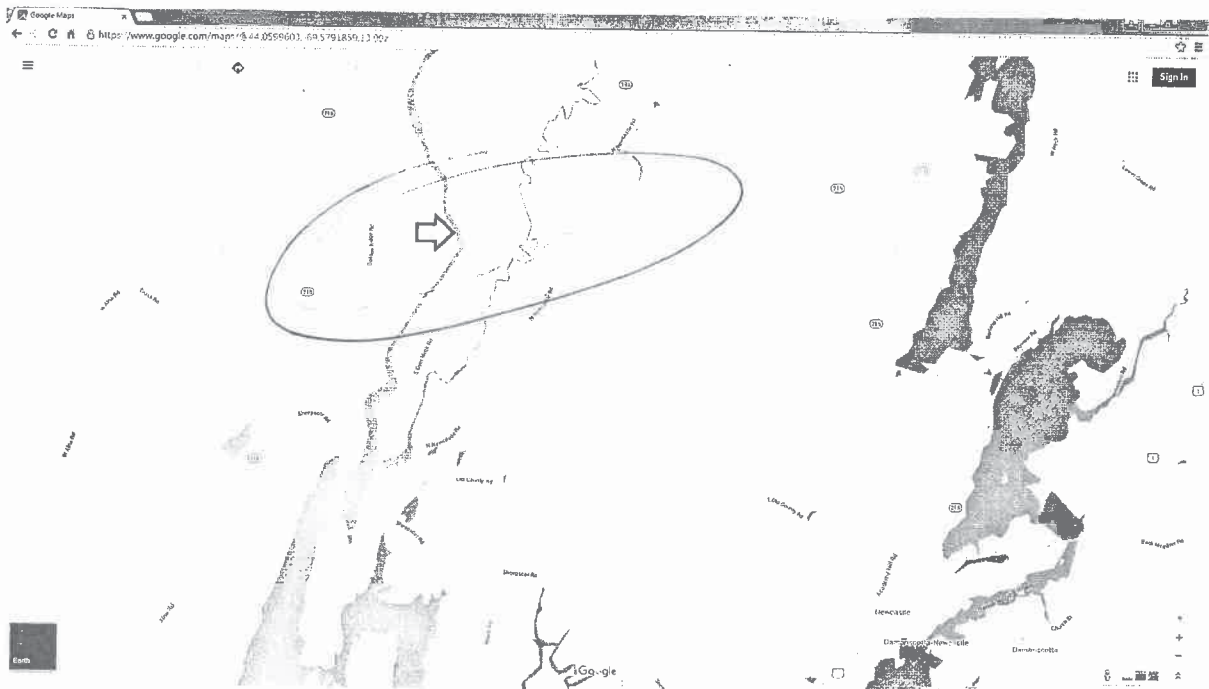
NRPA Application – boat ramp/dock repair project

Attachment 3: MAPS



Overview map showing the general location of property in midcoast region of Maine.

NRPA Application – boat ramp/dock repair project



Map showing close up (approximate scale at the town level) site location of work site indicated by arrow.

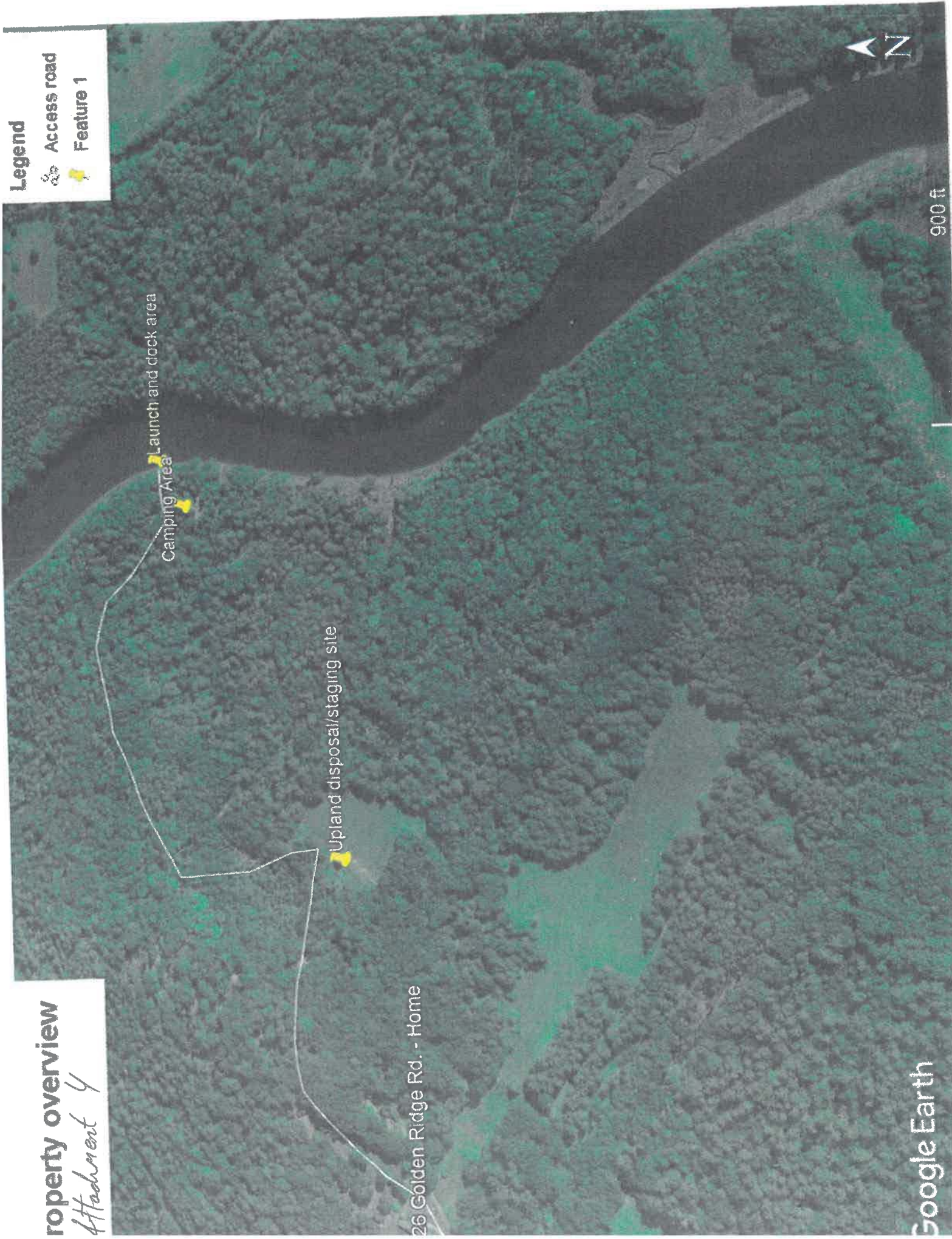
property overview

Attachment 4

Legend

Access road

Feature 1



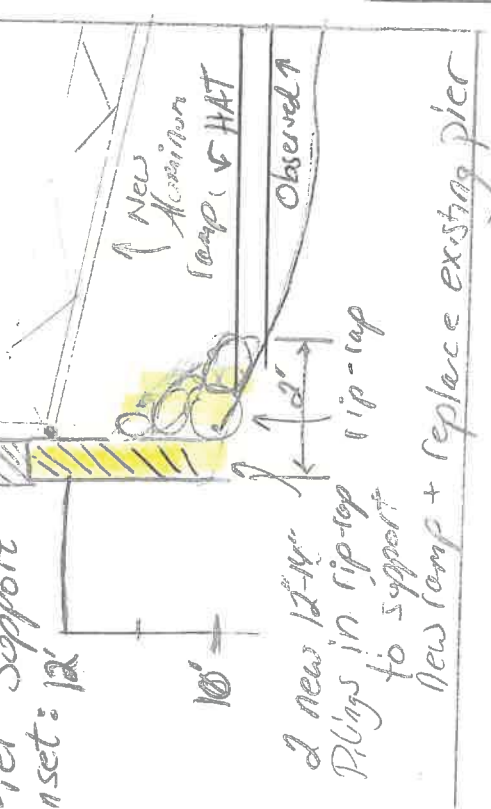
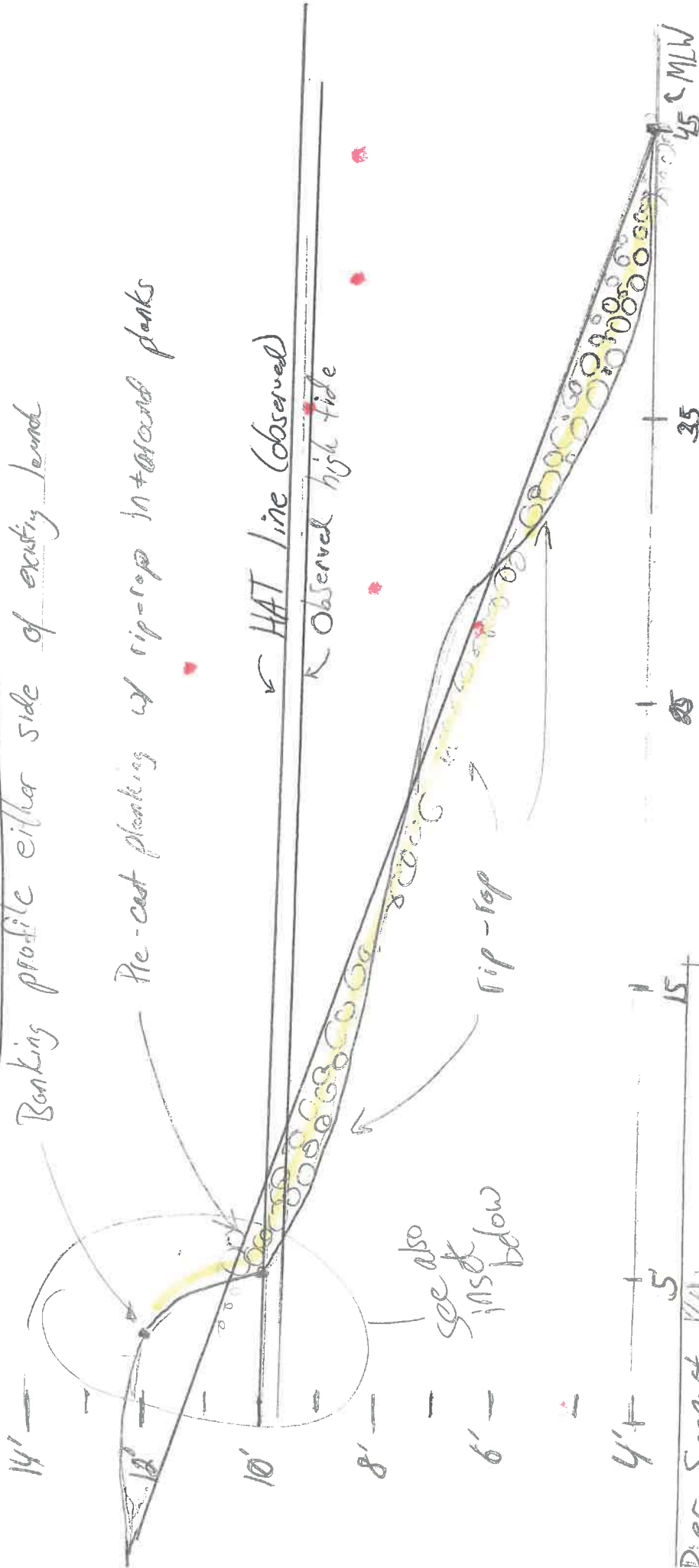
View from Low tide / water



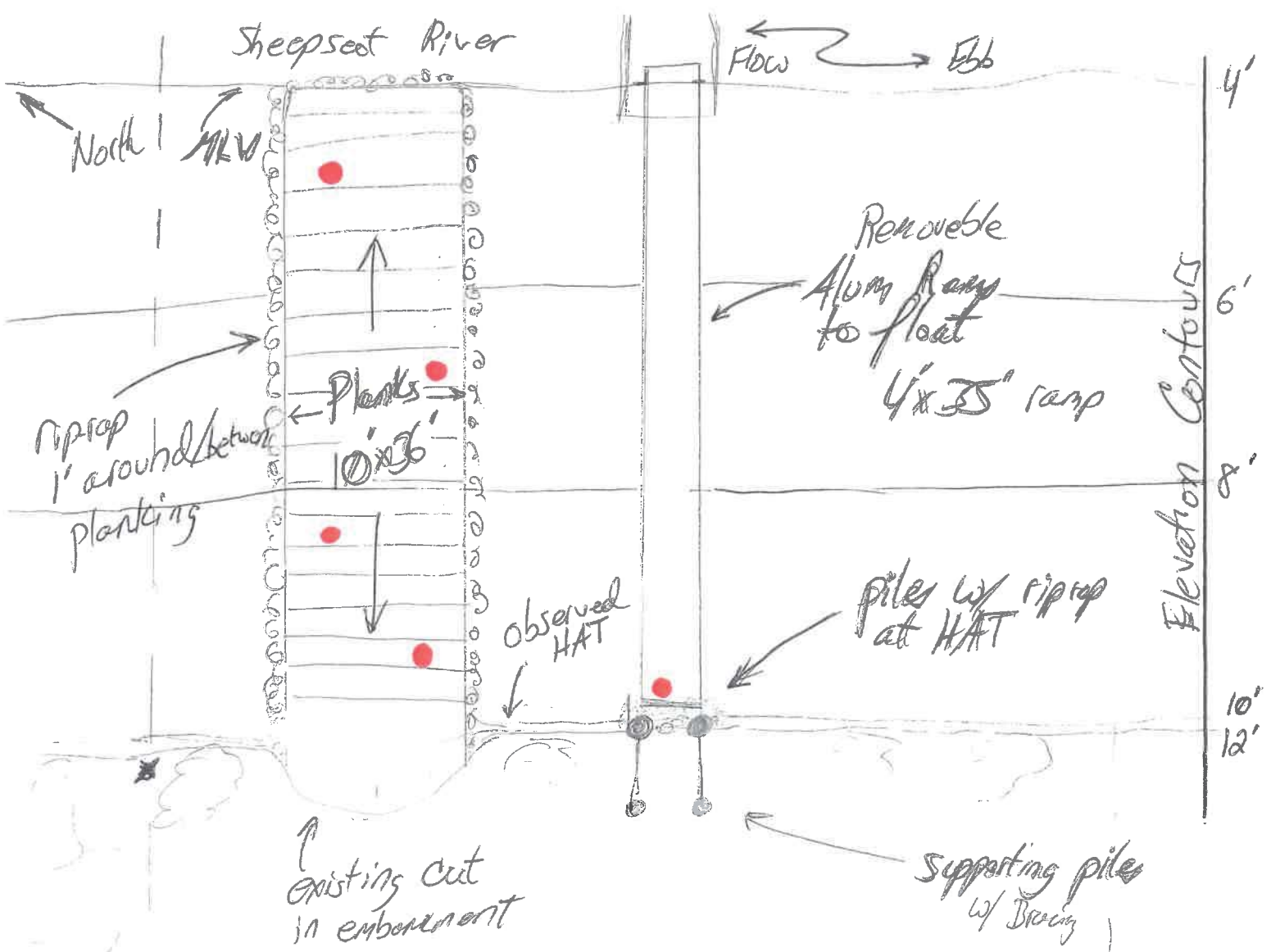
View from land



Elevation view



Jeff Spinner
 106 Golden Ridge Rd
 Anna, Me 04005
 5/7/19 - Side View
 Boot Ramp



[R-421] [Bolen]
 [R-421A] [Spinney]

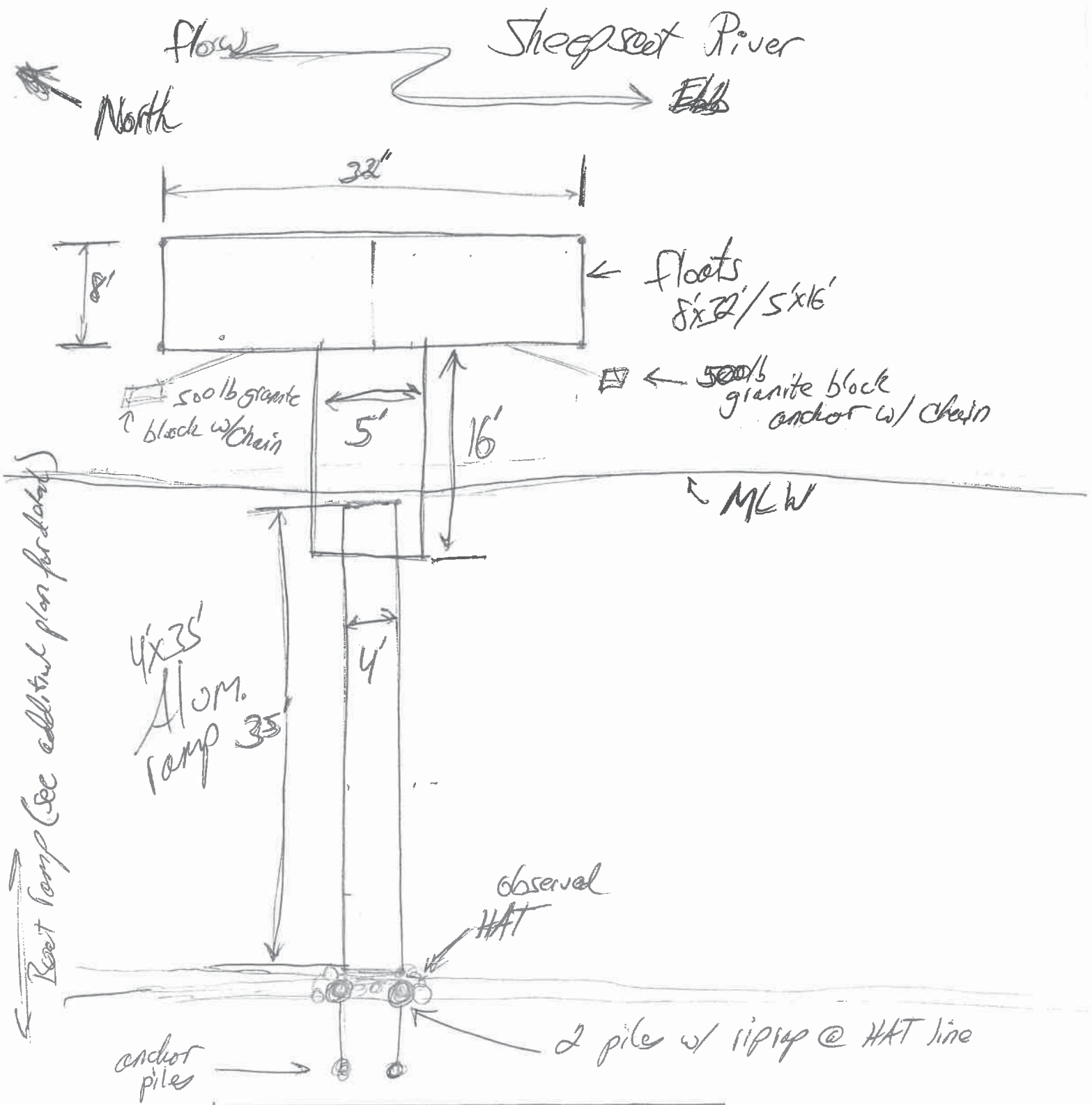
Existing
 Parking/Dock/boat
 storage area

Jeff Spinney 8/20/19
 126 Golden Ridge Rd
 Ana, Me 04525 Appendix B
 Scale: 1 square = 2' Wetland survey = ●

Top View

Access
 Road

Road to
 Camping
 area



Ramp/Float Detail
 8/20/19
 Jeff Spinner
 126 Golden Ridge Rd
 Arna, Me 04535

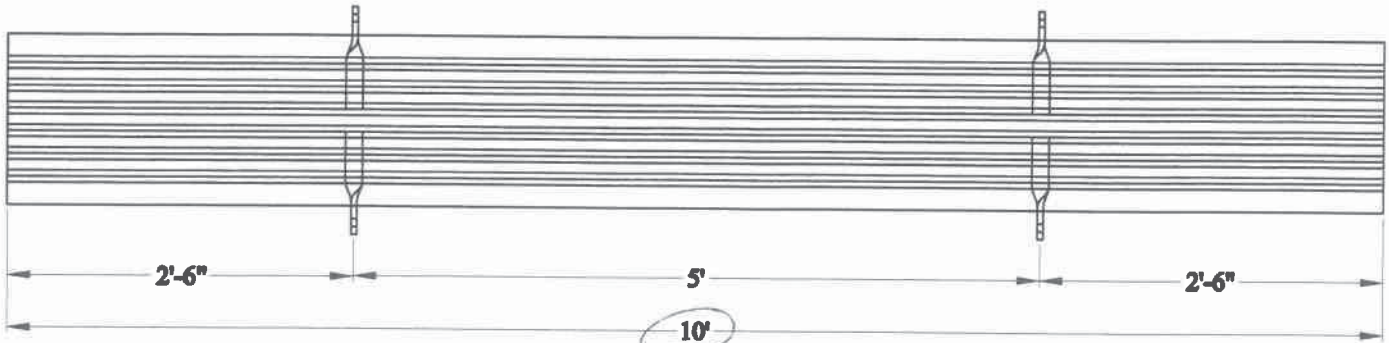


American Concrete Industries

10' Boat Ramp

Catalog Section:

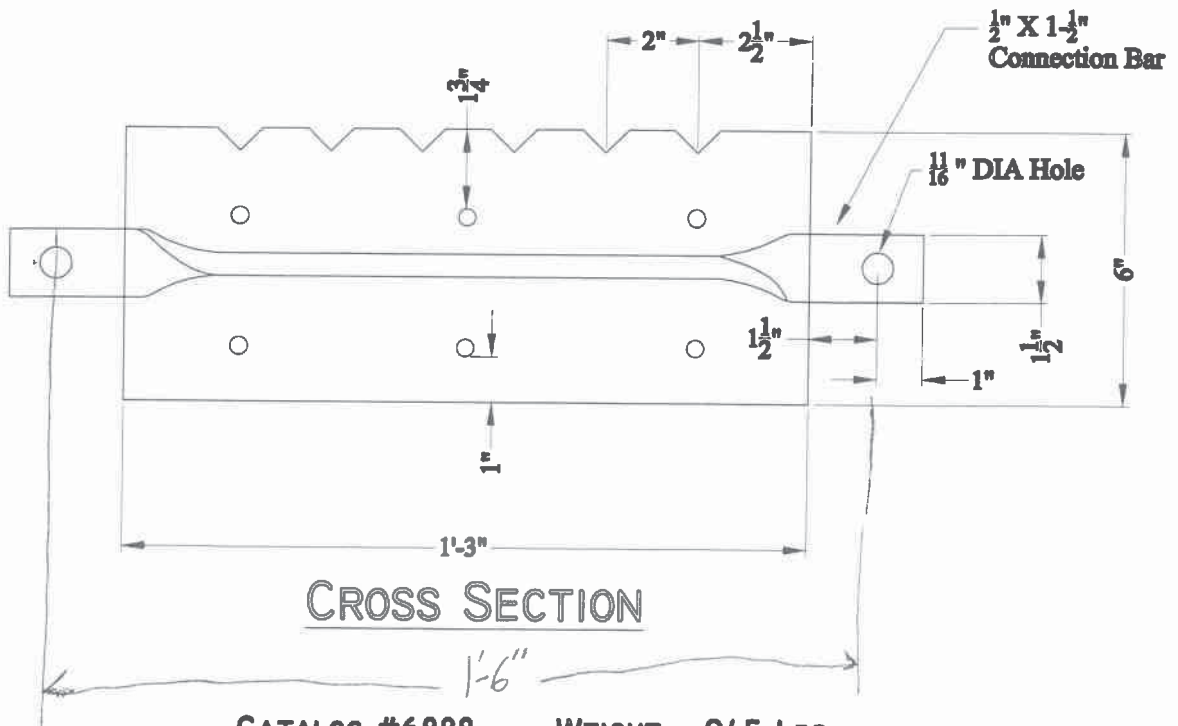
Layout Name:



PLAN VIEW

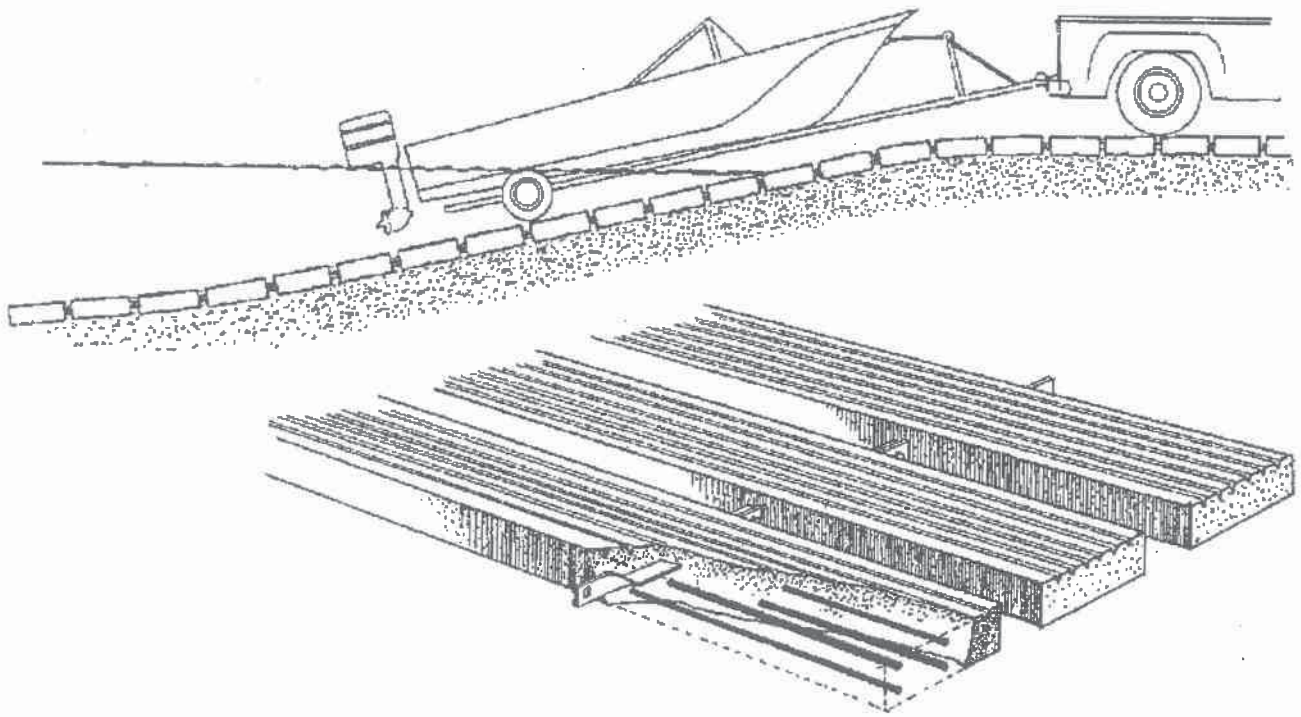


SIDE ELEVATION



CATALOG #6888

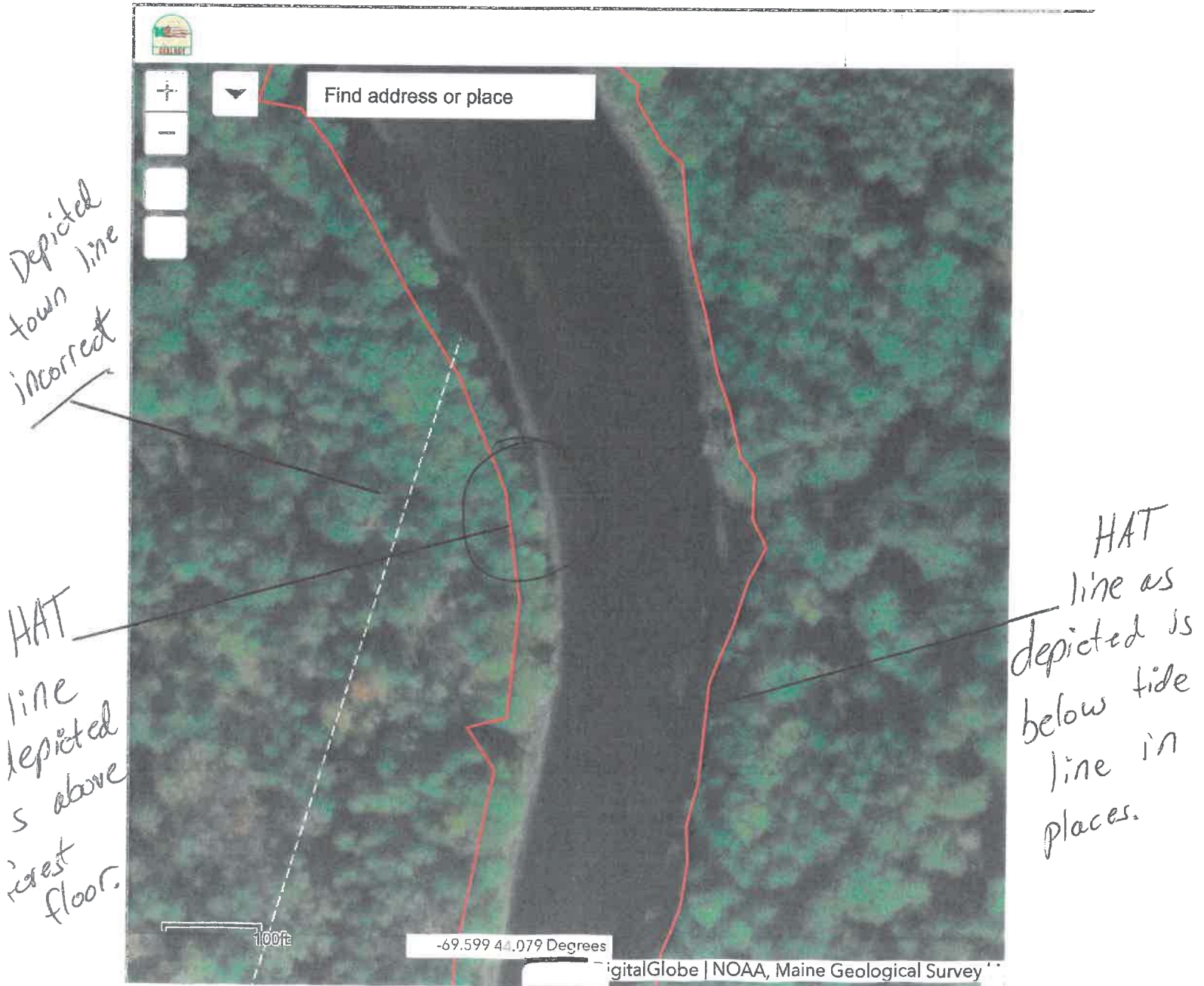
WEIGHT = 945 LBS.



Highest Annual Tide Line 2015

To view the data, zoom in on the map to your area of interest. The data will activate automatically while zooming in.

To determine the estimated HAT elevation (in feet, NAVD88) and the tidal station used, simply click on a section of coastline of interest.

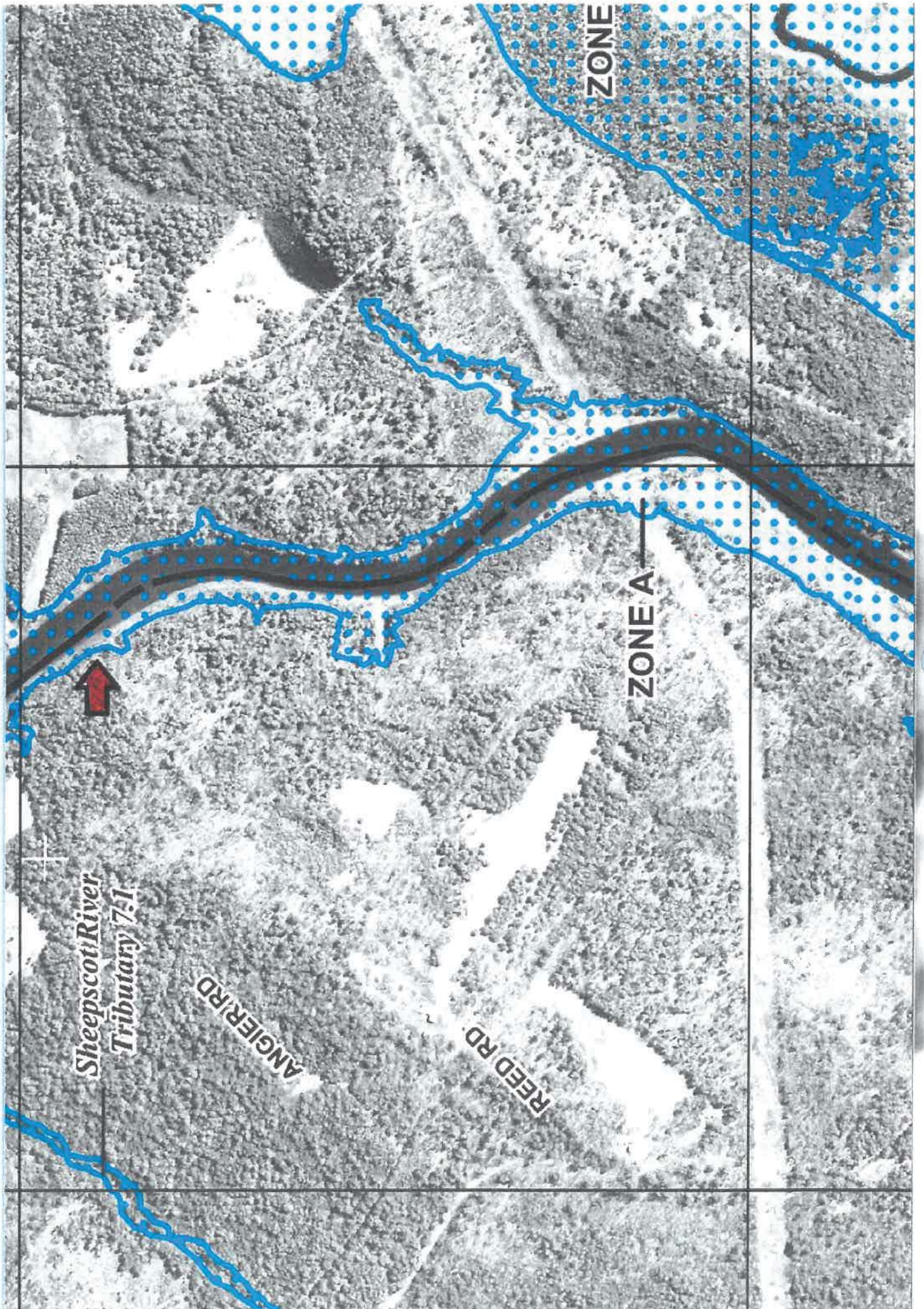


Maine DEP
Highest Annual Tide (HAT) Levels for Year 2018
Maine Coast from Eastport to Kittery



Location	HAT (MLLW) (Tide Table- feet)	HAT (NAVD88) (elev. feet)
Otis Cove	11.8	6.7
Thomaston	11.8	7.3
New Harbor, Muscongus Bay	11.4	6.0
Muscongus Harbor, Muscongus Sound	11.7	6.3
Friendship Harbor	11.7	6.3
Pemaquid Harbor, Johns Bay	11.4	5.9
Jones Neck	11.8	6.3
Waldoboro	12.3	6.8
East Boothbay	11.6	6.1
Walpole	12.0	6.2
Newcastle	12.0	6.1
Damariscove Harbor, Damariscove Island	11.4	6.1
Boothbay Harbor	11.4	6.1
Southport, Townsend Gut	11.6	6.4
Isle of Springs	11.6	6.4
Cross River entrance	11.8	6.6
Wiscasset	12.2	6.7
Sheepscot (below rapids)	<u>12.4</u>	<u>6.9</u>
Back River	11.8	6.3
Robinhood, Sasanoa River	11.4	6.2
Mill Point, Sasanoa River	11.4	6.2
Hunniwell Point	11.3	6.5
Phippsburg	10.4	5.8
Bath	9.2	4.8
Sturgeon Island, Merrymeeting Bay	6.8	2.4
Androscoggin River entrance	6.1	1.4
Brunswick, Androscoggin River	5.0	0.3
Bowdoinham, Cathance River	7.4	2.9
Cundy Harbor, New Meadows River	11.6	6.5
Howard Point, New Meadows River	11.7	6.5
South Harpswell, Potts Harbor	11.6	6.5
Wilson Cove, Middle Bay	11.8	6.5
South Freeport	11.7	6.5
Prince Point	11.8	6.7
Doyle Point	11.8	6.7
Falmouth Foreside	11.8	6.7
Great Chebeague Island	11.8	6.7
Cliff Island, Luckse Sound	11.8	6.7
Vaill Island	11.6	6.6
Long Island	11.8	6.7
Cow Island	11.8	6.7
Presumpscot River Bridge	11.9	6.7
Back Cove	11.4	6.2
Great Diamond Island	11.8	6.7
Peak Island	11.7	6.6
Cushing Island	11.7	6.6
PORTLAND	11.8	6.5
Fore River	11.8	6.5
Portland Head Light	11.4	6.4

Closest location. 2.5 miles Down river below falls



NRPA Application – boat ramp/dock repair project

Attachment 7: Construction details

The work site will be accessed via the existing gravel access road from the home located at 126 Golden Ridge Rd. in Alna. The timing of work is somewhat flexible, we are seeking to minimize impacts and avoid wet season and would need to be timed to coincide with low tide due to the nature of the work to be done below the high tideline.

Turbidity curtain would be extended into the water to encapsulate the work area completely and minimize silting/turbidity issues in river and a local state/DEP licensed contractor trained in erosion control has agreed to perform all work.

Larger (10" – 2') natural boulder/stone material to be used for piling rip-rap as noted in diagrams.

Once complete, if applicable, any extra material would be returned to the upland area and used for other unrelated projects as needed.

Pre-cast boat launch concrete planks would be brought in on a trailer, lifted off and into place by tractor/excavator and bolted together in place per manufacturers recommended approach. Sub Base material (crushed stone) would be brought in in small truck/trailer and be put into place by excavator under planks and by hand between planks, no extra material would be left on site. It is not expected that there would be any additional removal of trees as there is an existing launch ramp of same size in use now and work area should be sufficiently clear. Any disturbed material above the HAT would be regraded/replanted as necessary at completion, any silt/mud/stone removed to make way for subbase would be removed from shoreland zone to upland location.

All machinery and material not in use or placed would not remain in tidal zone, work would be coordinated to occur at low tide.

NRPA Application – boat ramp/dock repair project

Attachment 8: Erosion control plan

- silt screen may be used around upland site area or around stock materials as necessary during work as temporary control (short term) note: no silt screen would be dug into intertidal zone as it causes further silting.
- turbidity curtain around site area (sub-tidal zone) during work as temporary control of silting (short term)
- timing of work to coincide with low tide to prevent unnecessary silting of river as planks and subbase are placed. All equipment removed from zone when not in use.
- regrading/replanting of any damage to trees/vegetation in the event any should occur (short term)
- smaller stone in around launch ramp planks help to control erosion (long term)
- stones/boulders to be placed around piles as rip-rap to stabilize/protect as shown in plan (long term)
- hay/seeding/erosion control of any disturbed ground in upland areas used for access during and after construction as needed

NRPA Application – boat ramp/dock repair project

Attachment 9: Site condition report

consists of:

-scale plan 1"-10' showing 2' contour levels, existing resource boundaries, activity location, dimensions, wetland/waterbody classification

-description of waterbody: water depth, vegetation and fauna – The Sheepscot river, approx 2 miles North of the Sheepscot bridge. Approx water depth at low tide is 3-4' and at high tide is approximately 10-12'. The river width is approx 225' at this location. Shoreline is well established forest on both sides of river, forest floor at the location is flat and dry.

The river bottom is exposed heavy gravel & sand scoured due to the natural current flow, the intertidal portion is a mixture of silted/mud/rocks leading up to the gravel embankment that sharply rises approx 3' from the muddy area to the forest floor where the parking/storage area is.

The river shoreline is experiencing natural erosion due to trees naturally toppling and winter ice flows.

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Jeff Spinney Phone: (207) 227-9017

Application Type: Individual NRPA-Boat Ramp

Activity Type: (brief activity description) Boat Ramp plenty + pier alteration

Activity Location: Town: Alna County: Lincoln

GIS Coordinates, if known: _____

Date of Survey: 5/7/19 Observer: Jeff Spinney Phone: (207) 227-9017

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**

1. Would the activity be visible from:	0-¼	¼-1	1+
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Jeff Spinney PHONE: (207) 227-9017
 APPLICATION TYPE: Individual NRPA - Boat Ramp
 ACTIVITY LOCATION: TOWN: Ana COUNTY: Lincoln

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: Boat Ramp planing / pier ramp alteration

DATE OF SURVEY: 5/7/19 OBSERVER: Jeff Spinney

TIME OF SURVEY: 7:45 AM TIDE AT SURVEY: low (-0.46)

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
 Intertidal area: 475 ft² Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____
 Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):
 sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: _____)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:
 bluff/bank (height from spring high tide: 33') beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no *— natural erosion of river bank*

PREVIOUS ALTERATIONS? yes no *— boat ramp + Dock*

CURRENT USE OF SITE AND ADJACENT UPLAND:
 undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:
 Photographs Overhead drawing (pink)

*See Attachment 5 for
Sampling sites*

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN APPLICATION FOR A.....

- Commercial wharf
If yes, indicate type of commercial activity: _____
License number: _____
Number of fishermen using this wharf: _____

- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf

- Expansion or modification of an existing structure
- Other, please indicate: boat ramp planking + pier alteration

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 2-3' feet. *> my personal boat, typical for group, open fishing boat.*
My boat(s) is 17' feet long.

TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

SCENIC CONSIDERATIONS...Please complete Appendix A of the NRPA application.

WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Wisconet approximately 7 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Westport approximately 8-10 miles from the project location.
(town) (distance)

- I have inquired about slip or mooring availability at the nearest marina or public facility.
- Yes, a slip or mooring is available. No, a slip or mooring is not available.

N/A
Approximate expected time on waiting list: _____
see Activity Description for detail, area inavailable most time

I have contacted the local Harbor Master. Name: _____

Phone: _____

N/A

I currently use the following for my boat: Mooring Marina

trailer 10/00t use



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

The structure will be supported by pilings.

2 pilings of 12-16 inches in diameter

@ HAT Line

The structure will be supported by stacked, flow-through granite cribs.

_____ blocks, measuring _____ feet by _____ feet

See Diagram for detail

The structure will be supported by solid fill.

_____ square feet of solid fill

Other: _____

DIMENSIONS:

Length of fixed section: _____

Width of fixed section: _____

Length of ramp: _____

Dimensions of float: _____

Distance the structure will extend below mean low water (MLW): _____

Depth of water at the fixed end of the structure: _____

Depth of water at the float at low tide: _____

Depth of water at the float at high tide: _____

Dimensions of any proposed buildings (e.g. bait shed): _____

_____ feet high by _____ feet wide by _____ feet long

N/A feet
N/A feet
35 feet
8 feet wide by 32 feet long
= 15 feet
0 feet
2-3 feet
10-12 feet
Pier to be replaced by ramp
ramp to shore

ACCESS:

During construction, my project site will be accessed via:

Land

Beach/intertidal area

Water/barge

Spinney NRPA Application (#L-28397-4E-A-N), site visit 9/6/2019
Golden Ridge Road, Alna, ME



Spinney NRPA Application (#L-28397-4E-A-N), site visit 9/6/2019
Golden Ridge Road, Alna, ME



Spinney NRPA Application (#L-28397-4E-A-N), site visit 9/6/2019
Golden Ridge Road, Alna, ME



York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Thursday, September 26, 2019 1:16 PM
To: Spinney, Jeffry
Cc: MacNeil, Jami
Subject: RE: [Non-DoD Source] Re: FW: Permit Application on lower reach of Sheepscot River

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

She has the right to voice a comment/concern to her state and federal government and to the degree we're required, we'll do our best to resolve or address her concerns. Concerns outside our authority, e.g. something best handled by the town, are not germane to the process. If we need to contact you for additional info to address her concerns, we will. If that causes delays, that's inescapable I'm afraid. But don't sweat this until she comments and we have a chance to review them.

Jay

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Thursday, September 26, 2019 1:06 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: [Non-DoD Source] Re: FW: Permit Application on lower reach of Sheepscot River

Hi jay,

Just curious, what does it mean (to me and my application) if she starts questioning the 'review standards' that the corps has? Or has some other 'comment'?

Im just trying to figure out how much trouble she is likely to be to me and/or how much limbo/expense this can/would mean.

Essentially, she doesnt like that i have a dock, but i had it long before they ever came here so i struggle with how to deal with her. Especially not knowing how this is typically handled.

Thanks, jeff

> On Sep 26, 2019, at 10:16 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> Heads up.

>

> -----Original Message-----

> **From:** Ervin, Carol B. [mailto:cervin@ycrlaw.com]

> **Sent:** Thursday, September 26, 2019 9:43 AM

> **To:** Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> **Cc:** Bailey Bolen <baileybolen@gmail.com>

> **Subject:** [Non-DoD Source] Permit Application on lower reach of Sheepscot River

>
> Mr. Clement,
>
> My husband Bailey Bolen and I will be filing a public comment about the pending application for permanent structures on the tidal, brackish section of the Sheepscot River, over a mile north of the reversing falls. We are the applicant Jeff Spinney's (of 126 Golden Ridge Road) abutting property owners.
>
> Jami MacNeil of Maine DEP referred me to you as the appropriate Army Corps representative. Are you the Project Manager for this permit? If so, please provide the appropriate mailing address So we can send you our public comment. If not, can you please refer us to the appropriate individual and their office mailing address.
>
> Also, we have a few questions about the Army Corps' review standards for this permit, and would appreciate it if you could call at (843) 906-6351 to discuss.
>
> Thanks so much,
>
> Carol Ervin
>
> Sent from my iPhone

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, October 8, 2019 12:02 PM
To: MacNeil, Jami
Cc: Clark, Colin A; thomas mckenzie
Subject: Re: RE: NRPA / Shoreland zone question

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Understood. Let me see what i can find. Record keeping is not Alnas strong suit unfortunately

> On Oct 8, 2019, at 11:32 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> The DEP does not necessarily need to see proof that the project is approved under the Shoreland Zoning Ordinance in order to approve it under the NRPA, but we do appreciate having that evidence if available. So if you want to send us something, meeting minutes from the relevant PB meeting are appropriate. Or a letter from the CEO.

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>

> Sent: Tuesday, October 08, 2019 10:44 AM

> To: Clark, Colin A <Colin.A.Clark@maine.gov>

> Cc: thomas mckenzie <mckthomas@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: RE: NRPA / Shoreland zone question

>

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>

> Ok, fair enough. Thank you

>

> -----Original Message-----

> From: Clark, Colin A <Colin.A.Clark@maine.gov>

> Sent: Tuesday, October 08, 2019 10:42 AM

> To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>

> Cc: thomas mckenzie <mckthomas@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: {EXTERNAL} RE: NRPA / Shoreland zone question

>

> We don't have any templates for PB approval items typically if one needs to be provided to the DEP applicants would simply send the meeting minutes showing the vote I believe maybe Jamie could elaborate on that since she deals with them much more often than I.

>

> Colin A. Clark
> Shoreland Zoning Coordinator in the Bureau of Land Resources Maine Department of Environmental Protection Tel (207) 441-7419
<https://nam03.safelinks.protection.outlook.com/?url=www.maine.gov%2Fdep&data=02%7C01%7CJami.MacNeil%40maine.gov%7C9304f8b0afd84c51126108d74c090f8f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637061474701591688&data=skChgzCji8hywQs6KuPLcTuu9prQ7mwWB5Ijlskplk%3D&reserved=0>

>
>
>
>
> -----Original Message-----

> From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
> Sent: Tuesday, October 08, 2019 10:36 AM
> To: Clark, Colin A <Colin.A.Clark@maine.gov>
> Cc: thomas mckenzie <mckthomas@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: RE: NRPA / Shoreland zone question

>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> Thanks Colin. I'm not looking for a particular answer here as changing the anchor point to something on shore is trivial, just need to be able to justify one way or the other. I don't believe that we have ever provided any such 'letter' for past NRPA apps. Is there a template available?

>
> -----Original Message-----

> From: Clark, Colin A <Colin.A.Clark@maine.gov>
> Sent: Tuesday, October 08, 2019 10:29 AM
> To: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
> Cc: thomas mckenzie <mckthomas@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: {EXTERNAL} RE: NRPA / Shoreland zone question

>
> Good Morning I have been looking over your application with Jamie and have reviewed your submitted questions. For clarity I have include Thomas Mckenzie the Local CEO and Jamie MacNeil on this email in case they have something to add. The piles would be considered a structural component of the pier and end given the following language " New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board 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." you would need to have planning board approval stating that a temporary pier or dock would not be feasible. Being the anchor point for the temporary portion of the structure is what makes this a pier and that is what lead to the PB approval being required.

>
> Hope this information clears things up a bit I do understand this may not be the answer you were looking for but it is based on the regulations.

>
> Take care

>
>
> Colin A. Clark
> Shoreland Zoning Coordinator in the Bureau of Land Resources Maine Department of Environmental Protection Tel (207) 441-7419
<https://nam03.safelinks.protection.outlook.com/?url=www.maine.gov%2Fdep&data=02%7C01%7CJami.MacNeil%40maine.gov%7C9304f8b0afd84c51126108d74c090f8f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637061474701601688&data=3Y9BKJ%2Fmax5Z9XXwwhrAQIIG8D7lxnZCUXeInBiTC%2BE%3D&reserved=0>

>
>
>
>
> -----Original Message-----
> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
> Sent: Tuesday, October 08, 2019 9:38 AM
> To: Clark, Colin A <Colin.A.Clark@maine.gov>
> Subject: RE: NRPA / Shoreland zone question
>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Colin, I'm sure you are very busy but we have a board meeting tonight and I'm sure that this topic will come up so your viewpoint/guidance here would be helpful.
>
>
> In addition to my original question below, The other view point that has been brought up is that the two piles at the HAT line would be considered 'structures accessory to allowed use'
(<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fstatic1.squarespace.com%2Fstatic%2F58b64ee%2F2994ca296d496194%2F%2F58b8a17f1b631b726b67417d%2F1488494979381%2Fshoreland.pdf&data=02%7C01%7CJami.MacNeil%40maine.gov%7C9304f8b0afd84c51126108d74c090f8f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637061474701601688&msdata=BPKnY8Q00c2J1cf%2BCa%2FV49pzHDBnptFw6%2BDk61yrkzl%3D&reserved=0> - land use table page 15, line 16) since they are the anchor point for the ramp leading to the float and are necessary in order to hold the ramp/float in place. It is not a 'pier' per se since it not a decked over structure extending waterward or the HAT line.
>
>
> Any thoughts appreciated.
>
> Best,
> -jeff
>
> -----Original Message-----
> From: Spinney, Jeffrey
> Sent: Wednesday, September 18, 2019 11:34 AM
> To: colin.a.clark@maine.gov
> Subject: NRPA / Shoreland zone question
>
> Good morning Colin, i have an NRPA application in process with Jami Macneil and just wanted to reach out to you to discuss a quick question about it and about how we interpret our towns shoreland zoning regs as the selectmen and i were discussing a (possible) discrepancy.
>
>
> (NRPA application background)
> In the NRPA file, (Jami indicates it has been sent to you) you will see in the drawings that i am proposing replacing a small 'pier'/ramp with a freespan aluminum ramp of approx. same overall dimensions to get to the floats from shore. At the HAT line, i am proposing to drive two pilings (with two other support pilings back on land side somehow attached as support) and rip rap them at the HAT line to prevent ice damage. This allows omplete removal of float and aluminum ramp in winter time and reduces and 'pier' impact (shading/posting) that would be out over water resource and difficult to maintain due to ice during winter tides.
>

>
>
>
> (Alna Shoreland zoning background)
>
<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fstatic1.squarespace.com%2Fstatic%2F58b64eef2994ca296d496194%2Ft%2F58b8a17f1b631b726b67417d%2F1488494979381%2Fshoreland.pdf&data=02%7C01%7CJami.MacNeil%40maine.gov%7C9304f8b0afd84c51126108d74c090f8f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C637061474701601688&sdata=BPKnY8Q00c2J1cf%2BCa%2FV49pzHDBnptFw6%2BDk61yrkzl%3D&reserved=0>
>
> In our ordinance linked above, we include text and an accompanying table (table 1) on page 15 that summarizes land uses/districts into an easy to see chart. The preceding text re: land use chart is:
>
> " All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map."
>
>
>
> Line 17, talks about piers/docks:
>
> " Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland a. Temporary b. Permanent"
>
>
> i would assume that the two posts at the HAT line (and the other two just inland from there since they are within the buffer zone?) w/ rip rap would be 'permanent' water dependent structures (falling under line 17, part b), correct? If so, in this table we say 'no' in all districts. However, in our further elaboration of land use in Section 15, page 19/20 we elaborate to say:
>
>
>
> "C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond (Waterward) the Normal High-Water Line of a Water Body or Within a Freshwater Wetland because of a Functional Water Dependent Use
>
> 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
>
> 2. The location shall not interfere with existing developed or natural beach areas.
>
> 3. The facility shall be located so as to minimize adverse effects on fisheries.
>
> 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
>
> 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
>

> 6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland shall be converted to residential dwelling units in any district.

>

> New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board 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.

>

> Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure."

>

>

>

> (QUESTION)

>

> So, by virtue of section 6 above.....it seems that with two conditions being met 1.) with NRPA approval and 2.) with Planning board approval that the two posts at the HAT line could be construed to fit here and would be legitimate structures under this section of shoreland zoning ordinance. Is that how you would interpret this? I looked back, and in terms of consistency, we have approved other actual larger piers (6'x20') in Alna using this same logic on the river. At this point, i am simply trying to understand if we as a board are correctly interpreting this or not and seeking some type of supporting guidance if you have any tat we can use for discussion.

>

> I am also thinking that as a board, we should seek to clarify this land use table for future use as well.....since one person asked, I'm sure others might.

>

>

> Any guidance is much appreciated.

>

> Best,

> -jeff spinney

> 207-227-9017

>

>

>

>

York, Marylisa

From: MacNeil, Jami
Sent: Tuesday, October 8, 2019 2:53 PM
To: Spinney, Jeffry
Subject: NRPA application, public comments (Part 1 of 3)
Attachments: letter concerning a permit application; public comment/ Alna dock; Ervin comments_9.27.2019.pdf; ermit application for permanent boat launch and large ramp/dock/float on Sheepscot River at 126 Golden Ridge Road; Spinney dock; Alna Spinney dock NRPA application.docx; Midcoast Conservancy comments_NRPA permit for Alna boat ramp and pier.pdf

Hi Jeff,

Attached are public comments submitted to the Department regarding your NRPA application currently under review with the DEP. More to follow. As I mentioned on the phone, I am putting together a list of topics/items to which the DEP would like you to respond.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: Cally Aldrich <brooksie1207@gmail.com>
Sent: Sunday, October 6, 2019 5:18 PM
To: MacNeil, Jami
Subject: letter concerning a permit application

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Ms MacNeil,

I sent this letter to you via USPS today, but was afraid you might not receive it by the Oct 8th deadline. I just received news from Carol Ervin that we may email you our concerns, so am sending my letter by email and USPS. Here is my letter to you and I thank you in advance for your time and consideration:

Carolyn Aldrich
333 Golden Ridge Rd
Alna, ME 04535

Oct 6, 2019

Jami MacNeil
Project Manager, Environmental Specialist II
Bureau of Land Resources
Maine Dept of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Ms. MacNeil,

I am writing you concerning the application of Jeffrey Spinney, 126 Golden Ridge Rd Alna, ME 04535, for a permanent boat launch and separate dock/ramp/float with permanent cement support pilings.

I am 70 years old and grew up from the age of 9 until college at Juniper Hill, 180 Golden Ridge Rd, a property which extends to the Sheepscot River. My brother, A. McKinne Stires bought the house and land from my mother's estate following her death in 2003. His daughter, Anne Stires, currently runs a private place-based education school for children pre-K to grade 4 at this site. The children spend approximately 80% of their school day outside, including studies down at the river of shore-land ecology, including plants, animals and birds. As a child, until I left for college, my brother, sister and I spent much of our summers down at the river, swimming and enjoying the complete peace and quiet afforded by such a unique area. The water at low tide is fresh, as the head waters of the Sheepscot are drawn to the sea, and salt at high tide as the sea waters come upriver. I realized, even in my young child-hood, what a very special place this was. We had a canoe and spent much time paddling up the Sheepscot and also the Dyer River which branches off from the Sheepscot at the Sheepscot bridge.

16 years ago, my husband and I were fortunate enough to buy a house on Golden Ridge Rd, approximately 1/2 mile south of Juniper Hill, my childhood home. I frequently walk my dog on the path going down to the river at Juniper Hill, where I often see many forms of wildlife, including Great Blue Heron, Osprey, American Bald Eagles, and once a Snowy Egret. In 61 years, I have never seen a power boat on this section of the river, above the bridge. My step-father had a small power boat, but would always put in in Wiscasset at the public boat launch and travel upriver as far as the reversing falls in Sheepscot and then back down to Wiscasset.

I am not a scientist and thus, cannot tell you what ecological damage this large, permanent boat ramp, launch and dock and ensuing power boats and jet skies might do to this precious area, but I do know that a very unique and beautiful area will be forever changed. In his application for a permit for his "recreational club" of boaters and hunters, Mr Spinney says, in his own words, "Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and its tributary the Dyer River. This location provides for access in a unique area where it would otherwise not be possible due to the old mill dam falls in Sheepscot Village." His choice of the term "unique area" is exactly why I am imploring you to deny Mr Spinney's application for this permit. I am heart-broken to think that this unspoiled, wild area may soon be lost forever.

Very Sincerely Yours,

Carolyn Aldrich

September 27, 2019

Jami MacNeil
Project Manager, Environmental Specialist II
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

RE: Spinney Permit Application for Permanent Boat Ramp and
Ramp/Dock/Float with Permanent Pilings on Lower Reach of the Sheepscot
River

Dear Ms. MacNeil,

Attached please find the Public Comment submitted by me and my husband,
Bailey Bolen. We are applicant Jeff Spinney's abutting property owners.

If our comments and concerns raise any questions, please do not hesitate to contact
us:

Bailey Bolen, cell (843) 296-6327 or bailenbolen@gmail.com or Carol Ervin, cell
(843) 906-6351 or cervin@ycrlaw.com.

Thank you for your time and consideration of this matter,

Sincerely,


Carol Ervin

PUBLIC COMMENT CONCERNING TIER 3 INDIVIDUAL NATURAL RESOURCE PROTECTION ACT PERMIT APPLICATION

Submitted by: Carol Ervin and Bailey Bolen
Applicant: Jeff Spinney, 126 Golden Ridge Road, Alna, Maine
Proposed Activity: Permanent Boat Launch and Separate Dock/Ramp/Float with Permanent Support Piling
Resource: Sheepscot River

We (Carol Ervin and Bailey Bolen) own the property at 99 Angier Road, Alna, Maine 04535. Our property abuts Mr. Spinney's proposed activity and we provide the following public comments and objections below. We also request:

1. That a draft of the license decision be provided to us pursuant to Section 18 of the DEP Administrative Rules. We request that the draft be provided pursuant to email at cervin@ycrlaw.com and baileybolen@gmail.com.) If the draft response cannot be provided by email, after October 12, 2019, any U.S. mail should be sent to us in care of Carol B. Ervin at YCR Law, 25 Calhoun Street, Suite 400, Charleston, S.C. 29401.
2. That reasonable notice of the date final action is expected by the DEP on the draft license decision be provided to us. We request that the notice be provided to us via email at cervin@ycrlaw.com and baileybolen@gmail.com). If notice cannot be provided via email, after October 12, 2019, any U.S. mail should be sent to us in care of Carol B. Ervin at YCR Law, 25 Calhoun Street, Suite 400, Charleston, S.C. 29401.

INTRODUCTION

We have owned our property at 99 Angier Road in Alna, Maine since 2009. We saw this property by accident, while in the area visiting a friend and were not looking to buy anything. We fell in love with the property and did not shop around at all, which is a testament to how strongly we felt and still do. The primary pull for us was and is its location on the beautiful lower reach of the Sheepscot River.¹ This area of the Sheepscot River is pristine, natural and quiet. We paddle the river by canoe or kayak whenever we can, accessing the river from our property or at Sheepscot Village near the bridge crossing the Dyer River. Over the 10 years we have owned our property we have never seen any power boat² on the lower reach of the Sheepscot River.

We are not against power boats or power boat enthusiasts. In fact, we love power boats ourselves. We own a 17 foot Dusky and a 24 foot Northcoast. We frequently power boat on the

¹ By "lower reach" of the Sheepscot River, we mean the section from Head Tide to the reversing falls below the bridge in Sheepscot Village.

² We use the term "power boat" to refer to boats, including jet skis, that must be launched with a trailer, cannot be transported via car-top, are typically powered by large engines and can be operated at high speeds.

Sheepscot River, but have never considered doing so in the lower reach of the Sheepscot. One reason is the risk of damage to the boat at the reversing falls or from the boulders in the river above the falls. Just as important, however, is that we recognize that power boating on this section of the river would negatively impact the character of the river and the traditional and existing use of the river.

We strongly urge DEP and the Army Corps of Engineers (“Corps”) to protect the nature and character of the lower reach of the Sheepscot River and the way people have used and continue to enjoy it.

COMMENTS AND CONCERNS

The section of the Sheepscot River in question is classified under Maine law as Class AA water quality.³ Class AA is the highest classification and is applied to “waters which are outstanding resources and which should be preserved because of their ecological, social, scenic or recreational importance.” Class AA classification is reserved for habitat characterized as “free-flowing and natural”.⁴ The State’s objective behind the water classification is “to restore and maintain the chemical, physical and biological integrity of the State’s waters and to preserve certain pristine State waters.”⁵ We believe the proposed activity creates significant risk for negative impact and degradation of the lower reach of the Sheepscot River’s beauty, wildlife and fish habitat, shoreland and intertidal plants and the enjoyment of this section of the river as it has been used for centuries. Our comments and concerns are summarized below:

1. The permit application contains inaccuracies and does not contain reports prepared by a qualified wetland scientist. All information provided in the permit application about the proposed activity is prepared by the applicant, Jeff Spinney.
2. The proposed activity will allow and promote motorized boat activity for boats 17 feet and larger on the lower reach of the Sheepscot River. The described activity in the permit application also anticipates motorized boat activity for such boats on the Dyer River near the Sheepscot Village and upstream from there. Boat traffic on the lower reach of the Sheepscot River has been limited to canoes, kayaks and other car-top type boats. Motorized activity by trailer-launched boats or jet skis would have

³ 38 M.R.S.A. Section 467(17) A (3): states as follows:

Section 467 Classification of major river basins

All surface waters lying within the boundaries of the state that are in river basins having a drainage area more than 100 square miles that are not classified as lakes or ponds are classified in this section.

...

17. Sheepscot River Basin

A. Sheepscot River, main stem

...

(3) from Route 17 to tide water – Class AA.

⁴ 38 M.R.S.A. Section 465 (1).

⁵ 38 M.R.S.A. Section 464 (1)

unreasonable negative impacts on the beauty, character, and use of the Sheepscot River and potentially the Dyer River as well.

- a. The proposed activity will significantly increase the risk of exotics being introduced into the Sheepscot River with large motorized boats being launched into and out of the river at this point (such as zebra mussel and/or potentially invasive plants).
 - b. The proposed activity will significantly increase the risk of negative impact on the wildlife activity on the Sheepscot and Dyer Rivers.
 - c. The permanent concrete planking (reinforced with stone bedding with fabric and rip rap) boat launch is likely to cause siltation along the structure, negatively impacting the Sheepscot River.
 - d. The proposed activity and its form, scope and scale will negatively impact the scenic and aesthetic views of the Sheepscot River.
3. The permanent concrete boat launch referenced in the permit application and the permanent pilings for the aluminum ramp to the dock and floats is prohibited under the Town of Alna's Shoreland Zoning Ordinance.

Each of these concerns is addressed more fully below.

I. THE PERMIT APPLICATION CONTAINS STATEMENTS WE DO NOT AGREE WITH AND DOES NOT CONTAIN A REPORT PREPARED BY A QUALIFIED WETLAND SCIENIST

The Activity Description in Attachment 1 of the permit application states the proposed activity is to "modify an existing boat launch area on the Sheepscot river". There is no permitted "existing boat launch area".

The Activity Description goes on to state that the "existing pier, ramp and float (approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally." We believe Mr. Spinney is mistaken. The only permit on record from the town of Alna to Mr. Spinney for a Shoreland Zoning Ordinance activity was issued on May 6, 2003.⁶ Specifically, the Town of Alna approved a permit for a small dock/ramp/float (cost of approximately \$100), temporary ("seasonal") structure in 2003.

Surprisingly, the Activity Description states:

Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre parcel, tax map R-4, 21.

⁶ Permit for Seasonal Dock/Ramp (Seasonal) issued to Jeff Spinney on May 6, 2003, attached as Exhibit 1.

We own parcel 21 (in the shape of a boot) on Tax Map R-4.⁷ We have not agreed to, and will not allow Mr. Spinney to build the proposed structures on our property. Further, according to tax map, Mr., Spinney's two parcels of land are a total of 105.6 acres rather than 120 acres.

We would not characterize the Sheepscot River as "protected energy/low energy" water body with "little or no current and restricted wind" in Appendix B, as it has a strong tidal current and plenty of wind blows down the river.

Particularly concerning is the fact no site condition report (attachment 9 to the Permit Application) was prepared by a qualified wetland scientist. The Eligibility Criteria for Title 3 NRPA Individual permit application states as to the site condition report:

NOTE: Unless you have expertise in delineating wetlands and conducting wetland assessments, the Department requires that you hire a consultant/wetland scientist to provide assistance in completing this attachment.

The site condition report is required to include:

- A description of existing resource characteristics including water depths, vegetation and fauna.

As to this requirement, Mr. Spinney's Attachment 9 consists of 3 1/2 lines, stating only:

The Sheepscot river, approx. 2 miles North of the Sheepscot Bridge. Approx water depth at low tide is 3-4' and at high tide is approximately 10-12" (sic). The river width is approx. 225' at this location. Shorelines is well established forest on both sides of river, forest floor at the location is flat and dry.

- Our observation is that the river width is closer to 175' at high tide and 70-80' at low tide. The width of the river should be taken into consideration when considering the impact of the proposed structures on scenic and aesthetic values. The width of the river is also relevant when considering safety risks when power boats are on the river with paddlers or rowboats.
- Insufficient information is provided about rare plants, natural communities, or wildlife habitat, as would be required of a qualified wetland scientist.
- A description of the methods used to delineate the resource boundaries and a copy of data sheets completed during the delineation. . . .
 - No such delineation was attached.
- For activities impacting a **river, stream or brook**, also submit the following:
 - A scale drawing of the project location showing 2-foot contour intervals and including the location of all protected natural resources, roads, structures, bedrock outcroppings, area of extraction (if applicable), point gravel bars (if applicable), cross-section locations and the location of the 100- year

⁷ See, Tax Map R-4, attached as Exhibit 2.

floodplain as estimated using the most recent Flood Insurance Rate Map (FIRM).

- No scale drawing with all the important components was attached.
- A description of the stability of the stream banks directly upstream, through and directly downstream of the project area, including riparian vegetation.
 - No description of the stability of the river banks is provided, other than “natural erosion due to trees naturally toppling and winter ice flows.”

Mr. Spinney is not a professional wetland scientist. He cannot be expected to address important environmental issues about the specifics and impact of the proposed activity, and his permit application does not do so.

II. POWER BOAT ACTIVITY PROMOTED BY THE PROPOSED CONCRETE BOAT LAUNCH IS ILL SUITED TO THE CHARACTER AND USE OF THE SHEEPSCOT RIVER ABOVE THE REVERSING FALLS

The lower reach of the Sheepscot River is a unique river segment. It has remained in a natural state and is used today in the same ways it was used by Native American Indians before Europeans arrived in Maine centuries ago. The proposed activity risks changing the character and use of the Sheepscot River completely and forever. The purpose of the proposed structures is to allow launching and docking of power boats on the Sheepscot River.

The Activity Description submitted by Mr. Spinney states “[t]his property is used by a recreational club for swimming, fishing, hunting and members pool their resources through annual club membership dues to maintain the common infrastructure such as the gun range located upland on the property area, the camping area, the dock and the boat ramp.” It also states “This club is a group of approximately 25 local area folks who use the river for a variety of activities in the spring/summer/fall. Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and its tributary the Dyer river.”

The application is for an Individual permit under the Natural Resources Protection Act (NRPA). We have scoured the NRPA for any reference to “common or shared” structures. As the NRPA sets out nothing about them or the criteria for such a structure, it would be unfair to us and any other interested persons to apply a more flexible standard than that which applies to an Individual permit.

We are concerned that a permanent concrete boat launch will promote power boating in the lower reach of the Sheepscot River, where it has previously occurred only rarely, if ever. As described, the boat launch will be used by a recreational club of 25 members in exchange for payment of annual dues. The permit application does not identify the club’s name, its members, where they live and whether they would have any right to file a permit application for the proposed structures. Also, no information is stated about whether the club has a formal structure.⁸ To the extent “common use” of the new structures is relevant to the review by DEP or the Corps,

⁸ Mr. Spinney told us when we met with him at the site that the recreation club is registered as a LLC.

we ask you to explore these questions, the purpose of the club and the potential for growth of the number of persons who could use the proposed launch and dock/ramp/floats. Since money is paid by the club members to access these proposed permanent structures, we also ask that you consider whether more stringent criteria applies to the proposed activity.

The club can expand in membership. In turn, the launch could provide access to untold numbers of power boats on the lower reach of the Sheepscot River (and to the Dyer River). We believe this conflicts with Maine's intent that any permitted activity not "unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses."⁹

During the 10 years we have owned our property on the Sheepscot River, boating activity from the uppermost reaches of the Sheepscot River to the reversing falls and the Dyer River has been limited to canoes and kayaks. Motorized boat activity upstream of the reversing falls rarely if ever occurs because the reversing falls and shallow water near Sheepscot Village make it impossible for power boats to cross the falls, except at high tide – and even then it involves significant risk of damage to the boat. Another reason boating activity above the reversing falls is limited to paddlers is that navigation is hazardous to power boats. There are numerous boulders and rocks in the lower reach of the Sheepscot River that are submerged at high tide and make boating risky for watercraft other than relatively slow moving and maneuverable canoes, kayaks or other car-top type boats. It should be noted that NOAA does not chart the depth of the waters of the Sheepscot River some distance below the reversing falls, which indicates that navigating the Sheepscot River above the reversing falls is hazardous to power boats.¹⁰

Additionally, the proposed aluminum ramp/dock/float will extend into the river at least 24 feet. If a large power boat was docked at the float, the proposed structure and the docked boat would block half of the river. This would not only mar the beauty at the site, but also pose navigational obstruction to paddlers, given the boulders along the shore opposite the site.

Denial of the proposed concrete boat launch will not deny access to the Sheepscot River, boating or fishing. There are a number of places where Mr. Spinney and his friends can launch canoes, kayaks, or other car-top type watercraft and from they can fish without the need for a boat launch:

1. Sheepscot Village near the Grange
2. Kings Mills
3. Coopers Mills
4. Head Tide
5. Drucker Preserve
6. Bass Falls

In short, Mr. Spinney and the general public can easily get access to the lower reach of the Sheepscot for fishing and boating - without a boat launch. For that matter, fishing can be done

⁹ 38 M.R.S.A. Section 480-D(1).

¹⁰ See, NOAA Chart 13293. A digital image of the portion of the chart depicting the bridge at Sheepscot Village and waters upstream of the reversing falls in NOAA Chart 13293 is attached at Exhibit 3.

from the banks of the Sheepscot River at the site in question. One can cast from the bank across the river to the other side with a fly rod or spinner.

There are also multiple locations where power boats can be launched to boat or fish on the Sheepscot River where shallow water, tides and uncharted boulders are not a concern. Public access to the Sheepscot River for motor boats is available at the Wiscasset town landing on Middle Street (Old Ferry Landing) is free and not far away, as are points on Chewonki Neck, Eton Farm property, Cushman, Creamery Pier, and the Wiscasset Middle School.¹¹ In short, there is no need for the proposed permanent boat launch. Further, there is no need for the size of the structure at the proposed ramp/dock/floats under an Individual permit.

A. LAUNCHING OF POWER BOATS AND POWER BOAT ACTIVITY INCREASES THE RISK THAT EXOTIC SPECIES AND POLLUTANTS WILL BE INTRODUCED INTO THE SHEEPSCOT RIVER

Power boat activity above the reversion falls risk significant adverse environmental impacts including introduction of exotic species and pollutants, adverse impact on significant wildlife and wildlife and plant habitat and increased siltation at the concrete launch site and the permanent pilings for the proposed aluminum ramp. As mentioned above, the entire stretch of the Sheepscot River from Route 17 to tidewater is classified as Class AA water quality. This section of the river is pristine, natural and free flowing. It is also protected from environmental degradation by Section 480-D of the NRPA, including but not limited to, impact from soil erosion, harm to habitats and fisheries, interference with natural water flow, lower water quality and dredging.¹² To achieve this objective, the State's goals include the elimination of pollutants into the water of the State where appropriate.¹³

Please find attached a map captioned Beginning With Habitat published by Maine Natural Areas Program (MNAP).¹⁴ The northern boundary of our property is depicted on the map by a blue stream that flows into the Sheepscot River. We own the property to the south of the stream abutting the Sheepscot River. The map shows that our property in that area is noted for Rare Plant Locations and Natural Communities. We understand the map's reference to "Natural Communities" is consistent with Critically Imperiled Natural Community S(1) and Imperiled Natural Community S(2), as those terms are defined in the Wetland and Waterbodies Protection Act.

We also attach an article titled Focus Areas of Statewide Ecological Significance Lower Sheepscot, which addresses the area of the Sheepscot River impacted by the proposed activity.¹⁵ As indicated in the article, the Rare and Exemplary Natural Communities in this area of the

¹¹ See, Town of Wiscasset webpage.

¹² 38 M.R.S.A. Section 480-D(2)-(5), and (9).

¹³ 38 M.R.S.A. Section 464 (1)(A).

¹⁴ See, map captioned Beginning with Habitat, published by Maine Natural Area Program, attached as Exhibit 4.

¹⁵ Focus Areas of Statewide Ecological Significance – Lower Sheepscot River, attached as Exhibit 5.

Sheepscot River are: Brackish Tidal Marsh. The “Natural Communities” denoted on the Beginning with Habitat map as present on our property are Brackish Tidal Marsh. Brackish Tidal Marsh is a Natural Community noted to be of Special Concern in Maine.¹⁶

The article states as follows about brackish tidal marshes:

(They) contain both freshwater and brackish water species, often in bands corresponding to tidal exposure. Tall rushes and bulrushes often predominate over extensive mid-elevation flats. At the lower elevations, rosette-forming herbs, such as lilaeopsis and tidal arrowhead, may be common on the mudflats. Near the high tide line, there may be a fairly narrow zone of muddy gravel or rock shore sparsely vegetated with low herbs, including some rare species such as Long’s bitter-cress or water-pimpernel.

The article also notes that rare plants, including Parker’s pipewort (*Eriocaulon parkeri*), estuary bur marigold (*Bidens hyperborea*), pygmyweed (*Crassula aquatica*), mudwort (*Limosella australis*), spongy arrowhead (*Sagittaria calycina var. spongiosa*) and horned pondweed (*Zannichellia palustris*) are “scattered throughout the muddy riverbanks of the freshwater tidal section, from Dock Road in Alna southward for over a mile.”

The launch and removal of power boats from the Sheepscot River will significantly increase the risk of exotic organisms being introduced to the Sheepscot River, such as zebra mussels or potentially invasive plants. Additionally, power boat activity will increase the risk that pollutants will be discharged from the boats directly into the river or washed into the river as runoff from boats as they are launched or being trailered down the rough road to the launch. To protect the State’s waters, particularly rivers classified as Class AA, Maine’s goals include the elimination of pollutants into the water of the State where appropriate.¹⁷

The risk of pollutants from power boats in the Sheepscot River cannot be eliminated given the stated purpose for the concrete boat launch and dock/ramp/float for to be used by a minimum of 25 different boaters.

We are also well aware of the damage that can be caused to marsh grass exposed to power boat activity. We are concerned about the impact that the wake created by power boats risks damage to the brackish tidal marsh along our property and elsewhere along the lower reach of the Sheepscot River.

A. POWER BOAT ACTIVITY ON THE LOWER REACH OF THE SHEEPSCOT RIVER CREATES RISK OF NEGATIVE IMPACT ON SIGNIFICANT WILDLIFE ACTIVITY AND FISH HABITAT

We are also concerned that the proposed activity will have a negative effect on significant wildlife habitat and requires review under the Significant Wildlife Habitat Rules.

¹⁶ See, p. 5 of Exhibit 5, describing the status as Special Concern, noting brackish tidal marsh is rare in Maine, based on available information, although not sufficiently rare to be threatened or endangered.

¹⁷ 38 M.R.S.A. Section 464 (1)(A)

Under the Significant Wildlife Habitat Rules, alteration of the habitat and disturbance of subject wildlife must be kept to the minimum amount necessary and the application must be denied if the activity will have an unreasonable impact on protected natural resources or the subject wildlife.¹⁸

Tidal Wading Birds and Waterfowl Habitat have been identified along the relevant section of the river and around the marshes of much of the tidal portion of the Sheepscot River. These areas are protected as Significant Wildlife Habitat under the NRPA¹⁹

We often see bald eagles from our property. Last week Bailey Bolen looked out from the kitchen window at 99 Angier Road and saw a bald eagle dive into the Sheepscot River and struggled to fly off with a large striper. Bald eagles are reportedly “extremely sensitive to disturbance during their nesting season. Any activities near their nests or within their nesting territory during this period may cause nest failure or may even cause adults to abandon the nest.”²⁰

The Sheepscot River is one of eight rivers that provide essential spawning grounds for the endangered native Atlantic salmon. The dam at Head Tide has recently been restructured to promote the free flow of the river so they can more easily return upstream to spawn. We ask DEP and the Corps to consider the impact of the power boat activity the proposed concrete boat launch will promote on this stretch of the Sheepscot River, its fisheries and other plant and wildlife habitat.

B. A PERMANENT CONCRETE BOAT LAUNCH IS LIKELY TO CAUSE SILTATION AND EROSION, NEGATIVELY IMPACTING THE SHEEPSCOT RIVER, ITS FISH AND WILDLIFE HABITAT.

Any permanent installation of concrete planking on the river will likely cause significant siltation in the tidal waters of the Sheepscot. There is significant tidal action in this area of the Sheepscot River. The southern edge of our property is only a few feet from the location of the proposed permanent power-boat launch, and a few yards from the proposed ramp/float structure.

We understand the environmental impacts of sedimentation and erosion in tidal waters includes: loss of important or sensitive aquatic habitat, decrease in fishery resources, changes in fish migration, loss of wetlands, nutrient balance, etc. We are concerned siltation and erosion caused by the proposed structures could negatively impact the brackish tidal marshes upstream on our property. We are also concerned that the spawning habitat of the endangered native Atlantic salmon could be affected by siltation or erosion at the structures proposed in the permit. In other words, that sedimentation from the silt or erosive effects could be carried by the tidal currents and end up smothering salmon the eggs or other river organisms.

The sediment load in the river can be increased by construction on river banks. We are concerned that even if some steps are taken to minimize siltation and erosion, the tidal current against the permanent boat launch will cause excessive siltation and sediment load due to erosion and runoff. We understand that construction on the banks of a river often exposes or loosens top

¹⁸ See, 3(B) Minimal Alteration of Chapter 335: Significant Wildlife Habitat Rules (emphasis added).

¹⁹ See, p. 3 of Focus Areas of Statewide Ecological Significance Lower Sheepscot, attached as Exhibit 5.

²⁰ See, p. 4 of Focus Areas of Statewide Ecological Significance Lower Sheepscot, attached as Exhibit 5.

soil which is then easily carried into the river by rainfall and runoff. In addition, sediment transport can introduce and spread pollutants downstream or upstream with the tide.

III. THE DOMINANCE AND SCALE OF THE PROPOSED ALUMINUM RAMP/DOCK/FLOATS WILL NEGATIVELY IMPACT THE SCENIC AND AESTHETIC VIEWS OF THE SHEEPSCOT RIVER.

There are no structures on the Sheepscot River within sight of the proposed activity. Standing on the southern edge of our property, a few feet from the proposed activity, looking in either direction we see an uninterrupted view of a beautiful tidal river.

The proposed aluminum ramp is 4' x 35'. The aluminum ramp which will be anchored to the shore by an onshore "pier". Although it is not clear in the Activity Description, Mr. Spinney confirmed that the two 12-16 foot pilings on the edge of the river supporting the waterside of the onshore pier will be permanently installed with concrete and rip rap at the HAT line. These 12-16' pilings will be cross braced and also braced onto two pilings anchoring the landward side of the onshore pier.

The waterside end of the aluminum ramp will be supported by a 5' x 16' float, to which another 8' x 32' float would be attached. The 5' x 16' ramp support float and the attached 8' x 32' float will extend at least 24' into the river at high tide. Assuming the river is 175' wide at high tide, the structure will extend across more than one seventh of the width of the river. Assuming the width of the river is 80' at low tide, the aluminum ramp's supporting float and the 8 x 32 float will extend across more than a third of the Sheepscot River. The dominance and scale of the proposed activity is too great a detriment to the scenic and aesthetic value of this lovely stretch of the Sheepscot River.

Mr. Spinney assured us it is his intention to pull the proposed ramp and floats out at the end of each summer season. If the permit does not state that the permit is seasonal, (i.e. that the aluminum ramp and floats must be removed at the end of the summer season), however, he could change his mind. Also, any subsequent owner of the property would have the option to simply suspend the ramp with the gantry and leave it sticking out over the river, marring unreasonably the beauty of the site and that stretch of the river.

IV. THE PROPOSED PERMANENT CONCRETE BOAT LAUNCH AND THE PERMANENT PILINGS RAISE ISSUES OF COMPLIANCE WITH THE TOWN OF ALNA'S SHORELAND ZONING ORDINANCE

We believe that Mr. Spinney's permit application for permanent structures in the Sheepscot River raises issues as to compliance with the Town of Alna's Shoreland Zoning Ordinance.

For all the reasons stated above, we believe that the permanent concrete boat launch is inconsistent with the existing condition, use and character of this section of the Sheepscot River and prohibited by the Ordinance. The large size of the proposed ramp/dock/float structure and the permanent piling to support it is also inconsistent with the condition, character and use of this area of the river.

CONCLUSION

Under Maine state law, the Sheepscot River area impacted by the proposed activity is designated as Class AA certified. We urge the denial of the permit application for a permanent power-boat launch on the Sheepscot River for the foregoing reasons. We also urge: the denial of the application for permanent pilings to support the aluminum ramp and that any ramp/dock/float permitted be seasonal and limited to the size Individual use on a river segment of this character.

In closing, we feel each individual comment and concern raised herein provides substantial ground to deny the application. If Mr. Spinney wished to amend his application, we would have no objection to a seasonal/temporary Individual recreational dock/float of reasonable size, with no permanent supporting pilings and no permanent boat launch, assuming the structure is also approved by the Corps, DEP and the Town of Alna.

BAILEY BOLEN

CAROL ERVIN

Bailey Bolen
9-27-2019

Carol Ervin 9/27/2019

EXHIBIT 1 2003 PERMIT

Town of Alna Application for Permit

P-4-21A

Landowner Jeff Spinney
 Sewage Disposal Permit No. _____
 Location of Property 126 Golden Ridge Rd. (Road)
 Town Tax Map Page R4 Lot 21A
 Shoreland Yes No
 Tree Growth, Farm/Open Spaces Yes No
 Electric Service on Site Yes No
 Size of Lot 109 acres
 Deed Recorded: Book _____ Page _____
 List other buildings on this lot: Honey house

I Site Plan must accompany this application and include:

- a. Dimensions of property
- b. Exact location of proposed and existing buildings and distance from lot lines
- c. Location of well/spring and septic system
- d. Location of driveway & access roads
- e. Names of abutters, roads, streets, water bodies and their location Sheepscot River

Proposed project:
 single family dwelling mobile or modular home
 accessory building _____
 business _____
 renovation porch/deck addition
 other (be specific) Backyard Plant (Seasonal)
 Estimated Cost: \$100+

II Building Plans must accompany this application and include:

- a. Scale plans of foundation
- b. Scale plans of floors
- c. Scale plans of elevations of all sides
- d. Plans must show location of plumbing fixtures, electrical outlets/fixtures
- e. Type of siding
- f. Roofing material
- g. Type of heating system
- h. Septic system design

Fee schedule: \$2.00 first \$1,000/\$1.00 each additional \$1,000/\$10.00 minimum fee. Make check to TOWN OF ALNA.

Permit No: _____
 Date Issued: _____
 Check No: _____ \$10.00 Cash \$100

Permit Valid for 1 year, work must be substantially completed within 2 years of issue or new permit needed.

III Covenants or Deed Restrictions
 Yes No

To the best of my knowledge, all information on this application is true and correct. All proposed uses will be in conformance with State and Local Land Use Laws and Regulations. I agree that the Code Enforcement Officer may enter on the premises to inspect all phases of construction:

Signature of Applicant or Agent [Signature] Date 2/6/03
 Address 126 Golden Ridge Rd. Phone 586-5367
Alna, Me 04835

Date received by C.E.O.: _____
 Application Approved 5/5/03 Denied _____ Forwarded to Planning Bd. _____
 Reason(s) for denial _____

1 - Orig.
 2 - C.E.O. 3 - Planning Bd.
 4 - Appl.

[Signature]
 Code Enforcement Officer Chairman
 Planning Board

EXHIBIT 2 TAX MAP R-4

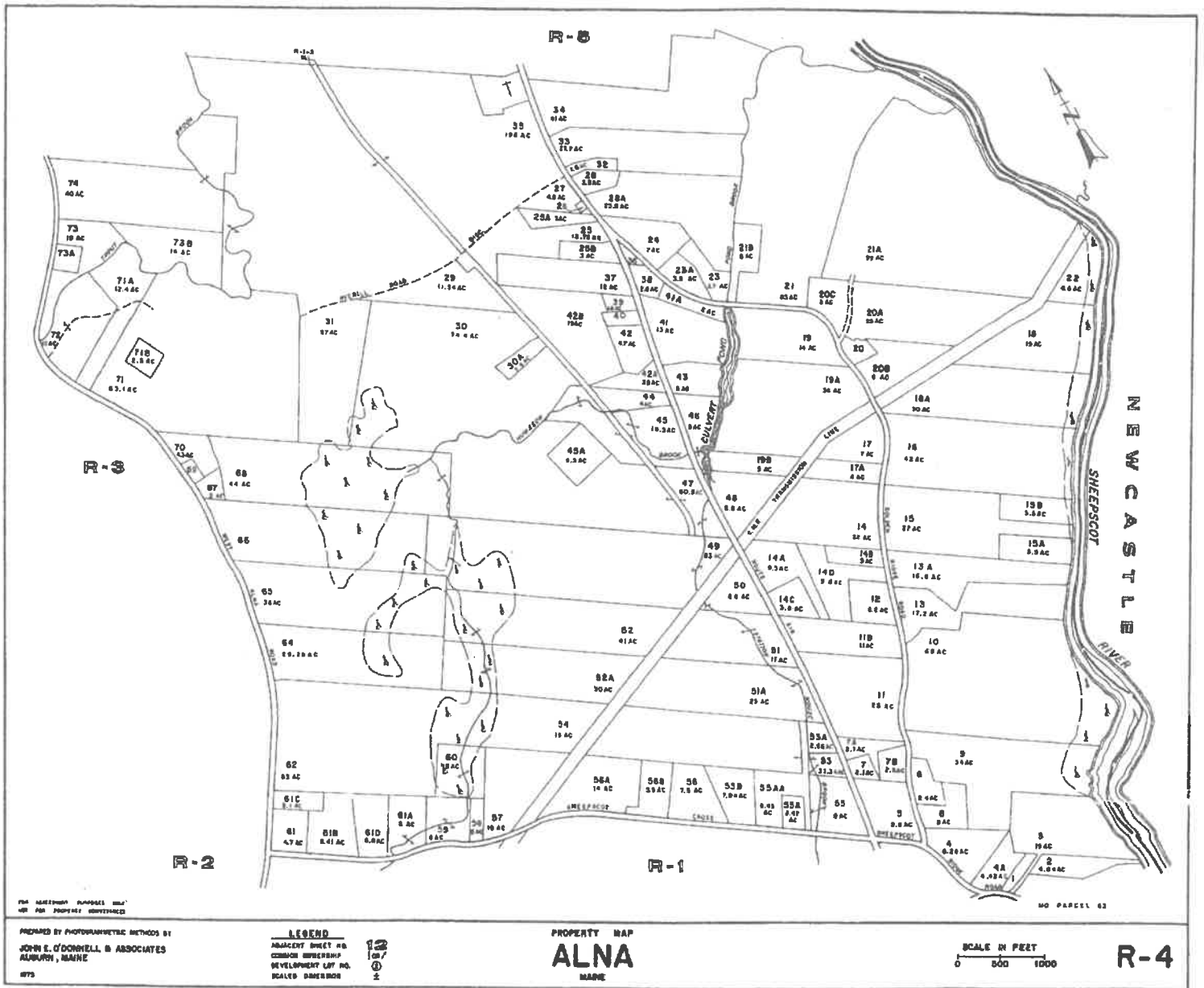


EXHIBIT 3 UPPER PORTION OF NOAA CHART 13293

EXHIBIT 4 MNAP “BEGINNING WITH HABITAT” MAP

**EXHIBIT 5 ARTICLE RE “Focus Areas of Statewide
Ecological Significance – Lower Sheepscot River**

Lower Sheepscot River



WHY IS THIS AREA SIGNIFICANT?

The Sheepscot River in Alna and Newcastle has long been recognized as an area of ecological significance. This largely intact corridor of fresh, brackish, and salt marshes, though well represented nearby in the Kennebec Estuary, is uncommon elsewhere in Maine. Moreover, the Sheepscot River wetland complex supports nesting bald eagles, several rare plant species, a rare freshwater mussel species, and uncommon salt marsh sparrows.

OPPORTUNITIES FOR CONSERVATION

- » Educate recreational users about the ecological and economic benefits provided by the focus area.
- » Encourage best management practices for forestry, vegetation clearing, and soil disturbance activities near significant features.
- » Encourage town planners to improve approaches to development that may impact focus area functions.
- » Restore aquatic habitat connectivity by repairing improperly installed culverts and stream crossing structures.
- » Maintain intact forested buffers along water bodies and wetlands to protect water quality and provide valuable riparian habitat for wildlife.
- » Monitor and remove invasive plant populations.

For more conservation opportunities, visit the Beginning with Habitat Online Toolbox: www.beginningwithhabitat.org/toolbox/about_toolbox.html.

Public Access Opportunities

- Sherman Lake Wildlife Management Area, MDIFW
- Sherman Lake Picnic Area, MDOT
- Marsh River Preserve, SVCA

Photo credits, top to bottom: ME Natural Areas Program, ME Natural Areas Program, Ethan Nedeau, Paul Cyr, Tom Arter



Rare Animals

- Brook Floater
- Brown Snake
- Least Bittern

- Atlantic Salmon
- Wood Turtle
- Saltmarsh Sharp-tailed Sparrow

Rare Plants

- Estuary Bur-marigold
- Horned Pondweed
- Mudwort
- Parker's Pipewort

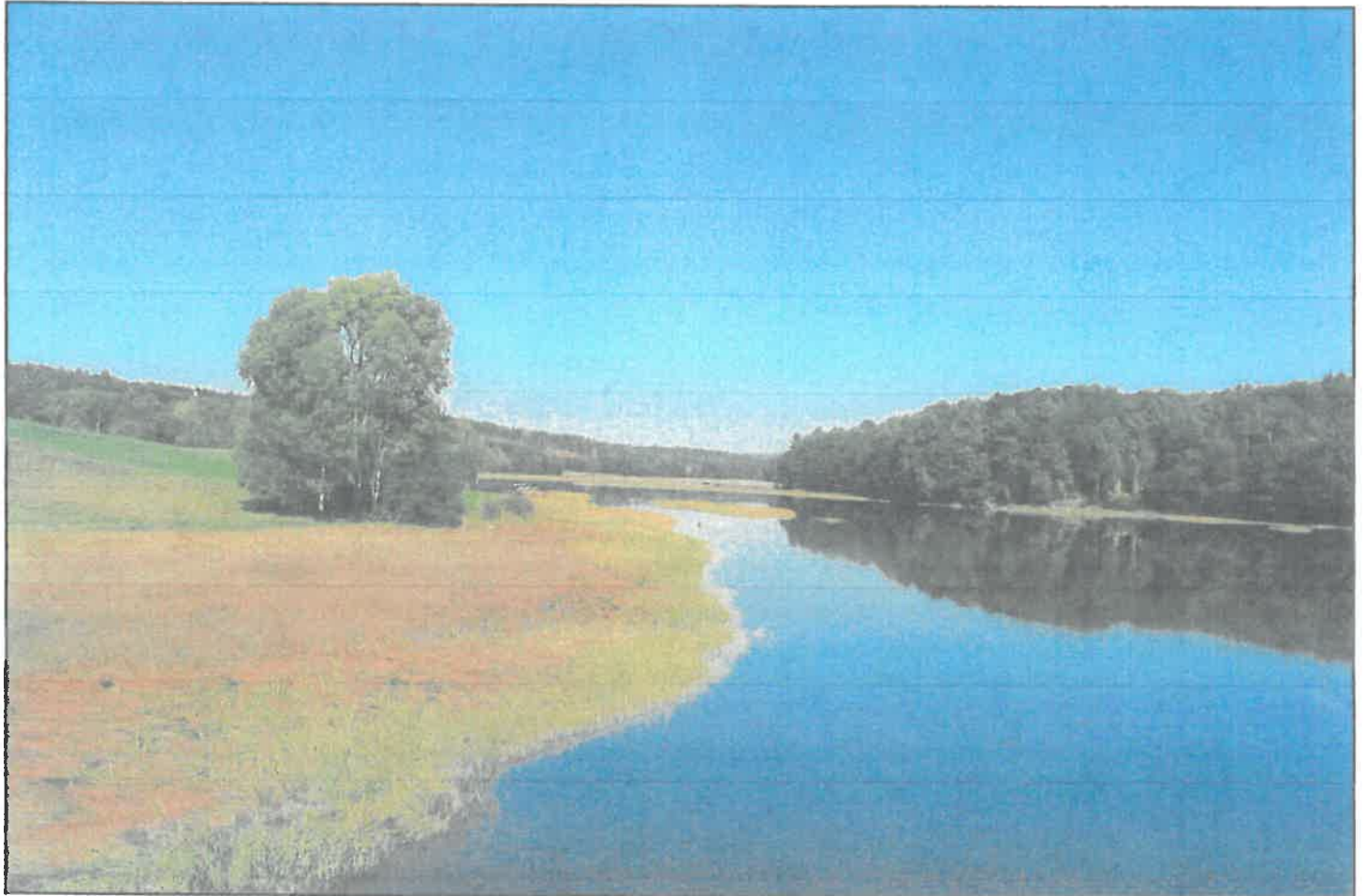
- Pygmyweed
- Saltmarsh False-foxglove
- Spongy Arrow-head

Rare and Exemplary Natural Communities

- Brackish Tidal Marsh

Significant Wildlife Habitats

- Inland Wading Bird and Waterfowl
- Tidal Wading Bird and Waterfowl
- Deer Wintering Areas



Northward view of the Sheepscot River from the Sheepscot Village Bridge, Sheepscot Valley Conservation Association

FOCUS AREA OVERVIEW

From north to south, the river's habitats grade from freshwater riverine in Alna Village, to freshwater tidal near Dock Road, to brackish and salt marshes further downriver. In the upper section of the river, dominant freshwater marsh plants include pickerelweed (*Pontederia cordata*), arrow-head (*Sagittaria latifolia*) and bulrushes (*Schoenoplectus pungens* and *S. tabernaemontanii*). Further to the south, dominant salt-marsh species include salt-marsh bulrush (*Bolboschoenus maritimus*), cordgrass (*Spartina alterniflora*), and salt hay (*Spartina patens*). The sharpest area of transition is through 1/4 mile of shallow stream riffles, where the river grade drops a few feet.

The freshwater portion of the River, within and upstream of Alna village, supports the globally uncommon **brook floater mussel** (*Alasmidonta varicosa*). Brook floaters were found in two locations and may occur where suitable gravel/cobble habitat exists in the river. Currently listed as a Special Concern species in Maine, the brook floater is very uncommon and rarely found in abundance at any site. It is also declining throughout its range, and Maine may hold some of the last best populations of this species. The freshwater portion of the focus area also provides spawning and rearing habitat for the Federally Endangered **Atlantic salmon** (*Salmo salar*).

Rare plants, including Parker's pipewort (*Eriocaulon parkeri*), estuary bur marigold (*Bidens hyperborea*), pygmyweed (*Crassula aquatica*), mudwort (*Limosella australis*), spongy arrowhead (*Sagittaria calycina* var. *spongiosa*) and horned pondweed (*Zannichellia palustris*), are scattered throughout the muddy riverbanks of the freshwater tidal section, from Dock Road in Alna southward for over a mile.

In the southern portions of the focus area, the 150-acre Deer Meadow brackish tidal marsh, located off the Marsh River in Newcastle, supports nearly 1,000 rare salt marsh false foxglove (*Agalinis maritima*) plants in several small sub-populations. Other typical salt and brackish marsh plant species here include black rush (*Juncus gerardii*), the sedge *Carex paleacea*, common arrow-grass (*Triglochin maritimum*), saltmarsh bulrush (*Bolboschoenus maritima*), common three-square (*Schoenoplectus pungens*), silverweed (*Argentina anserina*), and saltmeadow cordgrass. Smooth cordgrass lines the banks of the marsh and gives the appearance of monotypic stands.

In addition to the area's significance as rare plant, mussel and salmon habitat, it also supports rare bird species. **Bald eagle** (*Haliaeetus leucocephalus*) nests have been active between

the Sheepscot Reversing Falls and railroad bridge. Moreover, two brackish tidal marshes here (Dyer River marsh and Deer Meadow marsh) were found by MDIFW biologists to support both the **salt marsh sharp-tailed sparrow** (*Ammodramus caudacutus*) and Nelson's sharp-tailed sparrow (*Ammodramus nelsoni*). Both bird species are uncommon in Maine, the former listed as Special Concern, and both are restricted to salt and brackish marshes. MDIFW biologists also detected nearly 20 other species in these salt marshes.

Tidal Wading Bird and Waterfowl Habitat has been mapped along the river and around the marshes of much of the tidal portion of the focus area. These areas provide undisturbed nesting habitat and undisturbed, uncontaminated feeding areas and are essential for maintaining viable waterfowl and wading bird populations. Smaller areas of **Inland Wading Bird and Waterfowl Habitat** and **Deer Wintering Area** have been mapped as well. These areas are protected as Significant Wildlife Habitat under the Natural Resources Protection Act.

RARE AND EXEMPLARY NATURAL COMMUNITIES

Brackish tidal marshes contain both freshwater and brackish water species, often in bands corresponding to tidal exposure. Tall rushes and bulrushes often predominate over extensive mid-elevation flats. At the lower elevations, rosette-forming herbs, such as lilaepsis and tidal arrowhead, may be common on the mudflats. Near the high tide line, there may be a fairly narrow zone of muddy gravel or rock shore sparsely vegetated with low herbs, including some rare species such as Long's bitter-cress or water-pimpernel. Sweetgale and poison ivy are often present at the upper fringes of the marsh, at or above the tidal reach.

Brackish marshes are important nesting habitat for several sparrows: Nelson's sharp-tailed sparrow and two uncommon species, the saltmarsh sharp-tailed sparrow and the seaside sparrow. These wetlands also provide foraging habitat for a large number of wading birds including rare species such as the great egret and glossy ibis. The New England siltsnail inhabits coastal marshes and small tidal rivers where the water ranges from fresh to upper brackish. The spartina borer moth, whose historic range was along the immediate coast throughout New England, likely inhabited tidal marshes with sizeable populations of freshwater cordgrass, its larval host plant.

CHARACTERISTIC SPECIES

The **brook floater** (*Alasmidonta varicosa*) is a freshwater mussel of Special Concern in Maine that is found among rocks, gravel, and sand in creeks and small rivers. In Maine, this species is generally found among rooted aquatic vegetation in nutrient-poor streams. The brook floater has experienced significant declines throughout its range, and many populations have been extirpated. Even where it is found, populations often consist of just a small number of aging individuals. Maine may hold some of the best remaining populations of this species anywhere in its range.

Ecological Services of the Focus Area

- Nursery for juvenile fish and shellfish.
- Supports regional biodiversity by providing habitat for rare plants, animals, and natural communities.
- Major feeding area for myriad bird species.

Economic Contributions of the Focus Area

- Supports commercial forestry opportunities.
- Attracts tourism for wildlife observation, paddling, hunting, and angling.
- Contributes to recreational value of the area, including nearby coastal areas, by protecting water quality, fisheries, and wildlife habitat.

Bald eagles (*Haliaeetus leucocephalus*) were nearly extirpated because of widespread use of environmental contaminants that caused eggshell thinning and impaired reproductive success. With bans on the use of these contaminants and habitat protection measures, bald eagles have made a tremendous recovery. In 2009 they were removed from the state Endangered Species list. They remain listed as Special Concern in Maine. Bald eagles continue to be protected by the USFWS under the Bald and Golden Eagle Protection Act.

The Sheepscot River is one of eight rivers remaining in the US to support a wild population of the Endangered **Atlantic salmon** (*Salmo salar*). Atlantic salmon are an anadromous species, spending most of their adult life at sea, returning to their natal freshwater rivers to spawn. They require free flowing, cool, clear rivers to migrate to suitable spawning and nursery habitats found in upper river reaches. Populations of Atlantic salmon dramatically declined as culverts and dams blocked fish passage and water quality declines in streams and rivers limited habitat quality.

CONSERVATION CONSIDERATIONS

- » Although most of the rivershore below the Dock Road Bridge is narrow and without much marsh expanse, it is undeveloped and devoid of invasive species.
- » In general, threats to aquatic plants and invertebrates include hydrologic alteration (from changes in water flow or impoundment of waterways), point source pollution, development of adjacent uplands and associated water quality impacts, invasive species such as purple loosestrife, and poor timber harvesting practices.

- » Potential impacts from residential, commercial, and industrial development of the shoreline are all greatest where road access and town zoning are favorable to such development.
- » With regard to timber harvesting, strict adherence to Shoreland Zoning guidelines and Maine Forest Service Best Management Practices should help to minimize impacts to adjacent wetlands. In some areas of steep slopes or susceptible soils, it may be wise to avoid harvesting entirely within the shoreland zone.
- » Improperly sized culverts and other stream crossing structures can impede movement of fish and aquatic invertebrates effectively fragmenting local aquatic ecosystems and ultimately leading to local extirpation of some species. Dams and poorly functioning culverts were a leading cause of the decline in Atlantic salmon populations. Future management should maintain or restore the sites natural hydrology.
- » Freshwater mussels are very sensitive to contaminants and changes in habitat. Maintenance and/or improvement of water quality and habitat integrity via protection of riparian buffers is essential.
- » Any activities that may potentially degrade water quality or alter habitat type (including substrate, flow rate, water levels) should be avoided. Likewise, because larval freshwater mussels require a specific fish host, activities that may result in changes to the fish community or prevent access by fish should be avoided. Another potential threat is introduction of exotic species, such as the zebra mussel, which can out-compete and decimate native mussel populations. The local public should be informed on how to prevent accidental introduction of this invasive species into the Sheepscot River watershed. Finally, an outreach program for freshwater mussel conservation in the Sheepscot River watershed would be extremely beneficial to the conservation of freshwater mussels.
- » Eagles are extremely sensitive to disturbance during their nesting season. Any activities near their nests or within their nesting territory during this period may cause nest failure or may even cause adults to abandon the nest. In general it is recommended that a 330-foot radius be left undisturbed buffer around an eagle nest during any kind of land-clearing or timber harvest activity. Habitat protection within ¼ mile radius of a nesting site is another significant measure that can help support nesting eagles. Consult with a MDIFW biologist prior to planning

any activity that may disturb the forest around an eagle nest. Bald eagle nests are protected by the USFWS under the Bald and Golden Eagle Protection Act. Certain adjacent activities may require a permit.

- » This area includes Significant Wildlife Habitat for waterfowl and wading birds and wintering deer. Both land managers and private landowners should follow best management practices with respect to forestry activities in and around wetlands, shoreland areas, and Significant Wildlife Habitat. Maintaining wide forested buffers along all lakes, rivers, streams, and wetlands will provide valuable riparian habitat for many wildlife species. Consult with a MDIFW biologist prior to planning any activity that may disturb the forest around an Inland or Tidal Wading Bird and Waterfowl Habitat or Deer Wintering Area.
- » Current projections suggest sea level will rise at least 2 feet in the next century due to changing climate and warming temperatures. As sea levels rise, coastal habitats will begin to migrate inland. In areas where this inland migration is blocked by development these habitats will be lost. Conservation of low-lying, undeveloped uplands where coastal marshes, beaches, and other intertidal natural communities can migrate inland with sea level rise should be promoted.
- » Appropriate conservation strategies include tree growth and open space tax treatments, conservation easements, and fee ownership.



Marsh River, Sheepscot Valley Conservation Association

For more information about Focus Areas of Statewide Ecological Significance, including a list of Focus Areas and an explanation of selection criteria, visit www.beginningwithhabitat.org

RARE SPECIES AND EXEMPLARY NATURAL COMMUNITIES OF THE FOCUS AREA

	Common Name	Scientific Name	State Status*	State Rarity Rank	Global Rarity Rank
Animals	Brook Floater	<i>Alasmidonta varicosa</i>	T	S3	G3
	Brown Snake	<i>Storeria dekayi</i>	SC	S3	G3
	Least Bittern	<i>Ixobrychus exilis</i>	E	S2B	G3
	Wood Turtle	<i>Clemmys insulpta</i>	SC	S1	G4
	Saltmarsh Sharp-tailed Sparrow	<i>Ammodramus caudacutus</i>	SC	S3B	G4
	Atlantic Salmon	<i>Salmo salar</i>	E		
Plants	Estuary Bur-marigold	<i>Bidens hyperborea</i>	SC	S3	G4
	Horned Pondweed	<i>Zannichellia palustris</i>	SC	S2	G3
	Mudwort	<i>Limosella australis</i>	SC	S3	G4G5
	Parker's Pipewort	<i>Eriocaulon parkeri</i>	SC	S3	G3
	Pygmyweed	<i>Crassula aquatica</i>	SC	S2S3	G3
	Saltmarsh False-foxglove	<i>Agalinis maritima</i>	SC	S3	G4
	Spongy Arrow-head	<i>Sagittaria calycina var. spongiosa</i>	SC	S3	G3G4
Natural Communities	Brackish Tidal Marsh	Brackish tidal marsh		S3	GNR

State Status*

- E** Endangered: Rare and in danger of being lost from the state in the foreseeable future, or federally listed as Endangered.
- T** Threatened: Rare and, with further decline, could become endangered; or federally listed as Threatened.
- SC** Special Concern: Rare in Maine, based on available information, but not sufficiently rare to be Threatened or Endangered.

*State status rankings are not assigned to natural communities.

State Rarity Rank

- S1** Critically imperiled in Maine because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres).
- S2** Imperiled in Maine because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (on the order of 20–100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.

Global Rarity Rank

- G1** Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
- G2** Globally imperiled because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
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	Parker's Pipewort	<i>Eriocaulon parkeri</i>	SC	S3	G3
	Pygmyweed	<i>Crassula aquatica</i>	SC	S2S3	G3
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- G5** Demonstrably secure globally.

P.O. Box 551
Alna, ME 04535
cjohnson@tidewater.net

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330
By email: Jami.Macneil@Maine.gov

Oct. 2, 2019

Re: NRPA application for a boat ramp and pier, 126 Golden Ridge Road, Alna, ME 04535

Dear Ms. MacNeil,

I write to oppose the application by Jeff Spinney for a Natural Resources Protection Act permit for a boat ramp and pier on the Sheepscot River on tax map R-4, parcel 21A.

I am a resident of 34 Golden Ridge Road in Alna. I have lived there since I purchased my property (tax map R-4, parcel 23A) in 1992. I also own tax map R-4, parcel 24 which I purchased later.

I am very familiar with the stretch of the Sheepscot where this development is proposed. I have paddled the river from Head Tide to Sheepscot Village on multiple occasions. I have watched wildlife along and cross country skied that stretch of the river many times. It is virtually undeveloped along that entire stretch between Dock Road and Sheepscot Village. In the immediate area where the development is proposed, the banks of the river are pristine and wild; just upstream of the proposed development is a publicly owned, entirely undisturbed wetland that contains rare plants, according to data provided by Beginning with Habitat. This stretch of the Sheepscot is a gem of quiet and solitude in the otherwise busy and developed midcoast area. I often marvel that the area feels like we are in the wilds of northern Maine. I have seen a wide variety of wildlife including fishers in that immediate vicinity.

Under the Natural Resources Protection Act, 38Mrs §480-D(1), the applicant is required to show that “the activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.” Chapter 315 of the Department’s rules sets forth the state policies for protecting the scenic, aesthetic, recreational and navigational uses of our state.

It is clear under Chap. 315, §10 and under the NRPA application form, Appendix A, § 1(F)(3) that the Sheepscot River is a scenic resource protected under the NRPA. It appears that no visual impact assessment as described in Chap. 315, §7 has been completed. If one had been completed, it certainly would have found that the proposed development would have a significant adverse effect on the scenic and aesthetic uses of that stretch of the Sheepscot and would unreasonably interfere with those uses.

This stretch of river is not suitable for the type of use the applicant is proposing. It is tidal, shallow, and scattered with boulders. I have never seen a motor boat in that area, only canoes and kayaks. A huge

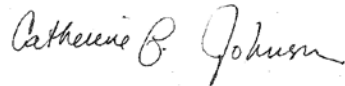
dock, ramp, and pier catering to 25+ motor boats would totally destroy the recreational experience for existing paddlers.

I am aware of additional concerns raised by others who have already commented about other adverse environmental impacts, the negative impacts of increased use of the area, the inappropriate size of the proposed development, and possible commercial use of the site, which should not be allowed under Alna's Shoreland Zoning Ordinance. I share all of those concerns and will not repeat them here.

This application is not for a repair of an existing dock. It is for a dramatically bigger development that would be used by many more people. It will have significantly greater negative impacts than the existing residential dock. A facility of this size and scope is not appropriate in this stretch of the Sheepscot.

Given all the adverse impacts such a development would cause, I urge the Department to deny this permit application.

Sincerely,

A handwritten signature in cursive script that reads "Catherine B. Johnson". The signature is written in black ink on a white background.

Catherine B. Johnson

Cc: Alna Planning Board, c/o Alna Clerk

Via email: alnaclerk@gmail.com



Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330
By email: Jami.Macneil@Maine.gov

October 5, 2019

Re: NRPA application for a boat ramp and pier, 126 Golden Ridge Road, Alna, ME 04535

Dear Ms. MacNeil,

I am writing to oppose the current application by Jeff Spinney for a Natural Resources Protection Act permit for a boat ramp and pier on the Sheepscot River on tax map R-4, parcel 21A for the following reasons.

Inconsistent with Maine's Outstanding River Designation

The Sheepscot River is a Maine treasure of national significance. The area of the proposed development has been designated as Class AA by the state of Maine. The statute states¹; "Class AA shall be the highest classification and shall be applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance." The Sheepscot River's reversing falls is a natural barrier to most motorized boats and is a destination for thrill-seeking kayaker's looking to practice their white-water skills. This natural feature along with the fact that all formal and informal access points upstream of the falls on the river are limited to hand-carry boats has defined the social, scenic and recreational attributes of the river by creating an experience of quiet solitude for anglers, paddlers, duck hunters and others recreating on the river. Creating motorized boat access for shared use (25 or more undefined users) at this site would significantly diminish these values and should not be allowed. This permit for shared use is a forever decision. The current owner would manage the access responsibly, but there is no guarantee that future owners would.

To be clear, Midcoast Conservancy supports public access to the river consistent with current uses. Indeed, two of Midcoast Conservancy's preserves provide hand-carry access for boats (e.g. Drucker and Bass Falls) and we have partnered with others to improve public access for hand-carry boats at Head Tide dam in Alna and Coopers Mills in Whitefield. We seek to be part of offering additional opportunities for appropriate public access to the Sheepscot River for residents all along the river.

Risk of Introducing Invasive Aquatic Plants

The state of Maine has recognized that motorized boats along with the trailers they come on carry a significant risk over non-motorized boats for transferring invasive aquatic plants to our pristine lakes and rivers (see attachment A). Since 2008, Maine has been a leader in preventing the spread of invasive plants

¹ 38 M.R.S.A Sections 484 and 485

Clean Water. Thriving Communities. Land for All.



by requiring all motorized boat owners purchase and display Preserve Maine Waters sticker² on their boats. Still, the risk is very real (see attachment B). This proposal for a shared-use boat launch for 25 motorized boats will put an undue risk of transferring invasive plants to the river with no opportunity for the type of boat inspections and education that typically exists at public sites.

At risk of is the degradation by invasive plants on rare plant communities. Within this stretch of the Sheepscot River are 8 rare plants (listed as special concern) and two rare natural communities (see attachments C and D).

Protecting Public and Private Investment

Substantial resources have been dedicated towards the protection and restoration of the Sheepscot River by multiple Federal, State, municipal and private entities including the U.S. Fish and Wildlife Service, NOAA, Maine Dept. of Marine Resources, Maine Outdoor Heritage Fund, Atlantic Salmon Federation, Midcoast Conservancy, multiple municipalities including the towns of Alna and Whitefield, and numerous private organizations. Midcoast Conservancy alone has protected over 6,000 acres of land within the Sheepscot watershed including several miles of frontage between Head Tide Village and Reversing Falls. These undeveloped lands along with other protected lands (see attachment E) are a crucial part of maintaining the river's AA water quality designation and will forever act to filter contaminants, limit erosion, control flooding and provide shade and cooling of the river for cold water fisheries including the endangered Atlantic salmon and all 12 species of migratory fish.

Inconsistent with Alna Shoreland Zoning Ordinance

Given the project is wholly within the Resource Protection District in Alna, we have identified several potential inconsistencies of this project with the municipal ordinance³ that need to be addressed including: whether this project should be considered a commercial use (Land Use table 1, 15-C) given the financial obligation for members to pool their dues to maintain this development (see application attachment 1, paragraph 6); whether or not the use constitutes a "marina" (Land Use table 1, Section 29) as defined in the ordinance and whether or not any portion of the pier, dock, wharf or other structure is a "permanent structure" (Land Use table 1, section 17 b).

We urge the Maine Dept. of Environmental Protection to be part of protecting the tremendous investment, worth millions of dollars that has been spent towards restoring and protecting the Sheepscot River and deny this permit as currently proposed. A boat ramp for personal use only with a smaller, more appropriately sized float system is better suited for this location.

Sincerely,

Jody Jones
Executive Director

² <https://www.maine.gov/dep/water/invasives/invsticker.html>

³ <https://www.alna.maine.gov/ordinances-permits-and-fees-1>



Do your part: Protect Maine waters from invasive plants and animals.

CLEAN plant debris, mud and algae
from all boating and fishing gear
and dispose in trash.

DRAIN live well, bilge water, and
engine water away from waterbody.

DRY any gear that comes into
contact with water.



**Avoid fines by making sure that you
are not transporting aquatic plants.**

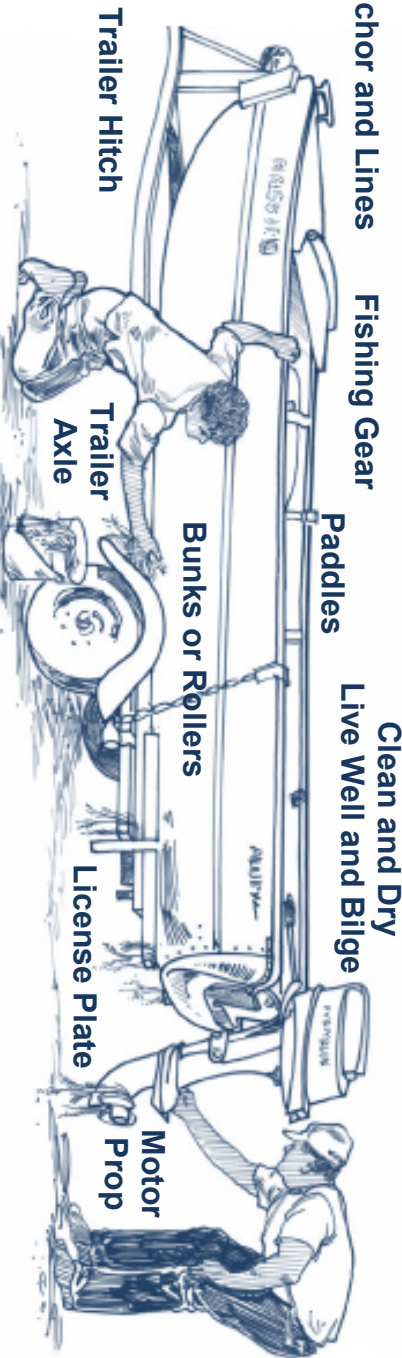
Up to **\$2,500** for transporting **any**
aquatic plant

Up to **\$500** for failing to affix the
invasive species sticker to your
motorized craft
(including seaplanes)

To report a violation



Funds from invasive species sticker sales protect native Maine plants, animals and habitat.



CLEAN boat, trailer, and gear. **DRAIN** and let **DRY**.



**PROTECT MAINE
WATERS**

**STOP AQUATIC
HITCHHIKERS**

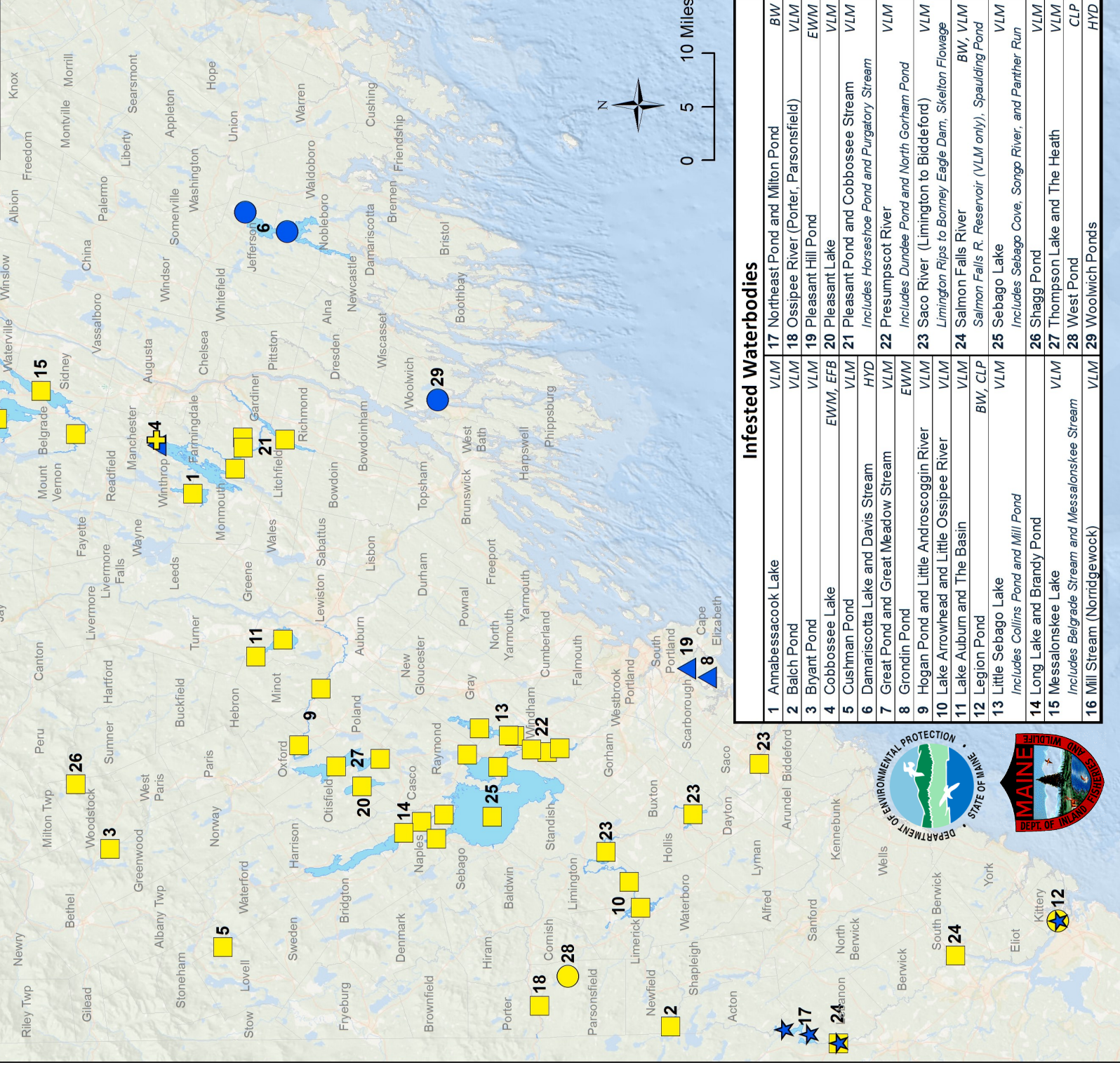


MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION
www.maine.gov/dep/water/invasives
2019

Invasive Aquatic Plants

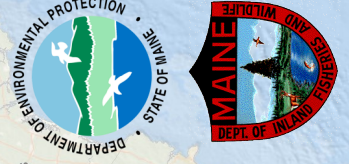
Maine Public Waters, January 2019

- Variable Leaf Milfoil (VLM)
- Brittle waterlily nymph (BW)
(aka European naiad)
- Curly Leaf Pondweed (CLP)
- Eurasian Water Milfoil (EWM)
- European Frog's Bit (EFB)
- Hydrilla (HYD)
- Brittle waterlily nymph (BW)
(aka European naiad)
- Hydrilla (HYD)
- Eurasian Water Milfoil (EWM)



Infested Waterbodies

1 Annabessacook Lake	VLM	17 Northeast Pond and Milton Pond	BW
2 Balch Pond	VLM	18 Ossipee River (Porter, Parsonsfield)	VLM
3 Bryant Pond	VLM	19 Pleasant Hill Pond	EWM
4 Cobossee Lake	EWM, EFB	20 Pleasant Lake	VLM
5 Cushman Pond	VLM	21 Pleasant Pond and Cobossee Stream	VLM
6 Damariscotta Lake and Davis Stream	HYD	22 Presumpscot River	VLM
7 Great Pond and Great Meadow Stream	VLM	Includes Dundee Pond and North Gorham Pond	VLM
8 Grondin Pond	EWM	23 Saco River (Limington to Biddeford)	VLM
9 Hogan Pond and Little Androscoggin River	VLM	Includes Limington Rips to Bonney Eagle Dam, Skelton Flowage	VLM
10 Lake Arrowhead and Little Ossipee River	VLM	24 Salmon Falls River	BW, VLM
11 Lake Auburn and The Basin	VLM	Salmon Falls R. Reservoir (VLM only), Spaulding Pond	BW, VLM
12 Legion Pond	BW, CLP	25 Sebago Lake	VLM
13 Little Sebago Lake	VLM	Includes Sebago Cove, Songo River, and Panther Run	VLM
Includes Collins Pond and Mill Pond		26 Shagg Pond	VLM
14 Long Lake and Brandy Pond	VLM	27 Thompson Lake and The Heath	VLM
15 Messalonskee Lake	VLM	28 West Pond	CLP
Includes Belgrade Stream and Messalonskee Stream		29 Woolwich Ponds	HYD
16 Mill Stream (Norridgewock)	VLM		

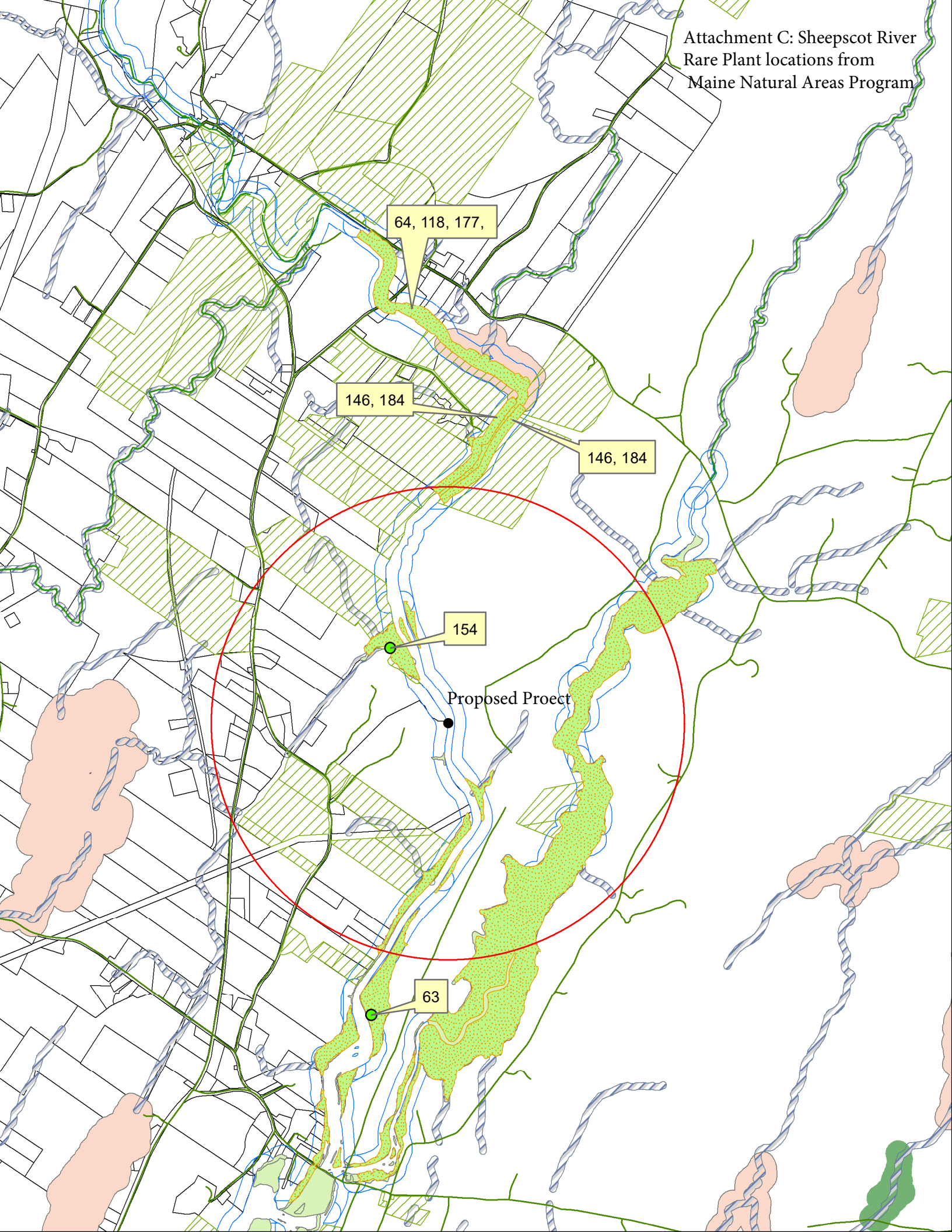


Find out more: www.maine.gov/dep/water/invasives

Maine Lakes with known Invasive Aquatic Species

MIDAS	LAKENAME	Species
9961	Annabessacook Lake	Variable-leaf milfoil
3748	Auburn Lake	Variable-leaf milfoil
3898	Balch & Stump Ponds	Variable-leaf milfoil
9685	Bay of Naples Lake	Variable-leaf milfoil
3464	Bryant Pond	Variable-leaf milfoil
5236	Cobboosee lake	Eurasian watermilfoil, Frogs Bit
3728	Collins Pond	Variable-leaf milfoil
3224	Cushman Pond	Variable-leaf milfoil
5400	Damariscotta Lake	Hydrilla
3732	Dundee Pond	Variable-leaf milfoil
3922	Great East Lake	Variable-leaf milfoil (eradicated)
5274	Great Pond	Variable-leaf milfoil
	Grondin Pond	Eurasian water-milfoil
3770	Hogan Pond	Variable-leaf milfoil
9715	Lake Arrowhead	Variable-leaf milfoil
3714	Little Sebago Lake	Variable-leaf milfoil
5280	Messalonskee Lake	Variable-leaf milfoil
3762	Middle Range Pond	Variable-leaf milfoil (eradicated)
3726	Mill Pond	Variable-leaf milfoil
155	Milton Pond	European naiad
3876	Northeast Pond	European naiad
3388	Parker Pond	Variable-leaf milfoil (eradicated)
3940	Pickerel Pond	Hydrilla
6436	Pleasant Hill Pond	Eurasian water milfoil
3446	Pleasant Lake	Variable-leaf milfoil
5254	Pleasant Pond	Variable-leaf milfoil
5352	Salmon Pond	Eurasian water milfoil (eradicated)
5786	Sebago Cove	Variable-leaf milfoil
5786	Sebago Lake	Variable-leaf milfoil
5786	Sebago Lake Basin	Variable-leaf milfoil
3470	Shagg Pond	Variable-leaf milfoil
3872	Spaulding Pond	Variable-leaf milfoil, European naiad
71	The Basin	Variable-leaf milfoil
3444	The Heath	Variable-leaf milfoil
3444	Thompson Lake	Variable-leaf milfoil
5254	Upper Pleasant Pond	Variable-leaf milfoil
3186	West Pond	Curly-leaf pondweed

Attachment C: Sheepscot River
Rare Plant locations from
Maine Natural Areas Program



Attachment D: Rare Plants of the Lower Sheepscot River

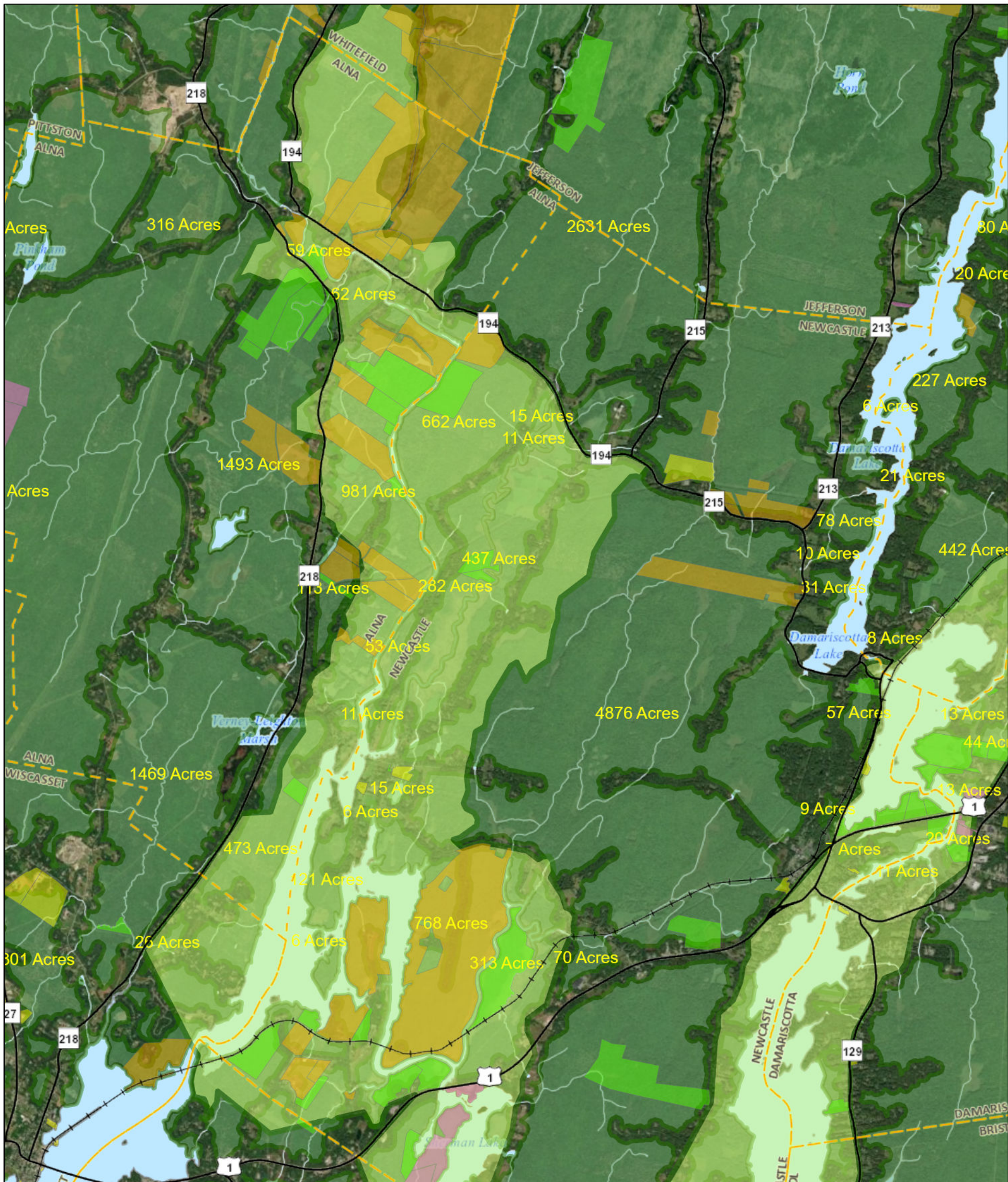
Source: Maine Natural Areas Program

OBJECTID	SNAME	SCOMNAME	LAST_OBS_D	G RANK	S RANK	SPROT	EORANK	FIRST_OBS	SURVEY_DAT
63	Agalinis maritima	Saltmarsh False-foxglove	1990-08-21	G5	S3	Species of Special Concern	H - Historical	1966-08-15	1990-08-21
64	Sagittaria montevidensis ssp. spongiosa	Spongy-leaved Arrowhead	2012-08-14	G5T4	S3	Species of Special Concern	B - Good estimated viability	1984	2012-08-14
118	Bidens hyperborea	Estuary Bur-marigold	2012-08-14	G4	S3	Species of Special Concern	B - Good estimated viability	1983	2012-08-14
146	Limosella australis	Mudwort	1998-08-31	G4G5	S3	Species of Special Concern	C - Fair estimated viability	1959-08-14	1998-08-31
154	Zannichellia palustris	Horned Pondweed	1998-08-31	G5	S2	Species of Special Concern	B - Good estimated viability	1998-08-31	1998-08-31
169	Agalinis maritima	Saltmarsh False-foxglove	2011-06-21	G5	S3	Species of Special Concern	A - Excellent estimated viability	1990-07-27	2011-06-21
177	Eriocaulon parkeri	Parker's Pipewort	2009-08-27	G3	S3	Species of Special Concern	A - Excellent estimated viability	1922	2009-08-27
184	Crassula aquatica	Pygmyweed	1985-09-08	G5	S2S3	Species of Special Concern	H - Historical	1985-09-08	2009-08-27
294	Brackish tidal marsh	Brackish Tidal Marsh	2011-06-21	GNR	S3	Natural Community	B - Good estimated viability	1999-08-20	2011-06-21
296	Mixed graminoid - forb saltmarsh	Mixed Saltmarsh	2011-09-27	G5	S3	Natural Community	BC - Good or fair estimated viability	2011-09-27	2011-09-27

Attachment D: Rare Plants of the Lower Sheepscot River
Source: Maine Natural Areas Program

OBJECTID	HABITAT	ACRES
63	Tidal wetland (non-forested, wetland)	0.12052810000
64	Tidal wetland (non-forested, wetland)	67.96869276000
118	Tidal wetland (non-forested, wetland)	54.39652068000
146	Tidal wetland (non-forested, wetland)	33.84567269000
154	Tidal wetland (non-forested, wetland)	0.12052810000
169	Tidal wetland (non-forested, wetland)	24.67834444000
177	Tidal wetland (non-forested, wetland)	55.82328734000
184	Open water (non-forested, wetland)	23.91716364000
294	Tidal wetland (non-forested, wetland)	547.57594635000
296	Tidal wetland (non-forested, wetland)	366.85912994000

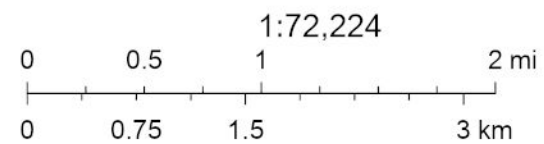
Beginning With Habitat



September 19, 2019

conserved3

- Municipal
- Private
- State
- conserved2
- focus
- undev



BwH
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

York, Marylisa

From: MacNeil, Jami
Sent: Tuesday, October 8, 2019 2:54 PM
To: Spinney, Jeffry
Subject: NRPA application, public comments (Part 2 of 3)
Attachments: Maine Dept of Environmental Protection 9.24.19.pdf; Wiscasset Newspaper Article 2.8.16.pdf; Philbrick, Jeff comments 9.26.2019.pdf; Alna R4 Tax Map.pdf; DEP app 092719.docx; DEP Ag letter 052114.pdf; lower_sheepscot_river_focus_area.pdf

These are comments from Allen and Jeff Philbrick. There were several attachments so I'm keeping these together in one email. One more email to go.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

September 24, 2019

Allen J. Philbrick
2226 Melrose
Ann Arbor, MI 48104

Via Email and 1st Class Mail

Jami MacNeil
Environmental Specialist III
Maine Department of Environmental Protection,
Bureau of Land Resources
28 Tyson Drive
Augusta, ME 04330
Jami.macneil@maine.gov

RE: Spinney Permit Application for Common Access Boat Ramp on
Sheepscot River

Dear Ms. MacNeil:

I am writing as Trustee of the James Erskine Philbrick Tree Farm Trust, which along with family members owns approximately 1,650 feet of Sheepscot River shoreline directly south of and abutting the Spinney property. Our family has owned that property, some 160+ acres, since 1935, and I have spent weeks on that land almost every one of the past 73 years.

My son lives permanently in Alna; my late cousin lived on Golden Ridge Road and was a co-owner of the river property until she passed away in 2016; and my grandfather, father, son, and I have been deeply committed to preservation of the pristine beauty of the Sheepscot River for all of that time. We take deep satisfaction in its apt designation as a National Scenic River. In 2006 we donated to the Sheepscot Valley Conservation Association (now Midcoast Conservancy) an easement which explicitly prohibits, forever, any commercial development of our frontage. If this makes the river a “captive,” we are proud to have it such.

We are strongly opposed to the Spinney project. Although the original Notice of Intent to File described merely “dock and boat ramp repairs,” review of the Application itself reveals intent to make not simple repairs, but a clearly far more substantial “pier/ramp alteration” sufficient to allow “repeated launching and removal of boats and floats.” This would include “trailed watercraft launched at this site.” As the plans themselves further show, this is far more than the benign “repairs” described by the original Notice. These would be **new**, substantial, **permanent** fixtures on the riverbank of a protected shoreland zone.

Moreover, the Application describes a material **change in use**. The existing dock services a single residential user. The new structure would serve as “**common or shared** recreational pier, dock, or wharf.” The proposed beneficiaries are stated to be “a group of approximately 25 local

Jami MacNeil
Environmental Specialist III
Maine Department of Environmental Protection,
Bureau of Land Resources
September 24, 2019
Page 2

folks” who would use the dock facility in conjunction with a gun range, camping, swimming, boating, etc. Mr. Spinney has refused our request to identify the club or “folks.” However, we suspect this group to be the Alna Snowmobile Club (legal status unknown). These “local folks” are alleged to pay dues to support the club’s various activities, now to include a common boat launch facility. While Mr. Spinney’s application claims a club membership of only 25, that appears greatly understated: the Alna group had 74 members in 2015 and 59 members in 2016 (see attached Wiscasset Newspaper article from February 8, 2016). This may or may not actually be commercial activity, but it seems at least quasi-commercial, and certainly not consistent with the Midcoast Conservancy (and our) commitment to keeping the river free of such activities.

There is no demonstrated need for a new common use access point. There are several adequate common use access points to the river within a stretch of a few miles: at the Head Tide Dam, at Bass Falls Preserve, and in Sheepscot Village.

The Application also assumes for the club’s members rights that neither they nor Mr. Spinney have. It states that “during construction, my project site will be accessed via Land.” Attachment 1 describes anticipated “**repeated launching** and removal of boats & floats (of **trailered watercraft** launched at this site.” There is at present only one public road access to the Spinney property over which these construction vehicles and trailered boats could travel: an easement over our property, granted in 1986 by my father to Mr. Spinney’s predecessor in title (Lincoln County Register of Deeds, book 1299, page 302). That easement restricts use to “all legal purposes relating to **residential use** of the lands served.” By its terms, the easement provides that any transfer of the rights granted “shall continue to be subject to the proviso that the way be **used for residential purposes.**” On its face, the current Application goes far beyond serving simple residential purposes: it is for “common recreational use” by dozens of club members. We will not relinquish enforcement of this restriction for the purpose proposed.

The Application has many ramifications, both at present and for future use. It could open the door to more expansion, more “common” facilities servicing motorized uses, etc. In other circumstances we might expect support (regulation, zoning enforcement, etc.) from the town of Alna itself. However, that will not be the case here: the Town’s First Selectman is Melissa Spinney, Jeff’s wife. And the Chairman of the Town Planning Board is...Jeff Spinney.

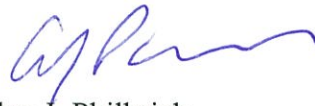
Mr. Spinney’s Application does not serve the interests of the public at large. It has clear potential to begin exposing this pristine and protected river to commerciality, in whatever guise. It is clearly an expansion of any existing uses or rights. If this were, as initially suggested, simply a matter of the Applicant repairing an existing private dock for established personal use and seasonal removal we would have no objection. This is not that. In the strongest possible terms

Jami MacNeil
Environmental Specialist III
Maine Department of Environmental Protection,
Bureau of Land Resources
September 24, 2019
Page 3

we respectfully request, and urge, that the Bureau of Land Resources/Maine Department of Environmental Protection decline approval of the Application.

Thank you for your time and attention to this matter.

Very truly yours,



Allen J. Philbrick

Attachment

cc: Jody Jones
Jody@midcoastconservancy.org
Jeffrey Philbrick
Jeff.philbrick@lchcare.org

September 26, 2019

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330

Re: DEP permit application – Alna/Spinney

Dear Ms. MacNeil,

I am writing as a resident of the town of Alna, as a Sheepscot River shoreland property owner, and as a relative of one of the abutters to Mr. Spinney. I understand he has recently filed a DEP permit application for a new common use permanent dock structure in the shoreland zone in Alna. I was forwarded a copy of my father, Allen Philbrick's comments and agree with them. I also have several concerns with regard to the permit application:

Concerns with “common use” permit application designation

1. The permit application is for a significant change in use type from Mr. Spinney's prior private recreational dock to a new “common or shared recreational use” type. The application goes on to describe a new common or shared recreational use not previously approved for 25+ members of an unnamed “recreational club”.
2. This club is not defined and should be described more fully. What is its legal status? Is it a corporation, a LLC, 501c? What is its mission, purpose, bylaws and business plan? Is this a commercial club? The application states that “members pool their resources through annual club membership dues”.
3. The permit describes a campsite and gun range, combined with the proposed common use dock/boat ramp that would indicate increased use similar to a commercial or recreational campground far beyond what occurs there today at Mr. Spinney's private residence. At a minimum, a common use dock suggests, or would give approval for, increased utilization of protected shoreland zones. Up to this point, I have never heard of a campsite, gun range or recreational club using Mr. Spinney's land with regularity and this is the most surprising revelation contained in the permit application.
4. There is no recreational club with an official address of 126 Golden Ridge Rd. in Alna that I am able to find, so why is this particular use type being requested at a private residence?
5. The permit application Attachment 1 statement that “Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre, parcel, tax map R-4, 21” is not accurate. It should be noted that access to the proposed site is via a private road not owned by Mr. Spinney, through Alna tax map lots R-4 20C, R-4 20A and R-4 20. See attached Alna tax map R-4. In addition, the proposed site is located on a 99 acre parcel, tax map R-4 21A, not a 120 acre parcel tax map R-4, 21 as stated.
6. The permit application Attachment 1 statement that “The existing pier, ramp, and float (located approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally.” is inaccurate, as Mr. Spinney acquired the property in August, 2002, and the earliest permit found for a dock is 2003.

Concerns with Shoreland/Environmental Impact

7. I am concerned with the installation of new permanent fixtures on the Sheepscot river bank in the protected shoreland zone. The permit application describes permanent pilings and dock/pier components more substantial than what was previously approved.
8. Per the attached document, the Midcoast Conservancy has identified the lower Sheepscot River area as a natural habitat of importance. The permit application site is within this designated area.
9. Per the attached letter from the State Department of Agriculture, dated 5/21/14, the lands in question and nearby constitute wetlands of special significance as described in 38 M.R.S. Sec. 480-X(4) or (5) and require certification by a knowledgeable professional wetland scientist that the activity will not alter, or cause to be altered, the wetlands in question under this application. See attached letter. Due to the sensitive areas of protection in close proximity to the permit application site, a certification and a full environmental impact analysis as described above to assess the effects of "common use" of 25-80 recreation club members utilizing motorized boats in the protected areas should be performed.
10. I fear that the increased utilization of motorized boats at the proposed dock and boat ramp may increase the potential for the introduction of harmful invasive species such as zebra mussel and milfoil to this area of the Sheepscot.
11. Please be aware that our family has placed conservation easements on several abutting land parcels, held with Midcoast Conservancy. Our goals for many decades have been to maintain protections of these natural areas without increased development or human use.
12. As a local, it seems to me that there are several existing "common use" public boat launch access points to the river in the area: at the Head Tide Dam, Bass Falls Preserve, Sheepscot Village and Wiscasset. There is not a demonstrated need for a new "common use" access point at this pristine location of protected shoreland.

If Mr. Spinney were to modify his permit application to request a seasonal private recreational dock permit, without common use, and there are no permanent dock/ramp or pier structures involved, my primary objections would be alleviated. This would align with what Mr. Spinney has had at his private residence on and off in the past.

Thank you for your consideration and time on this matter,



Jeff Philbrick
134 Dock Rd., Alna, ME 04535
207-563-4180

Cc: Allen J. Philbrick
Jody Jones, Midcoast Conservancy



NO AGREEMENT PURPOSES ONLY
 NOT FOR PROPERTY IDENTIFICATION

PREPARED BY PHOTODIAGNOSTIC METHODS BY
 JOHN E. O'DONNELL & ASSOCIATES
 AUBURN, MAINE

LEGEND
 ADJACENT SHEET NO.
 COMMON DIMENSION
 DEVELOPMENT LOT NO.
 SCALED DIMENSION

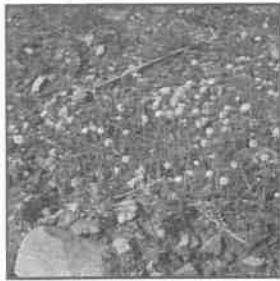
PROPERTY MAP
ALNA
 MAINE

SCALE IN FEET
 0 500 1000

R-4

1979

Lower Sheepscot River



WHY IS THIS AREA SIGNIFICANT?

The Sheepscot River in Alna and Newcastle has long been recognized as an area of ecological significance. This largely intact corridor of fresh, brackish, and salt marshes, though well represented nearby in the Kennebec Estuary, is uncommon elsewhere in Maine. Moreover, the Sheepscot River wetland complex supports nesting bald eagles, several rare plant species, a rare freshwater mussel species, and uncommon salt marsh sparrows.

OPPORTUNITIES FOR CONSERVATION

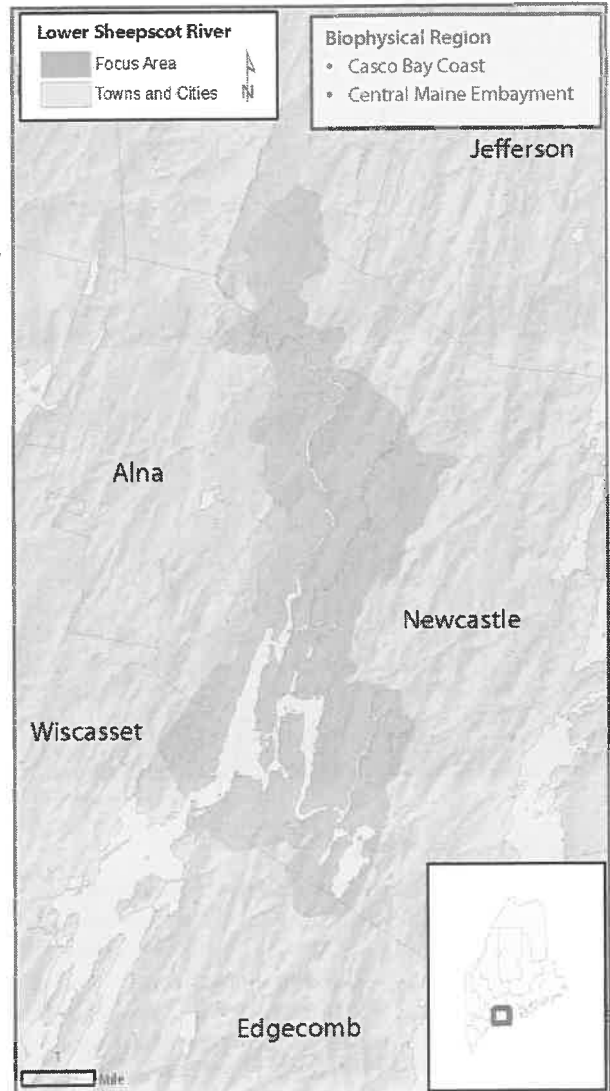
- » Educate recreational users about the ecological and economic benefits provided by the focus area.
- » Encourage best management practices for forestry, vegetation clearing, and soil disturbance activities near significant features.
- » Encourage town planners to improve approaches to development that may impact focus area functions.
- » Restore aquatic habitat connectivity by repairing improperly installed culverts and stream crossing structures.
- » Maintain intact forested buffers along water bodies and wetlands to protect water quality and provide valuable riparian habitat for wildlife.
- » Monitor and remove invasive plant populations.

For more conservation opportunities, visit the Beginning with Habitat Online Toolbox: www.beginningwithhabitat.org/toolbox/about_toolbox.html.

Public Access Opportunities

- Sherman Lake Wildlife Management Area, MDIFW
- Sherman Lake Picnic Area, MDOT
- Marsh River Preserve, SVCA

Photo credits, top to bottom: ME Natural Areas Program, ME Natural Areas Program, Ethan Nedeau, Paul Cyr, Tom Arter



Rare Animals

- | | |
|---------------|--------------------------------|
| Brook Floater | Atlantic Salmon |
| Brown Snake | Wood Turtle |
| Least Bittern | Saltmarsh Sharp-tailed Sparrow |

Rare Plants

- | | |
|----------------------|--------------------------|
| Estuary Bur-marigold | Pygmyweed |
| Horned Pondweed | Saltmarsh False-foxglove |
| Mudwort | Spongy Arrow-head |
| Parker's Pipewort | |

Rare and Exemplary Natural Communities

- Brackish Tidal Marsh

Significant Wildlife Habitats

- Inland Wading Bird and Waterfowl
- Tidal Wading Bird and Waterfowl
- Deer Wintering Areas

the Sheepscot Reversing Falls and railroad bridge. Moreover, two brackish tidal marshes here (Dyer River marsh and Deer Meadow marsh) were found by MDIFW biologists to support both the **salt marsh sharp-tailed sparrow** (*Ammodramus caudacutus*) and Nelson's sharp-tailed sparrow (*Ammodramus nelsoni*). Both bird species are uncommon in Maine, the former listed as Special Concern, and both are restricted to salt and brackish marshes. MDIFW biologists also detected nearly 20 other species in these salt marshes.

Tidal Wading Bird and Waterfowl Habitat has been mapped along the river and around the marshes of much of the tidal portion of the focus area. These areas provide undisturbed nesting habitat and undisturbed, uncontaminated feeding areas and are essential for maintaining viable waterfowl and wading bird populations. Smaller areas of **Inland Wading Bird and Waterfowl Habitat** and **Deer Wintering Area** have been mapped as well. These areas are protected as Significant Wildlife Habitat under the Natural Resources Protection Act.

RARE AND EXEMPLARY NATURAL COMMUNITIES

Brackish tidal marshes contain both freshwater and brackish water species, often in bands corresponding to tidal exposure. Tall rushes and bulrushes often predominate over extensive mid-elevation flats. At the lower elevations, rosette-forming herbs, such as lilaepsis and tidal arrowhead, may be common on the mudflats. Near the high tide line, there may be a fairly narrow zone of muddy gravel or rock shore sparsely vegetated with low herbs, including some rare species such as Long's bitter-cress or water-pimpernel. Sweetgale and poison ivy are often present at the upper fringes of the marsh, at or above the tidal reach.

Brackish marshes are important nesting habitat for several sparrows: Nelson's sharp-tailed sparrow and two uncommon species, the saltmarsh sharp-tailed sparrow and the seaside sparrow. These wetlands also provide foraging habitat for a large number of wading birds including rare species such as the great egret and glossy Ibis. The New England siltsnail inhabits coastal marshes and small tidal rivers where the water ranges from fresh to upper brackish. The spartina borer moth, whose historic range was along the immediate coast throughout New England, likely inhabited tidal marshes with sizeable populations of freshwater cordgrass, its larval host plant.

CHARACTERISTIC SPECIES

The **brook floater** (*Alasmidonta varicosa*) is a freshwater mussel of Special Concern in Maine that is found among rocks, gravel, and sand in creeks and small rivers. In Maine, this species is generally found among rooted aquatic vegetation in nutrient-poor streams. The brook floater has experienced significant declines throughout its range, and many populations have been extirpated. Even where it is found, populations often consist of just a small number of aging individuals. Maine may hold some of the best remaining populations of this species anywhere in its range.

Ecological Services of the Focus Area

- Nursery for juvenile fish and shellfish.
- Supports regional biodiversity by providing habitat for rare plants, animals, and natural communities.
- Major feeding area for myriad bird species.

Economic Contributions of the Focus Area

- Supports commercial forestry opportunities.
- Attracts tourism for wildlife observation, paddling, hunting, and angling.
- Contributes to recreational value of the area, including nearby coastal areas, by protecting water quality, fisheries, and wildlife habitat.

Bald eagles (*Haliaeetus leucocephalus*) were nearly extirpated because of widespread use of environmental contaminants that caused eggshell thinning and impaired reproductive success. With bans on the use of these contaminants and habitat protection measures, bald eagles have made a tremendous recovery. In 2009 they were removed from the state Endangered Species list. They remain listed as Special Concern in Maine. Bald eagles continue to be protected by the USFWS under the Bald and Golden Eagle Protection Act.

The Sheepscot River is one of eight rivers remaining in the US to support a wild population of the Endangered **Atlantic salmon** (*Salmo salar*). Atlantic salmon are an anadromous species, spending most of their adult life at sea, returning to their natal freshwater rivers to spawn. They require free flowing, cool, clear rivers to migrate to suitable spawning and nursery habitats found in upper river reaches. Populations of Atlantic salmon dramatically declined as culverts and dams blocked fish passage and water quality declines in streams and rivers limited habitat quality.




CONSERVATION CONSIDERATIONS

- » Although most of the rivershore below the Dock Road Bridge is narrow and without much marsh expanse, it is undeveloped and devoid of invasive species.
- » In general, threats to aquatic plants and invertebrates include hydrologic alteration (from changes in water flow or impoundment of waterways), point source pollution, development of adjacent uplands and associated water quality impacts, invasive species such as purple loosestrife, and poor timber harvesting practices.

RARE SPECIES AND EXEMPLARY NATURAL COMMUNITIES OF THE FOCUS AREA






	Common Name	Scientific Name	State Status*	State Rarity Rank	Global Rarity Rank
Animals	Brook Floater	<i>Alasmidonta varicosa</i>	T	S3	G3
	Brown Snake	<i>Storeria dekayi</i>	SC	S3	G5
	Least Bittern	<i>Ixobrychus exilis</i>	E	S2B	G5
	Wood Turtle	<i>Clemmys insulpta</i>	SC	S4	G4
	Saltmarsh Sharp-tailed Sparrow	<i>Ammodramus caudacutus</i>	SC	S3B	G4
	Atlantic Salmon	<i>Salmo salar</i>	E		
Plants	Estuary Bur-marigold	<i>Bidens hyperborea</i>	SC	S3	G4
	Horned Pondweed	<i>Zannichellia palustris</i>	SC	S2	G5
	Mudwort	<i>Limosella australis</i>	SC	S3	G4G5
	Parker's Pipewort	<i>Eriocaulon parkeri</i>	SC	S3	G3
	Pygmyweed	<i>Crassula aquatica</i>	SC	S2S3	G5
	Saltmarsh False-foxglove	<i>Agalinis maritima</i>	SC	S3	G4
	Spongy Arrow-head	<i>Sagittaria calycina var. spongiosa</i>	SC	S3	G3G4
Natural Communities	Brackish Tidal Marsh	Brackish tidal marsh		S3	GNR

State Status*






-  Endangered: Rare and in danger of being lost from the state in the foreseeable future, or federally listed as Endangered.
-  Threatened: Rare and, with further decline, could become endangered; or federally listed as Threatened.
-  Special Concern: Rare in Maine, based on available information, but not sufficiently rare to be Threatened or Endangered.

*State status rankings are not assigned to natural communities.

State Rarity Rank

-  Critically imperiled in Maine because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
-  Imperiled in Maine because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
-  Rare in Maine (on the order of 20–100 occurrences).
-  Apparently secure in Maine.
-  Demonstrably secure in Maine.

Global Rarity Rank

-  Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
-  Globally imperiled because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
-  Globally rare (on the order of 20–100 occurrences).
-  Apparently secure globally.
-  Demonstrably secure globally.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
93 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0093

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

May 21, 2014

Jeffrey and Allen Philbrick
134 Dock Road
Alna, ME 04535

Dear Jeffrey and Allen Philbrick:

The Maine Natural Areas Program recently completed mapping of all of the state's tidal marshes. The work included interpretation of aerial photography along with ground truthing at representative locations. Based on that work and a review of tax maps, our records show that your property in the vicinity of the Sheepscot River in Alna, Maine, likely supports part of a Spartina Saltmarsh. This type of saltmarsh is typically dominated by a mix of bulrushes and Spartina grasses, along with other common saltmarsh plant species. Presumably you are already aware of the presence of saltmarsh at this location.

The Maine Natural Areas Program identifies and encourages protection of important natural habitats throughout the state. Voluntary stewardship of your land is a valuable opportunity for you to conserve a unique part of Maine's natural landscape. While the Maine Natural Areas Program has no regulatory authority, the information we manage is public and may under some circumstances, be used by other state agencies in reviewing permit applications and in managing the state's natural resources.

If you have any questions about this information or the Maine Natural Areas Program in general please let me know. I can be reached by phone at (207) 287-8041 or by email at don.s.cameron@maine.gov. You can also learn more about our program on-line at <http://www.maine.gov/dacf/mnap/index.html> or by searching on our name.

Sincerely,

Donald Cameron, Botanist/Ecologist
Maine Natural Areas Program

Alna R-4-18-A

Alna snowmobilers 'keep the faith'

SUSAN JOHNS
Mon, 02/08/2016 - 7:30am



Alna Snowmobile Club members Brenda Fifield, left, and Pam Hull, holding Ruby, chat as an evening at the fire station gets under way Feb. 4. SUSAN JOHNS/Wiscasset Newspaper



Alna Third Selectman Doug Baston and Linda Abbott, wife of First Selectman David Abbott, take part in the Alna Snowmobile Club's Feb. 4 potluck at the Alna Fire Station. SUSAN JOHNS/Wiscasset Newspaper



Alna Snowmobile Club President Jay Verney, holding papers, leads a business meeting Feb. 4. SUSAN JOHNS/Wiscasset Newspaper

Alna's Pam Hull held her 11-week-old golden doodle Ruby in her arms Feb. 4 while talking with fellow Alna Snowmobile Club member Brenda Fifield of Kingfield. A few yards away, members continued filing into the Alna fire station's kitchen with fare for the night's potluck.

The gathering of two dozen was bigger than a selectmen's meeting attracts, and included selectmen David Abbott and Doug Baston, both members of the decades-old club.

Road Commissioner Jeff Verney was there, along with other longtime area residents and newcomers, too.

That's why Ruthie Stone of Alna joined the club. "I'm new in town and I wanted to get to meet people," she said.

Fifield joined after her significant other, Greg Hodgkins, got her into snowmobiling. But the club is about more than grooming and riding the approximately 42 miles of trails that members have access to.

Asked what she likes about the club, Fifield said, "I think it's meeting new people and getting together and having a nice dinner." Thursday night's included mashed potatoes, pasta and dishes, bread, biscuits, cider, cupcakes and other desserts.

Most members live in Alna or neighboring towns including Wiscasset, Newcastle, Damariscotta and Whitefield.

The club won a Spirit of America award for its volunteer work. Members help at an annual Halloween event, take part in parades and, a few years ago, cleaned up an expansive illegal dump of tires and other debris off Alna's Rabbit Path Road.

Membership stands at 59, a large number for a local snowmobile club, leaders said. It tends to fluctuate with each year's snow levels. Last year, 74 people belonged. Yearly dues are \$28 for a family. About half goes to the Maine Snowmobile Association.

As for this winter's scarce snow by February, President Jay Verney said, "Everybody's still enthused. We've just got to keep the faith that maybe next winter will be better."

Like other clubs, Alna's depends on landowners letting them onto their properties. "They do a good job on the trails, and I just like to support them," landowner Frank Boudin said.

Aside from their time working on and enjoying the trails, members meet monthly from fall to spring, at 6:30 p.m. the first Thursday of the month at the fire station on Route 218. Every other meeting features the potluck. The public is welcome, as it is for the annual sledding party. This year's is Sunday, Feb. 21, from 11 a.m. to 3 p.m. at Jeff Verney's house on West Alna Road. Anyone can come sledding; helmets are suggested, Jay Verney said.

He told members at the business meeting that the club had gotten a \$4,350 grant from the state. The money comes from the snowmobile division of the Maine Department of Agriculture, Conservation and forestry's Bureau of Parks and Lands, for hours a club puts into trail work. The Alna club puts in two or three times the hours needed for the grant, leaders said.

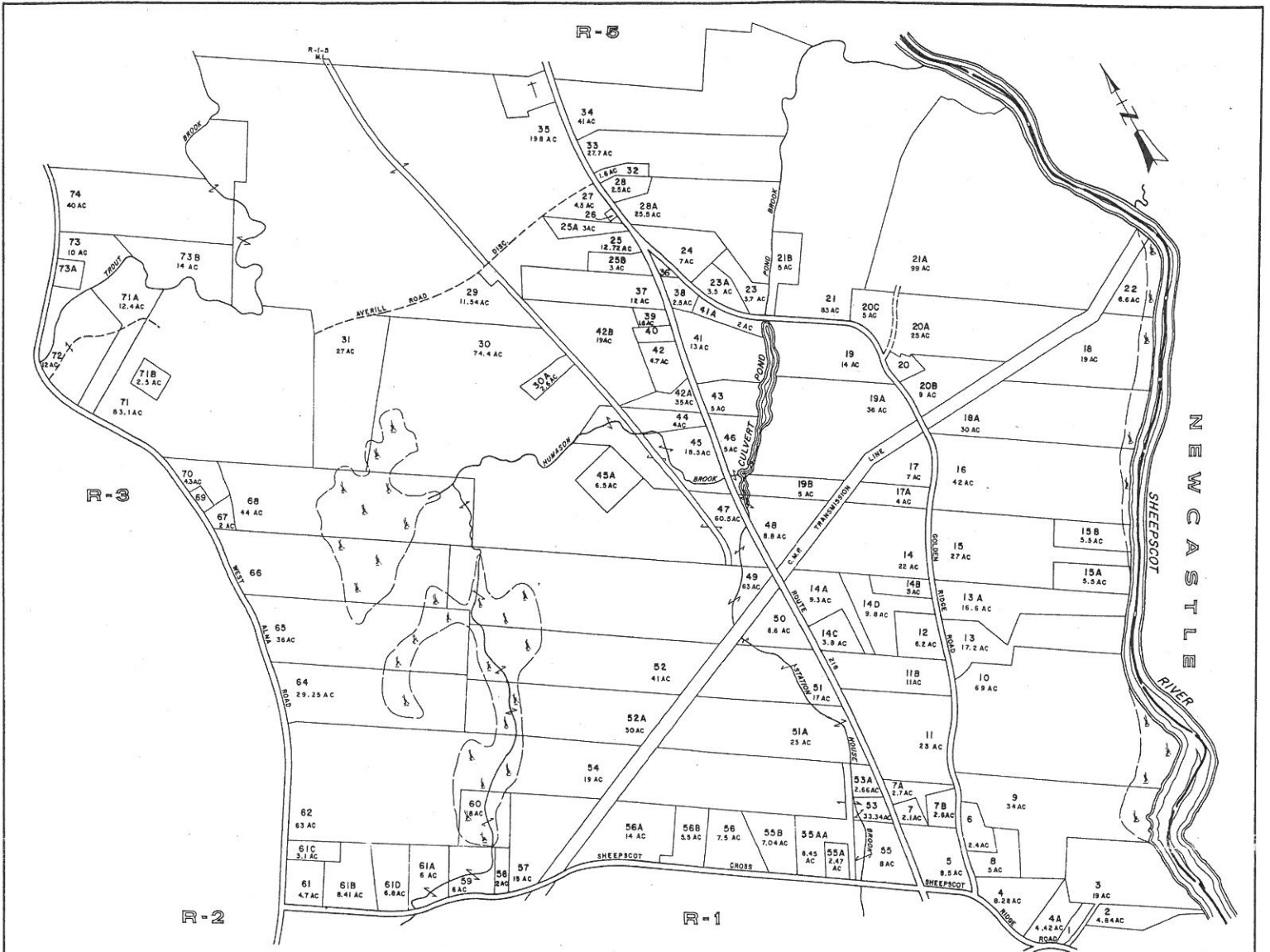
The meeting also touched on plans to buy caution and stop signs and trail markers; and members' recent attendance of the Wiscasset Sno-Goers' open house. "They actually had good hot dogs this year," Jay Verney said.

Laughter was everywhere inside the meeting room Thursday night as people arrived, set up, mingled, and ate, and even while business was under way.

"Everybody do their snow dance, and maybe we can get a couple weeks of snowmobiling in," Jay Verney said in closing the meeting.

Several inches of snow fell the next day.

For more on the club, find it on Facebook or call Verney at 207-380-1617.



FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

PREPARED BY PHOTOGAMMETRIC METHODS BY
JOHN E. O'DONNELL & ASSOCIATES
AUBURN, MAINE

LEGEND
ADJACENT SHEET NO.
COMMON OWNERSHIP
DEVELOPMENT LOT NO.
SCALED DIMENSION



PROPERTY MAP
ALNA
MAINE

SCALE IN FEET
0 500 1000

R-4

1975

NO PARCEL 63



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
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PAUL R. LEPAGE
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Sincerely,

A handwritten signature in blue ink, appearing to read 'Don Cameron'.

Donald Cameron, Botanist/Ecologist
Maine Natural Areas Program

Alna R-4-18-A

Lower Sheepscot River



WHY IS THIS AREA SIGNIFICANT?

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OPPORTUNITIES FOR CONSERVATION

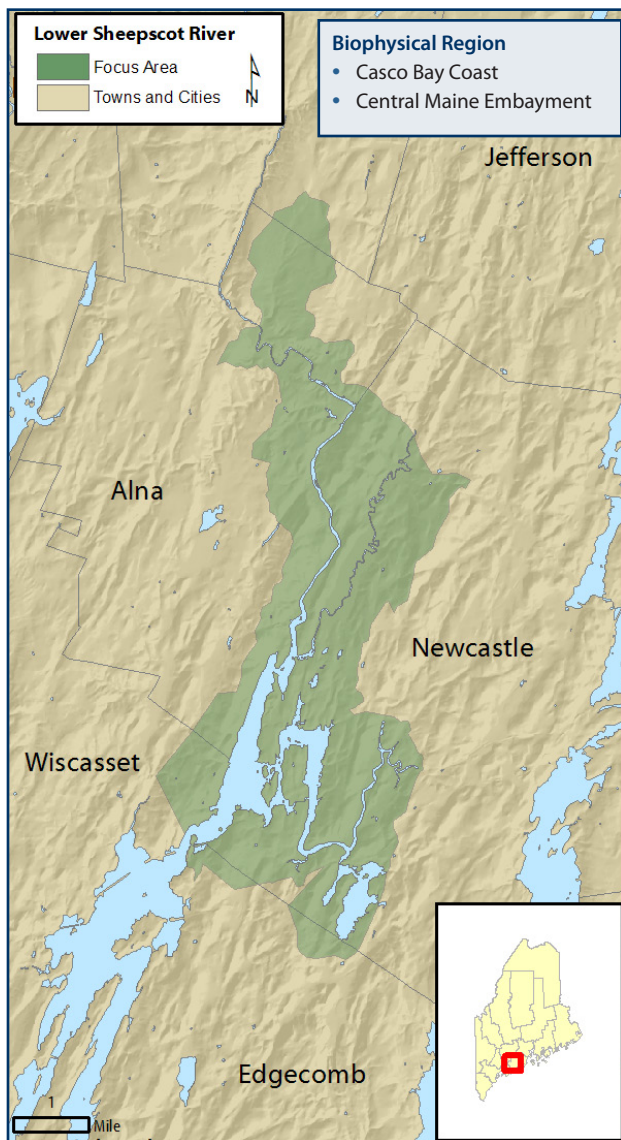
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- » Encourage best management practices for forestry, vegetation clearing, and soil disturbance activities near significant features.
- » Encourage town planners to improve approaches to development that may impact focus area functions.
- » Restore aquatic habitat connectivity by repairing improperly installed culverts and stream crossing structures.
- » Maintain intact forested buffers along water bodies and wetlands to protect water quality and provide valuable riparian habitat for wildlife.
- » Monitor and remove invasive plant populations.

For more conservation opportunities, visit the Beginning with Habitat Online Toolbox: www.beginningwithhabitat.org/toolbox/about_toolbox.html.

Public Access Opportunities

- Sherman Lake Wildlife Management Area, MDIFW
- Sherman Lake Picnic Area, MDOT
- Marsh River Preserve, SVCA

Photo credits, top to bottom: ME Natural Areas Program, ME Natural Areas Program, Ethan Nedeau, Paul Cyr, Tom Arter



Rare Animals

- | | |
|---------------|--------------------------------|
| Brook Floater | Atlantic Salmon |
| Brown Snake | Wood Turtle |
| Least Bittern | Saltmarsh Sharp-tailed Sparrow |

Rare Plants

- | | |
|----------------------|--------------------------|
| Estuary Bur-marigold | Pygmyweed |
| Horned Pondweed | Saltmarsh False-foxglove |
| Mudwort | Spongy Arrow-head |
| Parker's Pipewort | |

Rare and Exemplary Natural Communities

- Brackish Tidal Marsh

Significant Wildlife Habitats

- Inland Wading Bird and Waterfowl
- Tidal Wading Bird and Waterfowl
- Deer Wintering Areas



Northward view of the Sheepscot River from the Sheepscot Village Bridge, Sheepscot Valley Conservation Association

FOCUS AREA OVERVIEW

From north to south, the river's habitats grade from freshwater riverine in Alna Village, to freshwater tidal near Dock Road, to brackish and salt marshes further downriver. In the upper section of the river, dominant freshwater marsh plants include pickerelweed (*Pontederia cordata*), arrow-head (*Sagittaria latifolia*) and bulrushes (*Schoenoplectus pungens* and *S. tabernaemontanii*). Further to the south, dominant salt-marsh species include salt-marsh bulrush (*Bolboschoenus maritimus*), cordgrass (*Spartina alterniflora*), and salt hay (*Spartina patens*). The sharpest area of transition is through 1/4 mile of shallow stream riffles, where the river grade drops a few feet.

The freshwater portion of the River, within and upstream of Alna village, supports the globally uncommon **brook floater mussel** (*Alasmidonta varicosa*). Brook floaters were found in two locations and may occur where suitable gravel/cobble habitat exists in the river. Currently listed as a Special Concern species in Maine, the brook floater is very uncommon and rarely found in abundance at any site. It is also declining throughout its range, and Maine may hold some of the last best populations of this species. The freshwater portion of the focus area also provides spawning and rearing habitat for the Federally Endangered **Atlantic salmon** (*Salmo salar*).

Rare plants, including Parker's pipewort (*Eriocaulon parkeri*), estuary bur marigold (*Bidens hyperborea*), pygmyweed (*Crassula aquatica*), mudwort (*Limosella australis*), spongy arrowhead (*Sagittaria calycina* var. *spongiosa*) and horned pondweed (*Zannichellia palustris*), are scattered throughout the muddy riverbanks of the freshwater tidal section, from Dock Road in Alna southward for over a mile.

In the southern portions of the focus area, the 150-acre Deer Meadow brackish tidal marsh, located off the Marsh River in Newcastle, supports nearly 1,000 rare salt marsh false foxglove (*Agalinis maritima*) plants in several small sub-populations. Other typical salt and brackish marsh plant species here include black rush (*Juncus gerardii*), the sedge *Carex paleacea*, common arrow-grass (*Triglochin maritimum*), saltmarsh bulrush (*Bolboschoenus maritima*), common three-square (*Schoenoplectus pungens*), silverweed (*Argentina anserina*), and saltmeadow cordgrass. Smooth cordgrass lines the banks of the marsh and gives the appearance of monotypic stands.

In addition to the area's significance as rare plant, mussel and salmon habitat, it also supports rare bird species. **Bald eagle** (*Haliaeetus leucocephalus*) nests have been active between

the Sheepscot Reversing Falls and railroad bridge. Moreover, two brackish tidal marshes here (Dyer River marsh and Deer Meadow marsh) were found by MDIFW biologists to support both the **salt marsh sharp-tailed sparrow** (*Ammodramus caudacutus*) and Nelson's sharp-tailed sparrow (*Ammodramus nelsoni*). Both bird species are uncommon in Maine, the former listed as Special Concern, and both are restricted to salt and brackish marshes. MDIFW biologists also detected nearly 20 other species in these salt marshes.

Tidal Wading Bird and Waterfowl Habitat has been mapped along the river and around the marshes of much of the tidal portion of the focus area. These areas provide undisturbed nesting habitat and undisturbed, uncontaminated feeding areas and are essential for maintaining viable waterfowl and wading bird populations. Smaller areas of **Inland Wading Bird and Waterfowl Habitat** and **Deer Wintering Area** have been mapped as well. These areas are protected as Significant Wildlife Habitat under the Natural Resources Protection Act.

RARE AND EXEMPLARY NATURAL COMMUNITIES

Brackish tidal marshes contain both freshwater and brackish water species, often in bands corresponding to tidal exposure. Tall rushes and bulrushes often predominate over extensive mid-elevation flats. At the lower elevations, rosette-forming herbs, such as lilaepsis and tidal arrowhead, may be common on the mudflats. Near the high tide line, there may be a fairly narrow zone of muddy gravel or rock shore sparsely vegetated with low herbs, including some rare species such as Long's bitter-cress or water-pimpernel. Sweetgale and poison ivy are often present at the upper fringes of the marsh, at or above the tidal reach.

Brackish marshes are important nesting habitat for several sparrows: Nelson's sharp-tailed sparrow and two uncommon species, the saltmarsh sharp-tailed sparrow and the seaside sparrow. These wetlands also provide foraging habitat for a large number of wading birds including rare species such as the great egret and glossy Ibis. The New England siltsnail inhabits coastal marshes and small tidal rivers where the water ranges from fresh to upper brackish. The spartina borer moth, whose historic range was along the immediate coast throughout New England, likely inhabited tidal marshes with sizeable populations of freshwater cordgrass, its larval host plant.

CHARACTERISTIC SPECIES

The **brook floater** (*Alasmidonta varicosa*) is a freshwater mussel of Special Concern in Maine that is found among rocks, gravel, and sand in creeks and small rivers. In Maine, this species is generally found among rooted aquatic vegetation in nutrient-poor streams. The brook floater has experienced significant declines throughout its range, and many populations have been extirpated. Even where it is found, populations often consist of just a small number of aging individuals. Maine may hold some of the best remaining populations of this species anywhere in its range.

Ecological Services of the Focus Area

- Nursery for juvenile fish and shellfish.
- Supports regional biodiversity by providing habitat for rare plants, animals, and natural communities.
- Major feeding area for myriad bird species.

Economic Contributions of the Focus Area

- Supports commercial forestry opportunities.
- Attracts tourism for wildlife observation, paddling, hunting, and angling.
- Contributes to recreational value of the area, including nearby coastal areas, by protecting water quality, fisheries, and wildlife habitat.

Bald eagles (*Haliaeetus leucocephalus*) were nearly extirpated because of widespread use of environmental contaminants that caused eggshell thinning and impaired reproductive success. With bans on the use of these contaminants and habitat protection measures, bald eagles have made a tremendous recovery. In 2009 they were removed from the state Endangered Species list. They remain listed as Special Concern in Maine. Bald eagles continue to be protected by the USFWS under the Bald and Golden Eagle Protection Act.

The Sheepscot River is one of eight rivers remaining in the US to support a wild population of the Endangered **Atlantic salmon** (*Salmo salar*). Atlantic salmon are an anadromous species, spending most of their adult life at sea, returning to their natal freshwater rivers to spawn. They require free flowing, cool, clear rivers to migrate to suitable spawning and nursery habitats found in upper river reaches. Populations of Atlantic salmon dramatically declined as culverts and dams blocked fish passage and water quality declines in streams and rivers limited habitat quality.

CONSERVATION CONSIDERATIONS

- » Although most of the rivershore below the Dock Road Bridge is narrow and without much marsh expanse, it is undeveloped and devoid of invasive species.
- » In general, threats to aquatic plants and invertebrates include hydrologic alteration (from changes in water flow or impoundment of waterways), point source pollution, development of adjacent uplands and associated water quality impacts, invasive species such as purple loosestrife, and poor timber harvesting practices.

- » Potential impacts from residential, commercial, and industrial development of the shoreline are all greatest where road access and town zoning are favorable to such development.
- » With regard to timber harvesting, strict adherence to Shoreland Zoning guidelines and Maine Forest Service Best Management Practices should help to minimize impacts to adjacent wetlands. In some areas of steep slopes or susceptible soils, it may be wise to avoid harvesting entirely within the shoreland zone.
- » Improperly sized culverts and other stream crossing structures can impede movement of fish and aquatic invertebrates effectively fragmenting local aquatic ecosystems and ultimately leading to local extirpation of some species. Dams and poorly functioning culverts were a leading cause of the decline in Atlantic salmon populations. Future management should maintain or restore the sites natural hydrology.
- » Freshwater mussels are very sensitive to contaminants and changes in habitat. Maintenance and/or improvement of water quality and habitat integrity via protection of riparian buffers is essential.
- » Any activities that may potentially degrade water quality or alter habitat type (including substrate, flow rate, water levels) should be avoided. Likewise, because larval freshwater mussels require a specific fish host, activities that may result in changes to the fish community or prevent access by fish should be avoided. Another potential threat is introduction of exotic species, such as the zebra mussel, which can out-compete and decimate native mussel populations. The local public should be informed on how to prevent accidental introduction of this invasive species into the Sheepscot River watershed. Finally, an outreach program for freshwater mussel conservation in the Sheepscot River watershed would be extremely beneficial to the conservation of freshwater mussels.
- » Eagles are extremely sensitive to disturbance during their nesting season. Any activities near their nests or within their nesting territory during this period may cause nest failure or may even cause adults to abandon the nest. In general it is recommended that a 330-foot radius be left undisturbed buffer around an eagle nest during any kind of land-clearing or timber harvest activity. Habitat protection within ¼ mile radius of a nesting site is another significant measure that can help support nesting eagles. Consult with a MDIFW biologist prior to planning

any activity that may disturb the forest around an eagle nest. Bald eagle nests are protected by the USFWS under the Bald and Golden Eagle Protection Act. Certain adjacent activities may require a permit.

- » This area includes Significant Wildlife Habitat for waterfowl and wading birds and wintering deer. Both land managers and private landowners should follow best management practices with respect to forestry activities in and around wetlands, shoreland areas, and Significant Wildlife Habitat. Maintaining wide forested buffers along all lakes, rivers, streams, and wetlands will provide valuable riparian habitat for many wildlife species. Consult with a MDIFW biologist prior to planning any activity that may disturb the forest around an Inland or Tidal Wading Bird and Waterfowl Habitat or Deer Wintering Area.
- » Current projections suggest sea level will rise at least 2 feet in the next century due to changing climate and warming temperatures. As sea levels rise, coastal habitats will begin to migrate inland. In areas where this inland migration is blocked by development these habitats will be lost. Conservation of low-lying, undeveloped uplands where coastal marshes, beaches, and other intertidal natural communities can migrate inland with sea level rise should be promoted.
- » Appropriate conservation strategies include tree growth and open space tax treatments, conservation easements, and fee ownership.



Marsh River, Sheepscot Valley Conservation Association

For more information about Focus Areas of Statewide Ecological Significance, including a list of Focus Areas and an explanation of selection criteria, visit www.beginningwithhabitat.org

RARE SPECIES AND EXEMPLARY NATURAL COMMUNITIES OF THE FOCUS AREA

	Common Name	Scientific Name	State Status*	State Rarity Rank	Global Rarity Rank
Animals	Brook Floater	<i>Alasmidonta varicosa</i>	T	S3	G3
	Brown Snake	<i>Storeria dekayi</i>	SC	S3	G5
	Least Bittern	<i>Ixobrychus exilis</i>	E	S2B	G5
	Wood Turtle	<i>Clemmys insulpta</i>	SC	S4	G4
	Saltmarsh Sharp-tailed Sparrow	<i>Ammodramus caudacutus</i>	SC	S3B	G4
	Atlantic Salmon	<i>Salmo salar</i>	E		
Plants	Estuary Bur-marigold	<i>Bidens hyperborea</i>	SC	S3	G4
	Horned Pondweed	<i>Zannichellia palustris</i>	SC	S2	G5
	Mudwort	<i>Limosella australis</i>	SC	S3	G4G5
	Parker's Pipewort	<i>Eriocaulon parkeri</i>	SC	S3	G3
	Pygmyweed	<i>Crassula aquatica</i>	SC	S2S3	G5
	Saltmarsh False-foxglove	<i>Agalinis maritima</i>	SC	S3	G5
Natural Communities	Spongy Arrow-head	<i>Sagittaria calycina var. spongiosa</i>	SC	S3	G5T4
	Brackish Tidal Marsh	Brackish tidal marsh		S3	GNR

State Status*

- E** Endangered: Rare and in danger of being lost from the state in the foreseeable future, or federally listed as Endangered.
- T** Threatened: Rare and, with further decline, could become endangered; or federally listed as Threatened.
- SC** Special Concern: Rare in Maine, based on available information, but not sufficiently rare to be Threatened or Endangered.

**State status rankings are not assigned to natural communities.*

State Rarity Rank

- S1** Critically imperiled in Maine because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
- S2** Imperiled in Maine because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (on the order of 20–100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.

Global Rarity Rank

- G1** Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
- G2** Globally imperiled because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (on the order of 20–100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.

September 26, 2019

Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330

Re: DEP permit application – Alna/Spinney

Dear Ms. MacNeil,

I am writing as a resident of the town of Alna, as a Sheepscot River shoreland property owner, and as a relative of one of the abutters to Mr. Spinney. I understand he has recently filed a DEP permit application for a new common use permanent dock structure in the shoreland zone in Alna. I was forwarded a copy of my father, Allen Philbrick's comments and agree with them. I also have several concerns with regard to the permit application:

Concerns with “common use” permit application designation

1. The permit application is for a significant change in use type from Mr. Spinney's prior private recreational dock to a new “common or shared recreational use” type. The application goes on to describe a new common or shared recreational use not previously approved for 25+ members of an unnamed “recreational club”.
2. This club is not defined and should be described more fully. What is its legal status? Is it a corporation, a LLC, 501c? What is its mission, purpose, bylaws and business plan? Is this a commercial club? The application states that “members pool their resources through annual club membership dues”.
3. The permit describes a campsite and gun range, combined with the proposed common use dock/boat ramp that would indicate increased use similar to a commercial or recreational campground far beyond what occurs there today at Mr. Spinney's private residence. At a minimum, a common use dock suggests, or would give approval for, increased utilization of protected shoreland zones. Up to this point, I have never heard of a campsite, gun range or recreational club using Mr. Spinney's land with regularity and this is the most surprising revelation contained in the permit application.
4. There is no recreational club with an official address of 126 Golden Ridge Rd. in Alna that I am able to find, so why is this particular use type being requested at a private residence?
5. The permit application Attachment 1 statement that “Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre, parcel, tax map R-4, 21” is not accurate. It should be noted that access to the proposed site is via a private road not owned by Mr. Spinney, through Alna tax map lots R-4 20C, R-4 20A and R-4 20. See attached Alna tax map R-4. In addition, the proposed site is located on a 99 acre parcel, tax map R-4 21A, not a 120 acre parcel tax map R-4, 21 as stated.
6. The permit application Attachment 1 statement that “The existing pier, ramp, and float (located approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally.” is inaccurate, as Mr. Spinney acquired the property in August, 2002, and the earliest permit found for a dock is 2003.

Concerns with Shoreland/Environmental Impact

7. I am concerned with the installation of new permanent fixtures on the Sheepscot river bank in the protected shoreland zone. The permit application describes permanent pilings and dock/pier components more substantial than what was previously approved.
8. Per the attached document, the Midcoast Conservancy has identified the lower Sheepscot River area as a natural habitat of importance. The permit application site is within this designated area.
9. Per the attached letter from the State Department of Agriculture, dated 5/21/14, the lands in question and nearby constitute wetlands of special significance as described in 38 M.R.S. Sec. 480-X(4) or (5) and require certification by a knowledgeable professional wetland scientist that the activity will not alter, or cause to be altered, the wetlands in question under this application. See attached letter. Due to the sensitive areas of protection in close proximity to the permit application site, a certification and a full environmental impact analysis as described above to assess the effects of "common use" of 25-80 recreation club members utilizing motorized boats in the protected areas should be performed.
10. I fear that the increased utilization of motorized boats at the proposed dock and boat ramp may increase the potential for the introduction of harmful invasive species such as zebra mussel and milfoil to this area of the Sheepscot.
11. Please be aware that our family has placed conservation easements on several abutting land parcels, held with Midcoast Conservancy. Our goals for many decades have been to maintain protections of these natural areas without increased development or human use.
12. As a local, it seems to me that there are several existing "common use" public boat launch access points to the river in the area: at the Head Tide Dam, Bass Falls Preserve, Sheepscot Village and Wiscasset. There is not a demonstrated need for a new "common use" access point at this pristine location of protected shoreland.

If Mr. Spinney were to modify his permit application to request a seasonal private recreational dock permit, without common use, and there are no permanent dock/ramp or pier structures involved, my primary objections would be alleviated. This would align with what Mr. Spinney has had at his private residence on and off in the past.

Thank you for your consideration and time on this matter,

Jeff Philbrick
134 Dock Rd., Alna, ME 04535
207-563-4180

Cc: Allen J. Philbrick
Jody Jones, Midcoast Conservancy

York, Marylisa

From: MacNeil, Jami
Sent: Tuesday, October 8, 2019 2:54 PM
To: Spinney, Jeffry
Subject: NRPA application, public comments (Part 3 of 3)
Attachments: Comments on Spinney Project.pdf; Fwd: Public comment; NRPA Permit Application - Sheepscot River Dock; public comment; Alna Dock JMacNeil.PDF; DEP 2019 Comment.docx

Here are the rest of the public comments to date. If more come in, I will pass those along as well.

Best,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

October 7, 2019

Jami MacNeil

Project Manager, Environmental Specialist II

Bureau of Land Resources

Maine Department of Environmental Protection

17 State House Station

Augusta, Maine 04333

Jay L. Clement

Army Corps of Engineers

442 Civic Drive, Suite 350

Augusta, Maine 04330

I strongly oppose to the project described by the applicant, Mr. Jeff Spinney. While I am very supportive to development and improvement, I believe that this project does neither.

I live in the vicinity of the reversing falls on the Sheepscot River. I clearly witness much of the traffic on this part of the river. While many fishing boats come as far upriver as the reversing falls, I seldom see any going further. Almost all these boats are less than 25 feet in length. I do see, however, many kayakers using the falls as a training venue for white water training. These kayakers use most of the width of the river at the reversing falls from early Spring to late Fall. (Kayakers are in the river today at 10:01 AM as I write this letter.) During the summer months, I may see as many as 25 kayakers at any one time during the two tides of the day. Power boats interfere with the activities of the kayakers; therefore, I see very little interaction between the kayakers and the motorboaters. Motorboaters, do not have a destination and simply come to this location to observe the activities there. Fishing in this area is difficult, so even fisher people do not remain here very long.

During the times that the kayakers are in the area, rarely will I see the Bald Eagles, Osprey or Herons vacate the premises. However, whenever the powerboats are in the vicinity, most birds of prey in this area go elsewhere. While we are sure that these birds find nourishment in other areas, their "preferred" site has been taken over by the motorboaters. In my opinion, more motorboaters mean

that the possibility of fishing by the birds in this shallow bay will further affect them. From what I can see, we have at least three pair of Bald Eagles nesting in the area in the vicinity of Mr. Spinney's land and the reversing falls. Herons are in this little cove every day. Disrupting these birds would be a tragedy.

I am also concerned about wake erosion caused by the presence of such power boats. No wake wash exists at the moment. Having a club whereby up to 25 boats and jet skis would be in the vicinity certainly will alter the shore line. While I would like to believe that the operators would make a conscious effort to minimize wake wash, we all know that a group of people do not behave as single individuals.

I am also very concerned about the proposal to have a rifle range on the property indicated in the proposal. Two rifle ranges currently exist within five miles of the Spinney property. There is no need to have the sound of more guns disturbing the animals and people living in this peaceful area.

As mentioned above, I am very concerned about the proposal and must oppose its existence.

Sincerely,

A handwritten signature in cursive script that reads "Richard Picard". The signature is written in black ink and is positioned above the printed name.

Richard Picard

105 Sheepscot Road

Alna, ME 04535

207.687.8104

Paul Tenan

October 7, 2019

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection 28 Tyson Drive
Augusta, Maine 04330
By email: Jami. Macneil@Maine.gov

Re: NRPA Application for a permanent boat launch, and separate dock, ramp, float with permanent support piling. Applicant: Jeff Spinney, 126 Golden Ridge Road, Alna, ME 04535.

Dear Ms. MacNeil,

We are homeowners overlooking the Reversing Falls on the Sheepscot River. This became our home three years ago. We relocated from the Adirondacks of New York where we paddled and fished that region's lakes and rivers and appreciated its beauty and resources throughout the year. Our plan to relocate to Maine was to find the same characteristics and we were fortunate to find our new home in Sheepscot Village to be located at the remarkably pristine, beautiful and diverse landscape that is the watershed of the Sheepscot River. From our home perch, we observe an impressive collection of birds in the fields, water fowl, birds of prey, ocean going migrating birds, fox, deer, river otters, and other mammals through the seasons. The tides, mudflats, trees and abundant grasses provide prodigious opportunities for food, nesting and protective locations to these and other species that are here.

We paddle by kayak and canoe the watershed waters, those both of the Sheepscot and the Dyer River, a tributary to the Sheepscot. White water kayakers are drawn to the Reversing Falls during the tidal changes. We hike the conservation preserve areas in the Watershed area, and in winter, cross country ski and snow shoe our property and adjoining permissible lands on our road. Living here, the case is substantiated each day why the Sheepscot River is designated a Class AA river by the State of Maine, "...waters that are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance." (38 M.R.S.A. Sections 484 and 485.)

During our time here, we have not been aware of powerboat traffic. Chiefly during Striper season, an occasional outboard powered fishing boat will come up river at slow approaching speed to the falls where they stay below that natural barrier. On trips northerly in the watershed, we have not run into motorboat traffic. Specifically, we have not encountered fishing or recreational powerboat or Jet Ski models south or north of the Sheepscot Road Bridge.

I am also a volunteer steward for Bass River Falls, a Midcoast Conservancy preserve situated in Alna between Route 218 and the Sheepscot River. I have observed the tide effects at the preserve's point in the river and describe the current as swift moving at changeover from high to low tide, a very noticeable exposure of riverbank in low tide conditions reducing landing options, and a reduced navigation channel with rolling shoreline contours. Paddling skill or steering and speed handling skill with an outboard motor are necessary to hold position within the range of tidal changes and a meandering riverbank.

Specific Issues and Questions Related to the Application and It's Processing

1. As of this date, the available documentation of the permit application/approval process makes it difficult to understand the present permit "approved" condition and assess how significant the proposed installation would be to the Sheepscot watershed. To begin, we have been supplied with an approved permit application dated May 5, 2003 signed by Chairman of the Alna Planning Board granting approval for a small dock, ramp and float costing approximately \$ 100.00 for a temporary and seasonal use structure.
2. Based on the available record, there appears that no other permitting inspections, repairs or alterations during the sixteen-year period. We understand that no photos or other evidence have been provided to date in support of the application. The pending application refers "...to the proposed activity... is to modify an existing boat launch area on the Sheepscot River...." The description appears different from the originally permitted "...small dock, ramp and float." We request and recommend that in the absence of material such as photographs, there should be a site inspection by the code enforcement officer before considering action on the application, in to confirm whether there are non-conforming changes from the permitted condition. The findings could have a bearing on reliability of the information contained in the pending application.
3. We believe that the NRPA Appendix D. form is wrong with its statement that the application is for a common shared recreational pier, dock, or wharf. The Appendix was initially more accurately stated as being for a private recreational pier, dock or wharf. That statement was scrubbed out on the form.

The application specifies that the launch and dock be for the use of 25 club members. This is an expression of site control by lease, ownership or other agreement. Further, the private nature of use and control of the installation could change at any time by addition of members, by guest privileges, or private invitation events whether for monetary value or not. All and more possibilities are possible for the controlling entity with the benefits represented by the river project accruing to them, and the risk for diminution of the river as a public asset being borne by the greater community.

4. Elsewhere, the application describes a 25 member local hunt club that are the users and apparently controlling entity for the site, if not the entire acreage which by the way should be described in order to understand how the proposed project is situated within part of the larger property. The implied alternative as the controlling party is Jeff Spinney, or perhaps an unidentified party. This application is deficient in that the accountable party for the proposed construction and installation on a Class AA river is not clearly identified along with regular organization documents that should become available as part of the application, including identification of officers and their powers to act for the entity, lease or similar agreement for property access by the Club from the owner(s), financial statements, appropriate insurance coverage including the construction project, work and project management contracts and financial arrangements adequate for project completion to satisfy the undertaking.
5. The minimum congregation of power boats and vehicles and trailers in a private installation granted river access across the Natural Resource Protected area and Tidal Wetland areas begs the question that the entire facility should be evaluated for the impact that the entire facility may have upon the protected shoreline and waters. A census of the expected actual powerboat (by type), trailers and towing vehicles should be made as part of the evaluation of this application. The applicant should submit as part of the application a site plan displaying dedicated parking and storage areas for all wheeled vehicles – trailers with and without boats attached, trailer transport vehicles including those belonging to members. Storage of gas oil, and other flammable items should be identified. The collective impact of the vehicles should be assessed for the risk posed for the protected shoreline areas which one way or another, virtually all the vehicles will make contact with throughout seasons not including winter.

The facility's total impact in all respects upon the Natural Resource Protected area should be assessed in the permit process.

6. The transfer of invasive plants, shell fish, water insects and other threats by boats moving from affected water areas to another is well documented. This is a subject we sadly know well from Adirondack waters in spite of aggressive mitigation efforts over time. At our Adirondack lake, the battle against Milfoil after 16 years continues with measurable results; however, mitigation of the impact becomes the pragmatic goal, not eradication of the invasive. This is too great of a risk to take with the Sheepscot Watershed when the list of invasive pests continues also to grow. The application clearly becomes a risk factor in this regard.
7. The application suggests that silting and other erosion may be occurring at the present boat launch site. Particularly if found that the site has been in a non conforming site according to the absence of permit approvals, the

applicant should be directed to mitigate the current conditions and this application should be pended.

8. The proposed design will be a permanent structural fixture on the Sheepscot Watershed. For this condition as well as all other implications of this application, the Town of Alna Selectmen and Planning Board should be urged by DEP to formally inform and share all information with the Board of Selectmen and the Planning Board of the Town of Newcastle. The two towns share the Sheepscot Watershed and its Shore land Protection Districts. Jurisdiction in this matter cannot be settled by a road address, when the proposed project penetrates official Shore Land Zoning areas contiguous to two or more towns. Newcastle property owners and homeowners in the Sheepscot Watershed should not have rights abridged by another town's jurisdictional actions. DEP should make its best efforts to see that all property owners potentially affected by this application solely to the Town of Alna on the basis of a mailing address are offered the same opportunity to present their views and express the impact that this application will have on their property and lives.

From the standpoint of the Town of Alna's Shore Land Zoning Ordinance, there is no "dressing up" of the application as being "the same but better" than an earlier approved 10 foot square float. This is a significant sized, permanent installation within the approved Shore Land Zoning Boundaries for the Sheepscot River Watershed, in order to serve seasonal interests of up to 25 people, according to the application. Long established and enforced by not one but two town governments (though only one has been involved in the matter to date) through their Shore land Zoning Regulations, the Sheepscot River has never been threatened this way before to our knowledge.

The Sheepscot River Watershed is designated a Class AA by the State of Maine – "...the highest classification and shall be applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance." For the reasons that we are communicating here combined with those you have received from other concerned citizens that have learned about this threatened action in just the past few days, your office should offer the applicant the opportunity to withdraw the application and failing that, then the application should be denied for being inconsistent with the character, resources, and importance that the Sheepscot River Watershed provides to all.

Thank you.

Sincerely,



Paul M. Tenan



Julie N. Tenan

October 7, 2019

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333
(207) 446-4894
jami.macneil@maine.gov

Dear Ms. MacNeil:

I am writing to suggest that the DEP request resubmission of Mr. Jeffry Spinney's application (August 20, 2019) to "modify an existing boat launch area" on the Sheepscot River in Alna. As an abutter I received notice of intent to file and am responding both to it and to the application filed in the Alna Town Office. As submitted, the application is sufficiently incomplete to prevent the DEP from reaching an informed decision. It could have saved Mr. Spinney, itself, and many others considerable time and effort by asking for a "second draft" on receipt of the first.

My property, purchased in 1950 by my parents and starting just north of the power lines and opposite Mr. Spinney's property there, runs one and a third miles north along the east bank of the river. I have known the area and the river since childhood and, after my parents' death in 2002, have lived here part-time and then, since 2011, full-time. In 2009 I placed a conservation easement on the 250-acre property with the Maine Woodland Owners, on whose board I now serve. In both 1980 and 1999 my father was named Maine's Outstanding Tree Farmer of the Year.

Mr. Spinney and I have had a number of valuable conversations about his proposal, and he has made clear to me that he has no intention to "wreck" the river and this part of it; has no desire for "marina," "country club," or riverside gatherings and parties; values as much as I do the quiet and serenity of this place; will do what he can to limit the scale and scope of his proposed installation; and is open to reasonable compromises. And his woods and fields and overall site are gorgeous. All that is a great deal, and I salute him for the care he has taken to work with you, the Army Corps of Engineers, and the DIFW in advancing his proposal. Indeed, I told him that, assuming all the right "boxes" had been considered and checked, and in view of the investment of time all parties have in the project, I would expect the permit to be granted. I also made clear to him that I would rather the project, as proposed, not take place. As I have looked further into the project and the application, many questions have arisen for a reconsidered application to address.

1. **The exact nature of the project is not made clear.** Although the application speaks to the intention to “modify an existing boat launch,” the notice of intent to file says, “Dock and boat ramp repair work in shoreland zone.” At other points, in the application itself, seemingly in agreement with the notice of intent to file, are one passage indicating the activity as “Boat ramp, planking/pier/ramp alteration,” and another, “The existing pier, ramp, and float (located approximately 10 feet south of the existing ramp) has been at this location for approximately 20 years and used seasonally.” But only bare riverbank – and a riverbank float -- exists there today, and nothing has been there as of 2014. “Repair” or “alteration” cannot apply. In all, over the last 20 years, under half have seen some form of dock installation. So, must we consider the application as for something new?

2. **Prior permits were not submitted and may not even exist.** Research after submission of the application has uncovered a brief application for a permit in 2003 for a dock estimated to cost \$100, signed by the chair of the Alna planning board. The application includes no drawings, dimensions, descriptions of any boat ramp, indications of whether it is for personal or group use, or references to DEP permitting. Mr. Spinney has no copies of any such materials. The initial installation was at some point crushed and washed away by the ice; hence the second proposal, made in 2012. No record exists of an application in 2012 or approval of it, and Mr. Spinney has no copies of either. Perhaps because the planning board believed the new proposal to be no more than a sturdier installation of the first, no record of it was made and no application was asked for. On the basis of photos of the two installations, 2007 and 2012, the second appears considerably larger, includes a cut in the riverbank for a boat launch, and rests on piers, clearly intended to be permanent, that were sunk into the riverbank below the high-water line. Why no permit was required, submitted, or approved is not clear, not only because the dimensions were greater and permanent piers were sunk, but also because destruction of a permitted site requires a new permit if, as appears to be the case, more than a year has passed. Did the planning board visit the site? Certainly we have no drawings, dimensions, other indications of intended use, or references to the DEP. If group use was anticipated and provisions for a boat ramp added, those count as two new “uses.” Nothing in DEP records includes any permits for this site, 2003 or 2012.

3. **No full history of the projects on this site – 2003 on -- is included, preventing full understanding of the current proposal.** Mr. Spinney says in the application that the installation goes back 20 years, but the first permit was issued in 2003, and an aerial photo shows nothing even in 2004. My own first photo dates to 2007, and there is another shot showing a dock in 2010. I have yet another photo of a larger installation in 2012. The dock disappears by 2014, with nothing until the present. A

float now rests on the bank. We need a year-by-year account of the installation – dock, floats, boat ramp – and its use – personal, group -- since issuance of the 2003 permit. We also need to know how and how often the installations were used, whether for hand-carry craft, motorboats, jet-skis, etc. If the 2012 dock was crushed by the ice, was the cut for a boat ramp still used in the years to come? By Mr. Spinney? By members of the “club” (see below)? How often?

4. **The identity of the applicant is not clear.** The stated applicant is Mr. Spinney, but the benefits presented are for an LLC “club.” If this is an application for a “club,” it must come from the LLC. Are there provisions in the NRPA for LLC permits? I know that Mr. Spinney intends no harm to the river (even if we may not entirely agree on what “harm” might mean), but what does the LLC expect and intend? What role does Mr. Spinney play within it? Who are its officers and how are they selected? What are membership requirements? What are the dues, and the amenities and services promised for them? What plans exist for the club in the years to come? For that matter, when was the club established, and for what purpose? Where are the legal documents of organization? To what extent must it be considered “commercial”? What has its history been, and, specifically, in river access and use? Do members intend to bring motorboats on trailers down to the river as if it were Damariscotta Lake? What control does Mr. Spinney have over the 80 or so of its members (how many of them in fact are there?), now and in the years to come? Who decides the uses to which the installation will and may be put? Given the absence of ready public access to the Sheepscot and at either of the obvious locations of the villages of Sheepscot and Head Tide, membership in the club might well be expected to swell with those wishing to make use of well-conceived dock and permanent, cement boat launch – thereby creating yet greater pressures on a river never before so used. And, should the club meet with greater and greater success, it might well invest in an ever-greater range of activities on Mr. Spinney’s property. If the application is for Mr. Spinney, the scale of the project is out of keeping with need. If it is for the club, there are no guarantees for what in the future it might do with its permit. Which is it?

5. **The application omits all references to context and the project’s impact on it.** The NRPA specifically notes “the responsibility of the applicant to demonstrate that the proposed design does not interfere with existing scenic and aesthetic uses, and thereby diminish the public enjoyment and appreciation of the qualities of a scenic resource, and that any potential impacts have been minimized.”

From just above the village of Sheepscot to the river’s headwaters, there are no structures (other than the remains of the just-now opened Head tide dam and some

bridges). The river – its course set by the geological fault beneath it and as a subsidiary to the Norumbega Fault that marks the last continental collision with northeast America -- has, miraculously, retained the wild and free qualities of centuries past, the only buildings visible some largely 18th century homes peeking out over the river from the woodlands or in a few villages along the way (Puddle Dock and Head Tide especially).

The Sheepscot Valley Conservation Association (now Midcoast Conservancy) was founded some 50 years ago for the very purpose of holding onto this treasure. Ten years ago, in 2009, in conjunction with the Small Woodland Owners of Maine (now Maine Woodland Owners), and with the Maine DIFW as “agency sponsor,” it completed a multi-year project entitled “Heart of the Watershed” to protect the stretch three miles north of my south boundary line. The project, finally supported financially by some 17 state and federal agencies and numerous foundations and individuals, raised over \$1 million, Land for Maine’s Future prominent among the funders. Formal partners in the project included the U. S. Fish and Wildlife Service, Maine Atlantic Salmon Commission, Maine Natural Areas Program, the Nature Conservancy, Maine Audubon, and the Sheepscot River Watershed Council. The sponsors’ 2006 application to Land for Maine’s Future for funding to help match the 2004 grant from the Landowner Incentive Program managed by Maine’s Beginning with the Habitat makes clear just how distinctive this stretch of the river is.

John Gibson’s remarkable 2004 *Rivers of Memory – A Journey on Maine’s Historic Midcoast Waterways*, dedicates one chapter to kayaking just this stretch of the Sheepscot:

The west bank of the Sheepscot resides in the town of Alna now. I dig in with the paddle as *Merlin* and I make for the village at Head Tide. The river narrows further, and the banks grow higher. The countryside, except for the raised marsh that borders the stream, lies in thick woods. River, tall spartina marsh, and forest surround me with seemingly infinite shades of green. The scene is reminiscent of the west of Ireland. I pass under a power line, the only sign now of human presence. Scudding clouds of brilliant white run southeastward in a deep azure sky, the strengthening wind rolling them forward.

Yet, nowhere in the application or the agency-work done since is there any evidence of considering and addressing this unique beauty -- a beauty the NRPA was written to protect -- and the project’s potential impact on it. How ironic that the DIFW itself, an “agency sponsor” of the Heart of the Watershed, is said to have “passed” on the current proposal, and that the DEP, charged in Maine with managing and enforced the NRPA, even accepted the application without such evidence.

Moreover, if this legally required category of criteria is in this instance ignored, a precedent will have been set for allowing any landowner on the river to install docks and other structures that meet technical requirements alone.

6. **There is no evidence in the application of the project's visual impact.** No “visual impact” assessment – details for the preparation of which are carefully laid out by the NRPA --was performed. “Landscape compatibility,” “scale contrast,” and “spatial dominance” are the factors to be considered, most simply summarized as “the degree to which user or viewer expectations of a scenic resource will be altered.” The application addresses none of them. Mr. Spinney was quite right in demonstrating to me on Google Earth (not part of the application) that, seen from above, his second installation did not extend dramatically across the high-tide width of the river. The difficulty lay – and for the proposed dock, lies -- in dock's location on a point in a bend in the river, so that, from upstream or downstream, it appeared and would appear far larger and more dominant, and, all the more so with the proposed installation's longer dock. At low tide, when the river's width may only be 100 feet, the combined dock and floats – 40-to-50 feet from piers at river's edge, and largely over river bank – would appear to be even more dominant, and the floats, parallel to the shore, 32' in length, greatly out of scale as well. This says nothing about the look of a permanent cement boat ramp cut into the shore of a remote river. It also is worth noting Shoreland Zoning's strictures that size be no larger “than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.”

From another perspective, an expensive, large, carefully thought out dock and floats sitting on a few feet at most of low-tide water – with permanent cement ramp – only can be considered visually bizarre. For that matter, the river has silted up considerably since my own childhood in the 1950s, and it can be expected to do so yet more in the years to come. Moreover, water currents around a dock build up silt even more. A dock on dirt, some years hence, would be yet more laughable.

A far smaller installation, with a short dock and/or a float allowing launch of a canoe or kayak at high tide, would be more suited to the use of Mr. Spinney – and to the river.

7. **The application makes no reference to noise generated by the project.** This is of concern both to Mr. Spinney and to me and certainly figures within the scenic and esthetic qualities of the Sheepscot River. Mr. Spinney and I joke that we can hear each other mowing our lawns, and I even can hear voices of people in the clearing

down by the river at the proposed site. A narrow river valley with steep slopes captures and amplifies sound many times over. Heavy use of the river by the intended traffic of motorboats – or even of gatherings on the floats and the trucks launching the boats -- would prove an intrusion to both of us and others along it and constitute a substantial change in the river’s current remote and wild beauty. Mr. Spinney says that we can expect nothing more than what has existed over the last 20 years, but, as has been noted, the first dock only came after the permit was issued in 2003 (and exactly when did it go in?) and lasted only a few years, to be replaced by a newer version in 2012 that survived for two more. Over the last 20 years, a dock has been in place for well under half, and there was no permanent cement boat launch at any point to make river access easily manageable and, so, potentially increase traffic.

8. **The application does not speak to the impact of motorboat use.** Because of the river’s remote, quiet and scenic beauty, it has become increasingly attractive to groups of canoers and kayakers, sometimes many of whom come down the river in the course of a single day. Motorboats do not fit in, and the river is too narrow to let those intent on the river’s quiet beauty enjoy it. Should the club find the installation particularly appealing, in the near and distant future, and should its membership grow, the river would be subject to ever greater change of use and degradation. In the 70 years I’ve known this stretch of the river, only a handful of small motorboats ever have used it.

9. **The application fails to address the dock’s potential impact on riparian life,** including plants, fish, birds, animals, rare and endangered species. The 2006 application to Land for Maine’s Future notes, among other points:
 - a. That the Sheepscot is “one of only eight rivers remaining in the United States that supports a remnant population of wild Atlantic salmon.”
 - b. That it is a “top-quarter-ranked habitat as identified by USFWS Gulf of Maine Habitat Analysis.”
 - c. That this three-mile stretch of river falls within the Maine’s Beginning with Habitat Program, “is a highly desirable focus area.”
 - d. That the properties to be protected (my own one of them) are “the two most desirable conservation targets in this focus area.”
 - e. That the properties to be protected are “centrally located within a 2,450-acre roadless area as identified by Maine Natural Areas Program. They are two of

the largest properties in the watershed and are the two with the longest river frontage on the Sheepscot River.

The application is silent on these questions, including how the wakes created by motorboats affect riverbanks and their life, as well as any impact of dock on the hydraulics of a river moving rapidly around the narrow bend at which the dock is proposed.

10. **The application omits some possible alternative sites.** It rejects, for some sound reasons, alternate site number 2, on the old brickyards just south of the proposed installation. Indeed, a new road down the hill from the open field, while more direct in access, could cost \$20,000 and more, and would require a cut in the riverbank. But there can be no surprise that those brickyard owners decided to place it around the bend from the proposed site, since the water there is deeper, and the river soon opens out into the stretch leading to the village of Sheepscot. But if the club is to be the applicant (and allowed to be an applicant) and if members are contributing to the project's costs, these expenses might well be considered legitimate. Certainly, available dock use would be extended dramatically: Low-tide water depth at the proposed site does not even well support canoe or kayak travel. Mr. Spinney himself finds the brickyard a better place, ideally, for a dock. And, visually, a dock would be far less "visible" in the wider and more open topography south of the bend. None of this, of course, says anything about a recreational group's motorboat impact – scenery, noise, plant and animal life – but might make sense for canoes and kayaks.

Perhaps more importantly, nowhere in the application are yet other and yet better alternatives for easy river access for hand-carried and hand-powered craft considered, such as the villages of Sheepscot (at the Grange) or Head Tide (at the new dam installation). Perhaps the towns of Newcastle and/or Alna and/or the Midcoast Conservancy could make this possible?

11. **There is no stated indication of the role that the town of Alna and its planning board may play in the approval of the project.** Faced with an application incomplete -- from the perspectives of law, tradition, and common sense -- reaching a decision on a project with significant potential to damage one of the town's and region's greatest assets only can be considered problematic.

A new and more focused application can address and resolve these issues and provide the DEP with a sound basis on which to decide. There are better alternatives to consider.

Sincerely,

William A. Weary
293 North Dyer Neck Road
Newcastle, ME 04553

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, October 8, 2019 3:20 PM
To: MacNeil, Jami
Subject: RE: NRPA application, public comments (Part 3 of 3)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Holy Cow.....yes, this is a tremendous amount of info to sort through. The deed reference is indeed what i suspected and actually not for me. It is in the chain of deeds (it was the drive created by Angier's to the new home north of me for Carol Ervin/Bailey Bolen's property (which was split off from my property by the Angier's). That has NOTHING to do with me or my access to my property, so...

I'll hold off trying to respond until i see the rest of your comments.

Thanks,
-jeff

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Tuesday, October 08, 2019 2:54 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} NRPA application, public comments (Part 3 of 3)

Here are the rest of the public comments to date. If more come in, I will pass those along as well.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

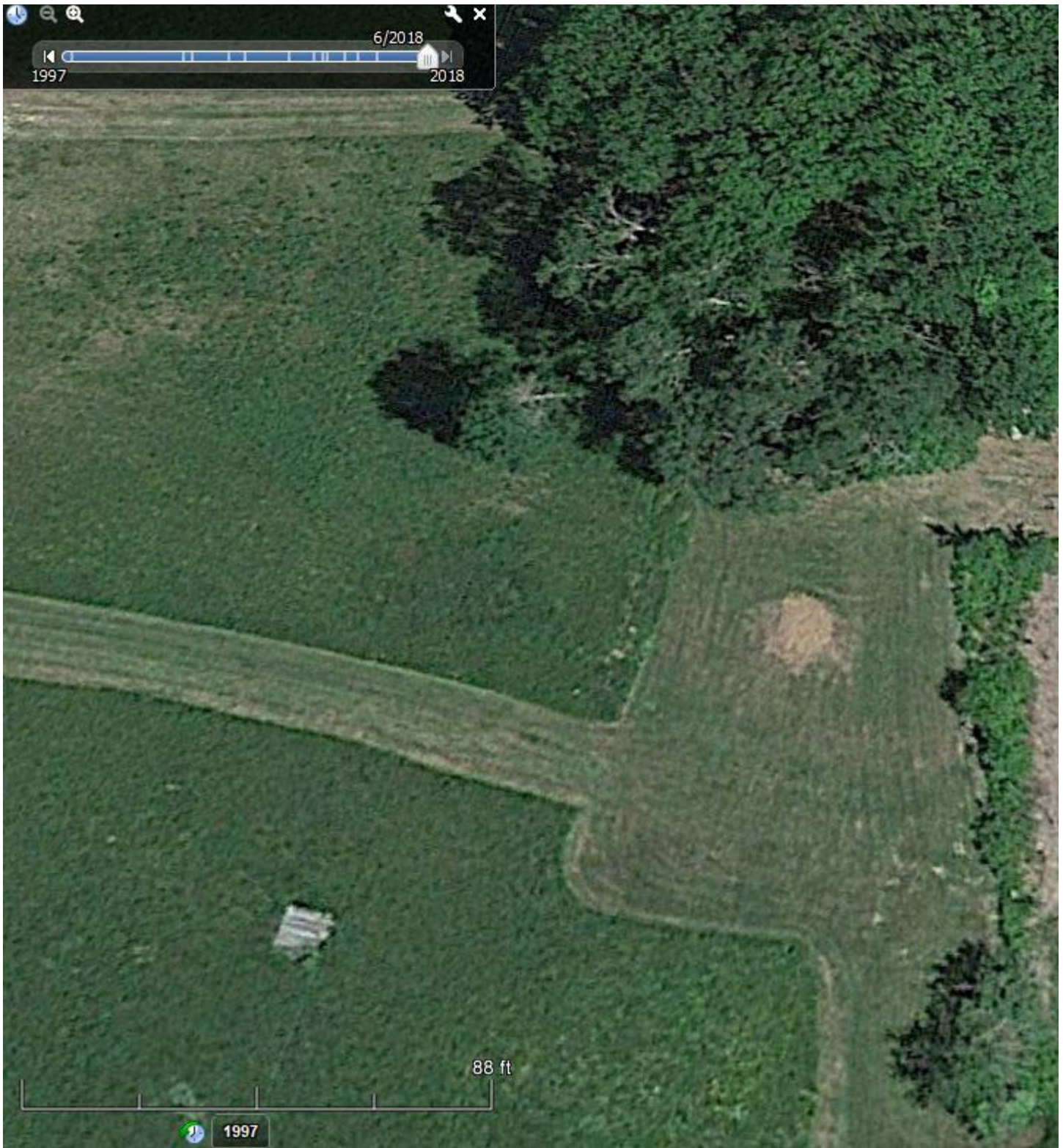
From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 9, 2019 10:53 AM
To: MacNeil, Jami
Subject: SnipImage.JPG

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi again jami,

I assume you and jay have common access to all this comments & stuff i am sending in, right? Or do i need to resemnd all of it to jay? Just confirming.

Please see the attached image and my note below.



Hi Jami, i read through all of the comments very late last night after a very exhaustive board meeting with lots of discussion and thought i would take a moment to provide some info for the record about the existing docks in the river segment between the reversing falls and my house.

I will get you a more comprehensive list of whats here when i get home, but here is a

great/easy example.

Martin Rd - dock w/ 17' skiff

Attached is a satellite image dated 6/2018 (per google) that shows a 17' skiff (open style motor boat) between my house and the reversing falls (North of the bridge).

Just glancing back at the permit from the recent files, it includes a 16' walkway, a 3x35' aluminum gangway and an 8x12 float.

A common theme in the comments is 'never seen a power boat' on this segment of the river, but as you can see they certainly do exist and its neither rare nor new use. The river is navigable for people who actually are from here, know the area, and actually use it.

In fact, just today i had a couple of other friends who are in their 50s who grew up and live locally in Sheepscot village area (just above from the falls) comment about how they used similar skiffs to the one shown here on the river up to my property all the time growing up from their dock on the dyer river in sheepscot and they cant fathom what the problem is.

At least one of them offered to write a public comment in response after seeing/hearing what is coming out of woodwork here. is that something you want? Is that appropriate or helpful?
Thank you, jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 9, 2019 11:04 AM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: SnipImage.JPG

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Ok, thanks. I'm sorry, i thought/assumed that you had some sort of shared workspace, my bad.

I'll try to cc you guys separately going forward.

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, October 09, 2019 10:57 AM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} FW: SnipImage.JPG

Jeff – I am forwarding your message below to Jay, but please cc him on items you send to me that you also want to go to him.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

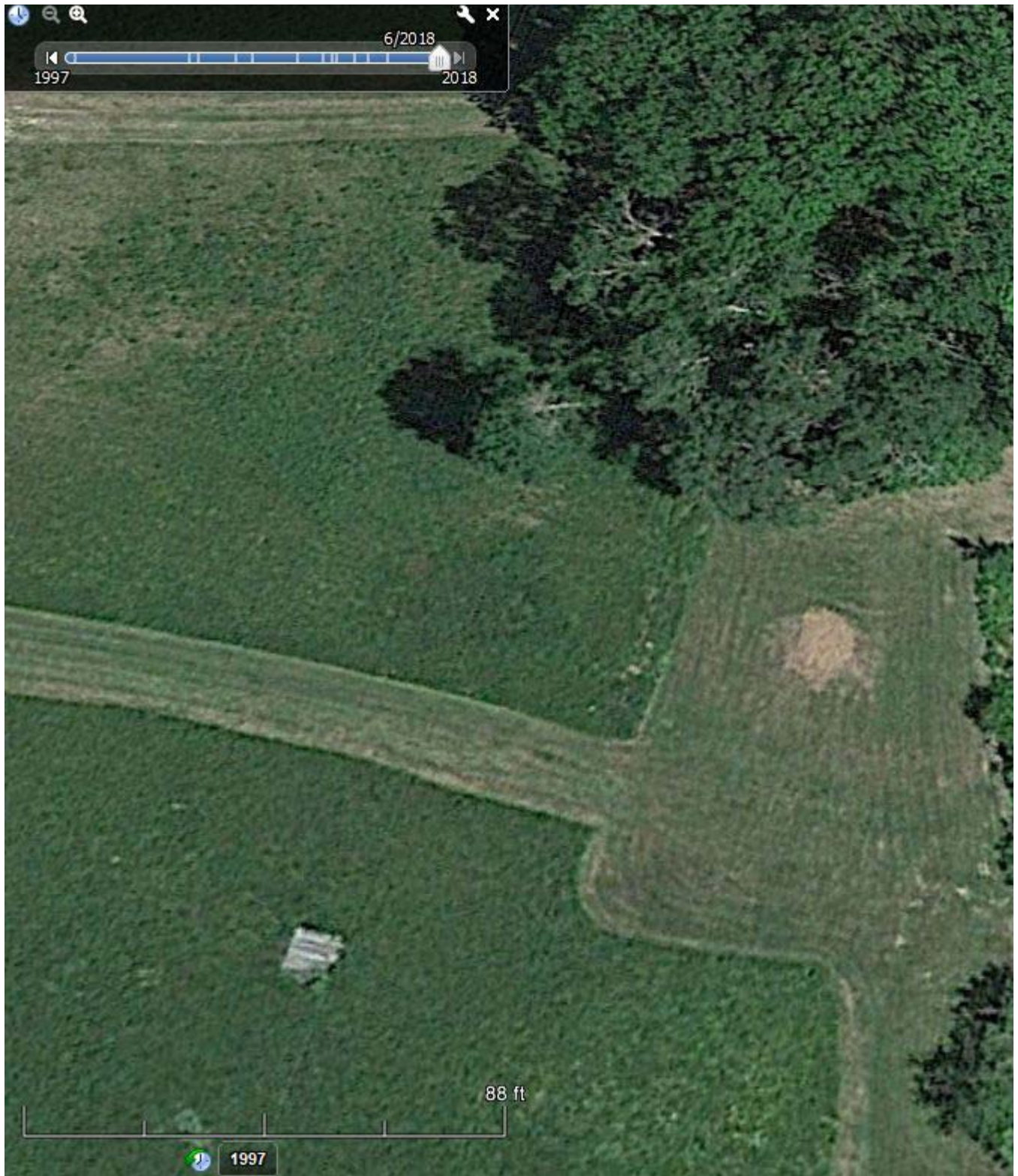
From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 09, 2019 10:53 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: SnipImage.JPG

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi again jami,

I assume you and jay have common access to all this comments & stuff i am sending in, right? Or do i need to resemnd all of it to jay? Just confirming.

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In fact, just today i had a couple of other friends who are in their 50s who grew up and live locally in Sheepscot village area (just above from the falls) comment about how they used similar skiffs to the one shown here on the river up to my property all the time growing up from their dock on the dyer river in sheepscot and they cant fathom what the problem is.

At least one of them offered to write a public comment in response after seeing/hearing what is coming out of woodwork here. is that something you want? Is that appropriate or helpful?
Thank you, jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Wednesday, October 9, 2019 9:58 AM
To: MacNeil, Jami
Subject: Re: RE: Philbrick ROW claim response

Follow Up Flag: Follow up
Flag Status: Completed

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Sure. Surprised the dept is even investing in that effort since this is such an obvious thing from several angles but absolutely if that makes sense. Have at it. Especially since i already told jeff p thats not my road.

I have a whole pile of other thingsi read through all of the items and prepped a ton of stuff last night...just waiting your list. If you have a draft you want to share, i might be able to save you some effort there. Just a thought.

I assume the basic clerical things in the app can just be fixed, the omitted 'a' in my lot number, actege (99 vs 120)thats a hold over from my okd tax map record stuck in my brain Sorry.

> On Oct 9, 2019, at 9:46 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>
> Hi Jeff -- Thank you for the information. I will share with the Department's lawyers.

>
> Best,

>
> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>
> -----Original Message-----
> From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
> Sent: Tuesday, October 08, 2019 10:45 PM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: Philbrick ROW claim response

>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> Jamie,
>

> Please find attached a map snippet showing the Reed Rd (my driveway, the former town road), and the Angier Rd (the one which Fred & Hope Angier created, in or about 1986 per the ROW agreement Philbrick cited.) As you can see, they are/were two different roads crossing the same Philbrick lot and even more confusingly, at one point in time owned by the same people.)

>
>

> Also find attached the Notice of discontinuance as well as the actual discontinuance article published in the town report which was then voted on.

>
>

> As a point of history, the former Reed Rd (named after Alonzo Reed) was used to access gravel pits further on my property (toward river, past my house) and the then owner of my house (Mosley) objected to that use and relied upon the public road to allow this until Mosley bought the property being accessed and quashed it in that way.

>
>

> In 2007, I had my lawyer draft up a discontinuance language & notice on behalf of the town and Dr. Philbrick (Allen's father, the actual owner of the property at the time that it crossed) was officially notified of this at his home in Canada (This is why i was familiar with sending certified mail to the address in Canada as you and i discussed.....see attached copy of notice).

>

> Ironically, the only person to object to this process at all was indeed Allen Philbrick.

>
>

> Depending upon how deep you would like to go on this, you can read the nuances of roads/ROWs in Maine and discontinuance here, it really is sort of fascinating once you dig in a ways:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdigitalcommons.mainelaw.maine.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1581%26context%3Dmlr&data=02%7C01%7CJami.MacNeil%40maine.gov%7C7fbe83a4813c48f28e4808d74cc0c154%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637062263070527610&sdata=h%2BTof8jJA4WMPnqUqQHjw%2Fx3E6ZQd1QELO1w9c2ovg0%3D&reserved=0>

>
>

> As you can see, there is no issue with respect to right of access to my property as is stated.

>
>
>

> Hope this helps clarify this aspect. Thanks, -jeff

>
>
>
>
>

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 9, 2019 9:11 AM
To:alnaclerk@gmail.com
Cc: MacNeil, Jami
Subject: Fwd: Philbrick ROW claim response

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Liz, Could you please pass the below to the selectman and ask that they respond officially to Jami MacNeil @DEP re: status of the former Reed Rd, its discontinuance, and therefore my ROW to my home. Thanks, jeff

Begin forwarded message:

From: "Spinney, Jeffry" <Jeffry.Spinney@LibertyMutual.com>
To: "MacNeil, Jami" <Jami.MacNeil@maine.gov>
Subject: Philbrick ROW claim response

Jamie,

Please find attached a map snippet showing the Reed Rd (my driveway, the former town road), and the Angier Rd (the one which Fred & Hope Angier created, in or about 1986 per the ROW agreement Philbrick cited.) As you can see, they are/were two different roads crossing the same Philbrick lot and even more confusingly, at one point in time owned by the same people.)

Also find attached the Notice of discontinuance as well as the actual discontinuance article published in the town report which was then voted on.

As a point of history, the former Reed Rd (named after Alonzo Reed) was used to access gravel pits further on my property (toward river, past my house) and the then owner of my house (Mosley) objected to that use and relied upon the public road to allow this until Mosley bought the property being accessed and quashed it in that way.

In 2007, I had my lawyer draft up a discontinuance language & notice on behalf of the town and Dr. Philbrick (Allen's father, the actual owner of the property at the time that it crossed) was officially notified of this at his home in Canada (This is why i was familiar with sending certified mail to the address in Canada as you and i discussed.....see attached copy of notice).

Ironically, the only person to object to this process at all was indeed Allen Philbrick.

Depending upon how deep you would like to go on this, you can read the nuances of roads/ROWS in Maine and discontinuance here, it really is sort of fascinating once you dig in a ways: <https://digitalcommons.maine.gov/cgi/viewcontent.cgi?article=1581&context=mlr>

As you can see, there is no issue with respect to right of access to my property as is stated.

Hope this helps clarify this aspect. Thanks, -jeff



Road

147

and appropriate

\$1,450.00

00.

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 10, 2019 2:45 PM
To: MacNeil, Jami
Cc: McPhedran, John
Subject: Re: invasive species program

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, appreciate the contact and info.

> On Oct 10, 2019, at 2:07 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> You can reach out to John McPhedran on this topic. I believe he primarily deals with freshwater systems, but he probably has some insights he can share. John is cc'd to this email.

>

> You may find these webpages helpful:

>

> <https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fwater%2Finvasives%2Finspect.html&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cbc3e340f80864ad3463f08d74db2023f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637063299250777004&sdata=ubKwg4gpl8zjDYe8tOcWuh%2FvDbm4CVFwsfOqieYROPw%3D&reserved=0>

>

> <https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fwater%2Finvasives%2Finvplan.html&data=02%7C01%7CJami.MacNeil%40maine.gov%7Cbc3e340f80864ad3463f08d74db2023f%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637063299250777004&sdata=QVhFB02hnSwle1q12riIQ5%2B1eRrTxdTj%2Bhn%2F7Ws6Aw%3D&reserved=0>

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>

> Sent: Thursday, October 10, 2019 1:27 PM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: ?

>

> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

> Hi jami.

>

> Does dep offer any guidance/framework on establishing an invasive species program? I have the 2019 maine courtesy inspector booklet already.

>

> Im looking to put something together

>

> Thanks, jeff

York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Thursday, October 10, 2019 7:44 AM
To: MacNeil, Jami
Cc: Spinney, Jeffry
Subject: FW: [Non-DoD Source] PBd Minutes
Attachments: PB Minutes 10-8-19.docx

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami:

Peter Tischbein from my office shared these minutes with me. Just in case you don't get them from Jeff.

Jay

Alna Planning Board Minutes

Date: October 8, 2019

Call to Order: 6:30 pm

Present

Members: Peter Tischbein, Beth Whitney, Tom Albee, Jeff Spinney,

CEO: Tom McKenzie

Public: Tucker Neale (business permit), Charles Culbertson, Thomas Aldrich, Al Monaco, Susan & Kinne Stires, Jonathan Gold*, Christy Joyce*, Bailey Bolen, Carol Ervin, Donna Flynn, Dick Picard, Paul Tena*, Cathy Johnson, Bill Weary*, William Balch*, Joan Belcher, William Wilbur, Jeff Philbrick (dock permit) * indicates Newcastle residents

Press: none

Minutes: Minutes of September 3, 2019 meeting accepted as presented

Business:

1. Tucker Neale - Business Permit for tree service & portable sawmill - This is a sole proprietorship, one-man operation. All work is off-site except what he mills for himself. Noise? Not at odd hours Traffic? None Parking? NA Sign? possibly at some point. Moved & seconded to approve the permit. We took his check for the permit fee. Beth will get the check to Liz Brown and send Tucker a letter indicating the approval of his permit.
2. Jeff Spinney - Status of dock/ramp permit that we had site visited several years ago. Jeff stepped out of his position as Planning Board Chair since this is his project. Peter Tischbein chaired the rest of the meeting and began with an explanation of his role with the Army Corps of Engineers. He had recused himself from being in charge of this project because of his involvement in Alna but he has been following the project's progress.

Jeff was asked to layout his plans and where he is in the process. He said that he is in the public comment phase of the Natural Resource Protection Act process. A number of letters with comments have been submitted by the public and many of those concerned with this project were at tonight's meeting. The rest of the process also includes the Army Corps of Engineers and the DEP along with various resource agencies, such as IF&W, who provide information for the permitting process. All of that is in addition to and independent of the Town of Alna's permit for work in the Shoreland Zone.

The plan: A dock & float were previously permitted and are already in place. Jeff wants to replace the current wooden structure with aluminum to the float and place precast cement planks for vehicles to drive on to protect the shoreline when boats are launched.

The structures are for his private use, which includes friends in an informal hunting club, estimated to be approximately 25 members. This does not mean that there would be 25 boats at one time.

Eighteen of Jeff's neighbors and fellow river dwellers (some of whom are Newcastle residents) were in attendance to voice their concerns about the project. Their concerns include: increased traffic on the river (traffic is allowed on a navigable waterway), increased noise from the increased number of boats (requested no jet skis), disruption of the natural resources and undesirable changes to the nature of the river.

One resident brought up that this shouldn't be done because the Sheepscot River is an AA classified river. That is the case but only the fresh water section, which extends just only as far south as Head Tide. The section in question is classified SA because it contains salt water. As these are water quality designations, the issue is not relevant to this discussion.

They were also very concerned that there be a public hearing on this permit. There probably will be but we are not to that stage yet. Jeff's application for the permit must be deemed "complete" before we will set that date.

It was ascertained that this will not be a marina. There will be no fuel station, no maintenance facility and no "commerce."

There was also concern that the cement planks for the boat launch would qualify as permanent structures, which are not permitted in the Shoreland Zone. Jeff has researched alternative, temporary designs such as roll out aluminum decking and removable concrete. It was the opinion of IF&W that the permanent structure would have a smaller impact and do less damage to the mud flat in the long run.

One resident was concerned about the rifle range on Jeff's property but that is unrelated to this permit application and, as such, is not relevant to this discussion.

Another resident asked: "Why are you really doing this?" and said she was trying to "read between the lines" because Jeff is going to an awful lot of trouble to put a couple of his buddy's boats in the water (paraphrase). She also asked: "What will this little thing turn into?" Why Jeff is doing is not relevant to our permitting process. It can't turn into something else easily because "change of use" turns this into a different animal and would require further scrutiny.

Due to a minor "records crisis," caused by a quick turnover of of Planning Board secretaries in the last few years and the recent move of the Town Office to its new location, we have not yet located Jeff's original application for the permit to do this project (submitted several years ago) and the meeting minutes that would refer to the findings of our site visit. Three members in attendance tonight (Tom, Pete & Beth) do remember the

site visit and that the project was in the process of being approved. We will continue to pursue the search for the pertinent records.

For the Alna Planning Board, Jeff will need to fill out a new local permit application and provide some drawings relating to his plans. We may or may not need to do another site visit as we have already been down there to see his river frontage.

Next Meeting: November 12, 2019 (The first Tuesday, 11/5, would conflict with Election Day.)

Adjourn: 8:18 pm

Respectfully submitted,

Beth Whitney
Planning Board Secretary

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 10, 2019 8:10 AM
To: Clement, Jay L CIV USARMY CENAE (US)
Cc: MacNeil, Jami
Subject: Re: FW: [Non-DoD Source] PBd Minutes

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks jay. Im out of state at work so im running a little behind.

One correction i do note after reading the minutes.

The river is technically class SB1 at this location and i am aware this is a water quality rating but its a common theme in the comments as ive read them.

Excerpted from http://www.krisweb.com/biblio/sheepscot_asc_meister_1982.pdf, page 9

"The river above tidewater is classed B1 unless otherwise classified. The main stem to the confluence of the West Branch is classified as B2. The West Branch from Branch Pond to the confluence is also Class B2. The Dyer River tributary is classified as B1 and the tidal waters of Alna and Wiscasset are Class SB 1."

So, my location is SB1 not AA.

On Oct 10, 2019, at 7:47 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

Jami:

Peter Tischbein from my office shared these minutes with me. Just in case you don't get them from Jeff.

Jay

York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Friday, October 11, 2019 1:56 PM
To: Spinney, Jeffry
Cc: MacNeil, Jami
Subject: RE: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is just from the Corps.

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Friday, October 11, 2019 1:52 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

Is this a combined list or is there another one coming from dep? Just curious as to the process/expectations. Im headed back up to my office right now to start in.

> On Oct 11, 2019, at 1:40 PM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> Jeff:

>

> As you are aware, the DEP and Corps have received a number public comment letters/emails on your proposed project. We are also aware that you recently attended a municipal planning board meeting at which the public raised a number of similar questions/concerns. As a result of our review of the comments received and the administrative record, the following specific information is required in addition to any rebutting comments before making a final decision on your application:

>

> 1. Please provide more detail on the intended use of the boat ramp and pier/ramp/float and explain how that differs from the existing use. What is the size, type and number of boats that use your property now and with the installations? If you care to comment on your observations of the prevailing vessel traffic in the river and its overall effect on navigation and the environment, please do so.

>

> 2. Please opine on your project's potential for obtaining local approval. My read of the shoreland zoning ordinance and that of several commenters is that a permanent pier/ramp/float is not allowed under the ordinance, only temporary structures. The status of the boat ramp is less well defined. Although this is the town's decision to make, Title 33 Code of Federal Regulations Section 320.4(j)(1) states that "... where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit... the district engineer will... deny the Army permit without prejudice..." I would not want to continue to expend valuable staff time on processing an application for which local approvals are not possible.

>

> 3. Invariably the Corps and the DEP only hear from project opponents. If you are aware of residents or perhaps your members who might choose to contact us with alternative views or additional information about the project area, please encourage them to do so.

>

- > 4. Please clarify the level of your 'club' membership and what their intended use of the facilities will be. More specifically, how many members do you currently have, how many might you expect, how many have boats, etc.
>
- > 5. What plans do you have for addressing accidental fuel or other contaminant spills on site? For example, will you maintain spill prevention and containment equipment on site?
>
- > 6. Like at state/municipal boat ramps across the state, will there be signage on site advising boat launchers to inspect and clean off their trailers, motors, and boats to prevent the spread of invasive species?
>
- > 7. Have any other alternative sites for club use been identified through local planning board discussions that are not already discussed in the permit application?
>
- > Please contact me if you have any questions.
>
- > Jay Clement
- > Senior Project Manager
- > US Army Corps of Engineers
- > Maine Project Office
>
>
>

York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Friday, October 11, 2019 2:25 PM
To: Spinney, Jeffry; MacNeil, Jami
Subject: RE: RE: Permit Application on lower reach of Sheepscot River

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The Corps would typically allow for 30 days in which to respond.

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
Sent: Friday, October 11, 2019 2:22 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: [Non-DoD Source] RE: RE: Permit Application on lower reach of Sheepscot River

Ok, that's fine/understandable. Is there a specific due date? Maybe it makes sense for me to address them all at once?

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, October 11, 2019 2:00 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} Re: RE: Permit Application on lower reach of Sheepscot River

Jeff - This list is from Army Corps but it contains many of the same questions DEP has on the project. If you cc me on your response, that will narrow our list. Unfortunately I can't get you our list until early next week due to supervisors being out. I will cc Jay when I do send it.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

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From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Friday, October 11, 2019 1:56 PM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

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Sent: Friday, October 11, 2019 1:52 PM

To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

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>

> 5. What plans do you have for addressing accidental fuel or other contaminant spills on site? For example, will you maintain spill prevention and containment equipment on site?

>

> 6. Like at state/municipal boat ramps across the state, will there be signage on site advising boat launchers to inspect and clean off their trailers, motors, and boats to prevent the spread of invasive species?

>

> 7. Have any other alternative sites for club use been identified through local planning board discussions that are not already discussed in the permit application?

>

> Please contact me if you have any questions.

>

- > Jay Clement
- > Senior Project Manager
- > US Army Corps of Engineers
- > Maine Project Office
- >
- >
- >

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Monday, October 14, 2019 10:30 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: looking for feedback on this visual
Attachments: InkedLines of visibility overlaid onto gmap_LI (2).jpg

Follow Up Flag: Follow up
Flag Status: Completed

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Jami & Jay,

I have been trying to come up with a visual depiction to help handle the concept of visual dominance/line of site issues. I located an 18" mooring ball in my garage and anchored it 51' off the shoreline at the dock location (admittedly approx. 5' short in terms of projected extension but at least it's a visual reference point and i was by myself doing it so hard to get exact placement of the anchor/mooring.)

Measuring, i found that the mooring ball is approx. the same height as dock floating in water, and i used one of my jon boats to get some photographs as to 'when it comes into view' from north and south at approx. mid tide. Attached you will see a google map overlay with what i would call the lines of visibility (the purple & yellow areas are the areas where you can see the dock from.

As you can see, since the dock is just South of the 'apex' of the point of land (coming from north) that and the corner/grass extending just north of dock limits the sighting starting from near end of bill weary's field. (east side of river) to directly across from the dock location.

From the south, the dock's visibility is limited by the point of land just to the south (bill weary's land) and you can see the mooring ball (simulated dock) from an area along my land to east of orange line as river curves north around corner.

Purple area is lines of visibility for dock float extended out into water.

The green lines are what i estimate the boat ramp visibility to be based on the same boat trips and my photos. The ramp, assuming it is flush (or nearly flush) with natural surface as i intend to make it is hidden by the grass & embankment on both north and south sides as the land has a 'curve' to it. I estimate the area of visibility (for the ramp only) to be the triangle to the direct East side of ramp between green lines.

Yellow area is lines of visibility of boat ramp when flush or near flush to terrain as planned. Of course you can also see the dock in the yellow area too in addition to ramp.

I have other some video and photos i can also supply if that helps....or just bring them up since they are exceptionally large and electronic transmittal might be tough.

Is this helpful? I know its not some super fancy 3d model, but frankly i believe as an engineer that it is just as since it is based on actual observations in the field.

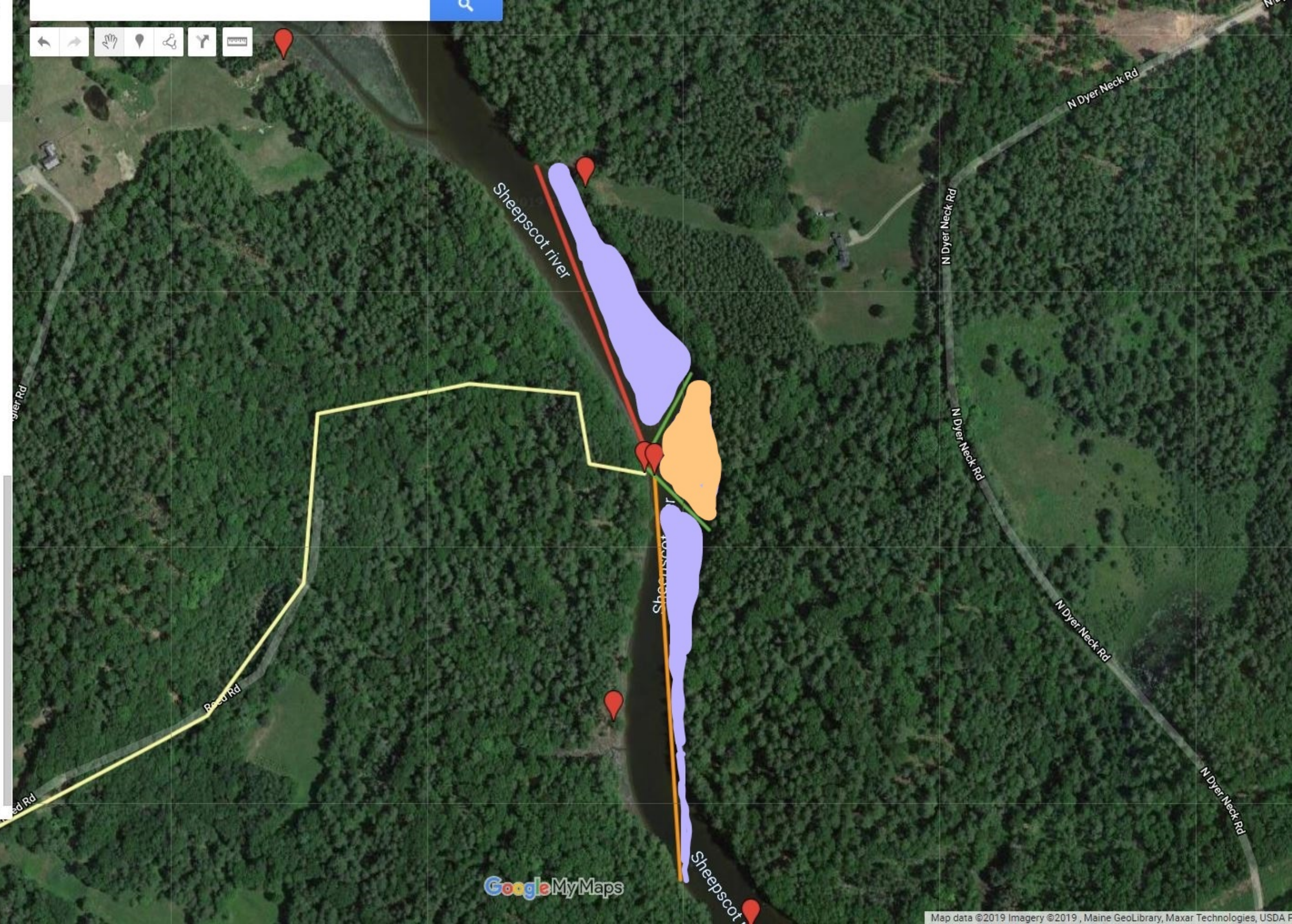
Please let me know. I should be around all day tomorrow, leaving country for a week or so Friday.

Thanks once again, jeff

All changes saved in Drive

Add layer Share Preview

- Pier, ramp, float - P Sherman
- Homeowners association - 1...
- Pier, 40' ramp, float 12'x30' w/...
- pier, ramp, float w/ boat store...
- Powerboat on mooring 20'
- private boat launch
- Old gravel pit launch - now cl...
- Villeneuve- pier, ramp, float p...
- Site of old paved community l...
- Betsy Hall (commenter. For...
- Float hauled out 20x10 - Gor...
- Old Darby aka Ring rock
- Old brick yard & loading pier r...
- sand beach - former commun...
- site of former shared dock at ...
- private launch area - Buddy D...
- former site fo Fred Marsh ho...
- Former Lockhead farm (burn...
- Culvert brook - navigable past...
- Duck blind
- Bass falls
- 18' speedboat at Lochead/Gr...
- Dock - Line of visibility from S...
- Dock - Line of visibility from ...
- 18" Mooring ball anchored 51...
- Ramp - line of visibility
- Ramp - line of visibility



York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Tuesday, October 15, 2019 1:41 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: pictures to go with visual aid
Attachments: From South_Moment.jpg; from north_Moment.jpg

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Im sorry that i forgot to attach these two fixed frame pics to my visual last night. My bad. They are fixed frames showing the moment/position where you can see the 18" buoy 51' off those shoreline.

The large buoy sticks out as it is bright white of course, and should serve as a reference for picturing the dock which as i mentioned is within 5' of the buoy for a nominal difference.





York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, October 15, 2019 12:04 PM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: Permit Application on lower reach of Sheepscot River

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Great, thank you.

I do appreciate all the stuff you guys are doing, this must be maddening to you guys especially on a big project. We are floored just seeing the junk come out of the woodwork and the bizarre/factually wrong things coming in as comments of objection.

-jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Tuesday, October 15, 2019 11:29 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: Permit Application on lower reach of Sheepscot River

Hi Jeff,

The Department has determined that you have sufficient title, right, or interest to conduct the project, so you do not need to respond further to the ROW claim.

For clerical errors, we will look for a simple statement from you acknowledging the typo(s) and clarifying the correct information, just for the record.

I will get you a list soon of the items to which we'd like a response.

Thanks for your patience,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Friday, October 11, 2019 2:49 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: RE: Permit Application on lower reach of Sheepscot River

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Jami,

What about the false ROW (or lack of ROW i guess it was) claim that Philbrick made? Are we all set with that?

What about clerical errors on my forms (things totally my fault like accidentally dropping the a of my lot number, using the 120 instead of 99acres, etc)

What about the other factually wrong info in these comments/claims? How is that handled, do i need to expect to rebut that stuff?

I am trying not to overwhelm you guys/the process. , just trying to figure out what the right level of participation for me is here.

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, October 11, 2019 2:00 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} Re: RE: Permit Application on lower reach of Sheepscot River

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-Jami MacNeil
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(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Friday, October 11, 2019 1:56 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

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This is just from the Corps.

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]

Sent: Friday, October 11, 2019 1:52 PM

To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: [Non-DoD Source] Re: RE: Permit Application on lower reach of Sheepscot River

Is this a combined list or is there another one coming from dep? Just curious as to the process/expectations. Im headed back up to my office right now to start in.

> On Oct 11, 2019, at 1:40 PM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> Jeff:

>

> As you are aware, the DEP and Corps have received a number public comment letters/emails on your proposed project. We are also aware that you recently attended a municipal planning board meeting at which the public raised a number of similar questions/concerns. As a result of our review of the comments received and the administrative record, the following specific information is required in addition to any rebutting comments before making a final decision on your application:

>

> 1. Please provide more detail on the intended use of the boat ramp and pier/ramp/float and explain how that differs from the existing use. What is the size, type and number of boats that use your property now and with the installations? If you care to comment on your observations of the prevailing vessel traffic in the river and its overall effect on navigation and the environment, please do so.

>

> 2. Please opine on your project's potential for obtaining local approval. My read of the shoreland zoning ordinance and that of several commenters is that a permanent pier/ramp/float is not allowed under the ordinance, only temporary structures. The status of the boat ramp is less well defined. Although this is the town's decision to make, Title 33 Code of Federal Regulations Section 320.4(j)(1) states that "... where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit... the district engineer will... deny the Army permit without prejudice..." I would not want to continue to expend valuable staff time on processing an application for which local approvals are not possible.

>

> 3. Invariably the Corps and the DEP only hear from project opponents. If you are aware of residents or perhaps your members who might choose to contact us with alternative views or additional information about the project area, please encourage them to do so.

>

> 4. Please clarify the level of your 'club' membership and what their intended use of the facilities will be. More specifically, how many members do you currently have, how many might you expect, how many have boats, etc.

>

> 5. What plans do you have for addressing accidental fuel or other contaminant spills on site? For example, will you maintain spill prevention and containment equipment on site?

>

> 6. Like at state/municipal boat ramps across the state, will there be signage on site advising boat launchers to inspect and clean off their trailers, motors, and boats to prevent the spread of invasive species?

>

> 7. Have any other alternative sites for club use been identified through local planning board discussions that are not already discussed in the permit application?

>

> Please contact me if you have any questions.

- >
- > Jay Clement
- > Senior Project Manager
- > US Army Corps of Engineers
- > Maine Project Office
- >
- >
- >

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 16, 2019 9:28 AM
To: MacNeil, Jami
Subject: batch 1 of emails in case you don't have already
Attachments: {EXTERNAL} Fwd: Sheepscot River; {EXTERNAL} Fwd: Letter of Support; {EXTERNAL} Fwd: Sheepscot river trailer access; {EXTERNAL} Fwd: Hello; {EXTERNAL} Comment letter; {EXTERNAL} Support of Jeff Spinney; {EXTERNAL} Fwd: letter about sheepscot river; {EXTERNAL} Fwd: Sheepscot river letter

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Jami,

I think these all went to Jay, but not to you.

Thanks,

-j

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 16, 2019 10:17 AM
To: MacNeil, Jami
Subject: RE: batch 1 of emails in case you don't have already

Follow Up Flag: Follow up
Flag Status: Completed

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ok, some of these guys are not to adept at email or even computers so I'm just making sure.

Did the pictures/visuals i sent help to help to demonstrate the out of place/landscape dominance portion of things? I have videos & some others i have been working on as well....as well as a google map showing all of the structures/things/places with pictures embedded. I have many other videos, pictures, etc...even some old photos i have been working on to try and adjust under the new conditions.

<https://drive.google.com/open?id=1MKT7vOb8jPFpJ6FaAI703kOVm1g&usp=sharing> -- google map: I launched a jon boat and did a quick river survey from above my house to a ways below falls. I then cross referenced all the permitted structures where i could and added notes on that. I then also added in some reference points to allow you to see places people were talking about in their letters and such.

I tend to be overwhelmingly thorough, so I'm trying not to overload you but at the same time provide enough info. Tell me anytime if you have enough. ☺

-jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, October 16, 2019 9:52 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} RE: batch 1 of emails in case you don't have already

Thank you Jeff. Jay did forward these, and Mr. Trask sent his to me as well as Jay.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 16, 2019 9:28 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: batch 1 of emails in case you don't have already

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami,

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-j

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Wednesday, October 16, 2019 12:32 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: Permit Application on lower reach of Sheepscot River
Attachments: Full float with cheesy ramp and posts marked up.jpg; IMAG0170.jpg

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I was doing a little crafty reuse of some photos the other night. I have attached the original photo as well. This photo is from July 31, 2012 showing the dock with one float in.

In my edited photo, i extended the dock to include its remaining sections and removed the pier/ramp and added a alum gangway ramp. I suspect that the two HAT posts with gantry cross will actually sit back a little further (even with trees) at edge of bank but i had to work with this old photo and did best i could to simulate without skewing the scale. The boat ramp is a bit obscured due to angle and where the old pier was in original image, which only illustrates the point that you wont be able to see it from much more than i would estimate a 45 degree offset either way.

I couldn't find a suitable ramp 'image' that would fit scale/orientation of photo without disrupting the original photo and dock placement, so just drew one in.

See attached,

-j

Actual photo used as base taken by Bill Weary circa 2012. Floats in same position. Simulated full set of floats for complete picture/visual impact. Old pier removed for simulation and replaced with ramp and HAT line posts per plans.



HAT Line posts with gantry lift point for ramp removal per plans

point helps obscure from upstream

actual aluminum ramp will not be yellow. will be aluminum color ;)

ramp assumed to be at same/current ramp attachment point



York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 16, 2019 12:50 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: Permit Application on lower reach of Sheepscot River
Attachments: Orig Dock 3 sections.jpg; Satellite view with 3 floats in.JPG; IMAG0168.jpg

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And another couple of photos. In these, i touched up the floats but left the original pier/ramp. Original photo attached for ref.

This is mainly to illustrate the location in river relevant to width (compare with the other photos i had with mooring ball in my interactive google map).

Again, as with other example you cannot see the boat ramp from this angle due to grass to the north of it.

-----Original Message-----

From: Spinney, Jeffry
Sent: Wednesday, October 16, 2019 12:32 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: Permit Application on lower reach of Sheepscot River

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I couldn't find a suitable ramp 'image' that would fit scale/orientation of photo without disrupting the original photo and dock placement, so just drew one in.

See attached,
-j

Photo courtesy of
Bill Weary, 2014

Oak tree overhang
from bank

8x32 floats

Replaced with
Aluminum ramp
of same total
length from shore
to floats







York, Marylisa

From: MacNeil, Jami
Sent: Wednesday, October 16, 2019 3:18 PM
To: Spinney, Jeffry
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: Spinney permit application: Questions/issues to address

Hi Jeff,

Based on the public comments received and on the Department's review so far, below is a list of questions to which we would like you to respond. The first seven items generally echo the questions raised by Army Corps. Please give particular attention to item #4(b), as the issue of shared use is important to the Department's decision. Similar to the Corps, we request your response within 30 days (by November 15, 2019).

1. Many of the public comments focus on the impact of motorized boats on existing uses (i.e., canoes and kayaks) and quiet enjoyment of the resource. Please describe your experience/observations of the use of motorized vessels on this stretch of the river. Elaborate on the existing use of the current launch site – how many boats are typically launched here and how often? How will that change if the permanent launch is installed?
2. Shoreland zoning concerns. The local review is a separate process from the NRPA review, but if the project design is likely to change as a result of local ordinances, it would be best to address those changes now while the NRPA review is active. Is it likely that the pier design will need to change to an entirely temporary design to meet Shoreland Zoning standards? If so, please provide a revised plan to reflect the change. If uncertain, please comment on the timeline of the local approval process and the likelihood of the project being modified or denied at the local level.
3. The Department has received several letters of support for the project. If you have others, feel free to submit them.
4. Commenters are concerned about the limited information on the potential users of the boat launch.
 - a. Please elaborate on the number of club members, how many are expected to use the boat launch, the structure of the organization, potential for number of users/club members to increase, the size and number of vessels that will use the site, and where vehicles and trailers will be parked. Ideally, we would like to see bylaws for the organization that specify the rules of access.
 - b. The Department is also concerned about the informality of the shared use of the boat launch. Without a formal agreement for access by a specified group of people, you could decide at any time to refuse access to all others and simply use the ramp as a private access point. Would you be willing to grant an easement for members of your recreational club to access the launch? If so, we will need to see the draft language for the easement agreement. Recording it in the registry of deeds would be a condition of the NRPA permit.
5. How will fuel and oil spill prevention/containment be achieved?
6. How will the project minimize the risk of introduction/spread of non-native species? Will there be signage about inspecting/cleaning boats, trailers, and vehicles, similar to that at public launch sites?
7. Please address the feasibility of each of the existing access points listed below as an alternative to the proposed permanent boat ramp:
 - a. Head Tide Dam
 - b. Bass Falls Preserve
 - c. Sheepsfoot Village
 - d. Wiscasset
 - e. Kings Mills
 - f. Coopers Mills
 - g. Drucker Preserve

8. Can you confirm that any stockpiles of fill, sediment, rocks, or other construction materials will be located greater than 25 feet from the resource, and surrounded by sediment barriers if left in place for multiple days during which precipitation is predicted?
9. Some commenters noted inaccuracies or alleged inaccuracies in the application. Please clarify or respond for the record:
 - a. Lot # given in project description is incorrect
 - b. Lot size (120 ac) is incorrect
 - c. The river current is strong at the project site, not “protected energy/low energy”
 - d. The public notice stated that the application is for, “Dock and boat ramp repair work in shoreland zone,” but no boat ramp currently exists.
10. If any material is removed from the intertidal zone and deposited elsewhere, this will constitute a dredge and will require additional information and review. However, if the native material within the footprint of the proposed boat ramp will be graded but not removed from the coastal wetland, it will be considered regrading rather than dredging, and will not require additional information. Please confirm which method will be used.

We note that you have provided a response and additional information regarding visual impact, and the Department is currently reviewing that response.

Let me know if you have any questions regarding the above.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 17, 2019 11:24 AM
To: Clement, Jay L CIV USARMY CENAE (US)
Cc: MacNeil, Jami
Subject: Re: RE: Dredging?

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That is what i thought prior to the conversation with Jami yesterday.

I have a ton of upland Non wetland property where i can safely dispose of any material, spread it out, dewater, whatever is appropriate. i even have a gravel pit i could put it in if thats better and it couldnt escape. :) Just looking for guidance on best practice from the experts. I dont want to be forces to spread it out or grade it unnecessarily at the site, nor do i want the site to be less visually pleasing by being built up unnecessarily.

This is mostly ditrious material that will effectivly undermine the base causing need for future repair i imagine.

> On Oct 17, 2019, at 10:46 AM, Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil> wrote:

>

> This is not dredging in our view. While some minor 'excavation' may be necessary to facilitate the installation of the ramp, that is not the same as dredging. Talk of 'off shore disposal' is not applicable. I believe Jami's point is that any excavated material should be removed to the upland, properly stabilized so that it doesn't re-enter the waterway, allowed to dewater, and then place somewhere that is not in a wetland or other waterway.

>

> -----Original Message-----

> From: Spinney, Jeffrey [mailto:Jeffry.Spinney@LibertyMutual.com]

> Sent: Thursday, October 17, 2019 10:24 AM

> To: Jami MacNeil <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> Subject: [Non-DoD Source] Dredging?

>

> Hi jami & jay,

>

>

> I was mulling over the DEP statement that removal of *any* displaced muck (displaced by the placement of the stone base) from the ramp site between low and high tide line constitutes dredging.

>

> Blocked<https://www.maine.gov/dep/land/nrpa/fsdredg.htm>

>

> Looking at the above, it seems to discuss dresging as being below the low tide line. I do see where upland disposal is an alternative to offahore dumping. But that bit of language seems to be the only thing that is even remotely similar.

>

> I borrowed that concept/language off of another approved boat launch (done by state/if&w i believe it was) permit i was given as a referance when i started this process, so it seems somewhat inconsistent that we are now saying it constitutes dredging.

>

> I dont want to be in a position of having to build the ramp higher than necessary as i had intended it to be even with natural terrain that also enables it to be visually more appealing. I am not looking to remove any material at all below low tide line.

>

> Can you provide me with some more detail as to the stance? Is this true for army corps too? (The notion that This is dredging) Or just DEP? If not, How can they have different definitions of such a basic thing?

>

> Literally the definition reads:

> erb

> gerund or present participle: dredging

>

> 1.

> clean out the bed of (a harbor, river, or other area of water) by scooping out mud, weeds, and rubbish with a dredge.

>

> *

> bring up or clear (something) from a river, harbor, or other area of water with a dredge.

>

>

>

>

>

> Dredging is the removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies. It is a routine necessity in waterways around the world because sedimentation—the natural process of sand and silt washing downstream—gradually fills channels and harbors.

>

>

> I am not cleaning out or making bigger/deeper a channel. i am displacing/replacing Material between low and high tide with an almost identicle volume of alternate material and properly disposing upland to keep out of waterway.

>

>

>

> If this is another one of those internal DEP memos/rules, please provide so i can hve a look as it really makes no sense.

>

>

> Thank you,

> Jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 17, 2019 11:29 AM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: Re: RE: Dredging?

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Ok. Thanks. Im just trying to do the right thing here.

There is no eelgrass which is subtidal anyhow here, i suspect that the intent and the wording dont quite line up here.

If we are just going on wording of intertidal area, then again i would argue that dredging has an intent to remove and not backfill(displace). We are displacing one material for another in the normal course of construction.

Dredges do not dump different mayerial back into harbors after they remove material.

> On Oct 17, 2019, at 11:18 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Jeff,

>

> I need to consult more with others on how the Department views this activity. However, I will point out that the NRPA statute defines "dredge spoils" as "sand, silt, mud, gravel, rock or other sediment or material that is moved from coastal wetlands," and Chapter 305 (PBR) section 18 defines "dredge" as "to move or remove, by digging, scooping, or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface." The NRPA issue profile you linked to specifically states, "The dredging of intertidal areas, or of areas with submerged subtidal vegetation (e.g. eelgrass), is generally not approved."

>

> There is no mention of the size of the project or the location of the project above or below mean low water.

>

> I agree with Jay that off-shore disposal is not applicable and proper upland disposal is desirable, but it may require additional application forms and review by BRWM. However, I will look further into precedent for boat ramp projects and get back to you.

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> Sent: Thursday, October 17, 2019 10:45 AM

> To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

> Subject: RE: Dredging?

>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
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> This is not dredging in our view. While some minor 'excavation' may be necessary to facilitate the installation of the ramp, that is not the same as dredging. Talk of 'off shore disposal' is not applicable. I believe Jami's point is that any excavated material should be removed to the upland, properly stabilized so that it doesn't re-enter the waterway, allowed to dewater, and then place somewhere that is not in a wetland or other waterway.
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> Sent: Thursday, October 17, 2019 10:24 AM
> To: Jami MacNeil <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
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> Hi jami & jay,
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> I was mulling over the DEP statement that removal of *any* displaced muck (displaced by the placement of the stone base) from the ramp site between low and high tide line constitutes dredging.
>
> Blocked<https://www.maine.gov/dep/land/nrpa/fsdredg.htm>
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> Looking at the above, it seems to discuss dredging as being below the low tide line. I do see where upland disposal is an alternative to offshore dumping. But that bit of language seems to be the only thing that is even remotely similar.
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> I borrowed that concept/language off of another approved boat launch (done by state/if&w i believe it was) permit i was given as a reference when i started this process, so it seems somewhat inconsistent that we are now saying it constitutes dredging.
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> bring up or clear (something) from a river, harbor, or other area of water with a dredge.
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> Jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 17, 2019 12:30 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: responses to the low hanging fruit questions
Attachments: Spinney DEP.pdf; drive-download-20191017T160114Z-001.zip; drive-download-20191017T161533Z-001.zip

Follow Up Flag: Follow up
Flag Status: Flagged

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Just sitting here reviewing the combined list of questions, im going to try and do this in two batches; the simple or already addressed ones and then in a later batch the more complex ones.

So, to start here are answers to what i see as the first set, less complex or already addressed questions from both departments:

1.) - will respond later in detail

2.) (Corps version) Please opine on your project's potential for obtaining local approval. My read of the shoreland zoning ordinance and that of several commenters is that a permanent pier/ramp/float is not allowed under the ordinance, only temporary structures. The status of the boat ramp is less well defined. Although this is the town's decision to make, Title 33 Code of Federal Regulations Section 320.4(j)(1) states that "... where the required Federal, state and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit... the district engineer will... deny the Army permit without prejudice..." I would not want to continue to expend valuable staff time on processing an application for which local approvals are not possible.

2. (DEP version) Shoreland zoning concerns. The local review is a separate process from the NRPA review, but if the project design is likely to change as a result of local ordinances, it would be best to address those changes now while the NRPA review is active. Is it likely that the pier design will need to change to an entirely temporary design to meet Shoreland Zoning standards? If so, please provide a revised plan to reflect the change. If uncertain, please comment on the timeline of the local approval process and the likelihood of the project being modified or denied at the local level.

Answer: if you take a look at my interactive google map, you will see that Alna (and Newcastle) both have several structures similar in nature to mine on the Sheepscot river. Ramp/Float systems anchored to the shoreland with 'permanent' piles. In fact, In Alna there are even 4 fairly substantial, permanent piers or wharves (in the traditional coastal Maine sense of the words). (Colby, Villeneuve, Buddy Davis, Boyle). Also permitted are haul out ramps (Barth/Conboy, Boyle that I have noted on my map)

Here is a list (moving north to south) you can use to refer to my map if so desired: 0.5) Barth/Conboy (permitted launch/haul out ramp - perm structure) 1.) Hanna 2.) Cheney (floats currently removed as seen in map but it was

supported by piles on upland bank) 3.) Peele 4.) Whittimore 5.) Buddy Davis (this is ramp float secured to the old stone wharf at falls) 6.) Colby 7.) Boyle 8.) Villeneuve (and not that it matters, since these are in Newcastle on opposite side of river, but for completeness 9.) Keyes and 10.) Mook just as a matter of showing how prevalent this is on river.)

In addition, Alna has also recently permitted permanent structures in/over Trout brook (train trestle with permanent pier support structures on both sides of river) as well as Pinkham pond (upland support structure for seasonal float).

Ultimately, I think you can see that my request is certainly within the reasonable bounds of our Shoreland zoning approvals.

If you only look at the cursory table as i suspect the commenters have, you see the obvious line 17 that says no permanent piers. If you carefully observe, you will see line 16 structure 'accessory to allowed use', in addition to that line you see line 23, "public and private recreational areas involving minimal structural development" which is also allowed.

Not looking beyond the table at all, i could make a claim that this meets one or both of those criteria.

Now, if you carefully read our actual ordinance and not just stop at the table, you find the text "" All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map."

So, this essentially indicates that the table may not be comprehensive, see the actual ordinance text for further detail.

Section 15, page 19/20 in our ordinance elaborates to say:

"C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond (Waterward) the Normal High-Water Line of a Water Body or Within a Freshwater Wetland because of a Functional Water Dependent Use

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland shall be converted to residential dwelling units in any district.

New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board 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.

Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure."

In conclusion on this question, given that the planning board (several different sets of people actually sitting on boards) has site visited the site no less than 3 times over the recent years, and again finally just before giving me the go ahead to proceed with the NRPA application in 2016 and followed up by yet another CEO visit/discussion (Sept 19, 2019) with me on site as part of the NRPA review process by town, i see no reason that this will not receive the final approval as planned once we come to completion with the NRPA permit process, just as the other NRPA permits for structures in shoreland zone within Alna have. In fact, the town CEO, responsible for enforcement of our ordinances at the town level already replied back to DEP after that visit stating there is no reason that this cannot go ahead as planned. (see attachment).

In terms of timeline, once approved NRPA is in hand, i will have this put on the next agenda (monthly) for (final) review & approval.

Question #3 -- i believe you both have received a number of responses of support/clarification of the use of powerboats on the Sheepscot river. Please let me know if you want more.

Question #4 -- will respond later

Question #5 - i grew up in Southport and have worked at marinas (including pumping fuel) and such all of my childhood. In truth, i had not thought of fueling here as being an issue since it is not a marina and expected for day use only. Wodl not anticipate fueling to be an issue, but nonetheless it is trivial to acquire and i would be willing to do so, an emergency spill kit similar to https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.newpig.com%2Fpig-spill-kit-in-5-gallon-high-visibility-economy-container%2Fp%2FKIT2200%3FcouponCode%3DPLAFLEECE%26clid%3DEAlaIQobChMIsrOUi9Kj5QIVV9yGCh2tiw44EAQYBSABEgJ0lfD_BwE&data=02%7C01%7CJami.MacNeil%40maine.gov%7C1e61b5f8e26a4868a1ce08d7531f4d8b%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637069266669289274&sdata=labq5V%2BXqWTr7IHUaCK6ov8TXZUBm%2BagLqxxmM7Inkc%3D&reserved=0

We used to keep these handy at the yard, and since it's in a sealed bucket could be left outside/on site for access as needed.

Question #6 - I had already reached out to John Mcphedran at the DEP. I was then directed to Karen Hahnel at the DEP and we had a lengthy conversation about the site and invasive species. Since the DEP said it is 'possible' that an invasive species could survive in tidal water, we opted to have them send me the signs just to be safe.

We then discussed best placement and i will be placing it at the launch site in plain visible site to anybody launching. Will also bring it up as part of the formalization of the club paperwork.

I will attach a picture as well as i received the sign the other day. See attached zip file. I can also fwd. the emails if you like, let me know.

Question #7 - (Army) Have any other alternative sites for club use been identified through local planning board discussions that are not already discussed in the permit application?

(DEP) 7. Please address the feasibility of each of the existing access points listed below as an alternative to the proposed permanent boat ramp:

- a. Head Tide Dam
- b. Bass Falls Preserve
- c. Sheepscot Village
- d. Wiscasset
- e. Kings Mills
- f. Coopers Mills
- g. Drucker Preserve

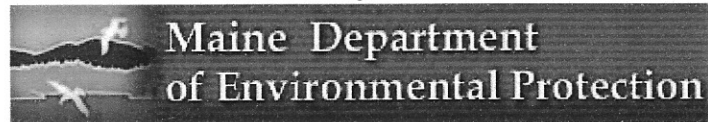
Answer: In my interactive map google map, i have outlined all of the old trailer sites which have now been closed off (Wiscasset, old Newcastle pit ramp, old Sheepscot post office paved ramp, my ramp). My ramp is the only one still in any way useable as a small boat trailer ramp. We have looked at all properties along the river for several years, and they are all locked up either in conservation or private holdings and not accessible. My property is the only available location in this river segment for such access. Allowing us to improve the ramp would make it more accessible to those who currently have difficulty with the lack of hard surface.

Additionally, the alternate site list provided is odd at best but i understand it is being driven by commenters so, in good spirits i will try and address for the record:

a.) Head tide dam -- NOTE: This project is not even complete. I support this and think it will improve the swimming hole that we have always used and whitewater kayaker use in spring, improve fish passage, but that's it.

Once complete, it does not in any way provide trailerable (or convenient) launch access. First, there would be no parking capable of holding a trailer. While parking is improved, it is intended for passenger vehicle only, i don't recall the number of spots we approved as part of the plan, but i might estimate it to be max 5-6 (see picture). Second, there is no physical way a trailer could get to the water (and then get back without a crane). In fact, there is approximately a 20-30' (estimating only, i can't go measure as it is closed off due to ongoing construction) stair case one must navigate down from the road to even get to the water. Once at the water (fast moving water if it is higher), one can only use a kayak during high water. I will include a couple of pictures i took this morning, but it should be self-evident as to why this is not a powerboat or paddle boat access point for those who are not young and strong and/or have larger paddle craft. I personally have launched my canoe there and made the voyage down (at higher water) and have still had to get out and pull in places just below the dam. Rocks, logs, etc litter the river from head tide until approx. the old railway crossing with 218. See attached pics. I think you will agree Head Tide dam is not a suitable substitute.

(due to size of attachments, see next email for continuation)



17 State House Station, Augusta, Maine 04333
Bureau of Land Resources

Request for Project Review

TO: Town of Alna, ATTN: Tom McKenzie (CEO)
Jay Clement, ACOE
Denis-Marc Nault, DMR
John Perry, MDIFW
Colin Clark, SLZ

DATE: September 10, 2019

FROM: Jami MacNeil, Project Manager
at (207) 446-4894 or jami.macneil@maine.gov

Please review the project identified below and submit comments by the requested deadline. Questions may be directed to the DEP Project Manager. Please contact the Project Manager if you have not received a copy of the application.

The deadline for agency comments is

October 8, 2019

DEP Application # L-28397-4E-A-N

Applicant Name: Jeff Spinney

Project Name: Boat ramp and pier system

Consultant: NA

Location: Alna

Phone/Email: (207) 227-9017
Jeff.spinney@gmail.com

Notes to Reviewers:

The applicant proposes to construct a pier system and boat ramp. The pier system will consist of a permanent piling-supported frame at the shoreline, a 4' x 35' seasonal ramp, a 5' x 16' float and an 8' x 32' float. The boat ramp will be 10' x 36', constructed of concrete planks. The applicant proposes to support the piling frame and the boat ramp with riprap. The project will result in approximately 475 square feet of direct impact to the coastal wetland. The project site is located off Golden Ridge Road in the Town of Alna. The DEP has accepted the application for review.

This is a NRPA or Site Location of Development Act application.

After a thorough review of the above project, as presented to us, and in consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection.

I see no reason this project should not go forward as planned.

Check if requesting copy of draft Findings of Fact and Order.

(Comments must be signed and dated in order to be accepted by this Department. If additional space is needed, please attach another sheet).

SIGNATURE:

[Handwritten Signature] CEO

DATE:

23 SEP 19

JEFF SPINNEY
126 GOLDEN RIDGE RD
ALNA ME 04535
P.MDC \$ 3
808-4950
9208
1-AZ

SHIPPER
(040) 890-0000
ME DEPT OF FINANCE ADMIN
LEIGHTON RD
AUGUSTA ME 04330

SHIP TO:
(207) 287-4506
JEFF SPINNEY
126 GOLDEN RIDGE RD
ALNA ME 04535-3635

3 LBS 1 OF 1
DWT: 24.18.1

ME 048 0-01

UPS GROUND
TRACKING #: 1Z 026 301 03 1010 9265

ILLING: P/P
EFT: 01/06/04 130110

State of Maine
Department of Environmental Protection
State House Station 17
Augusta, Maine 04333-0017

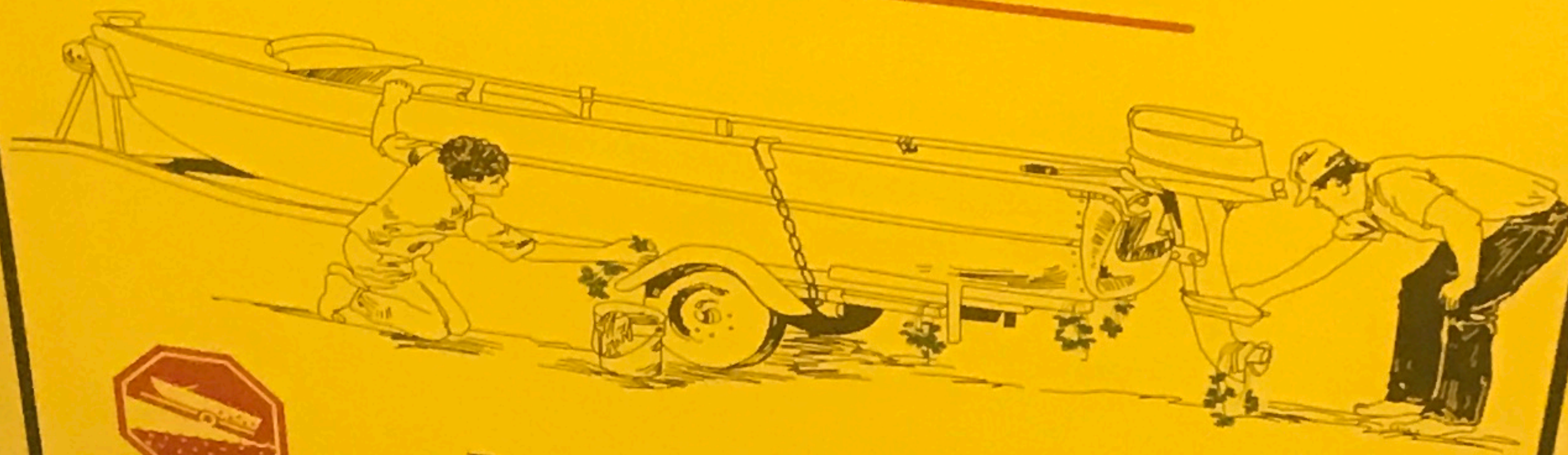
Jeff Spinney
126 Golden Ridge Rd
Alna, ME 04535

WARNING

Remove all plants
from boat, trailer, prop,
anchor & lines...It's the law!

Drain all water
from boat and live well *on land*

Don't release live bait



For more information
800-452-1942



York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Thursday, October 17, 2019 2:03 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: part 2
Attachments: BFTrailBrochure2010.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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(continued)

b. Bass Falls Preserve

Bass falls preserve is located just upriver from me, but does not provide any access to the river in terms of launching either hand carry or trailer craft. It is a walking trail preserve on the old Clifton Walker property. According to the flyer, see attached. It is 0.9 miles from the **very** limited parking area (estimated 3-4 passenger cars tops) through a series of wet fields, woods, until you even get to the water. What was once used by locals as a place to go launch a canoe or very small bass boat by hand if the tide was right is actually closed off and depicted as 'private property' on the flyer (see the 'tote road' on right hand side of map). Nobody in prime physical condition is going to hand carry that far. It is not promoted as such by the group that acquired it (midcoast) . For these reasons, this is not a suitable substitute.

c. Sheepscot Village - this is private property owned by good friend of mine who does not wish to be identified because he is concerned about retaliation from this group of commenters and has an ongoing NRPA project to repair the old retaining wall along parking area that, in part, has been damaged over the years by people using without permission as a launch site for kayaks. There exists no formal right or even a courtesy ask of the owner at this time to use this site. Again, this is a private property, and only useable as a hand carry location for canoe/kayak. No facility exists anymore that could support trailer launch either in terms of access or parking. Parking for hand carry is physically limited to maybe 2-3 cars and often on a busy kayak day cars are parked in unsafe locations on the road and/or blocking access to the private facility altogether.

This is not a suitable (or even legal since nobody has permission) substitute. As a side note, the DEP should direct any organization suggesting this to consult with the landowner before trespassing.

d. Wiscasset -- this is a nice trailer boat ramp and dock, however, it is over 7 miles downriver from the reversing falls. In addition to the trip just to get back to the falls, you have to drive down to Wiscasset, cross a very busy Route 1, launch and then find a place to parking which can be tight as a lot of bigger boats use this as a launch point to head south towards ocean or West towards Bath as well as the Wiscasset yacht club. If you do navigate back up the Sheepscot to the falls, and are lucky enough to have tied it right, you can cross and then spend an hour or so above the falls before the tide shifts and the falls become dangerous to cross.

Wiscasset would be suitable, **if not for** the travel to get there & Route 1 congestion which we all know is terrible that must be crossed with a trailer, the distance (7+ miles downriver) and of course the physical barrier of the falls.

e. Kings Mills (NOTE: i suspect that this is also "g. Drucker Preserve" but it is not even listed on midcoast conservancy list of preserves
<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.midcoastconservancy.org%2Fpreserve%2Fsheepscot-valley%2F&data=02%7C01%7CJami.MacNeil%40maine.gov%7C7ce103b638e34f61809508d7532c39f1%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637069321932208595&sddata=LGWwBLhLYarciOxcQ4gPDFf9pizN%2FDIt%2F41oFlklyUY%3D&reserved=0>) -- First, i am flummoxed by the Drucker preserve as it appears to be a working gravel pit based on Sat imagery, maybe it is that new?) Kings mills appears to be 3.6 miles roughly as the crow flies north of Head Tide dam. That by itself should disqualify this as the name implies, Head Tide is the point where navigable tidal water stops. The falls at Kings mills by my estimation/memory from last time i had my son fly-fishing in there probably drop say 10'-15' if not more over the course of falls/old dam segments. Access into here even for fly-fishing by foot is tough. A younger me would not want to try and lug/drag a kayak down there, let alone my current me. I do happen to know people launch kayaks from on private property just above kings mills as i believe that man who lives there does (or used to) teach kayaking in whitewater.

The only info i can find on this Drucker preserve is here:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.midcoastconservancy.org%2Fexplore%2Fland-and-water-trails%2F&data=02%7C01%7CJami.MacNeil%40maine.gov%7C7ce103b638e34f61809508d7532c39f1%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637069321932208595&sddata=GVjB5v%2BzUSgR14xtlvskXZyCBYwkg9PFadgnooT0WT8%3D&reserved=0> which confirms it is indeed kings mills.

"Drucker Preserve

Directions: The Drucker Property is located in Kings Mills in the Town of Whitefield. It is bordered on the west by Route 218, on the north by Route 194, and on the south by the Sheepscot River. From Wiscasset, head north on Federal St toward Washington St for 1.4 miles. Continue onto ME-218 N/Alna Road. Continue to follow ME-218 N for 11.7 miles. Turn right onto ME-194 E/ME-218 N. After 0.1 miles, turn right into parking lot."

From SVCA (Midcoast conservancy)

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmainerivers.org%2Fsheepscot.html&data=02%7C01%7CJami.MacNeil%40maine.gov%7C7ce103b638e34f61809508d7532c39f1%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637069321932218590&sddata=uiUleFCG7Z%2Bgtdhdzmk0TRsgMPymOfdaKM4qGgRtnFA%3D&reserved=0>

"As the river races to the ocean, full with the melting snow, excellent rapids appear, especially between King's Mills and Alna's Head Tide Dam."

Again, clearly not a suitable alternative site. Very little parking even for fly-fishing. Anything other than a kayak at spring runoff is out of question. Questionable access, if even legal since the one map of Drucker i have seen does not appear to be on the river, but on opposite side of road. It appears to be using private property again, but i could be wrong on that aspect. Documentation is not easily seen on Drucker preserve.

f. Coopers Mills - First of all, this is above the branching of the Sheepscot river in Whitefield so i have no clue which branch they are suggesting but let's just address both at once.

Given that Coopers mills is even further upstream (almost 7 miles as the crow flies, not river length) from Kings Mills, just on distance alone it is not acceptable. This is of course ignoring the many waterfalls and old dams you must cross to get here. While this is a fine stretch for small whitewater kayaking only in the spring, during high water runoff, it is completely absurd to think of its use outside of that. I enjoy fly-fishing on many stretches of this river up through here, but it is always walk in only. Anything other than whitewater kayaking in spring runoff out of the question.

Question #8) -- Yes, I can confirm that no material will be stockpiled within 25 feet of the shore. If it is necessary to be stockpiled (at all) outside of the 25 foot zone (again, i do not anticipate this) , i will protect it as appropriate/directed.

Question #9) 9. Some commenters noted inaccuracies or alleged inaccuracies in the application. Please clarify or respond for the record:

a. Lot # given in project description is incorrect

Answer A) I inadvertently dropped the 'A' on my lot, it is R4-21A per the tax map located here:

https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fstatic1.squarespace.com%2Fstatic%2F58b64eef2994ca296d496194%2Ft%2F5da5da5ae213192c08d0749e%2F1571150430250%2FAIna_2019%2BR-04.PDF&data=02%7C01%7CJami.MacNeil%40maine.gov%7C7ce103b638e34f61809508d7532c39f1%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637069321932218590&sd=ws%2FtTsdeDfNO3jgZhRNZoU8s3Eov%2FHnbJnRfvgvobio%3D&reserved=0

b. Lot size (120 ac) is incorrect

Answer B.) I own quite a few properties, this one by deed is described as a 102 acre property. I have that seemingly stuck in my brain and am always writing it backwards 102 -> 120). The town assigned lot, is indeed 99ac per above linked tax map.

c. The river current is strong at the project site, not "protected energy/low energy"

Answer C) This is accurate as stated on my application.

Interesting fact, an average human being swims at approximately 2mph (google it if you don't believe). I routinely swim against the tidal current (when it is running in either direction in or out) at my dock and can easily (even in my old, fat age) maintain my position easily as one might in fancy current pool designed for exercise. That tells me by direct scientific observation that the current is *no faster than 2mph* that i am likely not to be exceeding as an average human. (converted to m/s that is 0.894 m/s)

The DEP guidance provided on the NRPA form, page 54 (pink) states that 'Protected/ low energy: No sea swell, little or no current, and restricted wind. Typical of unconsolidated muddy sediment. Water velocity less than 1 m/sec.'

By my math, $1.0 > 0.89$, there is no sea swell, and there is muddy sediment present on shoreline as observed. While Carol Bolen is trying to imply that it is windy in her comment, i frankly think she has no clue what she is talking about. If you look at the next level of classification, it has 'waves generated by moderate fetch'. There are no waves at this site generated by anything other than a boat.

d. The public notice stated that the application is for, "Dock and boat ramp repair work in shoreland zone," but no boat ramp currently exists.

The boat ramp does exist, and talking to others soliciting feedback for you.....it has existed for a very long time, but only known by actual locals (not people who just came here). I use it seasonally and so do/have others. This permit is seeking to place a hard surface on it to improve it to improve the level of access. Had I not listed the boat ramp in the form, it would have not reflected all of the work desired to be done and we would be addressing the question from the opposite angle I think as to why it was not listed.

Question 10 -- We are currently discussing this, you are checking, will address in next batch of questions.

END OF QUESTIONS

Enjoy Your Visit!

Visitors are welcome to walk the preserve trails during daylight hours.

Please respect our neighbors by remaining on SVCA property.

Leave No Trace: please carry out what you carry in and do not take souvenirs.

As hunting is permitted, both hunters and hikers should use extreme caution during hunting season.

Dogs should be under the control of their owners at all times and on leash during the nesting season (May – July).

No fires, please.

Directions

From the South:

From Route 1 in Wiscasset, follow Route 218 north for 7.25 miles to the Bass Falls Preserve parking lot and kiosk, which are located in a field on the right.

From the North:

Follow Route 218 south to the Alna Store, which is located at the intersection of Route 218 and Dock Road in Alna. The Bass Falls Preserve parking lot and kiosk are located in a field on the left, 1/4 mile south of the Alna Store on Route 218.



Join Us!

The Sheepscot Valley Conservation Association (SVCA) is a member-supported, non-profit land trust and advocacy group located in the picturesque Sheepscot River Valley. Since 1969, we have worked to protect the precious natural and historic resources of the Sheepscot River watershed.

We currently protect over 3,000 acres of land through purchases and conservation easements, monitor the water quality of the river, advocate for the river and all its inhabitants and provide at-cost Geographic Information System (GIS) mapping services to non-profit environmental organizations and area towns.

- Member *(Any contribution earns membership)*
- Contributor *(\$40)*
- Supporter *(\$50)*
- Defender *(\$100)*

My check is enclosed.
or charge to my: VISA MasterCard
Card # _____ Exp. _____
Name on card _____
Signature _____

NAME: _____
ADDRESS: _____
CITY: _____ ST: _____ ZIP: _____
EMAIL: _____

**Detach and mail to: SVCA, 624 Sheepscot Road
Newcastle, ME 04553**

Or sign up online at www.sheepscot.org

All contributions are tax-deductible.

*For more information, please contact the SVCA at
(207) 586-5616 or email svca@sheepscot.org*



Bass Falls Preserve

Alna, Maine



**Sheepscot Valley
Conservation Association**

Bass Falls History

The Preserve

In 1997, the SVCA acquired the 32-acre riverfront property that became the Bass Falls Preserve. At the same time, the front 35 acres where the parking lot is located were protected by a conservation easement held by SVCA. The Preserve was named in honor of the small waterfall that is seen at low tide and for the striped bass that inhabit the river.

Then, in 2005 and 2009, the SVCA was given 4 acres and raised funds to purchase another 180 acres of land that expand the Preserve to a total of 216 acres. Eighty acres of the Preserve are on the east side of the River. The 136 acres on the west side now contain an expanded trail system and are open for hiking, hunting and fishing.

An abutting 250 acres was also placed under conservation easement held by the Small Woodlot Owners Association of Maine that protects the active tree farm and historic property in view across the river from the Preserve. The entire project was made possible with the help of SVCA members and funding from the Land for Maine's Future Program, the Landowner Incentive Program, the Recovery Land Acquisition Grant Program, the National Fish and Wildlife Foundation and other state and private funders.

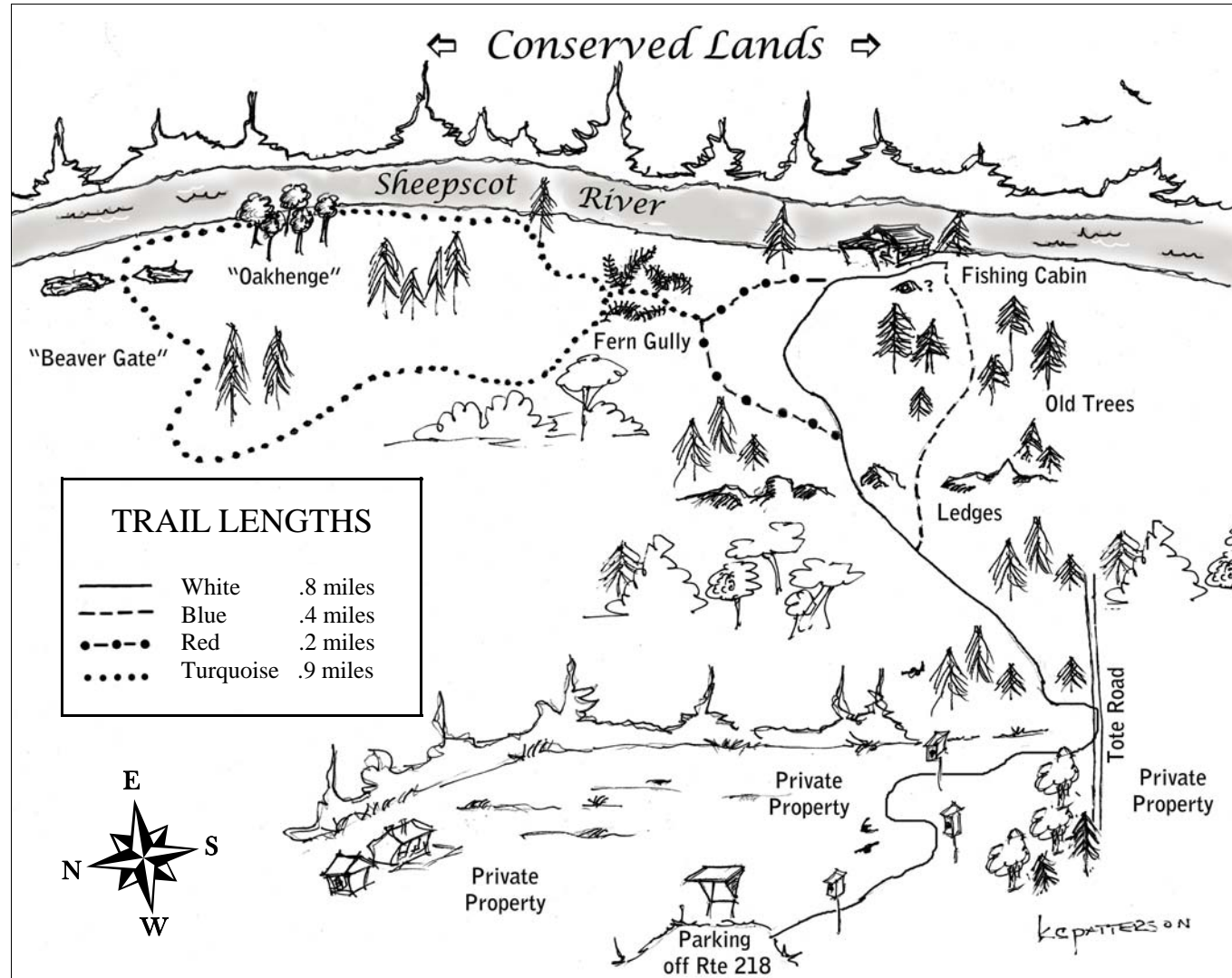
The Preserve was created to protect habitat important to the bald eagle, wild Atlantic salmon and other anadromous fish that use the river. The rare and threatened plant communities that line the nearly 3 miles of riverfront are also now protected forever while the forestland will be managed for wildlife habitat.

Huge old pines along the blue trail are reminiscent of the area's forests before the logging boom of the 1800's when many tall trees were cut for ships' masts.

The Buildings

The old fishing cabin perched on the river was brought to the property in 1965 by its builder Stephen June and his uncle Clifton Walker. It was delivered to the property by a faithful John Deere tractor known as "Big John." The two men

Preserve Map



used the cabin for many years as a fishing camp.

An outhouse, estimated to be over 100 years old, is situated east of the cabin along the trail. It was previously located near the old Alna meetinghouse on Route 218. A colorful painting of an eyeball, added in the 1960s, adorns the side of the outhouse, which is no longer operational.

Wildlife

Look for eastern bluebirds near the nest boxes. Male bluebirds are brilliant blue with a red breast, while females are grayish-blue above with a beige colored breast. Other native bird species such as tree swallows, house wrens and black-capped chickadees may also use these boxes. Bobolinks and eastern meadowlarks may nest in the field so please keep dogs on a leash during nesting season (May through the end of July). When you walk along the river keep a lookout for bald eagles and osprey. Both species nest in the area and are seen frequently along the river.

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, October 17, 2019 2:04 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: misc

Follow Up Flag: Follow up
Flag Status: Flagged

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Fyi - I also added some of the sites referred to with some pictures in the questions to my google map.

I will work on the remaining items while on vacation and get back to you in a week or so.

Thanks,
-jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, October 22, 2019 5:24 PM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: Re: RE: Dredging?

Follow Up Flag: Follow up
Flag Status: Flagged

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Ok. Thanks. Leaving bermuda right now so ill be offline for about 2 days.

> On Oct 22, 2019, at 4:30 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>
> I've reached out to our solid waste program to get their opinion and see if anything else would be required. I will let you know.

>
> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>
> -----Original Message-----
> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
> Sent: Monday, October 21, 2019 1:42 PM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Subject: Re: Dredging?

>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> Anything further on this? Again, if they want to call it dredging, the info below appears to be all that is required per the nrpa form (page 57, pink) appendix c, unless im missing something.

>> On Oct 17, 2019, at 4:35 PM, Spinney, Jeffrey <Jeffry.Spinney@libertymutual.com> wrote:

>>
>> Hi Jami,
>>
>> Just looking at the application page 57(pink) (appendix c supplemental info for dredging) in the NRPA.

>>
>> It appears that it is fairly simple to fill this out. Honestly, the info is right here in this email.

>>
>>
>> Below is the info i would put on the appendix c:

>>
>>
>> 1.) Volume to be dredged: I would conservatively estimate this to be a max of half the footprint of ramp (the upper part is graveland such already), at lets say a depth of max of 12" (for easy math) so...calculating that out that is $(10' \times 36') / 2 = 180 \text{ ft}^2$ by 1' deep or 180 ft^3
>>
>> AREA to be dredged: 180 ft^2
>> VOLULME to be dredged: 6.66667 yards^3
>>
>> 2.) Erosion control measures will be used during dredging. I imagine those would be the same as are already in place (silt screen, only work at low tide) for placement of ramp/grading activity since it is between the low and high tide and not in the water itself like *actual* dredging would be.
>>
>> 3.) Describe how/where it will be dewatered, controls around that. I would envision as in my original application, putting in a dump trailer or small truck and hauling to the upland site in my field, i can put silt fence around the pile if that somehow helps. Or would 'spreading it out be better? I have tractors and such and can do that too. You guys tell me what's best. As in my original NRPA app, the upland site in the field i showed you when you visited is all high/dry ground.
>>
>> 4.) What equipment will be used to dredge? The excavator placing the stone & concrete planks.
>>
>>
>> 5.) Disposal location (check one) onsite and upland in this case would be checked (see also existing map in NRPA app)
>>
>>
>>
>> That seems to be all of the questions involved in the dredging appendix of NRPA application.....
>>
>>
>> What do you think? In that light it seems like an easy thing to just have me fill out (or use the above info).
>>
>> Let me know,
>> -j
>>
>> -----Original Message-----
>> From: MacNeil, Jami <Jami.MacNeil@maine.gov>
>> Sent: Thursday, October 17, 2019 11:16 AM
>> To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
>> Subject: {EXTERNAL} RE: Dredging?
>>
>> Jeff,
>>
>> I need to consult more with others on how the Department views this activity. However, I will point out that the NRPA statute defines "dredge spoils" as "sand, silt, mud, gravel, rock or other sediment or material that is moved from coastal wetlands," and Chapter 305 (PBR) section 18 defines "dredge" as "to move or remove, by digging, scooping, or suctioning any sand, silt, mud, gravel, rock, or other material from the bottom of a water body or wetland surface." The NRPA issue profile you linked to specifically states, "The dredging of intertidal areas, or of areas with submerged subtidal vegetation (e.g. eelgrass), is generally not approved."
>>
>> There is no mention of the size of the project or the location of the project above or below mean low water.

>>
>> I agree with Jay that off-shore disposal is not applicable and proper upland disposal is desirable, but it may require additional application forms and review by BRWM. However, I will look further into precedent for boat ramp projects and get back to you.
>>
>> -Jami MacNeil
>> Environmental Specialist III
>> Bureau of Land Resources
>> Maine Department of Environmental Protection
>> (207) 446-4894 | jami.macneil@maine.gov
>>
>> -----Original Message-----
>> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
>> Sent: Thursday, October 17, 2019 10:45 AM
>> To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
>> Subject: RE: Dredging?
>>
>> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>>
>> This is not dredging in our view. While some minor 'excavation' may be necessary to facilitate the installation of the ramp, that is not the same as dredging. Talk of 'off shore disposal' is not applicable. I believe Jami's point is that any excavated material should be removed to the upland, properly stabilized so that it doesn't re-enter the waterway, allowed to dewater, and then place somewhere that is not in a wetland or other waterway.
>>
>> -----Original Message-----
>> From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]
>> Sent: Thursday, October 17, 2019 10:24 AM
>> To: Jami MacNeil <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
>> Subject: [Non-DoD Source] Dredging?
>>
>> Hi jami & jay,
>>
>>
>> I was mulling over the DEP statement that removal of *any* displaced muck (displaced by the placement of the stone base) from the ramp site between low and high tide line constitutes dredging.
>>
>> Blocked<https://www.maine.gov/dep/land/nrpa/fsdredg.htm>
>>
>> Looking at the above, it seems to discuss dredging as being below the low tide line. I do see where upland disposal is an alternative to offshore dumping. But that bit of language seems to be the only thing that is even remotely similar.
>>
>> I borrowed that concept/language off of another approved boat launch (done by state/if&w i believe it was) permit i was given as a reference when i started this process, so it seems somewhat inconsistent that we are now saying it constitutes dredging.
>>
>> I dont want to be in a position of having to build the ramp higher than necessary as i had intended it to be even with natural terrain that also enables it to be visually more appealing. I am not looking to remove any material at all below low tide line.
>>

>> Can you provide me with some more detail as to the stance? Is this true for army corps too? (The notion that This is dredging) Or just DEP? If not, How can they have different definitions of such a basic thing?

>>

>> Literally the definition reads:

>> erb

>> gerund or present participle: dredging

>>

>> 1.

>> clean out the bed of (a harbor, river, or other area of water) by scooping out mud, weeds, and rubbish with a dredge.

>>

>> *

>> bring up or clear (something) from a river, harbor, or other area of water with a dredge.

>>

>>

>>

>>

>> Dredging is the removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies. It is a routine necessity in waterways around the world because sedimentation—the natural process of sand and silt washing downstream—gradually fills channels and harbors.

>>

>>

>> I am not cleaning out or making bigger/deeper a channel. i am displacing/replacing Material between low and high tide with an almost identicle volume of alternate material and properly disposing upland to keep out of waterway.

>>

>>

>>

>> If this is another one of those internal DEP memos/rules, please provide so i can hve a look as it really makes no sense.

>>

>>

>> Thank you,

>> Jeff

York, Marylisa

From: St.Hilaire, Lisa
Sent: Wednesday, October 23, 2019 4:45 PM
To: MacNeil, Jami
Cc: Puryear, Kristen
Subject: RE: NRPA review request, Spinney boat ramp/dock, Alna
Attachments: dep_alna_spinneyboatramp.pdf

Hi Jami,

MNAP comments attached, thanks,

Lisa St. Hilaire

Information Manager | Maine Natural Areas Program
Department of Agriculture, Conservation and Forestry
177 State House Station | Augusta, ME 04333 (**NEW** mailing address)
90 Blossom Lane | Augusta, ME 04333 (**NEW** physical address)
PHONE 207-287-8044 (Same phone!)
FAX 287-7548 (**NEW** FAX)

From: MacNeil, Jami
Sent: Thursday, October 03, 2019 11:46 AM
To: Puryear, Kristen <Kristen.Puryear@maine.gov>
Subject: NRPA review request, Spinney boat ramp/dock, Alna

Hi Kristen,

Attached is a NRPA review request for Jeff Spinney's application for a boat ramp and dock system on the Sheepscot River in Alna. I have also attached the application and photos from my site visit on 9/6/19. As I mentioned, there are some interested persons with concerns about adverse impact to salt marsh in this area due to the ramp, dock, and potentially increased boat traffic. Please provide a memo with MNAP's opinion.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

MEMORANDUM

Maine Natural Areas Program

Department of Agriculture, Conservation and Forestry
State House Station #177, Augusta, Maine 04333

Date: October 4, 2019

To: Jami MacNeil, DEP

From: Kristen Puryear, Ecologist

Re: Rare and exemplary botanical features, L-28397-4E-A-N, Spinney Boat Ramp and Pier System, Alna, Maine.

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site in response to your request received October 3, 2014 for our agency's comments on the project.

According to our current information, there is a rare plant (Horned Pondweed) and wetland type (Mixed Saltmarsh) near the project area. The project itself does not immediately impact either of these features. However, all measures to prevent downstream siltation during construction and installation of the permanent pilings should be employed to avoid impacts to the Mixed Saltmarsh and the species that depend on it. Please refer to the table below and attached map and factsheets for more information about these features.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Notes
Mixed Saltmarsh <i>Mixed graminoid-forb saltmarsh</i>	N/A	S3	G5	BC Good-Fair	Dyer & Sheepscot River Marshes
Horned Pondweed <i>Zanichellia palustris</i>	SC	S2	G5	H Historical	Alna Center Tidal Marsh

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys.

Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

The Maine Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We welcome the contribution of any information collected if a site survey is performed.

Thank you for using the Maine Natural Areas Program in the environmental review process. Please do not hesitate to contact our office if you have further questions about the Maine Natural Areas Program or about rare or unique botanical features at this site.

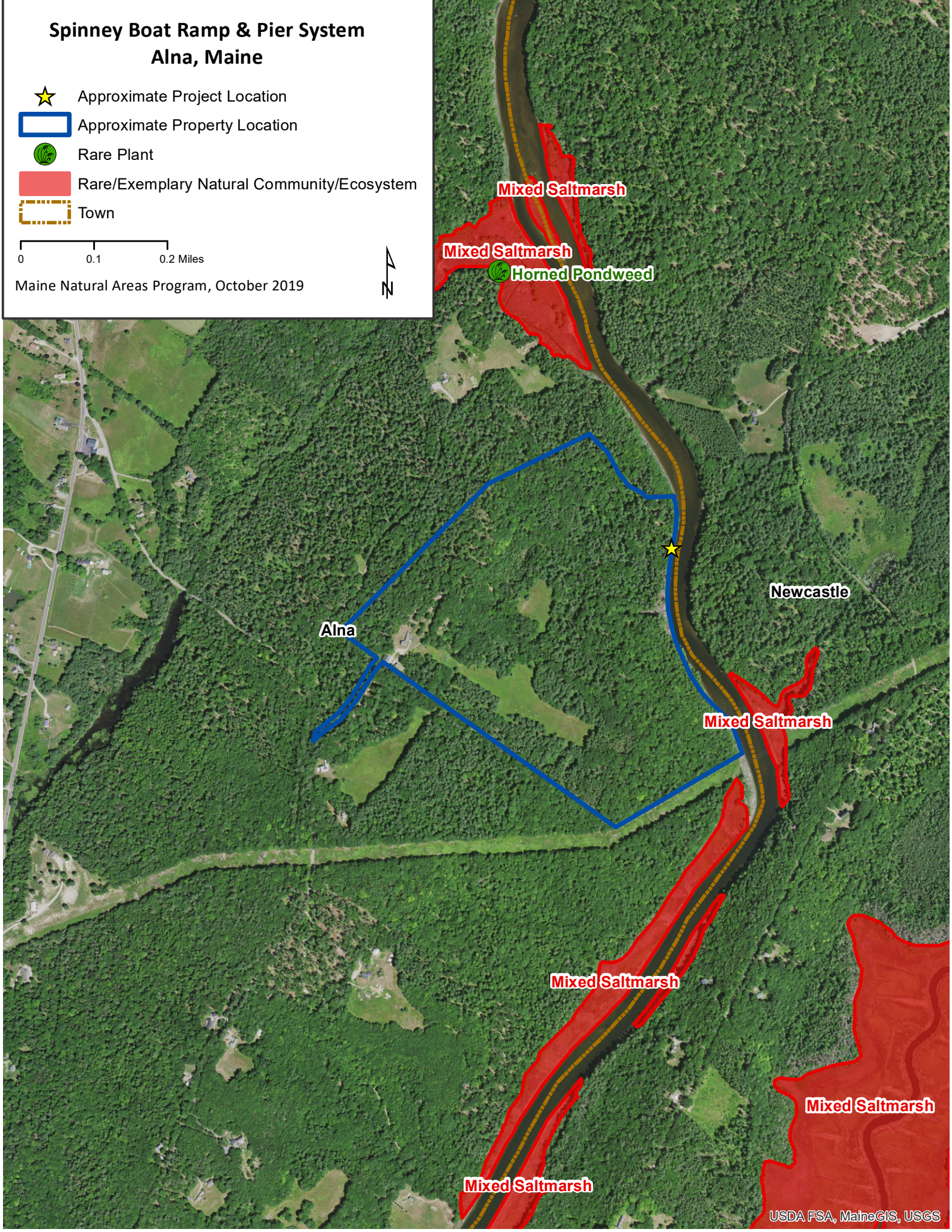
Spinney Boat Ramp & Pier System Alna, Maine

- ★ Approximate Project Location
- Approximate Property Location
- Rare Plant
- Rare/Exemplary Natural Community/Ecosystem
- ⋯ Town

0 0.1 0.2 Miles



Maine Natural Areas Program, October 2019



Mixed Saltmarsh

State Rank S3

Community Description

These saltmarshes contain a mixture of graminoids and forbs, sometimes with patches of saltmarsh cordgrasses, but saltmeadow cordgrass is not strongly dominant. Chair-maker's rush is almost always present, at least in small amounts. Dominants can vary, but indicator species include creeping bentgrass, freshwater cordgrass, sea lavender, wire rush, saltmarsh bulrush, New England aster, saltmarsh sedge, and narrow-leaved cattail. Sweetgrass is often present, though not abundant. The vegetation occurs as a mosaic of dominants and lacks the strong zonation typical of the larger *Spartina* Saltmarshes.

Soil and Site Characteristics

These are often fringe marshes in sheltered coastal pockets, estuaries, and tidal creeks; not typically covering large acreages although they may be strung along a fairly long stretch of shoreline. They often occur along tidal creeks, or as a shoreline fringe in coves. Vegetation consists predominantly of low marsh species (saltmarsh regularly inundated twice daily by tides).

Diagnostics

These are tidal marshes in which various saltmarsh plants share dominance with



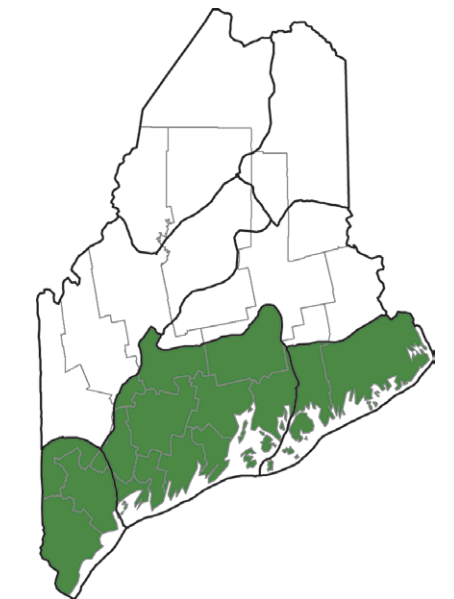
Saltmarsh Bulrush

cordgrasses and/or black-grass; chair-maker's rush is typically present and may be dominant; saltmarsh sedge is also characteristic. Vegetation tends to be patchy rather than zoned.

Similar Types

Spartina Saltmarshes have many of the same species, but have much greater relative cover of saltmeadow cordgrass, smooth cordgrass, and black-grass. They also appear more uniform, and tend to occur at the outer reaches of estuaries (back-barrier marshes and finger marshes). Brackish Tidal Marshes also share many species, but lack the saltmarsh cordgrasses and other strictly saltmarsh species (black-grass, saltmarsh bulrush, saltmarsh false-foxglove, sea lavender, etc.).

Location Map



Community is known from this Ecoregion
 Community may occur in this Ecoregion
 Bailey's Ecoregion
 County



Mixed Graminoid - Forb Saltmarsh

Conservation, Wildlife, and Management Considerations

Saltmarshes have received considerable conservation attention. Many occur on public lands or private conservation lands, only a few of which are listed. With development of the uplands that border these marshes, maintenance of appropriate wetland buffers can help reduce degradation that could result from adjacent land uses.

Saltmarshes are important nesting habitat for Nelson's sharp-tailed sparrow, seaside sparrow, and the rare saltmarsh sharp-tailed sparrow. These wetlands also provide foraging habitat for a large number of wading birds and shorebirds, including the rare least tern. The big bluet, a rare damselfly, inhabits saltmarsh ponds with emergent vegetation in southern Maine.

Distribution

Coastwide; almost all of the east coastal Maine saltmarshes contain this type. Extends eastward into the Canadian Maritimes (Laurentian Mixed Forest Province) and westward into New Hampshire and Massachusetts.

Landscape Pattern: Small Patch

Characteristic Plants

These plants are frequently found in this community type. Those with an asterisk are often diagnostic of this community.

Herb

Alkali bulrush*
 Black-grass*
 Chaffy sedge*
 Chair-maker's rush*
 Common arrow-grass
 Creeping bentgrass*
 Freshwater cordgrass
 New York aster*
 Salt-loving spikerush*
 Saltmeadow cordgrass*
 Wire rush*

Associated Rare Plants

Gaspé arrow-grass
 Marsh-elder
 Saltmarsh false-foxglove
 Saltmarsh sedge
 Small saltmarsh aster

Associated Rare Animals

Big bluet
 Black-crowned night-heron
 Laughing gull
 Least tern
 Saltmarsh sharp-tailed sparrow
 Short-eared owl

Examples on Conservation Lands You Can Visit

- Cobscook Bay State Park - Washington Co.
- Great Wass Island Preserve - Washington Co.
- Petit Manan National Wildlife Refuge - Hancock Co.
- Reid State Park - Sagadahoc Co.
- Scarborough Marsh Wildlife Management Area - Cumberland Co.

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Maine Natural Areas Program

Zannichellia palustris L.

Horned Pondweed

- [State Rank](#): S2
- [Global Rank](#): G5
- [State Status](#): Special Concern

Habitat: Fresh, brackish, or alkaline waters and stream edges. [Tidal wetland (non-forested, wetland)]

Range: Newfoundland to Alaska, south throughout United States to Mexico. Also South America, Africa, Eurasia.



Aids to Identification: Horned pondweed is a submersed aquatic with slender, thread-like branches arising from a fragile rhizome. It can be distinguished from other pondweeds by its linear, opposite leaves and its distinctive fruits borne in the axils. The fruits are short, flattened, somewhat toothed along one edge and have a distinct beak (1-2 mm long) on the tip. In flower, the carpels have a distinctive, funnel-shaped stigma.

Ecological characteristics: Along our coast, horned pondweed grows on the mud at the lowest level of the intertidal zone where it is exposed only at full low tide and is subjected to higher salinities than most other estuarine species. It usually grows singly and is rare even within its few stations. A pH range of 6.5-7.2 and chloride range of 185-1200 mg/l has been reported for water where *Zannichellia* is found in New England.



Phenology: Fruits can be found July - October.

Family: Potamogetonaceae

Synonyms: *Zannichellia palustris* L. var. *major* (Hartman) Koch.

Known Distribution in Maine: This rare plant has been documented from a total of 15 town(s) in the following county(ies): Cumberland, Hancock, Knox, Lincoln, Penobscot, Sagadahoc, Waldo, York.

Reason(s) for rarity: Habitat is naturally scarce and in



some cases has been altered by human activities. Possibly overlooked.



Conservation considerations: Prevent degradation of marsh and estuary habitat from adjacent land uses.

Credits








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Contact

Department of Agriculture,
Conservation and Forestry
22 State House Station
18 Elkins Lane
Augusta, ME 04333
More [Locations](#)
Phone: (207) 287-3200
Fax: (207) 287-2400
TTY Users Call Maine Relay
711
DACE@Maine.gov

York, Marylisa

From: Nault, Denis-Marc
Sent: Thursday, October 24, 2019 10:16 AM
To: MacNeil, Jami
Subject: Spinney Boat Ramp - Alna
Attachments: Alna_Spinney_BoatRampPier_10_19.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Jami,

Very sorry for the delay in getting you my comments for this project.

Denis

Denis-Marc Nault, Supervisor
Maine Department of Marine Resources
Division of Shellfish Management
22 Coaling Station Ln.
Lamoine, ME 04605
Office: (207) 667 6790
Cell: (207) 592-0512
denis-marc.nault@maine.gov
[Municipal Shellfish Program Website](#)

DMR Wetlands Alteration Project Review

Project Information

Review Date 10/10/2019

DEP Application #: L-28397-4E-A-N

Applicant: Jeff Spinney

Contact: Jeff Spinney

Location: Alna, Sheepscot River

Type of Project: Private Boat ramp

DEP Contact: Jami McNeil

DMR Reviewer: Denis Nault

Project Description

The applicant proposes to construct a private boat ramp, 4' x 35' aluminum ramp to a 5' x 16' float with a 8' x 32' perpendicular float along rip-rap for shoreline stabilization on an undeveloped residential property. The private boat ramp is a 10' x 36' concrete plank boat ramp with gravel rip rail 1' on both sides. The use is for a private recreational club for recreational activities on the upper Sheepscot.

Site Description

The site is located on the western shore Sheepscot River in Alna approximately 2.5 miles north of the FALLS IN Sheepscot Village. The proposed project is on an undeveloped residential 120 acre lot. The shore is wooded vegetated bank to a narrow mud flat. The water quality is classified as Restricted for shellfish harvesting. There are no significant shellfish or marine worms present. This area sees no shellfish or marine worm harvesting activity due habitat.

Project Impact

The proposed private boat launch will have minimal impact to marine habitat but no impact to shellfish and marine worm resources. There portions of Sheepscot River just upstream from this project that are listed as Sea Run fish spawning and rearing habitat. The construction activity of placement and of the gravel base and concrete planks should be done during a winter work window (November 8th – April 8th). This is due to the removal of soft sediments in the inter-tidal.

The construction of the seasonal pier, ramp and floats can be done at any time period.

This proposed private boat ramp and dock system will have a minimal impact on the marine habitat and little on marine resources. No impact to traditional commercial harvest activities of access.

York, Marylisa

From: MacNeil, Jami
Sent: Thursday, October 24, 2019 4:34 PM
To: Foust, Karen L
Subject: RE: NRPA review request: Spinney pier system, Alna

Thank you for looking into that. I will note this in the file.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Foust, Karen L
Sent: Thursday, October 24, 2019 2:32 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: NRPA review request: Spinney pier system, Alna

Hi Jami,

Thanks for sending this along. I didn't have any record of its having come through earlier. It looks like the boat ramp and riprap stop at the mean low-water line. As long as that is the case, the rest of the project meets the seasonal exemption. I will log it in to our application database as meeting the season exemption unless the boat ramp project changes.

Thanks,
Karen

From: MacNeil, Jami
Sent: Thursday, October 24, 2019 1:55 PM
To: Foust, Karen L <Karen.L.Foust@maine.gov>
Subject: NRPA review request: Spinney pier system, Alna

Hi Karen,

I think I neglected to send you this application when it came in. This is for a proposed pier system (and boat ramp) on the Sheepscot River in Alna. The seasonal ramp and float extend below mean low water. Do they need a submerged lands lease? Have you already been in contact with the applicant?

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Friday, October 25, 2019 1:20 PM
To: MacNeil, Jami
Subject: Re: RE: RE: quick question (HOA examples)

Follow Up Flag: Follow up
Flag Status: Completed

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Have you received your other agency review/comments yet? I know you mentioned that you might have some draft permit language by now that you could possibly share.

Also, Is there a place at this archives place that i can go search? Is it online?

> On Oct 25, 2019, at 7:54 AM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>
> Sometimes it takes a few days for the files to come over, so I'll let you know when they get here.

>
> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>
> -----Original Message-----
> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
> Sent: Friday, October 25, 2019 7:02 AM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: Re: RE: quick question (HOA examples)

>
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>
> That would be great JAmi if you could request them for me, i may not make it today but could swing up monday.

>
>> On Oct 24, 2019, at 4:11 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>>
>> Hi Jeff,

>>
>> Regarding your questions below, I believe you are referring to the pier at Clark's Point (River Point Road) and the pier that was permitted for Sheepscoot Shores HOA (Brown Road), both in Wiscasset.

>>
>> Clark's Point: DEP #L-21984-4E-A-N, issued in 2004 to Ice Pond,
>> Inc., later transferred to Clark's Point Development, LLC Sheepscoot

>> Shores

>> HOA: DEP #L-24143-4P-A-N, issued in 2008

>>

>> Neither file is in our building, they have both been archived. You can request these files from the archive (I can put in the request for you), and arrange a time to come to our file room to view them (File Room phone # is 207-287-7843). I do not know if these files contain the Declaration of Condominium for either project. I did not find copies in our electronic files.

>>

>> If you prefer, you could try contacting these HOA's directly to ask for a copy of their Declarations. Our current contact for Clarks Point is Scot LaLumiere (scottl@mecapllc.com); the president of Sheepscot Shores HOA in 2008 was Dave Nery (DBNery@aol.com). Their contact info is in our public record, so I'm not sharing anything confidential.

>>

>> Let me know if you would like to view those files and I will request them from archives.

>>

>> -Jami MacNeil

>> Environmental Specialist III

>> Bureau of Land Resources

>> Maine Department of Environmental Protection

>> (207) 446-4894 | jami.macneil@maine.gov

>>

>> -----Original Message-----

>> From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

>> Sent: Wednesday, October 16, 2019 5:10 PM

>> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

>> Subject: quick question

>>

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>>

>> Do you have the ability to look up two (possibly 3) nrpa permits for me? All three are West side of Sheepscot river, between falls and below train bridge and are all listed on my map.

>>

>> They are in town of Wiscasset (04578). They are all to homeowners associations, i just wanted to see examples of how/what they had to provide as i look to formalize this structure for my club.

>>

>> Curious, Is there a place i can look up such things?

>>

>> Thanks,

>> -j

York, Marylisa

From: MacNeil, Jami
Sent: Wednesday, October 30, 2019 1:58 PM
To: Spinney, Jeffry
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: archived files, reviewer comments
Attachments: Clark's Point_Declaration of Condominium.pdf; NRPA Application_Sheepscot Shores.pdf

Hi Jeff,

I received the Clark's Point files (#L-21984). I looked through them briefly and found the draft declaration of condominium from 2005, which I scanned and attached here. Feel free to come in if you want to view the entire file.

The Sheepscot Shores file (#L-24143) came today. It is not especially large, so I scanned the application and attached it. Again, you can come to the office if you want to view the whole file. The application includes some deed and declaration language. You can read it and see if it contains anything useful to you.

You had also asked about reviewer comments. Maine Inland Fisheries & Wildlife did not identify any concerns for wildlife. Maine Department of Marine Resources recommends a work window of Nov. 8 to Apr. 8. Maine Natural Areas Program identified sensitive plants and salt marsh nearby, but finds the project acceptable provided that proper erosion and sedimentation controls are employed.

I will continue to review your responses and will reach out as other questions or comments come up.

Thank you,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 30, 2019 10:01 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: RE: remainder of items / misc. to-do.

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Completely understand, we are working on formalizing docs, etc. It's a slow process, I also still want to see some examples ...any word on those archives? I want to make sure we are consistent with what other groups do.

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, October 30, 2019 9:33 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Subject: {EXTERNAL} RE: remainder of items / misc. to-do.

Hi Jeff,

I'm am still going through your responses and will let you know if we have further questions. Question 4 is the main one we will still need. I'm still waiting to hear about the dredge aspect.

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Sent: Tuesday, October 29, 2019 9:39 AM

To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: RE: remainder of items / misc. to-do.

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I think I have all I need for the moment Jeff.

-----Original Message-----

From: Spinney, Jeffry [mailto:Jeffry.Spinney@LibertyMutual.com]

Sent: Tuesday, October 29, 2019 9:34 AM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Subject: [Non-DoD Source] remainder of items / misc. to-do.

Hi guys,

I'm back from vacation and looking to close this up. From my notes, I believe that i owe you answers to Questions 1, 4, and 10 (well, technically, this one is DEP only and 'is it dredging or not' question. Jami is working on getting clarity on or determining if we will just go along with it and use the info I provided as part of the dredging form).

Are you guys satisfied with the other answers I have provided?

I haven't really heard back much from you guys about the interactive map, is that sufficient to help show/explain what's going on here? Especially regarding the list of alternate sites and other features.

Thanks,
-jeff

CLARK'S POINT CONDOMINIUMS

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I. DESCRIPTION OF THE CONDOMINIUM

A. The Condominium is located on approximately 125 acres of land located off Old Sheepscot Road in Wiscasset, Maine. The units, common elements and limited common elements that are part of the Condominium are described in the Clark's Point Condominiums to be recorded in the Lincoln County Registry of Deeds, and shown on the condominium plat prepared by Cornerpost Surveying and entitled "Clark's Point Condominiums" to be recorded at the Lincoln County Registry of Deeds (the plat).

The Condominium site is zoned Rural Residential and Maritime Development by the Town of Wiscasset, and multi-unit residential developments are permitted in such zone pursuant to the Amended Final Site Plan approval received by the Declarant from the Town of Wiscasset Planning Board on _____ . The Condominium is subject to the zoning and land use provisions of the Wiscasset Zoning Regulations and the conditions of the Site Plan approval. The proposed location of the buildings and other improvements are shown in the Plat, subject to Declarant's development right to relocate such buildings and improvements for which construction has not been completed. Access to the Condominium is from Old Sheepscot Road. Water is provided to the Condominium by private wells, and the Condominium uses a private septic system located as shown on the plan.

The unit boundaries are generally designated as the floor of the basement of each unit and the air space and structure above such basement floor contained within vertical boundaries defined by the walls of the foundation of the unit and the interior of the partition walls between such unit and the adjacent unit(s).

Certain portions of the common elements have been allocated for the exclusive use of one or more but fewer than all units. These are called limited common elements. Each unit includes the exclusive right to use the deck area attached to each unit, which deck is a limited common element. Any expense associated with the maintenance, repair or replacement of any limited common element shall be assessed against the unit or units to which that limited common element is assigned. Any common expense benefiting fewer than all of the units shall be assessed exclusively against the unit or units benefited.

B. SPECIAL DECLARANT AND DEVELOPMENT RIGHTS.

The Declarant has reserved the development right to create additional units as allowed by the Town of Wiscasset. The Unfinished Units, including the buildings and landscaping related to those units, will be constructed in a manner reasonably consistent with the completed units for quality of construction and principal building materials, but the Declarant may substitute materials and techniques of equivalent or superior quality. Upon completion of the Unfinished Units, all new and existing units will then share in the use of common areas, voting rights and liability for the Condominium expenses as a group.

The Declarant also reserves the right to create and relocate utility easements on the property servicing the Condominium, to connect into those utility lines and to operate a sales, leasing and management office until all Condominium units, including additional units added pursuant to the Declarant's reserved development rights, have been sold. The Declarant may appoint and remove the directors and officers of the Condominium Association and control the affairs of the Association until the earlier to occur of the following: (i) seven (7) years from the date of the first conveyance of a unit. The Declarant may voluntarily give up these rights before their expiration by a written statement recorded in the Lincoln County Registry of Deeds.

During the period of Declarant control, the Declarant intends to provide property management services to the Association for a commercially reasonable fee as provided in the enclosed budget.

As a part of the completion of the Unfinished Units additional landscaping may be undertaken by the Declarant. The locations of the Unfinished Units and the buildings and improvements related thereto are depicted on the Plat included as a part of the Condominium Declaration. The location of the buildings and Unfinished Units shown on the Plat are approximate, and the Declarant has reserved the right to amend the Declaration to depict the actual location of such buildings and units once they are complete. The Unfinished Units and related improvements and the pool and pool house, all as shown on the Plat, are intended to be built. The Declarant is self-financing the construction of the Unfinished Units and related improvements shown on the Plat.

The development rights reserved by Declarant in the Declaration include, without limitation, the right to create additional units, common elements and additional common elements, add land to the Condominium (shown on Plat as "Currently Undeclared Land"), withdraw land from the Condominium, convert common areas to units, convert units to common areas.

The number of units per acre resulting from the exercise of the development rights reserved by Declarant currently is indeterminate because such ratio will depend on the amount of land, if any, that Declarant effect to add to the Condominium. All units created pursuant to the development rights reserved by Declarant will be restricted to residential use.

The exercise of Declarant's development rights may result in a diminution of each unit's allocated interest in the common elements if additional units are created (from _____ to _____ if all _____ of the units that Declarant may create are created) or an increase in the allocated interest in the common elements if currently declared units are converted into common elements.

The Declarant makes no assurances regarding:

1. The compatibility with the units in Phase I, in terms of architectural style, the quality of construction and size, of any units created pursuant to the Declarant's development rights.
2. Improvements that may be made and limited common elements that may be created within any part of the Condominium pursuant to the Declarant's development rights reserved by Declarant, other than as shown on the Plat;
3. The locations of any buildings or other improvements that may be made within any part of the Condominium pursuant to the Declarant's development rights;
4. The general or specific types and sizes of the limited common elements that may be made within any part of the Condominium pursuant to the Declarant's development rights;
5. The proportion of limited common elements to units with respect to any limited common elements that may be created within any part of the Condominium pursuant to the Declarant's development rights;

6. Any restrictions on the use, occupancy or alienation of units that may be created within any part of the Condominium pursuant to the Declarant's development rights;
7. Whether statements herein applicable to development rights are applicable in the event that such development rights are not exercised by the Declarant.

C. GENERAL.

The Declaration of Condominium is the legal document that creates the Condominium. A copy of the Declaration of Condominium is attached hereto as Exhibit A. It becomes effective when recorded in the Lincoln County Registry of Deeds. The Declaration established the boundaries of the Condominium as a whole, the boundaries and percentage interest of the common elements of each unit, the special property rights within the Condominium such as limited common elements and easements, and the restrictions on the use of the units.

Amendments to the Declaration may be made by a vote of 67% of the unit owners. Certain amendments require the approval of the Declarant of lenders holding or insuring mortgages on the Condominium units. Certain amendments to the Declaration require a vote of 100% of the unit owners.

The Declaration contains certain restrictions on the use and occupancy of the units and empowers the Board of Directors of the Association to issue, modify from time to time, and enforce Rules and Regulations to enhance the quality of living for all unit owners. Additional restrictions on occupancy on the occupancy of units and the use of common elements can be found in the Rules and Regulations discussed in section IIA below. The following are subject provisions from the restrictions contained in the Declaration:

1. The units are restricted to single-family, residential use, except that the Declarant may use the Condominium property in the exercise of Special Declarant Rights and Development Rights and unit owners may use their units as home offices for telecommuting purposes; provided, however, that no walk-ins or regular client or customer meetings shall be conducted in the units. No unit owner shall be allowed to install a sign visible from the common elements indicating or advertising a commercial use or home office use in any unit. Each unit shall be used by the owner or other occupant(s) thereof in compliance with all applicable laws, ordinances and regulations.
2. The keeping, boarding and/or raising of animals, laboratory animals, livestock, poultry or reptiles of any kind, regardless of number, shall be and is prohibited within any unit or upon the common elements or limited common elements, except that the keeping of small orderly domestic pets such as dogs, cats or caged birds, aquarium fish or other limited species of animals is allowed subject to regulation by the Board of Directors. All pets and animals shall be restrained so as not to become noisome or offensive to the occupants of any unit and pets and animals shall not be permitted outside of a unit except attended by a responsible person. The unit owner is responsible for the clean up of the pet's excrement. No pets shall be allowed to run freely on the Condominium property, nor shall pets be allowed outside without being under the immediate supervision of a responsible person. With respect to all animals, except fish, the aggregate number of animals per unit shall not exceed 2. The Association shall have the power to further regulate pets and animals, including without limitation the power to regulate the size and species of pet, to establish

additional behavior requirements and to expel any offending pets and animals from the Property.

3. All leases of units must be in writing in a form approved by the Board of Directors. No unit shall be rented for transient or hotel purposes or in any event for an initial period less than three (3) months and no portion of any unit (other than the entire unit) shall be leased for any period. The written lease of any unit must: (a) require the lessee to comply with the Declaration, By Laws and the Rules and Regulations of the Association; (b) provide that failure to comply therewith constitutes a default under the lease; and (c) provide that the Board of Directors has the power to terminate the lease and to bring summary proceedings to evict the tenant in the name of the lessor thereunder after 30 days prior written notice to the unit owner, in the event of a default by the lessee in the performance of the lease.
4. No unit owner shall use his unit in such a manner as to create a nuisance or disturbance of other unit owners. No unit owner shall play or permit to be played any musical instrument or operate or permit to be operated a stereo system, television, or other electronic or mechanical, sound-producing machinery, appliance or device inside or outside his unit between the hours of 10:00 p.m. and 8:00 a.m. or if such playing or operation shall disturb or annoy the occupants of any other unit. NO unit owner shall erect or maintain an outside television or radio antenna, except for small satellite dishes not in excess of 18 inches in diameter which may be installed with the prior written consent of, and pursuant to any conditions imposed by, the Board of Directors.
5. Common elements provided for access to the units, including without limitation driveways, sidewalks, and pathways, shall be used only for access to and from units by pedestrians and shall not be blocked by any personal property of unit owners, their tenants, families and guests.
6. Unit owners shall not erect fences, signs, structures, canopies, sheds or other structures, plant or remove trees or shrubs or materially alter the landscape or grading, including without limitation the planting of gardens in the common elements, or do anything to alter the exterior or outside appearance of the units. Declarant reserves the right to create a common garden area.

II. OTHER DOCUMENTS

A. BY LAWS.

The By Laws contain rules for self-governance of the Condominium by the Clark's Point Condominium Association. A copy of the By Laws is attached hereto as Exhibit B. The By Laws provide for the creation of the Board of Directors, which directs the affairs of Condominium, administers policies outlined in the By Laws, sets the budget and generally oversees the upkeep and the administration of the Condominium. The By Laws cover such other matters as the composition of the Board of Directors, the requirements for meetings and cotes, the manner in which the Condominium budget must be prepared, the determination and handling of monthly assessments, the filing assessments liens, the nature of insurance coverage and restrictions on the use of the units.

The By Laws provide that the Board of Directors has the power to establish Rules and Regulations governing the occupancy of units and the use of the limited common elements and the common elements of the Condominium. A copy of the initial Rules and Regulations are attached hereto as Exhibit C.

In the event a unit owner fails to pay the common charges, including the regular quarterly assessment or any special assessments, the Association has a lien on that unit to secure the charge.

Each unit owner must maintain the interior of his unit including the appliances, plumbing, electrical pipes, wires, equipment and fixtures, and the windows and doors of the unit. The Association is generally responsible for the maintenance of the exterior of the unit, the drives, parking areas, and grounds, excluding windows and doors and any damage caused by a unit owner. The By Laws prohibit a unit owner from changing the exterior appearance of his unit or the common elements or limited common elements, including the addition of any awnings, canopies, the construction of any improvements and the use of television antennas, clothes lines, etc. The Declarant and its agents, however, have the right to post signs and advertisements on the Condominium property for purposes of selling the units. Trash and garbage may be kept only in sanitary containers and properly stored. No articles of personal property may be stored outside of the unit, except for vehicles parked in parking spaces.

B. TITLE MATTERS.

The list of liens, defects, encumbrances and matters of title that affect the right, title or interests of the Declarant and the unit owners as of the effective date hereof are as follows:

- (i) The easements, covenants, restrictions and reservations contained in and created by the Declaration.
- (ii) All matters shown on the Plat.
- (iii) Site Plan Approval from the Town of Wiscasset, Maine and the conditions attached thereto.
- (iv) Those matters affecting title to the premises specifically set forth on Schedule A of the Declaration, and incorporated herein.

Unit owners may purchase a title insurance policy at their expense to protect and insure title to their units.

In additions, the Condominium and units may be subject to certain easements created by the Declaration and/or the Maine Condominium Act. These easements are:

- (1) Easement for Encroachments. By virtue of this easement, unit owners and the unit owners Association are protected in any event the unit, the common elements, or the limited common elements encroach on another unit, the common elements or limited common elements.
- (2) Easement to Facilitate Construction and Sales. The Declarant may use any unsold unit of the Condominium as models and sales offices or place advertising signs within the Condominium and cross the Condominium property for the purpose of completing the construction of Condominium units.
- (3) Easement for Access. Each unit owner has a right to cross the common elements for access to his unit, subject to rules, regulations and restrictions adopted by the Association.
- (4) Public Utilities. The By Laws permit the Association to grant easements for public utilities servicing the Condominium across the common elements with the consent of the majority of members voting.

C. RESTRAINTS ON ALIENATION AND LEASING.

The Maine Condominium Act prohibits the Declarant from offering any interest in a condominium unit until the Declarant has prepared and delivered to the purchaser this Statement. The Declarant knows of no other restraints that would preclude the free transferability of legal title to the units. The Condominium instruments do not grant the Declarant, the Association, lenders, or any other person a right of first refusal or option to purchase a unit form a unit owner.

The By Laws provide that a residential unit may not be leased or rented except on terms consistent with the provision of the Declaration and By Laws of the Condominium and for a period of no less than three (3) months. A unit must be leased as a unit in its entirety and no lease of a portion of a unit such as a single bedroom is permitted. The Board of Directors has power to terminate leases or to evict a tenant in the event of a breach of the terms of the lease or the Condominium instruments. All leases must be in writing and on a form approved by the Association. Each unit owner must notify the Association of all tenants and provide it with a copy of the lease.

III. OPERATION OF THE CONDOMINIUM

A. THE UNIT OWNERS ASSOCIATION

1. Self-Governance of the Condominium. The Condominium is governed by The CLARK'S Point Condominium Association, a Maine non-profit corporation. All of the unit owners collectively constitute the members of the Association as an incident of ownership of their units. Each unit owner is automatically a member of the Association and remains a member until his ownership of

a unit ceases. The unit owners elect a Board of Directors of the Association after the period of Declarant control expires. Until then, the Declarant appoints Directors.

2. Powers and Responsibilities of the Condominium Association. The By Laws provide that the powers and responsibilities of the Condominium Association are delegated to the Association's Board of Directors, and some of such powers and responsibilities in turn may be delegated to officers of the Association and a property manager. The Board of Directors has the powers and responsibilities in administering the Condominium to, among other things:
 - (a) Prepare and adopt the annual budget;
 - (b) Make and collect assessments against the unit owners for common expenses;
 - (c) Provide for the upkeep, maintenance and care of exterior and structure of the units, the common elements and the limited common elements;
 - (d) Designate, hire and dismiss the personnel necessary for the maintenance of the Condominium;
 - (e) Make and enforce Rules and Regulations concerning the occupancy of units and use of the common and limited common elements of the Condominium;
 - (f) Establish bank account(s) on behalf of the Association and maintain reserve accounts for repairs and replacements of Condominium improvements;
 - (g) Preserve the exterior of the units and common elements and limited common elements in a well-maintained, first class condition;
 - (h) Enforce by legal means the provisions of the Condominium instruments;
 - (i) Obtain necessary insurance;
 - (j) Pay the cost of services rendered to the Condominium; and
 - (k) Keep the books of account of the Condominium.
3. Allocation of Voting Power. All units will each have 1 equal vote in the Association. The liability for common expenses and the percentage ownership of the common elements of the Condominium is allocated among all units prorata based on the number of declared units.
4. Transfer of Declarant Control. The Declaration authorizes the Declarant to appoint and remove all directors of the Association until the earlier of 7 years from the conveyance of the first unit. At that time, the unit owners shall elect a Board of Directors. The Declarant, at is option, may relinquish this authority at any earlier time by recording a notice in the Lincoln County Registry of Deeds.

B. MANAGEMENT OF THE CONDOMINIUM.

The By Laws provide that the Board of Directors may employ a professional property manager for the Condominium at a level of compensation fixed by the Board of Directors. The Declarant intends to manage the Condominium, for a commercially reasonable fee, during the period of Declarant control. At the expiration of the period of Declarant control, the decision as to whether to retain the services of a managing agent, and the selection of such managing agent, will be made by the Association of unit owners. A management fee is provided for in the proposed budget. Pursuant to the Declaration, any decision to assume self-management of the Association will require the approval of a majority of the holders of mortgages on the units.

The By Laws contain provisions for reserves for capital expenditures. The By Laws require the establishment of a reasonable reserve fund for capital improvements, replacements and major repairs. The By Laws also provide that if, for any reason, such reserve fund is inadequate to defray the cost of a required capital improvement, replacement or major repair, the Board of Directors may levy further assessments against the unit owners in proportion to the Allocated Interests of their respective units.

A unit owner will be personally liable for all lawful assessments levied against his Condominium unit which become due while he is the unit owner. In addition, common expenses and service charges assessed against the unit owner automatically constitute a lien on the owner's Condominium unit, which lien, if unsatisfied, may be enforced by foreclosure or other legal remedies.

The Allocated Interest in the common elements of the Condominium is set forth in the Declaration; the amount of the estimated quarterly assessment for Condominium expenses is set forth on the attached budget. The quarterly assessment charged to a particular unit is based on the Allocated Interest of such unit.

IV. BUDGET

A projected annual budget for the Condominium's operation is attached to this Statement as Exhibit D. The budget was prepared by the Declarant based on the best estimates available to it in _____ and assumes (i) that the estimates received from services vendors accurately reflect the cost of such services when performed and. Because the Condominium is new, there is no history of operating expenses, and therefore it is impossible to project with assurance such future costs, and the Association presently has no significant assets or liabilities. A replacement reserve is included in the Budget as described therein. The projected quarterly assessment for each unit \$ _____. Declarant provides no special services nor incurs any special expenses on behalf of the unit owners that are anticipated to become common expenses, except for property management services as provided above; provided, however, that the Declarant will be responsible for units and buildings under construction until such units are ready for occupancy.

Real Estate taxes will be billed directly to unit owners by the Town of Wiscasset, Maine once the unit has been in existence as of April 1 of a given year. Until then, the Declarant may bill owners for their proportionate share of taxes assessed against the Condominium as a whole. Real estate taxes are not included in the Association budget.

V. UNIT PURCHASE

The obligations of the parties in connection with the purchase of a unit are stated in detail in the sample Purchase and Sale Agreement. Each purchaser must also sign a Limited Warranty Certificate that limits the time in which to bring warranty claims to 2 years. Prices for all units are established by the Declarant and may be subject to change at any time at the Declarant's sole discretion prior to the execution of a Purchase and Sale Agreement with any particular purchaser. Different purchasers may pay different prices for similar units at the sole discretion of the Declarant.

A prospective unit purchaser must arrange for his own financing and no financing has been offered or arranged by the Declarant. Purchaser's deposits will be placed in a non-interest bearing escrow account under the control of _____. Deposits will be returned to prospective purchasers who cancel their purchase contract in accordance with Section 1604-107 of the Maine Condominium Act; generally, such deposits will be treated in accordance with the terms of the Purchase and Sale Agreement.

VI. INSURANCE

The Board of Directors will obtain insurance to protect the Association and, to a certain limited extent, the unit owners as individuals. In general, the types and amounts of insurance to be obtained by the Association are described as follows:

Each building, including the units therein, will be covered by fire and property damage insurance. The coverage will be for fire and other extended coverage and in an amount equal to the full replacement cost of the building above the foundation. This coverage will not insure personal property belonging to a unit owner nor special improvements to a unit made by or at the request of the unit owner.

The unit owners Association will obtain insurance covering liability arising from ownership or use of the common elements. This coverage will not insure unit owners against liability arising from an accident or injury occurring within a unit or on the decks allocated to units or liability arising from the act or negligence of a unit owner.

The Board of Directors will also maintain Directors and Officers Insurance and other appropriate insurance required by mortgage lenders.

The Declarant strongly recommends that each unit owner obtain insurance coverage on his personal property, special improvements to a unit and liability exposure not covered by the policies maintained by the Association. The unit owner should be aware, however, that the By Laws require special provisions in the policies providing additional insurance. A unit owner therefore should provide his insurance agent with a copy of the By Laws.

VII. WARRANTIES

The Maine Condominium Act provides certain warranties to all unit owners as described below, which warranties are subject to certain exclusions and modifications made by the Declarant. The Purchase and Sale Agreement requires that all purchasers sign a Limited Warranty Certificate agreeing that any warranty claims to be made and enforced within 2 years after the purchase.

With respect to the Condominium units being sold and the common elements, the Maine Condominium Act provides as follows:

A. EXPRESS WARRANTIES OF QUALITY.

1. Express warranties made by any seller to a purchaser of a unit, if relied upon by the purchaser, are only created as follows:
 - (a) Any written affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominiums that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium, creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;
 - (b) Any model or description of the physical characteristics of the condominium, including plans and specifications of or for improvements, creates an express warranty that the condominium will substantially conform to the model or description;
 - (c) Any written description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances; and
 - (d) A provision that a buyer may put a unit only to a specified use is an express warranty that the specific use is lawful.
2. Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty, are necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty.
3. Any conveyance of a unit transfers to the purchaser all express warranties of quality made by previous sellers.

B. IMPLIED WARRANTIES OF QUALITY.

1. A declarant and any person in the business of selling real estate for his own account warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.
2. A declarant and any person in the business of selling real estate for his own account impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by him, or made by any person before the creation of the condominium, will be:
 - (a) Free from defective materials; and
 - (b) Constructed in accordance with applicable law, according to sound engineering and construction standards and in a workmanlike manner.
3. In addition, a declarant warrants to a purchaser from him of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.
4. Warranties imposed by this section regarding implied warranties may be excluded or modified pursuant to Section 1604-114 of the Maine Condominium Act.
5. For purposes of the foregoing implied warranties, improvements made or contracted for by an affiliate of a declarant are made or contracted for by the declarant.
6. Any conveyance of a unit transfers to the purchaser all of a declarant's implied warranties of quality.

C. EXCLUSION OF MODIFICATION OF IMPLIED WARRANTIES OF QUALITY.

1. Except as limited by Subsection 2 below with respect to a purchaser of a unit that may be used for residential use, implied warranties of quality:
 - (a) May be excluded or modified by agreement of the parties; and
 - (b) Are excluded by expression of disclaimer, such as "as is", "with all faults", or other language which in common understanding calls the buyer's attention to the exclusion of warranties.
2. With respect to a purchaser of a unit that may be occupied for residential use, no general disclaimer of implied warranties of quality is effective, but a declarant may disclaim liability in an instrument signed by the purchaser, for a specified defect or specified failure to comply with applicable law, if the defect or failure entered into and became a part of the basis of the bargain.

D. STATUTE OF LIMITATIONS FOR WARRANTIES.

1. A judicial proceeding for breach of the warranty obligations created under the Maine Condominium Act must be commenced within 6 years after the cause of action accrues, but the parties agree to reduce the period of limitation to not less than 2 years. With respect to a unit that may be occupied for residential use, an agreement to reduce the period of limitation must be evidenced by a separate instrument executed by the purchaser.
2. Subject to Subsection 3 below, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:
 - (a) As to unit, at the time the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and
 - (b) As to each common element, at the time the common element is completed or, if later: (i) as to common element that may be added to the condominium or portion thereof, at the time the first unit therein is conveyed to a bona fide purchaser or (ii) as to a common element within any other portion of the condominium, at the time the first unit in the condominium is conveyed to a bona fide purchaser.
3. If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

The Declarant has limited the foregoing statutory warranty to a 2-year period. The Declarant is liable only for the cost of repair or replacement or to compensate for the decline in the unit's market value. The Declarant disclaims and any purchaser waives by acceptance of a deed to unit, liability for special or consequential damages.

VIII. MISCELLANEOUS

Home Financing. The Declarant is not required to finance any portion of the purchase price of units.

Pending Suits Against the Association. As of the effective date of this Statement, the Declarant is not aware of (i) any unsatisfied judgments or pending suits against the Association or (ii) any pending suits material to the Condominium.

Escrow of Deposits. Any deposit made in connection with the purchase of a unit will be held without interest to purchaser in an escrow account with _____. Deposits will be returned to those purchasers who cancel their Purchase and Sale Agreements in accordance with section 1604-107 of the Maine Condominium Act. The deposits will be treated in accordance with the terms of the Purchase and Sale Agreement, a copy of which is attached hereto and incorporated herein as Exhibit E.

Special Fees. The Associates will not charge unit owners any special fee for the use of any of the common elements or facilities within the Condominium, except for the use of common elements for special events that temporarily preclude the use by other unit owners or that require additional management oversight or services by the Association.

You are advised to consult with an attorney if you do not understand the import of the foregoing information and if you need assistance reviewing the Declaration, By Laws and other documents relating to the Condominium.

_____, a prospective buyer of a unit in the Condominium, hereby acknowledges having received and reviewed a copy of the foregoing Public Offering Statement for the Clark's Point Condominiums.

Witness

Buyer

Exhibit A

DECLARATION OF CLARK'S POINT CONDOMINIUMS

ARTICLE I
SUBMISSION

Douglas K. Fitts and Brett E. Benway hereby submits the land, improvements and easements known as the "Clark's Point Condominiums" with all buildings and improvements thereon located within the Town of Wiscasset, Lincoln County, Maine, and more particularly described in Schedule A attached hereto (the "Property") to the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes Annotated, as amended, and hereby creates "Clark's Point Condominiums" (the "Condominium"). The Property is shown as Phase I on the condominium plat to be recorded herewith in the Lincoln County Registry of Deeds. The unit owners' association shall be a Maine non-profit corporation known as "Clark's Point Condominium Association" (the "Association").

The Condominium created pursuant to this Declaration consists of the Property all subject to the Development Rights reserved by Declarant pursuant to this Declaration that allow Declarant, among other rights, to create as part of the Condominium all proposed units, and subject to the Special Declarant rights set forth in this Declaration. Reference is made to the Amended Final Site Plan of Clark's Point Condominiums approved by the Town of Wiscasset Planning Board on _____, duly recorded in said Registry of Deeds in _____.

The terms used in this Declaration, the By Laws of the Association or the Plat generally shall have the meanings specified in the Maine Condominium Act, except as otherwise defined herein.

ARTICLE II
UNIT BOUNDARIES

Section 2.1 Location and Dimension of Units.

Each of the initial 28 units consists of with the air space above the surface of the earth defined by the floor and walls of the basement, with the vertical boundaries of such unit, the identification number of the unit, and approximate area of the unit being shown on the Plat.

Section 2.2 Unit Boundaries.

The boundaries of each unit are as shown on the Plat and are as follows:

- A. Lower (horizontal) Boundaries: The lower boundary of each unit is the physical surface of the earth at the elevation of the finished floor of the basement and extending to an intersection with the vertical (perimeter) boundaries described below.
- B. Vertical (perimeter) Boundaries: The vertical boundaries of each unit are the vertical planes in the locations depicted as the perimeter of the units on the Plat, shown as solid lines and corresponding with the exterior of the walls of the basement and the exterior of the partition walls with adjacent unit(s), and extending, perpendicular from level ground, skyward.

All structures, fixtures and improvements at any time located within a unit's boundaries, whenever constructed, are a part of that unit, except as expressly provided in this Article II and elsewhere in this Declaration.

A unit does not include: the earth and underlying land under a unit's horizontal boundary; all pipes, ducts, cables, electrical and transmission wires and conduits, distribution pipes and water and sewer pipes, and all other utility lines which serve more than one unit or the common elements (excepting equipment owned by public and municipal utilities) up to the valve, switch or shutoff between common and exclusively used portions thereof, with the valve, shut off or switch being a part of the unit; the parking areas, the common drives and access ways shown on the Plat.

Because the initial units in the Condominium do not have horizontal boundaries corresponding to physical structures, other than the basement floor, no plans are presently included with this Declaration, and all information required by section 1602-109(d) of the Condominium Act appears on the Plat.

Section 2.3 Relocation of Unit Boundaries and Subdivision of Units.

Relocation of boundaries of units is permitted by amendment to the Declaration in compliance with the provisions of the Condominium Act and upon receipt of all necessary governmental approvals, permits and licenses. The subdivision of units is not permitted.

Section 2.4 Allocated Interests.

The percentage of ownership of common elements and liability for common expenses shall be allocated equally and prorata to each unit according to the number of units that have been created in the Condominium. Each unit shall have one (1) equal vote as a member of the Association. The allocations of common element interest, voting rights and common expense liability appurtenant to each of the initial 28 units are set forth in Schedule C.

ARTICLE III
COMMON ELEMENTS

Section 3.1 Common and Limited Common Elements.

- A. Common elements consist of the entire Property, except the individual units as described in Article II above, and generally include:
1. The land, with the benefit of and subject to all easements, covenants, agreements, and restrictions of record as of the date hereof, including without limitation the rights and easements described in Schedule A;
 2. All pipes, ducts, cables, electrical and transmission wires and conduits, distribution pipes, water and sewer pipes, and all other utility lines which serve more than one unit or the common areas (excepting equipment owned by public and municipal utilities);
 3. All of the recreational facilities, including without limitation the pool, pool house, tennis courts, ramp, dock, floats, and pedestrian walking paths; and

4. All other parts of the Property necessary or convenient to its existence, maintenance and safety or normally in common use, except as otherwise expressly provided in this Declaration.
- B. Limited common elements, the exclusive use of which is reserved to the use of a particular unit or units, to the exclusion of other units, consist of the following, in addition to those features described in Section 1602-102(2) and (4) of the Condominium Act: for each unit, any deck attached to or existing within such unit.

ARTICLE IV
DEVELOPMENT RIGHTS, SPECIAL DECLARANT RIGHTS
AND DECLARANT CONTROL PERIOD

Section 4.1 Development Rights.

The Declarant reserves to itself, and for the benefit of itself and its successors and assigns, the development rights to create additional units, common elements and/or limited common elements within the Condominium, to convert units into common elements, to convert common elements into units, to add real estate to the Condominium and/or to withdraw real estate from the Condominium and to modify, extend and/or relocate roads, paths, utility lines and common driveways in the Condominium (provided that no such modification or relocation shall be undertaken in such a manner so as to deprive any unit of access) (together, the "Development Rights"). The real estate subject to the Development Rights is (i) the Property and (ii) the Currently Undeclared Land as shown on the Plat and as more particularly described on Schedule B attached hereto. The Declarant further reserves to itself and for the benefit of its successors and assigns, the right and easement for the location and encroachment on the Property, as described in Schedule A, of buildings or other structures and improvements located in part on the Currently Undeclared Land, including any units, common elements and/or limited common elements located therein, and of roadways serving the Currently undeclared Land, so long as the location of any such buildings or other structures and improvements does not unreasonably interfere with the access to any unit previously constructed on the Property. The Development Rights herein reserved may be exercised with respect to different parcels of real estate at different times and the Currently Undeclared Land may be added to the Condominium in whole or in parts from time to time, as Declarant, in its sole discretion may determine. No assurances are made with respect to the order in which the parcels of real estate subject to the Development Rights will be subjected to the exercise of such Development Rights. If any such Development Right is exercised in any portion of the real estate subject to such Development Right, such Development Right need not be exercised in all or any other portion of the Currently Undeclared Land or Property. The Declarant makes no assurances that the Currently Undeclared Land, or any portion thereof, will be developed or added to the Condominium or that it will be added or developed in any sequence or in any specific parcels. If units are added to or withdrawn from the Condominium, or converted into or from common elements, by the Declarant in the exercise of its Development Rights as reserved in the Declaration, the votes in the Association shall be reallocated among all of the units such that each unit shall have one (1) vote, and the percent of interest in common elements shall be allocated equally and prorata among all of the units created and existing. The Declarant makes no assurances that buildings or other improvements constructed by Declarant in the exercise of its Development Rights will be generally compatible with the architectural style and quality of construction of other buildings and improvements in the Condominium. For purposes of this Article IV, Development Rights and Special Declarant Rights shall be deemed to be exercised at such time as this Declaration is amended to reflect the creation of additional units or such other Development Right or Special Declarant Right, if the exercise of such right

requires an amendment to this Declaration, regardless of the time that such unit is constructed or such other work contemplated by the Development Right or Special Declarant Right is completed.

Notwithstanding the foregoing, Declarant reserves the Development Right to change the location and dimensions of all buildings and the units therein, and the related limited common elements, drives and walkways, from those depicted on the Plat, such final locations and dimensions to be established by an amendment to this Declaration executed by Declarant and recorded in the Lincoln County Registry of Deeds.

Section 4.2 Special Declarant Rights.

The Declarant reserves, for the benefit of Declarant and its successors and assigns, the following rights with respect to the Property (and the Currently Undeclared Land to the extent added to the Condominium pursuant to section 4.1 above) (the "Special Declarant Rights") until the construction, marketing and sale of all units that Declarant is allowed to create hereunder, and the common elements are completed:

- A. To locate and relocate in the common elements, limited common elements and units, even though not depicted on the Plat, and grant and reserve easements and rights-of-way for the installation, maintenance, repair, replacement, inspection and use of utility lines, wires, pipes, conduits and facilities servicing the Condominium including but not limited to water, electric, telephone, cable television, natural gas, and sewer/septic and transformers, meters and other equipment related thereto, provided that no such easement shall be effective until of record, that no such easements may be granted through units sold by Declarant to third parties without such unit owner's consent and that the common elements disturbed promptly shall be reasonably restored upon installation and repair of such utility improvements;
- B. To connect with and make use of utility lines, wires, pipes, conduits and facilities located on the Property for construction and sales purposes, provided that the Declarant shall be responsible for the cost of services so used;
- C. To use the common elements and limited common elements for the alteration, repair and construction of units, common elements and limited common elements (including without limitation the movement and temporary storage of construction materials and equipment), pedestrian and vehicular ingress and egress, vehicular parking, the cutting and removal of trees and vegetation, the excavation, grading and alteration of the surface of the earth, the creation of storm water drainage and septic systems and the installation of signs and lighting for sales and promotional purposes;
- D. To use the common elements and limited common elements for the ingress and egress of itself, its officers, employees, agents, contractors and subcontractors and for prospective purchasers of units; to use any units owned or leased by the Declarant as models, management offices, sales offices for its project or customer service offices and to relocate the same from time to time within the Property (upon relocation, the furnishings thereof may be removed); to maintain on the Property such advertising signs as may comply with applicable governmental regulations, which may be placed in any location on the Property and may be relocated or removed, all at the sole discretion of the Declarant; to erect temporary offices on the common elements for models, sales, management, customer Service and similar purposes, which may be relocated or removed, all at the sole discretion of Declarant;

- E. To appoint and remove members of the Executive Board of the Association (the "Board") and officers of the Association _____ declarant decides to _____ these rights in any event:
1. Within seven (7) years of the first conveyance of any unit, or
 2. Until voluntarily waived in whole or part by Declarant by written notice duly recorded, whichever occurs first (together, the "Declarant Control Period").
- F. Declarant specifically reserves the rights to add additional real estate to the Condominium project including land now owned by declarant or acquired in the future. The right to reserved herein includes the right to grant easements over and across or under roadways in the project and to utilize the common areas and facilities.
- G. The special Declarant Rights established under the Condominium Act.

Section 4.3 Limitations on Development Rights and Special Declarant Rights.

The exercise of Development Rights and Special Declarant Rights shall be subject to the following restrictions:

1. No changes shall be made in violation of the Town of Wiscasset Planning Board site plan approval, as evidenced by the Amended Final Site Plan dated _____, and any condition imposed in connection therewith, except in accordance with applicable law.
2. No changes shall be made in the approvals received from the Maine Department of Environmental Protection, except in accordance with applicable law.

Section 4.4 Completion of Buildings.

The Declarant reserves, for the benefit of Declarant and its successors and assigns, the right until nine (9) years from the date of recording this Declaration for cash phase of this project. To complete construction of single or multi-family residential structures, garages, recreational facilities, roads, driveways, parking areas, common element and limited common element structures and facilities, and all fixtures and improvements in connection therewith, in and on each unit, or with respect to the creation of units, or in and on the common elements, all pursuant to Section 1602-110 of the Condominium Act.

Section 4.5 Unsold Units.

Except as provided in this Declaration and/or the Condominium Act, the Declarant shall have the same rights and be subject to the same obligations with respect to completed but unsold units as the owners of individual units after initial conveyance thereof by the Declarant.

Section 4.6 Amendments to Article IV.

This Article IV shall not be amended or waived without the express written consent of the Declarant duly recorded in the Lincoln County Registry of Deeds. The benefits of Article IV and all other special rights of Declarant set forth in this Declaration, the By Laws or otherwise as amended from time to time, may be transferred and assigned by recorded instrument specifically referring to the transferred rights and executed by Declarant and its successors or assignee.

ARTICLE V
AMENDMENT TO CONDOMINIUM INSTRUMENTS; REQUIRE CONSENT

Section 5.1 Amendment of Declaration.

This Declaration, including the Plat may be amended or modified in accordance with the following procedure, except as otherwise provided in this Declaration or in the Condominium Act:

- A. The notice of any regular or special meeting of the Association at which a proposed amendment to this Declaration is to be considered shall contain the text of the proposed amendment. Notice shall also be sent to Eligible Mortgage Holders if required pursuant to Article X.
- B. At the meeting, the resolution shall be adopted if it receives the affirmative vote or written consent of sixty-seven percent (67%) or more of the total votes in the Association in all cases and such Eligible Mortgage Holders as required pursuant to Article X. Unit owners and Eligible Mortgage Holders, if required by Article X, may express their approval in writing or by proxy. Votes shall include declarants right to vote unfinished units.
- C. An amendment shall be effective when recorded. The Association shall endeavor to forward a copy of the amendment to each unit owner and Eligible Mortgage Holders in the manner elsewhere provided for the giving of notices, but receipt of such notices shall not constitute a condition precedent to the effectiveness of such amendment.

Section 5.2 Consent of Declarant.

No amendment shall be made to this Declaration, the By Laws of the Association or the Rules and Regulations of the Association during the Declarant Control Period, or with respect to or affecting the Development Rights or Special Declarant Rights, without the prior express written consent of the Declarant.

Section 5.3 Amendment to Comply with Secondary Market Mortgage Requirements.

It is Declarant's intent that this Declaration comply with the underwriting requirements of Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal National Mortgage Association (Fannie Mae), the Veterans' Administration, the Federal Housing Administration or other recognized institutional mortgage programs. In the event that this Declaration does not comply with such underwriting requirements, Declarant, in Declarant's sole discretion, shall have the right to amend this Declaration to make this Declaration conform to such underwriting requirements.

ARTICLE VI.
DAMAGE OR DESTRUCTION

Section 6.1 Repair.

Any portion of the Property damaged or destroyed shall be repaired or replaced promptly by the Association unless:

- A. The Condominium is terminated under Article VII;
- B. Repair or replacement would be illegal under any state or local health or safety statute or ordinance; or
- C. One hundred percent (100%) in interest of the unit owners vote not to rebuild, including every owner of a unit or limited common area that would not be rebuilt and including the consent of the Eligible Mortgage Holders as provided in Article X.

Insurance deductibles and the cost of repair or replacement in excess of insurance proceeds and reserves or not covered by an insurance shall be a common expense.

Section 6.2 Application of Insurance Proceeds.

If the entire Condominium is not completely repaired or replaced:

- A. The insurance proceeds attribute to the damaged units and common elements shall be used to restore the damaged areas to a condition compatible with the remainder of the Condominium;
- B. The insurance proceeds actually received by the Association and attributable to units that are not rebuilt, including without limitation the interest in the common elements and in limited common elements, shall be distributed to such unit owners and their mortgagees; and
- C. The remainder of the proceeds shall be held in trust to be distributed to the unit owners and their mortgagees in accordance with the Condominium Act. Any loss covered by such insurance shall be adjusted by the Association, which shall exclusively represent all unit owners in any proceedings, negotiations, settlements or agreements in connection therewith. As such, each unit owner, except the Declarant (or its successors and assigns) with respect to unsold units, hereby irrevocably constitutes and appoints the Association its true and lawful attorney, with full power of substitution, to represent such unit owner in any proceedings, negotiations, settlements, or agreements in connection with adjusting a loss covered by such insurance. The foregoing power of attorney conferred upon the Association by this Declaration, being coupled with an interest, shall be irrevocable so long as any such person (other than the Declarant) owns a unit. This power of attorney shall not be affected by the disability or incompetence of such a unit owner. The insurance proceeds shall be paid to the Association as trustee for the unit owners and lien holders as their interests may appear. Mortgagees' liens shall transfer in order of priority to the insurance proceeds. Notwithstanding the provisions of this Section, Article VII of the Declaration governs the distribution of insurance proceeds if the Condominium is terminated. If the members vote not to rebuild any unit, that unit's percentage interest in the common elements shall be automatically reallocated to the then-remaining units in proportion to their percentage interests prior to the reallocation, and the Association shall promptly prepare, execute and record an amendment to the

Declaration reflecting the reallocation. Unless a unit owner has requested and received written confirmation from both the Association and the Association's hazard insurance carrier of optional insurance coverage for the owner's fixtures, permanent improvements and betterments within the unit, the unit owner shall be responsible for the expense of repair or replacement thereof.

Section 6.3 Association Public Liability Insurance.

The Association shall maintain comprehensive commercial general liability insurance, including medical payments insurance insuring the unit owners, in their capacity as unit owners and Association members and any managing agent retained by the Association, relating in any way to the ownership and/or use of the common elements, public ways and any other areas under the supervision of the Association and any part thereof. Such insurance policy shall contain a "severability of interest endorsement" or equivalent coverage which precludes the insurer from denying the claim of a unit owner because of the negligent acts of the Association or another unit owner. Such insurance shall include coverage for bodily injury and property damage that results from the operation, maintenance or use of the common elements, and liability resulting from law suits related to employment contracts in which the Association is a party, other than standard workers compensation and employment practices exclusions, and such other risks as the Board determines are appropriate. The amount of coverage of such liability insurance, and the deductibles therefore, shall be as determined by the Board. The scope and amount of coverage of all liability insurance policies shall be reviewed at least once each year by the Board and may be changed in the Board's discretion.

ARTICLE VII
REMOVAL FROM THE CONDOMINIUM ACT

Section 7.1

The submission of the Property to the Condominium Act herein shall not be terminated unless (i) eighty percent (80%) in voting interest of all the then-current unit owners in accordance with the Condominium Act and (ii) the percentage of the Eligible Mortgage Holders required by Article X shall agree to such revocation or removal of the Property from the provisions of the Condominium Act, their agreement to be established by written instrument duly recorded.

Section 7.2

Upon removal of the Property from the Condominium Act, the unit owners shall hold the Property and any proceeds thereof as tenants in common in accordance with the Condominium Act, with any mortgages or liens affecting a unit to attach in order of priority against the resulting common ownership interest. Removal shall not bar the subsequent re-submission of the Property to the Condominium Act.

ARTICLE VIII
ELEMENT DOMAIN

Section 8.1

If a unit is acquired by eminent domain, to the extent the award is paid to the Association or is controlled by this Declaration or the Association, the award shall be applied to compensate the unit owner and his

mortgagee(s), if any, for the unit and the unit's percentage interest in the common elements, whether or nor any common elements are acquired. Upon acquisition of the unit, the unit's allocated interests shall be automatically reallocated to the remaining units in proportion to their respective allocated interests before the taking, and the Association shall promptly prepare, execute, and record an instrument reflecting the reallocations.

Section 8.2

If part of a unit is acquired by eminent domain, to the extent the award is paid to the Association or is controlled by this Declaration or the Association, the award shall be applied to compensate the unit owner and his mortgagee(s), if any, for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon such acquisition:

- A. That unit's allocated interests shall be reduced in proportion to the reduction in the size of the unit; and
- B. The portion of the allocated interest divested from the partially acquired unit shall automatically be reallocated to that unit and the remaining units in proportion to their respective allocated interests of those units with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

Section 8.3

If part of the common elements are acquired by eminent domain, the Association shall be entitled to payment of the award, subject to the Maine Condominium Act; generally the portion of the award attributable to the common elements taken shall be distributed to the unit owners and their mortgagee(s) in accordance with the Condominium Act, unless the Association rebuilds or acquires comparable common elements. Any portion of an award attributable to the acquisition of a limited common element or as may otherwise benefit the Condominium determined by a Court of competent jurisdiction must be equally divided among the owners of the units to which that limited common element is allocated at the time of acquisition in proportion to their interests in the common elements.

Section 8.4

In the event of a proposed acquisition by eminent domain, the Association shall have the right but not the obligation to act and to intervene on behalf of unit owners. As such, each unit owner, except the Declarant (or its successors or assigns) with respect to unsold units, hereby irrevocably constitutes and appoints the Association its true and lawful attorney, with full power of substitution, to represent such unit owner in any proceedings, negotiations, settlements, or agreements in connection with a proposed acquisition by eminent domain. The foregoing power of attorney conferred upon the Association by this Declaration, being coupled with an interest shall be irrevocable so long as any such person (other than the Declarant) owns a unit. This power of attorney shall not be affected by this disability or incompetence of such a unit owner. Nothing contained in this section or this Declaration, however, shall entitle any unit owner or other person to priority over a first mortgagee of a unit pursuant to its mortgage instrument in the right to receive eminent domain awards for the taking of units and/or common elements.

ARTICLE IX
GENERAL ADMINISTRATIVE PROVISIONS

Section 9.1 Easement for Access, Utilities and Support.

- A. Appurtenant to each unit is a perpetual right, subject to the Rules and Regulations established by the Board, of ingress and egress from such unit through the common elements to the public streets adjoining the Property.
- B. The Association, the Declarant, the managing agent and/or any other person authorized by the Board shall have a right of access to any unit and any limited common elements to the full extent as provided in the Condominium Act and the By Laws. In case of emergency, such entry may be gained immediately whether or not the unit owner is present at the time or notified in advance of such entry.
- C. Each unit shall have an easement in common with all other units to use all pipes, wires, ducts, cables, conduits, utility lines and other common elements serving such unit and located in any of the other units or on the common elements.
- D. Each unit sharing a party wall with the adjacent unit shall have an easement for support from such other unit, and an easement for driving and removing nails, screws, bolts and other attachment devices into the unit side surface of the party wall, whether concrete or framing which supports the dry wall, to the extent such nails, screws, bolts and other attachment devices may encroach into the adjoining unit or common areas; provided, however, that any such action shall not adversely affect either the structural, thermal or acoustical character of the party wall.

Section 9.2 Encroachments.

Each unit shall have an appurtenant easement to the extent necessary for structural and lateral support over every other unit and over the common elements and limited common elements; each unit, the common elements and limited common elements shall be subject to an easement for structural and lateral support in favor of every other unit. If any portion of the common elements or limited common elements hereafter encroaches upon any unit, or if any unit hereafter encroaches upon any other unit or upon any portion of the common elements or limited common elements, as a result of settling or shifting of any Building in which they are located or other than as a result of the purposeful or negligent act or omission of the owner of the encroaching unit or of the Association in the case of encroachments by the common elements or limited common elements, a valid easement appurtenant to the encroaching units, common elements or limited common elements for said encroachment and for the maintenance of the same shall exist for so long as the encroachment shall exist. In the event that any Building shall be partially destroyed as a result of fire or other casualty or as a result of a taking in the nature of eminent domain or by an action or deed in lieu of condemnation, and then is rebuilt, encroachments of a portion or portions of the common elements or limited common elements due to such rebuilding, shall be permitted, and valid easements appurtenant to the encroaching units, common elements or limited common elements for such encroachments and the maintenance thereof shall exist so long as that Building as so rebuilt shall stand. Notwithstanding any of the foregoing, the Declarant, as builder of the units, shall have no liability for immaterial deviations from the Plat that result in encroachments which are subject to easements under this Section 9.2.

Each unit sharing a party wall with an adjacent unit shall have an appurtenant easement to the extent necessary for structural and lateral support from the adjacent unit sharing such party wall.

Section 9.3 Use.

Each unit may be used and occupied subject to all restrictions contained in this Declaration, the By Laws of the Association, and the Rules and Regulations of the Association, as amended from time to time. The Units are restricted to single-family residential use, except that the Declarant may use the Property in the exercise of Development Rights and Special Declarant Rights and unit owners may use their units as home offices for telecommuting purposes; provided, however, that, with respect to use other than by Declarant pursuant to its Development Rights and Special Declarant Rights, no walk-ins or regular client or customer meetings shall be conducted in the units and no employees other than persons living in unit shall occupy such unit. Except by Declarant pursuant to its Development Rights and Special Declarant Rights, no unit owner shall be allowed to install a sign visible from the common elements or limited common elements indicating or advertising a commercial use or home office use in any unit. Each unit shall be used by the owner or other occupant(s) thereof in compliance with all applicable laws, ordinances and regulations, and unit owners indemnify and hold harmless the Association and other unit owners and occupants harmless from all fines, penalties, costs and prosecutions for any violation thereof.

Section 9.4 Pets.

The keeping, boarding and/or raising of farm animals, laboratory animals, livestock, poultry or reptiles of any kind, regardless of number, shall be and is prohibited within any unit or upon the common elements or limited common elements, except that the keeping of small, orderly domestic pets such as dogs, cats or caged birds, aquarium fish or other domesticated species of animals is permitted subject to regulation by the Board. All pets and animals shall be restrained so as not to become noisome or offensive to the occupants of any unit, and pets and animals shall not be permitted outside of a unit except on a leash attended by a responsible person. The unit owner is responsible for the clean up of the pet's excrement. No pets shall be allowed to run freely on the Property, nor shall pets be allowed outside being under the immediate supervision of a responsible person. With respect to all animals, except fish, the aggregate number of animals per unit shall not exceed two (2). The Association shall have the power to further regulate pets and animals under the By Laws or Rules and Regulations of the Association as promulgated or amended from time to time, including without limitation the power to regulate the size and species of pet, to establish additional behavior requirements and to expel any offending pets and animals from the Property.

Section 9.5 Leasing of Units.

All leases of units must be in writing in a form approved by the Board. No unit shall be rented for transient or hotel purposes or in any event for an initial term with any tenant of less than three (3) months and no portion of any unit (other than the entire unit) shall be leased for any period, except as allowed in writing by the Board. The written lease of any unit must: (a) require the lessee to comply with this Declaration, By Laws and Rules and Regulations of the Association; (b) provide that failure to comply therewith constitutes a default under the lease; and (c) provide that the Board has the power to terminate the lease and to bring summary proceedings to evict the tenant in the name of the lessor thereunder after thirty (30) days prior written notice to the unit owner, in the event of a default by the lessee in the performance of the lease. Each unit owner, promptly following the execution of any lease of a unit, shall forward a conformed copy thereof to the Board.

Section 9.6 Recreational Facilities.

Unit owners, and their families, guests and invitees, shall comply with all Rules and Regulations issued by the Association with respect to the recreational facilities, such as the pool (the "Recreational Facilities"). In addition, the unit owners shall comply with the following provisions with respect to their, their families', their guests' and their invitees' use of the Recreational Facilities:

- A. No guests or invitees of a unit owner shall use the Recreational Facilities except when personally accompanied and supervised by a unit owner, or a tenant or a lessee.
- B. Unit owners hereby acknowledge that, in order to lessen common area costs, the Recreational Facilities will not be staffed with supervisory personnel; as such, unit owners, and their families, guests and invitees, shall use the Recreational Facilities at their own risk.
- C. Unit owners shall be responsible for any repairs or replacements of the Recreational Facilities or any portion thereof caused by the use thereof, other than ordinary wear and tear, by the unit owners, and their families, guests and invitees.

Section 9.7 Insurance.

Notwithstanding anything in this Article IX to the contrary, nothing shall be done or kept in any unit or in the limited common elements that will increase the rate of insurance for the Property or any part thereof without the prior written consent of the Board. No unit owner shall permit anything to be done or kept in this unit or in the limited common elements that will result in the cancellation of insurance on the common elements or limited common elements or any part thereof or that would be in violation of any law, regulation, ordinance or administrative ruling.

ARTICLE X
RIGHTS OF MORTGAGEES

Section 10.1

Any first mortgagee of a unit may file a request identifying itself as a first mortgage holder and the number of the unit encumbered by its mortgage with the Association by certified or registered first-class mail, return receipt requested or by delivery in hand securing receipt therefore and thereby shall become an "Eligible Mortgage Holder"; the Secretary of the Association shall maintain such information. After the filing of a request by the Eligible Mortgage Holder, the Board shall cause notice to be sent to the Eligible Mortgage Holders of any one or more of the following events affecting the mortgaged unit(s), if so requested.

- A. Default by the owner of a mortgaged unit in the payment of quarterly common charges, assessments, service chargers, or other amounts due the Association that continues for 60 days or as required by the Condominium Act;
- B. The lapse, cancellation, expiration or material modification of insurance required to be maintained under this Declaration or By Laws of the Association;

- C. A material amendment to the Declaration requiring the consent of Eligible Mortgage Holders as provided in Section 10.2 below;
- D. Any condemnation proceeding against any of the Property;
- E. Material destruction of any portion of the common elements or limited common elements or any improvements thereon; or
- F. Such other events specified in the Condominium Act.

If in said request to the Association forwarded by an Eligible Mortgage Holder, the mortgage is identified as being subject to the requirements of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Veterans' Administration, the Federal Housing Administration or other recognized institutional mortgage programs, then the Association shall maintain such hazard and other insurance policies and coverage required under said mortgage programs and identified in said notice from the institutional mortgage holder, to the extent such insurance is available to the Association.

Section 10.2

For a material amendment to the Declaration except in connection with the exercise of Development Rights and Special Declarant Rights, but subject in any event to the provisions of the Condominium Act, approval must be obtained from Eligible Mortgage Holders representing in the aggregate at least fifty-one percent (51%) of the votes of units subject to mortgages held by Eligible Mortgage Holders. An amendment affecting any of the following shall be deemed material:

- A. Voting rights in the Association;
- B. Change in percentage liability for common expenses, assessment liens for common expenses, or the subordination of assessment liens;
- C. Reserves for maintenance, repair and replacement;
- D. Responsibility for maintenance and repairs;
- E. Reallocation of pro rata interests in the common elements or limited common elements or rights to their use;
- F. Boundaries of any unit;
- G. Convertibility of units into common elements or vice versa;
- H. Expansion or contraction of the Condominium, or the addition, annexation or withdrawal of property to or from the Condominium;
- I. Insurance or fidelity bonds;
- J. The rights to lease units;
- K. Imposition of any restrictions on a unit owner's right to sell or transfer his or her unit;

- L. A decision by the Association to establish self management when professional management had been required previously by an Eligible Mortgage Holder;
- M. Restoration or repair of the Property (after damage or destruction, partial taking by eminent domain or condemnation) in a manner other than that specified in this Declaration;
- N. Any action to terminate Condominium after substantial damage, destruction or condemnation occurs;
- O. Any provisions of this Article or any other provision of this Declaration that expressly benefits mortgage holders, insurers or guarantors;
- P. The merger or consolidation of the Condominium with another condominium or the subjection of the Condominium to a master association;
- Q. Any change in the Association's right to lien a unit for unpaid common expense assessments or a change in the priority of such liens;
- R. Any one-time increase in quarterly assessments by more than twenty-five percent (25%); or
- S. Any material reduction in the funding of reserves for maintenance, repair and replacement of common elements and limited common elements.

When unit owners are considering termination of the Condominium for reasons other than substantial damage, destruction or taking by eminent domain of the Condominium, the Eligible Mortgage Holders representing at least sixty-seven percent (67%) of the votes of units subject to mortgages held by Eligible Holders must consent to such termination.

The approval of any Eligible Mortgage Holder to such a material amendment to the Declaration shall be presumed when an Eligible Mortgage Holder fails to submit a response to any written proposal for any amendment with 30 days after the proposal is made.

Section 10.3 Records.

An Eligible Mortgage Holder may, at its sole expense, examine the books, records and accounts of the Association at reasonable times with reasonable advance notice to the Treasurer of the Association; provided, however, that Declarant shall have the right to withhold information in the books, records and accounts of the Association relating primarily to the construction and unit sale activities of Declarant. After the first conveyance of an individual unit (as distinguished from the conveyance of the entire project or Condominium) by the Declarant, the Association shall have a financial statement prepared within one hundred and twenty (120) days of the end of the Association's fiscal year. Upon written request from a holder of a mortgage on a unit, an insurer thereof, or an institutional guarantor thereof, the Association shall, within a reasonable period of time, provide a copy of such audited financial statement to such party requesting the same (if the request for a copy of the audited financial statement precedes the 120-day preparing deadline above, then the statement will be provided after it becomes available).

Section 10.4 Dispositions by Mortgagees.

In the event the Association adopts any right of first refusal or purchase option arising in the event of the sale or transfer of a unit, it shall not impair the right of an institutional mortgage lender to foreclose its mortgage, to accept a deed in lieu of foreclosure after written notice of default which deed identifies the circumstances classifying it as such a deed, or to dispose of, advertise, sell or lease a unit acquired under the procedures set forth above, and any such foreclosure or deed shall convey title free and clear of any such right of first refusal or purchase option with respect to such conveyance, but only with respect to such conveyance.

ARTICLE XI
ASSESSMENT FOR COMMON EXPENSES AND SERVICE CHARGES.

Section 11.1 Common Expense Assessments.

The total amount of common expenses incurred by the Association shall be assessed against the units in the proportions of common expense liability set forth in Schedule C, subject to the following:

- A. The common expenses that are not assessed as limited common expenses shall be assessed against all the units in proportion to the relative common expense liability of all the units.
- B. A limited common expense shall be assessed solely against all units benefited in proportion to the relative common expense liability of such units as between themselves, as the Board may determine.
- C. Assessments to pay a judgment against the Association shall be made as a limited common expense against the units included in the Condominium at the limited common expense against the units included in the Condominium at the time the judgment was entered.
- D. Electricity, gas, water, sewer, cable television and telephone services, if such services are available, shall be supplied by the public utility company serving the area directly to each unit through a separate meter and each unit owner shall be required to pay the bills for such services consumed or used in his unit. The electricity, gas, water and sewer serving the common elements shall be separately metered, and the Association shall pay all bills for such services consumed in the common elements as a common expense assessable to all the owners of the units.
- E. No adjustment to the common expense assessments against unit(s) shall be allowed or made based on the frequency or intensity of use of common elements or limited common elements, except as expressly provided in this Declaration; in particular, the Recreational Facilities are common elements from which all units receive a benefit and for which all units shall be assessed for the common expenses incurred by the Association in connection the recreational facilities.

"Common expenses" shall be any and all expenses incurred by the Association to operate, maintain, repair, and replace portions of the units that are the Association's responsibility pursuant to this Declaration, the common elements and limited common elements, including without limitation the Recreational Facilities, as necessary to keep the same a first-class condition with respect to appearance, operation and function and utilities used in connection with the operating and maintenance of the common elements and limited common elements.

Each unit is subject to a lien in favor of the Association for the unpaid common expense assessments, interest and costs of collection as provided in the Condominium Act, which lien may be foreclosed in like manner as a mortgage on real estate. No foreclosure of the Association's lien shall release the unit owner from any personal liability for any unpaid portion of the lien. The recordation of this Declaration constitutes record notice of the lien. Such lien for common expense assessments shall not have priority over a first mortgage securing a loan to purchase a unit, and upon foreclosure of such first mortgage, any liens for then-existing common expense assessments automatically shall be released but without releasing the responsible unit owner from any personal liability for the liability secured by the released lien.

Contemporaneous with the initial conveyance of each unit by Declarant to a party other than a successor declarant, the unit purchaser shall pay to Declarant an amount equal to one (1) quarter's estimated common expense charges for each such unit, and Declarant shall contribute such payment from the unit purchaser to a working capital fund established by the Declarant as provided below. Such working capital fund shall be established by Declarant, prior to the conveyance of the first unit, as a segregated account, owned and in the name of the Association, established at a Maine Financial institution insured by the Federal Deposit Insurance Corporation or other equivalent federally-sponsored insurance. The Declarant may reimburse itself from such payments collected at closing from unit purchasers if the Declarant has made the working capital fund payment for the units in advance of the closing on the initial conveyance of such units. Working capital fund payments from unit purchasers shall not be credited against or deemed to be prepayment of any assessments against units by the Association. While the Declarant controls the Association pursuant to this Declaration, the Declarant shall not use the working capital fund described above in this paragraph to offset its expenses, to make the required working capital fund contributions for units owned by the Declarant (except to reimburse itself as provided above), or to fund initial construction costs.

The Declarant shall not be liable for any assessments for any particular unit owned by the Declarant until the later to occur of (i) sixty (60) days after the first conveyance of any unit to a purchaser, (ii) until the Association makes its first common expense assessment, or (iii) the date upon which a such unit owned by the Declarant is transferred

Section 11.2 Service Changes and Fines.

The Association shall have the power to separately charge a unit and the owner thereof for services rendered to the unit, and interest and costs of collection in connection with service charges, and for fines assessed against a unit owner for violation of the Declaration, the By Laws and the Rules and Regulations. Such charges and fines shall be a lien on the unit with the same status as a lien for common expense assessments under the Condominium Act, this Declaration and By Laws, which lien for service charges may be foreclosed in like manner as a mortgage on real estate. The recordation of the Declaration constitutes record notice of the lien.

Service charges shall include without limitation:

- A. If a unit owner, member or his/her family, guests or tenants requests the Association or its agent to perform repair and maintenance work on the unit other than required by this Declaration, or the unit owner, member of his/her family, guests or tenants, damage of common elements or fail to perform maintenance and repair work required by this Declaration and the Association performs such work pursuant to Article XII below, the expense thereof as determined by the Board may be assessed as a service charge.

- B. Fees, if any, which may be established by the Board for the use and maintenance of water, sewer/septic and/or other utility services and equipment or of Recreation Facilities. The expense of charges for water and septic services and of equipment maintenance and repair and reasonable reserve allowances shall be _____ all unit owners equally. At the election of the Board, the expense of capital improvements, major repairs or renovations to the water and septic systems or to Recreational Facilities shall be assessed either as a common expense or as service charge.
- C. Insurance premiums as permanent improvements to units installed by unit owners and insured by the request of the unit owner with the Association's hazard insurance carrier.

Section 11.3 Liability.

Multiple owners of a unit shall each be jointly and severally liable with one another for all unpaid common expense assessments, service charges, interest, penalties and cost of collection during their period of unit ownership up to the time of the grant or conveyance. A grantee shall not be prevented from exercising any right to recover from the grantor such amounts paid for those common expenses assessments, service charges, etc. arising prior to the conveyance. A grantee or proposed purchaser under a purchase and sale contract for a unit may obtain, upon request and the payment of such fee as may be established from time to time by the Board, a statement from the Association setting forth the amount of unpaid common expense assessments and service charges, interest, penalties and costs of collection against the unit as the date of grant or conveyance and such other information required by the Condominium Act. The grantee shall not be liable for, and the unit conveyed shall not be subject to a lien for any unpaid amounts due from the grantor before the statement date in excess of the amount set forth in the statement except interest and costs of collection accruing thereafter.

Section 11.4 Budget.

The proposed budget approved by the Association's Board shall be adopted unless rejected by a sixty-seven percent (67%) vote of all unit owners. After the first conveyance of an individual unit, the budget must contain funding for an adequate reserves for replacements of improvements to the common elements and to those limited common elements that the Association is obligated to maintain.

Section 11.5 Violations.

Any unit owner in default in the payment of any amount due the Association or in violation of any provision of the Condominium Act, this Declaration, by By Laws, or the Rules and Regulations of the Association, which violation continues after reasonable notice to cure by the Association to the unit owner may be prohibited by the Board from the use and enjoyment of any and all of the common elements that are not essential to access to the unit or for the provision of necessary utilities, in addition to all other remedies available to the Board.

ARTICLE XII
MAINTENANCE AND REPAIR

Section 12.1 Maintenance and Repair of Units.

- A. Except as expressly provided in this Declaration, the maintenance of the units and limited common elements shall be allocated between the unit owners and the Association in accordance with the Section 1603-107 (a) of the Condominium Act. Each unit owner shall keep his or her unit and all systems therein in good order, condition and repair and in a clean and sanitary condition, all at the unit owner's sole cost and expense, whether such maintenance and repair shall be ordinary or extraordinary, which shall include without limitation all interior portions of the structures within each unit, the windows and doors of the structures within each unit, and the interior floors and ceilings of the structures within each unit, and all fixtures and appliances within the unit; provided, however, the maintenance and repair of the exterior, and exterior features and fixtures, supporting structure, foundation, roof, and decks composing the structures within each unit, and the exterior paint, shall be the responsibility of the Association and the costs and expenses of such maintenance and repair shall be assessed against all of the unit owners as a common expense as though such maintenance and repair were being made to common elements. If any owner fails to maintain his or her unit as provided above within ninety (90) days of written notice from the Association or, immediately and without notice, in the event of emergency, the Association through its officers or managing agent shall have the right, but not the obligation, to enter the unit and perform such maintenance or repair in the name of the owner. The Association shall be entitled to assess the expense thereof as a service charge due in full at the time of the next regular quarterly payment of assessments. Each unit owner shall promptly report to the Board or the managing agent any defect or need for repairs to the unit, common elements and limited common elements for which the Association is responsible pursuant to this Declaration and the Condominium Act.
- B. No unit owner shall rake, sweep or throw, or permit to be raked swept or thrown, from his unit or the limited common elements onto the common elements any leaves, dirt, debris, trash or other substance.
- C. Rubbish and debris shall not be placed or left on the common elements or limited common elements except in receptacles designated for such purposes (e.g. Condominium dumpster, if any).
- D. No articles or personal property belonging to any unit owners shall be stored in any portion of the common elements, except in areas designated for the storage approved by the Board of Directors.
- E. Without the prior written consent of the Board, no additional structures, additions, improvements, and fixtures, including without limitation, patios, decks, porches, sheds, awnings, or dormers, shall be constructed on or within a unit after initial construction by the Declaration. Unit owners shall not paint, stain or otherwise change the color of any exterior portion of any structure to a color other than that originally sold by the Declarant without the prior written consent of the Board.

In the event that any such items are installed or constructed on a unit without the consent of the Board. The Board may, in its discretion but without any obligation to do so, enter with unit

with agents or contractors to remove the unauthorized improvements and otherwise restore the unit to its prior condition and charge all costs of removal and disposal of such improvements and restoration to the unit owner as a service charge as provided in this Declaration. With respect to any improvements installed, built, or made by the unit owner with the consent of the Board, the Association shall have no obligation for maintenance, repair or replacement thereof unless expressly and in writing assumed by the Board. In the event such authorized improvement become unsightly, deteriorated dilapidated, or otherwise in violation of the conditions imposed by the Board in consenting thereof, the Association shall have the right to enter the unit, remove the deteriorated improvement, or restore it to conditions similar to the condition provided for standard construction in the Condominium, and assess the cost thereof to the unit owner.

- F. Each unit shall deposit only tissue paper and human waste in the toilets. Garbage disposals are prohibited in any unit.
- G. No unit owner shall use his unit in such a manner as to create a nuisance or disturbance of other unit owners. No unit owner shall play or operate any electronic or mechanical, sound-producing machinery, appliance or device outside his unit between the hours of 10:00 p.m. and 8:00 a.m., or otherwise, whether inside or outside, if such playing or operation shall disturb or annoy the occupants of any other unit. No unit owner shall erect or maintain an outside television or radio antenna, except for small satellite dishes not in excess of 18 inches in diameter which may be installed with the prior written consent of, and pursuant to any conditions imposed by, the Board, and which nevertheless must be installed (i) such that they are not visible from the parking areas and driveways of the Condominium and (ii) otherwise in the most visually discrete manner possible.
- H. Pursuant to the approvals received from the Town of Wiscasset, the following restrictions apply to the Condominium:
 - (1) No future buildings shall be located in the 100-year flood plain
 - (2) All roads in the Condominium shall remain as privately maintained roads.
- I. Common elements and limited common elements providing access to the units shall be used only for access to and from units by vehicles and pedestrians and shall not be blocked by any personal property of unit owners, their tenants, families and guests.

Section 12.2 Maintenance and Maintenance Contracts.

The Association and its designees shall maintain, repair and replace the portions of the units that are the Association's responsibility under this Declaration, the common elements shall establish reasonable reserves for such purposes. No management contract may be for a term exceeding three (3) years and any such contract shall be terminable for cause upon 30 days' notice. Any professional management contract entered into by the Association prior to the expiration of the Declarant Control Period may be terminated without cause and without penalty at any time upon written notice after the Declarant Control Period expires.

Section 12.3 Exterior Appearance.

The Association may adopt reasonable Rules and Regulations regulating antennas, window shades and blinds, or any other structures, fixtures or personal property that materially affect the appearance of the exterior of buildings and other structures within or upon a unit. Unit owners shall not erect fences, signs, canopies, sheds or other structures, plant or remove trees, shrubs or materially alter the landscape or grading, limited common elements, or do anything to alter the exterior or outside appearance of the units and the buildings and structures thereon and therein, without the permission of the Board.

Section 12.4 Preservation of Property.

No unit owner shall in any manner jeopardize the soundness of safety of the Property, create a nuisance, reduce the value the Property or any component thereof, or impair any easements, rights, appurtenances or the use and benefit of common elements, as determined in the judgment of the Board. None of the Board, the Association or any managing agent is responsible for the safety and security of vehicles or other personal property of any nature in the units or left on or used on the common elements or limited common elements, including without limitation the Recreational Facilities.

Section 12.5 Liability for Damage.

Each unit owner shall be liable for the expense of maintenance, repair or replacement of (i) any damage to his unit and (ii) any damage to the common elements, limited common elements or to another unit caused by such unit owner's act, neglect or carelessness or by that of any member of such unit owner's family, or such unit owner's tenants, guests, invitees, employees, agents, contractors, or their pets. Such liability shall include any increase in insurance rates occasioned by use, misuse, occupancy, or abandonment of any unit or its appurtenances. Nothing herein contained, however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation against such owner.

ARTICLE XIII **ASSOCIATION**

Section 13.1 Owners Association and By Laws.

Each unit owner and/or owners shall be a member of the Association, a Non-Profit and non-stock corporation organized under the laws of the State of Maine and to be known as the "Clark's Point Condominiums". Membership shall be appurtenant to the units, and the transfer of title to a unit shall automatically transfer the membership appurtenant to that unit to the transferee or transferees. The granting of a mortgage by a unit owner, however, shall not transfer membership until foreclosure of sale in lieu of foreclosure. The Association shall have all the powers set forth in section 1603-102 of the Condominium Act and as set forth in the By Laws of the Association, all as if fully set forth herein.

ARTICLE XIV
MISCELLANEOUS

Section 14.1 Interpretation.

In the event of any conflict or discrepancy between the Declaration and the Plat, this Declaration shall govern.

Section 14.2 Conflict.

If any provision of this Declaration, the By Laws or the Rules and Regulations of the Association, or any section, sentence, clause, phrase, or word herein or therein, or the application thereof in any circumstances be judicially held in conflict with any applicable laws, the validity of the remainder of this Declaration, the By Laws and Rules and Regulations of the Association, and the application of any such provision, section, clause, phrase, or word in other circumstances shall not be affected thereby.

Section 14.3 General Provisions.

- A. The captions herein are inserted only as a matter of convenience and for the reference, and in no way define, limit or describe the scope of this Declaration or the intent of any provisions hereof.
- B. The use of the singular number in this Declaration shall be deemed to include the plural, the plural the singular, and the use of any one gender shall be deemed applicable to all genders.
- C. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches that may occur.

Section 14.4 Interpretation.

Any dispute or disagreement between unit owners with respect to interpretation or application of this Declaration or the By Laws or Rules and Regulations shall be determined by the Board, which determination shall be final and binding on all parties.

Section 14.5 Invalidity.

If any term, covenant, provision, phrase or other element of this Declaration, the By Laws, any deed to a unit, or the Rules and Regulations of the Association is held to be invalid or unenforceable for any reason whatsoever, such holdings shall not affect, alter, modify, or impair in any manner, any other term, covenant or provision, phrase or other element of such documents.

Section 14.6 Dispute Resolution.

Except as provided in this Declaration, the Association and/or any aggrieved unit owner shall have a right of action against any unit owners who fails to comply with the Declaration, the By Laws, the Rules and Regulations issued by the Association or a decision of the Association.

In any dispute between one or more unit owners and the Declarant regarding this Declaration after the expiration of the Declarant Control Period, the Board shall act for the unit owners, and any agreement

with respect thereto by the Board shall be conclusive and binding upon the unit owners. As such, each unit owner, except the Declarant, hereby irrevocably constitutes and appoints the Association its true and lawful attorney, with full power of substitution, to represent such unit owner in any proceedings, negotiations, settlements, or agreements in connection with a dispute with the Declarant. The foregoing power of attorney conferred upon the Association by this Declaration, being coupled with an interest, shall be irrevocable so long as any such person (other than the Declarant) owns a unit. This power of attorney shall not be affected by the disability or incompetence of such a unit owner. In any dispute between one or more unit owners arising under this Declaration, prior to formally initiating any litigation, the unit owners involved will submit their dispute in writing to the Board for mediation and will make a good faith effort to resolve the dispute through mediation with the Board.

ARTICLE XV
NOTICES

Section 15.1

Any notice required or given pursuant to this Declaration to the Association or to any unit owner may be delivered to any Association director or officer or to such unit owner respectively either by delivering it in person, by sending it to his/her unit by first-class United States mail, postage prepaid, or by delivering it to the unit by hand, or as otherwise permitted by the By Laws.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed on _____, 2005

Witness

STATE OF MAINE
_____, SS

_____, 2005

Personally appeared before me the above named _____, and acknowledged the foregoing act to be his/her/their free act and deed in said capacity and the free act and deed of said corporation

Before me,

Notary Public/Attorney At Law

Printed Name: _____
Commission Expires: _____

Schedule C

<u>Unit No.</u>	<u>Initial Common Element And Assessment Interest</u>	<u>Initial Voting Interest</u>

Exhibit B
BY LAWS
of
CLARK'S POINT CONDOMINIUMS

ARTICLE I
CREATION AND APPLICATION

Section 1.01 Creation.

- A. This corporation is organized under the Maine Non-Profit Corporation Act in connection with the submission of premises known as Clark's Point Condominiums (the "Condominium") located on Clark's Point Road in Wiscasset, Maine, to the Maine Condominium Act pursuant to Clark's Point Condominiums Declaration (the "Declaration") as recorded at the Lincoln County Registry of Deeds. The name of the corporation is Clark's Point Condominiums Association (the "Association").
- B. The term "Premises as used herein shall include the land, the building and all other improvements thereon (including the units, the common elements and all easements, rights and appurtenances belonging thereto) and all other property, personal or mixed, intended for use in the connection therewith now or hereafter submitted to or governed by the Declaration.

Section 1.02 Application.

All present and future unit owners, mortgagees, lessees and occupants of the Units, their employees, agents and invitees, and any other persons who may use the Premises in any manner are subject to these By Laws and to the Rules and Regulations, all as adopted, amended or altered from time to time by the Board of Directors of the Association (the "Board of Directors").

ARTICLE II
PURPOSES AND POWERS OF THE ASSOCIATION

Section 2.1 Purposes.

The purposes of the Association are to establish an association of unit owners pursuant to the Maine Condominium Act for the governance, operation and maintenance of the Condominium established under the Declaration.

Section 2.2 Powers.

- A. In addition to all the powers, authority and responsibilities granted to or imposed upon this Association by the laws of the State of Maine, specifically including those set forth or referred to in the Maine Condominium Act or the Maine Non-Profit Corporations Act, all of which the Association shall have to the extent permitted by law and by the Declaration, the Association shall have the specific powers to:
1. Adopt and amend these By Laws and Rules and Regulations;
 2. Adopt and amend budgets for revenues, expenditures and reserves, and to collect assessments for common expenses and service charges from unit owners;
 3. Hire and terminate managers and other employees, agents and independent contractors;
 4. Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two (2) or more unit owners on matters affecting the Condominium, and the Association shall be deemed to be the attorney in fact of each unit owner for such purposes;
 5. Make contracts and incur liabilities;
 6. Regulate the use, maintenance, repair, replacement and modification of common elements provided, however, that the use of the limited common elements may not be changed without the consent of those unit owners affected or except as provided in the Declaration;
 7. Cause additional improvements to be made as part of the common elements, subject to the restrictions set forth herein and in the Declaration;
 8. Acquire, hold, encumber and convey in its own name any right, title, or interest to real or personal property;
 9. Grant easements, leases and licenses for public utilities servicing or benefiting the Premises through or over the common elements;
 10. Impose and receive payments, fees or charges for the use, rental or operation of facilities located on the common elements;
 11. Impose charges and interest for late payment of assessments and service charges and, after notice and an opportunity to be heard, impose reasonable penalties for violations of the Declaration, By Laws and Rules and Regulations of the Association;
 12. Impose reasonable charges for the preparation and recordation of amendments to the Declaration or statements of unpaid common charges and assessments or resale certificates furnished in accordance with the Maine Condominium Act;
 13. Provide for the indemnification of its officers and directors and maintain directors' and officers' liability insurance;

14. Exercise any other powers conferred by Declaration or By Laws; and
 15. Exercise all other powers that may be exercised pursuant to the Maine Non-Profit Corporation Act.
- B. The Board of Directors of the Association shall manage the Condominium and exercise such powers on behalf of the Association, subject to the terms of these By Laws, the Declaration and the Maine Condominium Act.

Section 2.3 Non-Profit Status.

The Association is not organized for profit and no property or profit thereof shall inure to the benefit of any person except in furtherance of the non-profit making purposes of the Association or in the course of acquiring, constructing or providing management, maintenance and care of the Premises, or by virtue of a rebate of excess membership dues, fees, assessments or common charges.

ARTICLE III
ASSOCIATION OF OWNERS

Section 3.1 Membership.

The members in the Association shall consist exclusively of all owners of units in the Condominium now or hereafter created in accordance with the Declaration or, following termination of the Condominium, of all former unit owners entitled to the distribution proceeds or their heirs, successors and assigns. Membership is transferable only as provided in the Declaration or these By Laws. The membership of a unit owner shall terminate upon the conveyance, transfer or other disposition of interest in the unit accomplished in accordance with Declaration, whereupon such membership and any interest in the assets of the Association shall automatically transfer to and be vested in the successor in ownership. Membership is otherwise non-transferable. A mortgage of a unit or the grant of a security interest therein as security for an obligation shall not operate to transfer membership until a foreclosure of the mortgage of security agreement.

Section 3.2 Annual Meeting.

Meetings of the members shall be held annually on the second Saturday of June, or in the event that day is a legal holiday, then on the first day thereafter that is not a holiday, or at a place or time determined by the board. The annual meeting and any special meetings shall be held at the Condominium's principal office or such other place as may be designated in the Notice of Meeting.

Section 3.3 Special Meetings.

Special meetings of the members may be held at any time upon the call of the Board of Directors, or upon the call of fifty percent (50%) or more in interest of the owners, which call shall state the purpose of the meeting. Upon receipt of such call the Secretary shall promptly send out notices of the meetings to all members of the Association.

Section 3.4 Notice of Meetings.

- A. A written notice of each meeting of the Association, stating whether it is an annual meeting or a special meeting, the authority for the call of the meeting, the place and time of the meeting, and the items on the agenda (including the general nature of any proposed Declaration any By Law amendment, any budget changes and any proposal to remove an officer or director) shall be sent by the President or Secretary or Assistant Secretary, if any, at least ten (10) days, but not more than sixty (60) days, before the date set for the meeting. Such notice shall be given to each member listed with the records of the Association as set forth below and to each eligible mortgage holders if and as required by the Declaration:
1. By hand delivering it to him; or
 2. By mailing it, postage prepaid, addressed to the member at the address of the Unit or any other address designated in writing by that member with the records of the Association.
- B. The notice of any meeting shall state the time and place of the meeting, and the items on the agenda, including the general nature of any proposed Declaration of By Law amendments, any budget changes and any proposal to remove an officer or director. If notice is given pursuant to the provisions of this Section, the failure of any member to receive actual notice of the meeting shall not invalidate the meeting.

Section 3.5 Waiver of Notice.

The presence of all the members in person or by proxy at any meeting shall conclusively establish the meeting's validity, unless any member shall object at the meeting to the noncompliance with this Article. An meeting so held without objection shall be valid for all purposes, and at any annual meeting any general business may be transacted and any action may be taken.

Section 3.6 Order of Business.

- A. The order of business at all meetings of the members shall be generally as follows, if applicable:
1. Roll call
 2. Proof of notice of meeting or waiver of notice
 3. Reading of minutes of preceding meeting
 4. Reports of Officers
 5. Report of Board of Directors
 6. Report of Committees
 7. Election of the Board of Directors
 8. Unfinished business
 9. New business
 10. Adjournment

Section 3.7 Parliamentary Procedure.

At all meetings of the members or the Board of Directors Roberts Rules of Order as then amended shall be followed, except in the event of conflict these By Laws or the Declaration as the case may be shall prevail.

Section 3.8 Quorum.

The presence at the beginning of any meeting of the Association, in person or by proxy of unit owners whose aggregate voting interest constitutes more than fifty-one percent (51%) of the total interest therein shall constitute a quorum for the transaction of all business.

Section 3.9 Voting.

- A. Any person, persons, partnership, corporation, trust or other legal entity or a combination thereof, owning any unit (other than an interest held as security for an obligation) duly recorded in his, their or its name, which ownership shall be determined from the records of the Lincoln County Registry of Deeds, shall be a member of the Association, and may vote either in person or by proxy.
- B. Multiple owners of a unit shall be deemed one owner. If only one of the multiple owners of a unit is present in person or by proxy at a meeting of the Association he is entitled to cast all the votes allocated to that unit. If more than one of the multiple owners are present the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners. There is presumed to be a majority agreement if any one of the multiple owners presents casts the votes allocated to that unit unless any of the other owners of the unit promptly protests to the person presiding over the meeting.
- C. Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. If a unit is owned by more than one person each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through a duly executed proxy. A unit owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. A proxy shall automatically terminate eleven (11) months after its date, unless it specifies a shorter term.
- D. An executor, administrator, personal representative, guardian or trustee may vote in person or by proxy at any meeting of the Association with respect to any unit owned or held by him in such a capacity, whether or not the same shall have been transferred of record by a duly recorded conveyance. If the unit has not been so transferred, he shall satisfy the secretary that he so holds the unit.
- E. The Declarant may exercise the voting rights pertaining to any unit to which it retains title. No vote pertaining to a unit owned by the Association may be cast and the voting interest of such a unit shall not be deemed to be outstanding in determining the presence of a quorum or the percentage of approval needed to act.
- F. Each unit shall have the vote in the Association as specified in the Declaration. Any specified percentage vote refers to the aggregate percentage of such votes.

- G. At any meeting at which a quorum is present the affirmative vote of a majority of the voting interest of those members present shall determine any question except the election of Directors, unless a greater percentage vote is required by law, by the Declaration or by these By Laws. In the election of Directors, those persons receiving the greatest number of votes, though less than a majority, shall be elected. To the extent required by the Condominium Act, for the purposes of amending the Declaration of these By Laws, the percentage in interest shall be measured against the total voting interest regardless of whether or not such unit owners are present.

Section 3.10 Adjournment.

Any meeting of the Association may be adjourned from time to time to such place and time as may be determined by majority vote of the members present, whether a quorum be present or not, without further notice of the time and place of adjournment beyond that given at the meeting. At any adjourned meeting at which a quorum is present any business may be transacted that might have been transacted by a quorum at the meeting as originally called.

Section 3.11 Unanimous Action by Members Without a Meeting.

Any action required or permitted to be taken at a meeting of the members (to the extent not otherwise precluded by law) may be taken without a meeting if written consents setting forth the action so taken are signed by all the members entitled to vote on such action and are filed with the Secretary of the Association as part of the corporate records. Such written consents shall have the same effect as a unanimous vote of the members at a meeting duly called therefor.

ARTICLE IV
BOARD OF DIRECTORS

Section 4.1 Numbers and Qualifications.

The affairs of the Association shall be governed by a Board of Directors which initially shall be composed of three (3) directors appointed by the Declarant. Upon the expiration of the Declarant Control Period as defined in the Declaration the members shall elect five (5) directors; a majority of such directors shall be the owner or the spouse of an owner of a unit, or if a unit owner is a corporation, partnership, trust or estate, then a designated agent thereof. The number of directors may be changed by amendment to the By Laws.

Section 4.2 Election and Term of Office.

Initially upon expiration of the Declarant Control Period two (2) directors shall be elected for a term of one (1) year each and three (3) for a term of two (2) years each. At the expiration of the initial term of office of each director, his successor shall be elected to serve a term of two (2) years; provided, however, that a director shall hold office until his successor has been elected.

Section 4.3 Powers and Duties.

The Board of Directors shall generally act on behalf of the Association, shall have all powers and duties necessary or appropriate for the administration of the affairs of the Association, and shall have

all powers referred to in the Declaration, the By Laws or otherwise provided under the Maine Condominium Act or the Maine Non-Profit Corporation Act, as either may be amended from time to time, except those matters which by law, by the Declaration or by these By Laws specifically are reserved to the members.

Section 4.4 Other Duties.

In addition to other duties imposed by these By Laws or by duly adopted resolutions of the members of the Association, the Board of Directors shall be responsible for the following:

- A. Election of the officers of the Association;
- B. Management and administration of the Condominium, the Association's property and the common elements and limited common elements, including the maintenance, repair and replacement thereof;
- C. Determination and collection of common expenses, assessments and service charges from the owners and the regulation of the Association's fiscal affairs;
- D. Establishment of reserves for the maintenance, repair and replacement of common elements and limited common elements and for contingencies;
- E. Appointment and dismissal of the personnel and agents for the maintenance and operation of the Condominium, including without limitation, the common elements, and to fix the terms of their engagement and their compensation and authority; and
- F. Designation of executive and other committees.

Section 4.5 Manager or Management Agent, Employees, Generally.

The Board of Directors may employ on behalf of the Association a management agent or manager at a compensation established by the Board to perform such duties and services as the Board shall authorize including, but not limited to, the duties listed in Sections 4.4 and 6.2 of these By Laws. All management contracts entered into during the Declarant Control Period shall permit termination without a penalty on ninety (90) days notice at any time with or without cause after the expiration of such period.

Section 4.6 Appointment and Vacancies.

A vacancy caused by the expiration of a Director's term, the removal of a Director by a vote of the members, or by the expiration of the Declarant Control Period shall be filled by vote of the members. Vacancies in the Board of Directors prior to the expiration of the term of a director caused by an other reason shall be filled by vote of the other directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 4.7 Removal of Directors.

At any regular meeting or special meeting duly called, any one or more of the Directors may be removed with or without cause by the members. Any director whose removal has been proposed shall be given an opportunity to be heard at the meeting, but the members' decision shall be final.

Section 4.8 Compensation.

No compensation shall be paid to Directors for their services as Directors or in any other capacity unless a resolution authorizing such remuneration shall have been adopted by the members before or after the services are undertaken.

Section 4.9 Annual Meeting.

The annual meeting of the Board of Directors shall be held immediately following the annual meeting of the Association members and at the same place, and no further notice shall be necessary in order legally to constitute such meeting.

Section 4.10 Regular Meetings.

Regular meetings of the Board of Directors (other than the annual meeting) may be held at such time and place as shall be determined, from time to time, by the Board. Notice of regular meetings of the Board of Directors shall be given to each Director, personally or by delivery to his unit, or by telephone at least ten (10) days prior to the day named for such meeting.

Section 4.11 Special Meetings.

Special meetings of the Board of Directors may be called by the President on ten (10) days' prior notice to each Director, given personally or by delivery to his unit, or by telephone, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice upon the written request of two (2) or more Directors.

Section 4.12. Waiver of Notice.

Before or after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the board shall be a waiver of notice by him of the time and place thereof, unless such Director's attendance is only to object to the form of the notice of such meeting. If all the Directors are present at any meeting of the Board, except to object as provided above, no notice shall be required and any business may be transacted at such meeting.

Section 4.13 Board of Directors' Quorum.

At all meeting of the Board of Directors the presence of a majority of the Directors at the beginning of a meeting shall constitute a quorum for the transaction of business. The acts of the majority of the Directors present shall be the acts of the Board of Directors. If at any meeting of the Board of Directors a quorum is not present, the majority of those present may adjourn the meeting from time to

time. At any such adjourned meeting, any business that might have been transacted at the meeting as originally called may be transacted without further notice.

Section 4.14 Unanimous Action.

Unless otherwise expressly provided by law, any action that may be taken at a meeting of the Directors may be taken without a meeting if all the Directors sign written consents setting forth the action taken or to be taken at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of Directors' meetings and shall have the same effect as a unanimous vote at a duly-called Directors' meeting.

ARTICLE V
OFFICERS

Section 5.1 Designation.

The principal officers of the Association shall be a President, a Secretary and a Treasurer, of whom only the President need be elected from among the Directors. The Directors may, in their discretion, appoint a Vice President, Assistant Treasurer, and an Assistant Secretary, and such other officers, none of whom need be Directors, as in their judgment may be necessary.

Section 5.2 Election of Officers.

The principal officers of the Association shall be elected annually by the Board of Directors at the annual meeting and shall hold office at the pleasure of the Board.

Section 5.3 Removal of Officers.

Upon a majority vote of the Board of Directors any officer may be removed, either with or without cause, and his successor elected at any regular meeting of the Board of Directors, or at any special meeting of the Board of Directors called for such purpose. Any officer whose removal has been proposed shall be given an opportunity to be heard at the meeting but the Board's decision shall be final.

Section 5.4 President.

The President shall be the chief executive officer of the Association and shall be a Director. He shall preside at all meetings of the Association and of the Board of Directors.

Section 5.5 Treasurer.

The Treasurer shall be responsible for keeping financial records and accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall also, in the absence of the President, exercise the powers and perform the powers of the President. He shall be responsible, subject to the direction of the Board of Directors, for the preparation and dissemination to the members of all financial reports, budgets and notices required, and for the preparation and signing, if necessary, of all financial reports or tax returns required to be filed by the Association.

Section 5.6 Secretary.

The Secretary shall keep and certify the minutes of all meetings of the Board of Directors or of the Association, shall give all notices as provided by these By Law, and shall have other powers and duties as may be incidental to the offices of Secretary, given him by these By Laws or assigned to him from time to time by the Directors. If the Secretary or any assistant secretary shall not be present at any meeting, the presiding officer shall appoint a secretary pro tempore who shall keep the minutes of such meeting and record them in the books provided for that purpose. The Secretary shall be responsible for the filing of all reports and documents required to be filed by the Association with any governmental agency.

Section 5.7 Auditor.

The members may at any meeting appoint some person, firm or corporation engaged in the business of auditing to act as auditor of the Association and to perform such audits and fiscal duties as may be requested by the Association.

Section 5.8 Amendments to Declaration.

The Secretary shall prepare amendments to the Declaration and the President and Secretary shall execute the certificate for recording on behalf of the Association.

ARTICLE VI
FISCAL AFFAIRS AND ADMINISTRATION

Section 6.1 Accounting.

Books and accounts of the Association shall be kept under the direction of the Treasurer and in accordance with the customary accounting principles and practices. Within ninety (90) days after the close of each fiscal year the Association shall furnish its members with a statement of the income and disbursements for such prior fiscal year and a balance sheet as of the close of that year. All financial records of the Association, except as provided in the Declaration, shall be available for examination by unit owners, mortgagees and their duly authorized agents and accountants at reasonable times with reasonable advance notice.

Section 6.2 Budget and Common Changes.

- A. The Board shall cause a proposed annual budget to be prepared based on its estimate of annual income and expenses. Within thirty (30) days of the adoption of the proposed budget, the Board shall send a summary of such budget to each member. As provided in the Declaration, the proposed budget approved by the Board shall be adopted unless rejected by a sixty-seven percent (67%) vote of all unit owners.
- B. The budget shall include the amount required by the Association to meet its expenses for each fiscal year or such other fiscal period as it deems appropriate, including but not limited to the following items:
 - 1. Management and administration expenses;

2. The cost of operation, repairs, maintenance, replacement and improvements of common elements, limited common elements and facilities benefiting the Premises;
 3. The cost of such insurance, bonds, services and utilities as may be furnished by the Association, other than such items for which a service charge is assessed;
 4. The establishment and maintenance of adequate working capital and operating reserves including general operating reserves, reserves for contingencies, for losses not covered by insurance or due to insurance deductibles, and reserves for periodic maintenance, repair and replacement of the common elements and limited common elements the Association is obligated to maintain, all to be held in a segregated account owned by and in the name of the Association, established at a Maine financial institution insured by the Federal Deposit Insurance Corporation or other equivalent federally sponsored insurance; and
 5. Such other expenses of the Association as may be approved by the Board of Directors including operating deficiencies, if any, for prior periods.
- C. Until an annual budget is adopted the members shall continue to pay that quarterly amount which had been previously established; any delay or failure to estimate, to deliver or to adopt such budget shall not waive or release such obligation. The Association may send periodic statements to members showing the amount of common expense assessments due, but each member shall pay his assessment promptly when due regardless of whether such a statement is sent.
- D. Each member shall pay his share of common expense assessments as defined in the Declaration without setoff or deduction in an amount equal to the total Association budget, net of other income and service charges as defined herein, multiplied by its respective common expense liability. Each member shall become liable to the Association, and a lien shall arise against his unit for his entire fractional share of the assessments at the commencement of the pertinent fiscal period. Each member shall pay his share of the common expense liability in quarterly installments in advance on or before January 1, April 1, July 1 and October 1 of each year, provided, however, that if any such installment is not paid when due then if not paid upon twenty (20) days written notice of default or once a member has been provided two (2) written notices of default in any calendar year (notwithstanding that the quarterly installments have been paid prior to the expiration of the twenty-day cure period), the entire remaining balance thereof shall immediately become due and payable in full.
- E. If any member shall fail or refuse to pay to the Association when due his share of the assessments or any other service charges, user fees and penalties, thereafter the amount thereof shall bear interest at a rate of eighteen percent (18%) per annum or such other rate as may be set by vote of the Board prior to the date on which the payment came due. Such assessments and service charges with such late charges as may be determined by the Board of Directors, interest and all costs of collection, including reasonable attorneys' fees, shall constitute a lien on the unit of such member. Recording of the Declaration constitutes record notice and perfection of the lien for assessments, service charges, user fees, including penalties, late charges, interest and costs of collection. The Association may record a notice from time to time stating the amount and nature of the lien against a unit, signed by an officer or director of

the Association or by an agent authorized by the Board of Directors but such recorded notice is not necessary to establish or perfect the lien.

- F. If such payments are not received within thirty (30) days after they become due, the Board shall exercise and enforce any and all rights and remedies provided in the Maine Condominium Act, the Declaration or these By Laws or otherwise available at law or in equity for the collection of all unpaid amounts and, if available, all possessors remedies against the delinquent owner's unit under the Forcible Entry and Detainer Laws of Maine, as amended from time to time. The delinquent owner shall be required to pay to the Association a reasonable rental for such unit until sale or foreclosure. In any action to foreclose the lien for common expense assessments, service charges, user fees, late charges, penalties, interest and costs of collection, including reasonable attorneys' fees against any owner of a unit, the Association may act through its manager or Board of Directors in the same manner as any mortgagee of real property. The manager or Board of Directors acting on behalf of the unit owners shall have the power to bid and acquire such unit at a foreclosure sale and to lease, mortgage, convey or otherwise deal with the unit. Suit to recover a money judgment for unpaid common expense assessments, service charges, user fees and penalties due to the Association, with interest and all costs and reasonable attorneys' fees may be maintained without foreclosing upon or waiving the lien securing the same. Any lien created hereunder is extinguished unless action to enforce the lien is started within three (3) years after the full amount of the assessment becomes due.

Section 6.3 Service Charges.

Service charges (other than common expenses assessments) may be assessed separately to each unit or group of units benefited thereby and shall be paid by the unit owner(s) within fifteen (15) days of deposit in the U.S. Mail or hand delivery, and shall constitute a lien on the unit of the same status as a lien for common charges set forth in Section 6.2 above.

Section 6.4 Revised and Special Assessments.

- A. If at any time the Board shall determine the amount of the common expense assessments to be inadequate, whether by reason of a revision in its estimate of expenses or income, the Board may adopt and deliver to the members at least thirty (30) days prior to the date on which it becomes effective, a revised estimated annual budget for the balance of such fiscal year and thereafter quarterly common expense assessments shall be determined and paid on the basis of such revision.
- B. The Board may, upon determining that circumstances exist that require immediate assessment of the members, make special assessments not to exceed an amount equal to one current quarterly assessment for each unit, unless approved by the members, which special assessments shall be due and payable when delivered to the members.

Section 6.5 Fiscal Year.

The fiscal year of the Association shall be such as may from time to time be established by the Board of Directors.

Section 6.6 Capital Improvements.

The approval of sixty-seven (67%) of the members shall be required to make a capital improvement to the common elements in an amount in excess of thirty-five percent (35%) of the aggregate assessments against all the members over the prior fiscal year, exclusive of service charge and user fees, and in such event the costs thereof shall be assessed to all unit owners as an assessment.

Section 6.7 Use of Units.

All units shall be utilized in accordance with the provisions of the By Laws, Declaration and the Rules and Regulations established by the Board of Directors.

Section 6.8 Enforcement of Declaration and By Laws.

Every unit owner shall pay to the Association promptly on demand all costs and expenses, including reasonable attorney's fees and expenses incurred by or on behalf of the Association in collecting any delinquent assessments, service charges or fees due from such unit, foreclosing its lien or assessments, collecting any penalties imposed hereunder, or enforcing any provisions of the Declaration, these By Laws or the Rules and Regulations against such owner or any occupant of such unit.

Section 6.9 Rules and Regulations.

In order to assist the peaceful and orderly use and enjoyment of the buildings, common elements and limited common elements of the Condominium, the Board of Directors may from time to time adopt, modify and revoke, in whole or in part, such further reasonable Rules and Regulations governing the Condominium as it may deem necessary, including but not limited to, methods and procedures for enforcing compliance with the Declaration and By Laws. Such Rules and Regulations, upon adoption and every amendment, modification and revocation thereof, shall be sent promptly to each unit and shall be binding upon all members of the Association and all persons present on the Condominium.

Section 6.10 Restrictions.

- A. As an amendment to these By Laws and subject to the Declaration, the members may from time to time adopt, modify and amend such further restrictions on and requirements respecting the use and maintenance of units and the use of common elements and limited common elements designed to prevent unreasonable interference with the use and enjoyment of the Condominium by other unit owners. The following restrictions shall apply initially in addition to those expressed elsewhere in these By Laws or in the Declaration:
1. Trash, garbage and other waste shall be kept only in sanitary containers and shall be disposed of in such manner as may be prescribed from time to time in accordance with Rules and Regulations established by the Board of Directors. No articles of personal property belonging to any unit owners shall be stored in any portion of the common elements or limited common elements, except that outdoor furniture may be stored on patios, decks, balconies and porches.
 2. No member shall overload the electrical wiring in a building or operate any machinery, appliances, accessories or equipment in such a manner as to cause, in the judgment of the Board of Directors, any unreasonable disturbance or make any alterations to or

connections with the heating, plumbing, electrical or sewage disposal systems without the prior written consent of the Board of Directors.

3. Each unit shall deposit only tissue paper and human waste in the toilets. Garbage disposals are not allowed in any unit.
4. No unit owner shall play or permit to be played any musical instrument or operate or permit to be operated a stereo, television set or other sound producing electronic device inside or outside his unit between the hours of 10:00 p.m. and 8:00 a.m., if such playing or operation shall disturb or annoy the occupants of any other unit.

Section 6.11 Right of Entry.

Upon such prior notice as is possible under the circumstances, the manager and any person authorized by the Board of Directors shall have the right to enter any unit in case of any emergency originating in or threatening such unit or adjoining common elements or limited common elements whether or not the owner or occupant is present at the time, and upon prior notice to enter any unit at reasonable times for the purpose of performing authorized installations, alterations, or repairs to the common elements or limited common elements thereon or accessible therefrom.

Section 6.12 Title.

Every unit owner shall promptly recorded at the Lincoln County Registry of Deeds the deed, assignment, mortgage or other conveyance to him of his unit or security interest thereon or other evidence of his title thereto and file such evidence of his title with the Association, and the Secretary shall maintain such information in the records of the Association.

Title 6.13 Insurance.

- A. The Association shall maintain, to the extent reasonably available:
 1. Property insurance on the common elements, limited common elements and on the units (exclusive of improvements, fixtures and betterments installed in or about units by unit owners unless expressly listed and insured through the Association's policy), insuring against fire, extended coverage perils and all other risks customarily covered for similar types of properties, including those covered by the standard "all risk" endorsement. The total amount of insurance after application of any deductibles shall be as near as is practicable to 100% of the replacement cost (unless the Board of Directors elect a higher level of coverage), exclusive of land, excavations, foundations and other items normally excluded from property policies, but with such deductible as determined by the Board of Directors but not to exceed the lesser of \$10,000.00 or 1% of the policy face amount.
 2. General commercial liability insurance including bodily injury, property damage and medical payments insurance and for claims related to employment contracts to which the Association is a party, in amount determined by the Board of Directors, but at least \$2,000,000.00 for any single occurrence covering all occurrences commonly insured against arising out of or in connection with the use, ownership, or maintenance of the

common elements, limited common elements and all other areas under the supervision or control of the Association;

3. Flood insurance if any or all of the Property is located in a special flood hazard area equal to the greater of 100% of the insurable value of the Property or the maximum coverage available under the appropriate National Flood Insurance Administration Program;
4. Such other insurance as may be required by the Declaration under Article X on rights of mortgagees; and
5. Such other insurance as the Board of Directors of the Association may determine is appropriate.

B. In the insurance described above is not maintained, the Association shall cause notice of that fact to be hand delivered or sent prepaid by United States Mail to all unit owners and to all eligible mortgagees who have filed notice with the Association in accordance with the Declaration.

C. Insurance policies carried pursuant to Subsections (A) and (C) shall provide:

1. A unit owner is an insured person under the policy with respect to liability arising out of his ownership of an undivided interest in the common elements or membership in the Association;
2. The insurer waives its right to subrogation under the policy against any Condominium unit owner or members of his household;
3. No act or omission by any insured will be a defense to recovery under the policy;
4. If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same property covered by the Association's policy, the Association's policy is primary insurance and not contributing with other insurance; and
5. A standard "Mortgagee clause" which shall:
 - (a) Provide that any reference to a mortgagee in such policy shall mean and include all holders of mortgages of any unit of the project, in their respective order and preference, whether or not named therein;
 - (b) Provide that such insurance as to the interest of any mortgagee shall not be invalidated by any act or neglect of the Board of Directors or owners or any persons under any of them; and
 - (c) Waive any provision invalidating such mortgagee clauses by reason of the failure of any mortgagee to notify the insurer of any hazardous use or vacancy, any requirement that the mortgagee pay any premium thereon, and any contribution clause.

- D. All insurance policies shall provide that the named insured is “Clark’s Point Condominium Association, for the use and benefit of the individual unit owners.” All insurance policies shall require at least ten (10) days notice of cancellation to eligible mortgage holders. Any loss covered by the property policy under subsection (a) shall be adjusted with the Association, but the insurance proceeds for that loss shall be payable to the Association in trust for unit owners, mortgagees and other lien holders. Subject to the provisions of Subsection F, proceeds shall be disbursed first for the repair or restoration of the damaged common elements, limited common elements and units, and unit owners and lien holders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the common elements, limited common elements and units have been completely repaired or restored, the repair or reconstruction is not undertaken, or the Condominium is terminated.
- E. Unit owners shall not be prohibited from obtaining insurance for their own benefit; provided, however, that all such insurance shall contain waivers of subrogation and further provide that the insurance obtained by the Board of Directors shall not be affected or diminished by such additional insurance obtained by any unit owner.
- F. Any portion of the Condominium damaged or destroyed shall be repaired or replaced promptly by the Association unless:
1. The Condominium is terminated;
 2. Repair or replacement would be illegal under any state or local health or safety statute or ordinance; or
 3. Eighty percent (80%) of the members vote not to rebuild, including every owner of a unit or allocated limited common element that would not be rebuilt.
- G. The cost of repair or replacement in excess of insurance proceeds and reserves shall be a common expense. Funds to cover the deductible amount shall be included in the Association’s reserve account budget. If the entire Condominium is not completely repaired or replaced:
1. The insurance proceeds attributable to a damaged unit and common elements shall be used to restore the damaged areas to a condition compatible with the remainder of the Condominium.
 2. The insurance proceeds attributable to each unit (including, without limitation, improvements constituting a permanent part of the unit which are insured by the Association and the unit’s interest in limited common elements) which is not rebuilt shall be distributed to the owners of each unit and the owners of the units to which those limited common elements were allocated after payment of the holders of liens thereon; and
 3. The remainder of the proceeds shall be held in trust to be distributed to all the unit owners in accordance with the Maine Condominium Act.
- H. Notwithstanding the provisions of this subsection, the Declaration governs the distribution of insurance proceeds if the Condominium is terminated. If the members vote not to rebuild any

unit, that unit's percentage interest in the common elements shall be automatically reallocated to the remaining units in proportion to their percentage interests prior to the reallocation, and the Association shall promptly prepare, execute and record an amendment to the Declaration reflecting the reallocation.

- I. In the event of a claim under any insurance maintained by the Association, the Board of Directors shall designate one or more persons to adjust the loss or otherwise negotiate with the insurer.
- J. It shall be the responsibility of each unit owner to procure adequate insurance covering the contents of his unit, and any appliances, fixtures, betterments or improvements thereto installed by the owner, unless that owner has elected to procure insurance under the Association's policy as provided in these By Laws and the Declaration.

ARTICLE VII

SALE, LEASE, RENTAL OR OTHER TRANSFER OF A UNIT

Section 7.1 Binding Effect.

All subsequent sales, leases or other transfers of a unit by a unit owner shall be subject in all respects to the Declaration, By Laws and Rules and Regulations of the Condominium.

Section 7.2 Leasing Restrictions.

- A. No unit may be leased for transient purposes and no unit may be leased for a period of less than three (3) months. No portion of any unit (other than the entire unit) shall be leased for any period. No unit owner shall rent or lease a unit other than in accordance with a written form or lease: (i) requiring the tenant to comply with the Declaration, these By Laws and the Rules and Regulations of the Association; (ii) providing that failure to comply with the foregoing constitutes a default under the lease; and (iii) providing that the Board of Directors has the power to terminate the lease or to bring summary proceedings to evict the tenant in the name of the unit owner after thirty (30) days prior written notice to the unit owner, in the event of a default by the lessee in the performance of the lease. Each unit owner of a condominium unit shall, promptly following the execution of any written lease of a condominium unit, forward a true, executed copy thereof to the Board of Directors. The foregoing provisions of this paragraph shall not apply to a mortgage lender in possession of a unit as a result of a foreclosure, judicial sale or a proceeding in lieu of foreclosure.
- B. In the event a guest or tenant of a unit fails to comply with the provisions of this Declaration, the By Laws, the Rules and Regulations or a written lease, then, in addition to all other remedies that it may have, the Association may notify the owner of such violation(s) and demand that the same be remedied through the owner's efforts within a reasonable time after such notice in the judgment of the Directors. If such violation(s) is not remedied within said period, then the owner shall thereafter, at his own cost and expense, immediately institute and diligently evict his tenant or guest on account of such violation(s). In the event the owner fails to so act promptly, then the Board of Directors shall have the right, but not the duty, to institute and prosecute such election as attorney in fact for the owner and at the owner's sole cost and expense, including all legal fees incurred. Said costs and expenses shall be due and payable

upon demand by the Association and shall be deemed to constitute a lien on the particular unit involved, and collection thereof may be enforced by the Board of Directors in the same manner as the Board is entitled to enforce collection of service charges.

Section 7.3 Liability for Assessments, Etc.

In the transfer of a unit the grantee of the unit shall be jointly and severally liable with the grantor for all unpaid assessments and service charges, interest and costs of collection outstanding at the time of the grantor's transfer, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, any such grantee or proposed purchaser under a purchase and sale contract, upon written request and upon payment of such fee as may be set by the Board of Directors, may obtain a statement from the Board of Directors setting forth the amount of unpaid assessments, service charges, user fees, penalties and interest against the unit, and the grantee shall not be liable for, nor shall the unit conveyed by subject to a lien for any assessments, service charges, etc. arising before the statement date in excess of the amount therein set forth.

Section 7.4 Common Elements.

No unit owner shall execute any deed, mortgage or other instrument conveying or mortgaging title to his unit without including therein the interests in common elements and limited common elements appurtenant thereto, it being the intention hereof to prevent any severance of such combined ownership. Any such deed, mortgage or other instrument purporting to affect one or more of such interests, without including all such interests, shall be deemed and taken to include the interest of interest so omitted, even though the latter shall not be expressly mentioned or described therein.

ARTICLE VIII
EXECUTION OF INSTRUMENTS

Section 8.1 Instruments Generally.

All checks, drafts, notes, vouchers, bonds, acceptances, contracts, deeds, lien notices, certificates and all other instruments shall be signed or approved by the President or the Secretary or Treasurer, and in addition by any one or more officer(s), agent(s) or employee(s), all as the Board of Directors may designate, unless unanimously voted by the Board of Directors.

ARTICLE IX
GENERAL ADMINISTRATION

Section 9.1 Easements, Etc.

The Association is authorized and empowered to grant such easements, rights of way, leases and licenses for sewer lines and sewage disposal facilities, water lines, electrical cable, telephone cables, television cables and antennas, gas lines, storm drains, underground conduits, fire escapes and alarms and such other purposes related to the provision of public services, and utilities to the Condominium as may be considered desirable, necessary or appropriate by the Board of Directors for the orderly maintenance, improvement and preservation and enjoyment of the common elements and limited common elements or for the preservation of the health, safety, convenience and welfare of the owners

of the individual units upon at least thirty (30) days notice to the members unless a special meeting of the members is called within such period and the members vote to reject such grant. No such rights may be created through any unit without written consent of the owner thereof and that no such easement shall materially impair the use and enjoyment of the Condominium.

Section 9.2 Utility Services.

The Association shall not be liable for the failure of electricity, telephone, water supply, sewage disposal systems or other services to be obtained by the Association or paid for out of the common expense or service charge funds, or for injury or damages to person or property caused by the elements or by the owner of any unit or by any other person, or resulting from electricity, water, snow or ice which may leak, fall or flow from or settle on any portion of the common elements or limited common elements or from any roof, wire, pipe, drain, conduit, appliance or equipment. The Association shall not be liable to the owner of any unit for loss or damage by theft, or otherwise, of property which may be stored upon or in any individual unit or in any of the common elements, limited common elements or facilities. No set-off, diminution or abatement of common expenses assessments or service charges shall be claimed or allowed for the expense, damage or discomfort arising from the making of repairs or improvements to the common elements, limited common elements or facilities or to any unit, or from any action taken by the Association to comply with any law, ordinance, or order of any other governmental authority.

ARTICLE X
LIABILITY OF DIRECTORS AND OFFICERS

Section 10.1 Exculpation.

No director or officer of the Association shall be liable for acts or defaults of himself or any other officer or member, or for any loss sustained by the Association or any member thereof, unless the same has resulted from his own willful misconduct or gross negligence.

Section 10.2 Indemnification.

The Association shall indemnify any person who was or is threatened to be made a party against any actual, threatened or completed action, suite or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact he is or was an officer, director, agent or employee of the Association against all expenses including reasonable counsel fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection therewith, excepting, however, such matters in which such person is finally adjudged to have acted with willful misconduct or gross negligence towards the Association or absent a final adjudication thereof, excepting such matters in which the Board of Directors (excluding any interested Director) determines any such person acted with willful misconduct or gross negligence. This right to indemnification shall be in addition to any other power of the Association to indemnify as permitted by law. The Association may also maintain insurance on behalf of any person who is or was a director, officer, agent or employee of the Association against any liability asserted against him and incurred by him in such capacity or arising out of his status as such, whether or not the Association would otherwise have the power or duty to indemnify him.

ARTICLE XI
BY LAWS

Section 11.1 Amendment.

These By Laws may be amended, modified, or revoked in any respect from time to time by vote of sixty-seven percent (67%) or more of the members of the Association at a meeting duly called for the purpose; PROVIDED, HOWEVER, that these By Laws shall always contain those particulars which are required by the Maine Condominium Act, as amended from time to time to the extent applicable by law to this Condominium; and PROVIDED, FURTHER, that no modification of or amendment to the By Laws shall be valid until a certificate of the amendment is executed to evidence the propriety of such amendment or modification by the Secretary and President of the Association. Such certificate may be recorded.

Section 11.2 Conflict.

In the event of any conflict between these By Laws and the provisions of the Declaration or the Maine Condominium Act, the latter shall govern and apply.

Exhibit C

CLARK'S POINT CONDOMINIUMS RULES AND REGULATIONS

Capitalized terms not otherwise defined herein shall have the meaning assigned in the Declaration of Condominium of Clark's Point Condominiums, dated as of _____, 2005, and recorded at the Lincoln County Registry of Deeds in Book _____, Page _____.

I. UNITS.

A. General Regulations. Limitations imposed by the Association to enhance the quality of living for all unit owners are:

1. No unit owner shall use or occupy his unit in such a manner as to create a nuisance or disturbance of other unit owners. No unit owner shall play or permit to be played any musical instruments or operate or permit to be operated a stereo system, television, or other electronic or mechanical, sound-producing machinery, appliance or device inside or outside his unit between the hours of 10:00 p.m. and 8:00 a.m. or if such playing or operation shall unreasonably disturb or annoy the occupants of any other unit.
2. Window and door decorative treatments such as shades and draperies, if visible from the common elements or limited common elements of the condominium, shall be neutral in color.
3. No sign, signal, banner, advertisement or illumination, including without limitation a sign indicated or advertising a commercial use or home office use in any unit, shall be installed in any window or other part of any unit where such sign, signal, banner, etc. would be visible from the common elements or limited common elements.
4. The unit owner or occupant shall not use his or her unit in such a manner as to damage or interfere with the operation of structural or mechanical common elements.
5. The toilets, sinks and other fixtures connected to the sanitary sewer system in the condominium shall not be used for any purposes other than those for which they are designed, and improper articles shall not be disposed of in the sanitary sewer system. Any damage resulting from misuse thereof shall be borne by the unit owner upon whose unit it shall have been caused.
6. No unit owner or occupant shall install or operate any heating, air conditioning or other apparatus or equipment not part of the original installation in the unit, or use any illumination other than electrical light or use or permit to be brought into any unit any inflammable fluids, explosives or articles deemed extra hazardous to person or property.

7. No business activity of any kind, designed for profit or otherwise, shall be permitted on the Property except for the Declarant's activities in connection with the sale of units and the use of units as home offices for telecommuting purposes provided that no walk-ins or regular client or customer meetings shall be conducted in the units.
8. Each unit owner or occupant shall comply with all applicable laws, ordinances and regulations and indemnifies and holds harmless the Association and other unit owners and occupants harmless from all fines, penalties, costs and prosecutions for any violation thereof.
9. Common elements and limited common elements provided for access to the units, including without limitation, sidewalks and pathways, shall be used only for access to and from units by pedestrians and shall not be blocked by any personal property of unit owners, their tenants, families and guests.
10. Unit owners, their tenants, families and guests shall not unreasonably loiter in common elements and limited common elements provided for access to the units.
11. No sporting equipment, games, toys, decorations, ornaments or equipment shall be placed or kept on the common elements.
12. No personal property of unit owners, their family, tenants or guests, shall be left on the common areas when not in use by such persons, including, without limitation, lawn chairs, patio furniture and towels.
13. No alcoholic beverages shall be consumed on the common elements and limited common elements, except that unit owners may consume alcoholic beverages on limited common elements that are porches, balconies or patios.
14. No clotheslines shall be installed or used on limited common elements or common elements. No clothes, towels or linens shall be hung on the railings or porches and patios.
15. The Association shall not be responsible for the safety or security of personal property kept on the Property.

B. Entry to Units.

1. Association employees are prohibited from entering any unit while they are on duty except to perform work as authorized by the Association Board of Directors or any management agent. The Board or any management agent will request authorization from unit owners or occupants to enter a unit in their absence, except in the case of emergencies.
2. The agents of the Association and any contractor or worker authorized by the Board or any management agent, bearing proper identification, may enter any unit at any hour of the day, after notification (if practicable) to the unit owner or occupant for the purpose of correcting any condition which presents a danger of

serious loss or damage to the condominium property or injury or death to any person.

C. Membership and Leasing Rules.

1. Any unit owner contemplating the sale of his or her unit shall inform the Secretary of the Association of such intent at a time the unit is offered for sale. The Association will provide copies of the Condominium documents and a Resale Certificate required under Section 1604-108 of the Maine Condominium Act to the prospective buyer upon written request to the Secretary. A reasonable charge to the then-existing unit owner will be made for issuance of such information.
2. The new unit owner shall become a member of the Association upon purchase of the unit. The new unit owner must register with the Secretary of the Association by informing the Secretary of his or her name and the address of the unit and providing the Secretary with evidence of his or her ownership interest in the unit. Registering is not required by buyers of units from the Declarant.
3. The following regulations apply to the leasing of units:
 - a. The unit owner must inform the Association by written notice to the secretary when he rents a unit. Such information to be supplied must include:
 - i. A copy of the lease;
 - ii. The name of the tenant and all occupants of the unit; and
 - iii. The term of the lease.
 - b. All tenancies must be in writing and shall be for an initial term of not less than three (3) months.
 - c. It is the unit owner's responsibility to ensure that the tenant and all occupants of the unit comply with the Declaration, the By Laws and these Rules and Regulations (the "Condominium Documents") to the extent applicable to the tenant.
 - d. It is the unit owner's responsibility to handle all maintenance and repairs within and upon the unit and to ensure that the tenant fully understands that all matters regarding such maintenance and repairs should not be addressed to the Association, nor to any management agent.
 - e. Any violation of the Condominium Documents by a tenant or occupant will be brought to the attention of the unit owner by the Association. Upon notification from the Association, the unit owner will cause the violation to be corrected within seven (7) days and subject to the procedures set forth in Article VII hereof, the unit owner shall be required to pay an additional fee equal to the monthly common expense assessment for each month or portion thereof during which the violation occurs. If deemed necessary, the Board will discuss and review the violation and corrective action with the

unit owner at its next regularly scheduled meeting or at a meeting specifically called for that purpose. At the time of the violation review with the unit owner, the Board must be satisfied with the corrective action or it may terminate the lease between the unit owner and the tenant and demand the tenant vacate the premises within thirty (30) days after receipt of notice by the unit owner from the Board. All leases for units shall contain a default provision providing for termination by the Association as provided above.

II. PARKING AREAS AND DRIVEWAYS.

- A. The parking lots and driveways are for the use of only unit owners, their families, tenants and guests.
- B. No vehicle repairing, mechanical work, painting or maintenance is permitted in the parking lots or driveways.
- C. Trailers, campers, motor coaches, boats and similar recreational vehicles may not be parked in or upon the parking lots or the driveways except for short periods to load and unload. Such vehicles may be kept in one designated by declarant
- D. Only vehicles for legal street use with a valid, current license and registration shall be parked in the designated parking spaces. No vehicles shall be parked or left on the common areas other than in designated parking spaces.
- E. Walkways, driveways and other portions of the common elements used for access to and from the parking lots shall not be obstructed or used for any other purposes.
- F. None of the Board, the Association or any managing agent is responsible for the safety and security of vehicles or other personal property of any nature left in the parking lots or on the driveways.
- G. Motorcycles may be parked only in the unit owner's designed parking space in lieu of use of the parking space by another vehicle.

III. GROUNDS AND LANDSCAPING.

- A. Each unit owner, tenant or guest thereof shall be responsible for the removal of refuse or litter left on the common elements by him or her. Unit owners and tenants shall use their best efforts to prevent the common elements from becoming unsightly.
- B. Damage to the Property caused by the moving or carrying of articles thereon shall be paid for by the unit owner or tenant causing such damage. Damage to the property of others, including the common elements, resulting from misuse or such facilities, of any nature or character whatever, shall be paid for by the unit owner or tenant responsible for such damage.

VI. COMMON ELEMENTS OF BUILDINGS.

- A. Garbage shall be disposed of in the dumpster provided by the Association. All garbage and other refuse shall be in tightly sealed paper bags or plastic bags.
- B. Items too large for normal handling by the refuse hauler can be removed by arranging for their removal with the Board or any management agent. The cost for any such disposal shall be borne by the requesting party.

V. PETS/ANIMAL REGULATIONS.

- A. Domestic pets (including by way of illustration and not limitation, dogs, cats, caged birds and fish) may be kept by a unit owner or a tenant as household pets in his or her unit, provided that:
 - 1. Such pets are not kept for any commercial purpose;
 - 2. Such pets do not, in the judgment of the Board, constitute a nuisance to others and in all cases are controlled by, and within the control of, the owner of such pet;
 - 3. Such pets are kept in compliance with local leash laws and animal health laws;
 - 4. Such pets are kept indoors or are permitted outdoors only under owner's immediate control;
 - 5. The unit owner takes responsibility for the clean up of the pet's excrement; and
 - 6. With respect to all animals, except fish, the aggregate number of animals per unit does not exceed two (2).
- B. Each pet owner shall assume full responsibility for personal injuries or property damage caused by such pet and shall indemnify the Association, the Board, any managing agent, and other owners and occupants of the units and shall hold them harmless against loss, claim or liability of any kind or character arising from or growing out of any act of such pet.

VI. ARCHITECTURAL REGULATIONS.

- A. Architectural Control.
 - 1. After the completion of construction by the Declarant, no modification, decoration, change or other improvement of any kind shall be commenced, erected or maintained upon the common elements and limited common elements.

B. Architectural Restrictions.

1. Placement, transfer or removal of furniture or property of the Association in or from the common elements or limited elements is not allowed.
2. Small, temporary holiday decorations may be placed at the unit entrances by the resident for reasonable time periods during various holidays throughout the year.
3. No radio, CB, television, satellite dish, ham radio or other antennae shall be installed by any unit owner or occupant anywhere on the Property. With the prior written approval of the Board, one small satellite dish antennae (e.g. for DirecTV reception) may be installed in a visually unobtrusive location on each unit. The location of and method of installation of any such dish shall be determined by the Board.
4. Unit owners and tenants shall not place identification or other signs in any place on the property, except a small nameplate on your entryway.
5. No shades, awnings or window guards shall be installed on the exterior of windows or glass doors.
6. No "For Sale," "For Rent," or "For Lease" signs or other displays or advertising shall be placed on any part of the Property by any person other than the Declarant.

VII. COMPLIANCE AND ENFORCEMENT OF RULES AND REGULATIONS.

- A. Each unit owner is responsible for full compliance with the Condominium Documents by all family members, guests, visitors, tenants and any others the unit owner brings to the Condominium.
- B. Loss or damage to common element machinery, fixtures or furnishings caused by a unit owner or by his or her guests, visitors, tenants or other persons shall be replaced or paid for by the unit owner involved.
- C. Any resident suspecting the loss or damage of any of his personal property should immediately bring it to the attention of the Board or any managing agent.
- D. The Board reserves the right to amend, alter or cancel any of these rules and regulations and to make such other rules and regulations from time to time as may be deemed necessary for the safety, care and cleanliness of the property and for securing the comfort and convenience of all residents of the Condominium.

VIII. COMPLAINT AND HEARING PROCESS.

- A. Since voluntary compliance with Association rules is not always obtained, it may be necessary for the Board to enforce compliance with the Condominium Documents. Members of the Board serve without compensation and they are under no special obligation to enforce regulations or arbitrate disputes between neighbors, except in

cased where their authority is required to obtain compliance with the Condominium Documents. It is therefore provided that complains regarding violations will be accepted by the Association only if the complaining person has first attempted and failed to obtain voluntary compliance without official intervention.

- B. The following provisions shall be observed before the Board may impose any penalty or sanction authorized under these Rules and Regulations or the Condominium Documents for violations of the Condominium Documents.
- a. Written Complaint. Any unit owner or tenant, any officer or member of the Board or the managing agent may file a complaint with the Board concerning any act or omission which appears to be in violation of the Condominium Documents. The complaint shall contain (i) a written statement in ordinary and concise language of the acts or omissions with which the party named therein is charged, including if known, the time, date, location and person involved; and (ii) the specific provisions of the Condominium Documents which such party is alleged to have violated.
 - b. Notice of Hearing. Promptly after the filing of the complaint, the Board shall serve a notice of hearing on each affected party together with a copy of the complaint if the proceeding is based on a complaint, by any of the following means: (i) personal delivery; or (2) by registered or certified mail, return receipt requested, and addressed to the respondent, at the address of the respondent appearing on the records of the Association. The Notice of Hearing shall provide for a hearing on the complaint to be held not earlier than ten (10) days after the date of giving such notice and not later than thirty (30) days after the date of receipt of the complaint or petition by the Board. If any of the parties, within twenty-four (24) hours after receipt of a Notice of Hearing, shows good cause as to why such party cannot attend the hearing on the established date, the Board may reschedule the time and date of hearing to a date not later than thirty (30) days after the receipt of the complaint by the Association.
 - c. Hearing. At the Beginning of the hearing a member of the Board shall explain the rules and procedures by which the hearing is to be conducted. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any contrary common law or statutory rule in civil actions. Provided that the respondent has received proper notice of the hearing as required by these Rules and Regulations, the absence of the respondent from the hearing shall not invalidate the proceedings or any determination made thereon by the Board.
 - d. Decision. After all testimony and documentary evidence has been presented to the Board the Board shall vote upon the matter with the votes of a majority of the Board then participating being necessary to sustain a complaint.
 - e. Fines. For violations of the Condominium Documents involving damage to Association or other unit owners' property or other violations that result in

physical changes to the Condominium property (i.e. improper installation of a sign or satellite dish, oil stains from automobile repairs performed in parking lot), the offending party shall be responsible for all costs of repair, remediation or replacement of the affected property, and such costs shall become a lien on the unit owned or occupied by the offending party pursuant to Section 11.2 of the Declaration. In addition, with respect to all violations, whether or not resulting in damage to Condominium or unit owners' property or physical change to the Condominium property: for the first violation of a particular provision or provisions of the Condominium Documents the offending party shall receive a written warning or censure from the Board; for any subsequent violations of the same or similar provision(s) of the Condominium Documents, the offending party shall be assessed a fine by the Board in an amount equal to the monthly common expense assessment then payable with respect to the unit owned or occupied by the offending party, which fine(s) shall be a lien on the unit pursuant to Section 11.2 of the Declaration.

- f. The Association may, in its discretion, seek an injunction or other equitable relief for repeated violations of the Condominium Documents by a unit owner or tenant. If the Association prevails in any action brought to this Article, it shall be entitled to recover from the offending party reasonable attorney's fees and costs incurred in connection such action, and the recovery shall be a lien against the offending owner's unit and a personal obligation of such owner.

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

→ SEE DETACHABLE INSTRUCTIONS

1. Name of Applicant:	Sheepscot Shores Homeowners Assoc. c/o Dave Nery President	4. Name of Agent: (if applicable)	Lauren Stockwell Stockwell Environmental Consulting						
2. Applicant's Mailing Address:	30 Stonewall Drive Wiscasset, Maine 04578	5. Agent's Mailing Address:	58 Hendricks Hill Road Southport, ME 04576						
3. Applicant's Daytime Phone #:	207-882-5202 Cell: 207-319-5465	6. Agent's Daytime Phone #:	207-633-4417						
7. Location of Project: (Nearest Road, Street, Rt.#)	Sheepscot Shores Road	8. Town:	Wiscasset						
		9. County:	Lincoln						
10. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain	11. Name of Resource:	Sheepscot River						
		12. Amount of Impact (Sq.Ft.):	Fill: 15.5 sq. ft. Dredging/Veg Removal/Other:						
13. Type of Freshwater Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS:							
		<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><i>Tier 1</i></td> <td style="width: 50%; text-align: center;"><i>Tier 2/3</i></td> </tr> <tr> <td><input type="checkbox"/> 0 - 4,999 sq. ft.</td> <td><input type="checkbox"/> 15,000 - 19,999 sq. ft.</td> </tr> <tr> <td><input type="checkbox"/> 5,000 - 9,999 sq. ft.</td> <td><input type="checkbox"/> 20,000 - 43,560 sq. ft.</td> </tr> <tr> <td><input type="checkbox"/> 10,000 - 14,999 sq. ft.</td> <td><input type="checkbox"/> > 43,560 sq. ft.</td> </tr> </table>		<i>Tier 1</i>	<i>Tier 2/3</i>	<input type="checkbox"/> 0 - 4,999 sq. ft.	<input type="checkbox"/> 15,000 - 19,999 sq. ft.	<input type="checkbox"/> 5,000 - 9,999 sq. ft.	<input type="checkbox"/> 20,000 - 43,560 sq. ft.
<i>Tier 1</i>	<i>Tier 2/3</i>								
<input type="checkbox"/> 0 - 4,999 sq. ft.	<input type="checkbox"/> 15,000 - 19,999 sq. ft.								
<input type="checkbox"/> 5,000 - 9,999 sq. ft.	<input type="checkbox"/> 20,000 - 43,560 sq. ft.								
<input type="checkbox"/> 10,000 - 14,999 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft.								
14. Brief Project Description:	Construction of a 6' x 20' fixed pier with a seasonal 36' x 3' runway and 10' x 20' float. Float stops will be installed keep the float from resting on the mud at low tide.								
15. Size of Lot or Parcel:	Approx. 5962 square feet, or <input type="checkbox"/> acres								
16. Title, Right or Interest:	<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input checked="" type="checkbox"/> written agreement - ROW								
17. Deed Reference Numbers:	Book#: 2950 Page: 241	18. Map and Lot Numbers:	Map #: R05 Lot #: 116-015						
19. DEP Staff Previously Contacted:		20. Part of a larger project:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
21. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, previous application #	Previous project manager:						
22. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	23. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
24. Detailed Directions to the Project Site:	Take Rt. 218 north from Wiscasset and follow for approximately 1.5 mile. Turn right onto Old Sheepscot Road and follow for 0.6 miles. Turn right onto Brown Road, which turns into Sheepscot Shores Road approximately 500 yards before the road ends. The proposed pier is on the river off this road.								
25. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS							
<input type="checkbox"/> Fee <input type="checkbox"/> Topographic Map <input type="checkbox"/> Documentation of Title, Right or Interest <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to Maine Historic Preservation Commission <input type="checkbox"/> Copy to municipality		<input checked="" type="checkbox"/> Fee <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Documentation of Title, Right, Interest <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Copy of Public Notice <input checked="" type="checkbox"/> Professional Certification/Delineation <input type="checkbox"/> Erosion Control Plan <input checked="" type="checkbox"/> Alternatives Analysis, if required <input checked="" type="checkbox"/> Description of Avoidance & Minimization <input type="checkbox"/> Compensation Plan (if required) <input type="checkbox"/> Description of Previously Mined Peatland (if required) <input checked="" type="checkbox"/> Statement/Copy of cover letter to Maine Historic Preservation Commission <input checked="" type="checkbox"/> Construction Plan, if required <input checked="" type="checkbox"/> Copy to municipality							
26. FEES, Amount Enclosed:	\$401.00								

FOR DEP USE	L- 24143-4P-A-N ATS# 67542 Total FEES \$401.00 CK# 1398 Date Rec'd 2/25/08			
FOR CORPS USE	App#:	Office Code:	Date Rec'd:	Date Completed:

SIGNATURE PAGE: *This page MUST be submitted along with the form on the previous page.*

By signing below the applicant (or authorized agent), certifies that he or she has:

x Completed all of the public notice requirements.

x Read and understood the following:

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413; Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application."

 (DAVID J. NIERPY)

SIGNATURE OF APPLICANT, *if agent involved*

5 DEC 2007

DATE

"Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."



SIGNATURE OF AGENT/APPLICANT

2/22/08

DATE

NOTE: *Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.*

(pink)

Stockwell Environmental Consulting
58 Hendricks Hill Road
Southport, Maine 04576
(Phone) 207-633-4417 (cell) 207-542-2421
E-mail: stockenv@roadrunner.com
www.stockenv.com

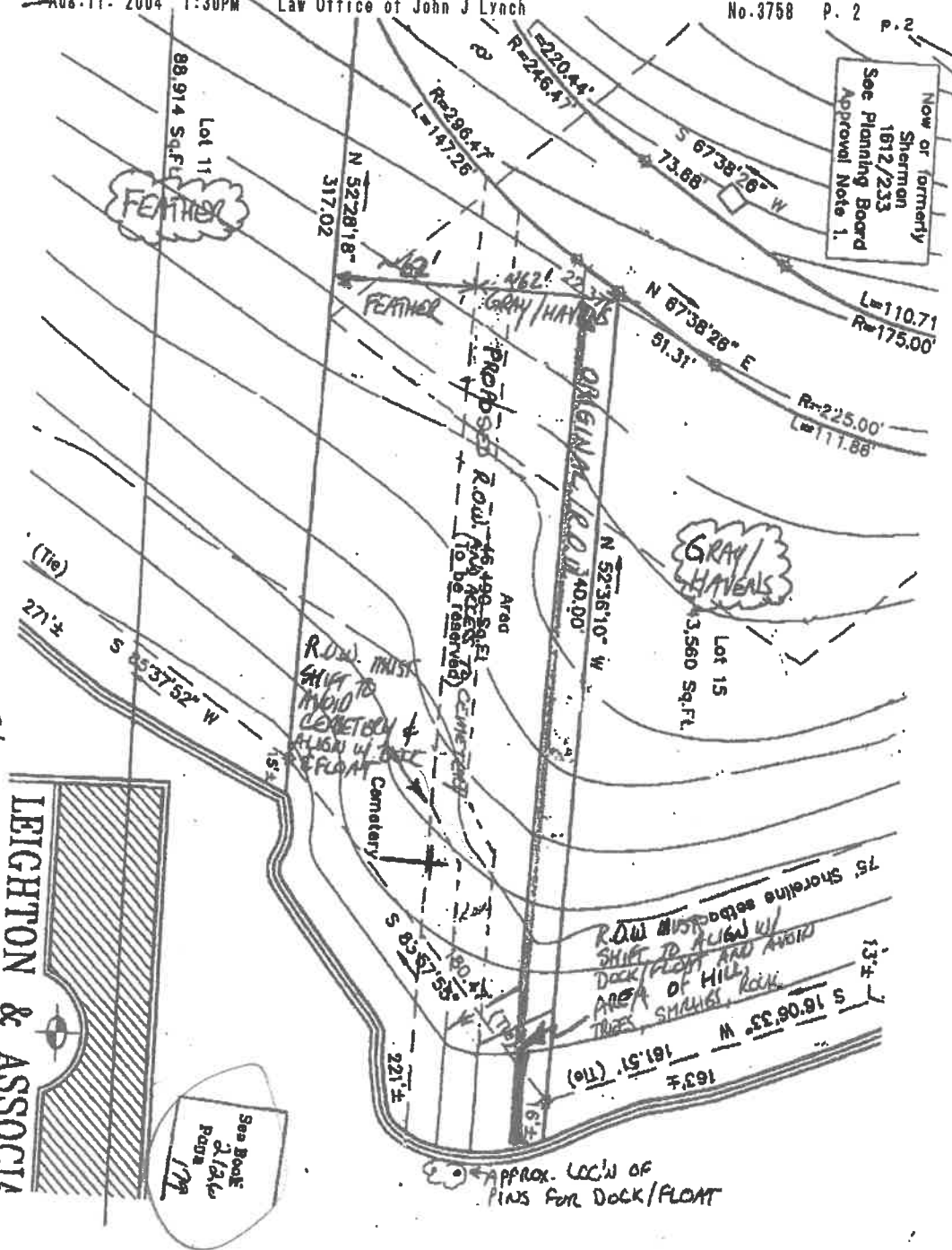
To Whom It May Concern:

I hereby authorize Lauren Stockwell of Stockwell Environmental Consulting to act on my behalf as my agent in the processing of permit applications for the Army Corp of Engineers, Maine Department of Environmental Protection and Town of Wiscasset and to furnish, upon request, supplemental information in support of permit applications.

Applicants Printed Name DAVID W NERY

Applicant's Signature  Date 5 DEC 2007

Now or formerly
Sherman
1612/233
See Planning Board
Approval Note 1.



Harold Warren
LEIGHTON & ASSOCIATES
Call 242 7452

See Book
2126
Page
19

APPROX. LOC'N OF
PINS FOR DOCK/FLOAT

**Maine Short Form
WARRANTY DEED**

HAROLD G. WARREN of Boothbay, Maine, for consideration paid, grants to **KENNETH DAVID GRAY AND MARY REBECCA HAVENS** both of Wiscasset, Maine, whose mailing address is 53 Federal Street, Wiscasset, ME 04578, with **WARRANTY COVENANTS, as Joint Tenants**, the land in Wiscasset, Lincoln County, State of Maine, as follows:

Lot 15 of Sheepscot Shores Subdivision as shown on the subdivision plan of Sheepscot Shores Subdivision as recorded on June 17, 1993, recorded in Plan Book 55 Page 75 at the Lincoln County Registry of Deeds.

TOGETHER WITH a deeded right of way, fifteen (15) feet in width, along the northeasterly line of the lot with the cemetery on it shown on plan of Sheepscot Shores Subdivision as "To be reserved", said right of way to be for purposes of pedestrian ingress and egress to the dock and float described in Paragraph 12 of the Declaration of said subdivision (referred to below), and said right of way and dock and float shall be subject to the terms of said Declaration and shall be subject to any and all regulations that may be established by the Sheepscot Shores Owners Association, if such an association shall be subsequently formed.

ALSO CONVEYING herewith an easement and right of way for all legal purposes including the transmission of utilities from the Brown Road over the road shown on the above mentioned on said plan.

This conveyance is **SUBJECT TO** the following:

1. Declaration of Restrictive Covenants by Harold G. Warren, dated July 9, 1993, recorded in Book 1891 Page 325.
2. Findings of Fact and Final Order from the Town of Wiscasset dated November 14, 1994, recorded in Book 2021 Page 349;
3. Findings of Fact and Final Order from the Town of Wiscasset dated November 14, 1994, recorded in Book 2021 Page 352;
4. Findings of Fact and Final Order from the Town of Wiscasset, dated February 12, 1996, recorded in Book 2126 Page 179.
5. Planning Board Approval notes on Plan Book 52 Page 30.

*Kenn Gray / Mary Rebecca Havens
53 Federal Street
Wiscasset, Me 04578*

Page Two
Harold G. Warren to
Kenneth David Gray and Mary Rebecca Havens
Warranty Deed

TITLE REFERENCE: Being a part of the premises conveyed to Harold G. Warren by virtue of the following: 1) Warranty Deed from Barbara L. MacLaren dated October 8, 1992 recorded in Book 1820 Page 314; 2) Corrective Warranty Deed from Barbara L. MacLaren dated August 30, 1994, recorded in Book 2005 Page 230; 3) Quitclaim Deed With Covenant from Barbara L. MacLaren dated August 31, 1994. 4) Warranty Deed from Norman P. Sherman to Harold Warren, dated July 23, 1993, recorded in Book 1896 Page 309.

WITNESS my hand this 10th day of November, 1999.

Douglas Carver
Witness

MAINE REAL ESTATE
TRANSFER TAX PAID

Harold G. Warren
Harold G. Warren

STATE OF MAINE,
LINCOLN, ss.

Date: November 10, 1999

Then personally appeared the above named Harold G. Warren and acknowledged the foregoing instrument to be his free act and deed, before me,

Douglas M. Carver
Notary Public/~~Attorney at Law~~

3JC\WPDOCS\REWISCASS\HRSL116-WIS

Print or Type **DOUGLAS M. CARVER**
NOTARY PUBLIC
COMMISSION EXPIRES
11-20-2001

Lincoln County Registry of Deeds
Marcia P. Silva
Marcia P. Silva, Registrar

**Maine Short Form
WARRANTY DEED**

COPY

HAROLD G. WARREN, of Boothbay, County of Lincoln, State of Maine, whose mailing address is P. O. Box 33, East Boothbay, ME 04544, *for consideration paid*, grants to **JAMES E. FEATHER and JANICE L. FEATHER, Co-Trustees of the JAMES EDWARD AND JANICE LYNN FEATHER REVOCABLE LIVING TRUST** dated **October 24, 2001**, whose mailing address is 9461 Harrowhill Lane, Burke, VA 22015, with **WARRANTY COVENANTS**, the land in Wiscasset, Lincoln County, State of Maine, as follows:

The southerly half of an unnumbered lot designated as "To be Reserved", said lot being situated South of Lot #15 and North of Lot #11 as shown on the subdivision plan of Sheepscot Shores Subdivision as recorded on July 11, 1995, in Plan Book 55 Page 75 of the Lincoln County Registry of Deeds. Together with the shore, rocks and flats adjacent to the above described premises.

SUBJECT TO the following:

1. Declaration of Restrictive Covenants by Harold G. Warren, dated July 9, 1993, recorded in Book 1891 Page 325; and **Amended Declaration** dated November 15, 2002, to be recorded of even date with this instrument.
2. Findings of Fact and Final Order from the Town of Wiscasset, dated November 14, 1994, recorded in Book 2021 Page 349.
3. Findings of Fact and Final Order from the Town of Wiscasset, dated November 14, 1994, recorded in Book 2021 Page 352.
4. Findings of Fact and Final Order from the Town of Wiscasset, dated February 12, 1996, recorded in Book 2126 Page 179.
5. Planning Board Approval notes on Plan Book 52 Page 30.
6. Public rights to access to the cemetery near the southeast point of the Cove depicted on the above noted plan.

Warranty Deed

Harold G. Warren to Feather Revocable Living Trust

Page 2

TITLE REFERENCE: Being a part of the premises conveyed to Harold G. Warren by virtue of the following instruments recorded in the Lincoln County Registry of Deeds: 1) Warranty Deed from Barbara L. MacLaren dated October 8, 1992, recorded in Book 1820 Page 314; 2) Corrective Warranty Deed from Barbara L. MacLaren dated August 30, 1994, recorded in Book 2005 Page 229; 3) Quitclaim Deed With Covenant from Barbara L. MacLaren dated August 31, 1994, recorded in Book 2005 Page 232; and 4) Warranty Deed from Norman P. Sherman to Harold Warren dated July 23, 1993, recorded in Book 1896 Page 309.

WITNESS my hand this 15th day of NOVEMBER, 2002.

Witness



Harold G. Warren



STATE OF MAINE,
LINCOLN, ss.

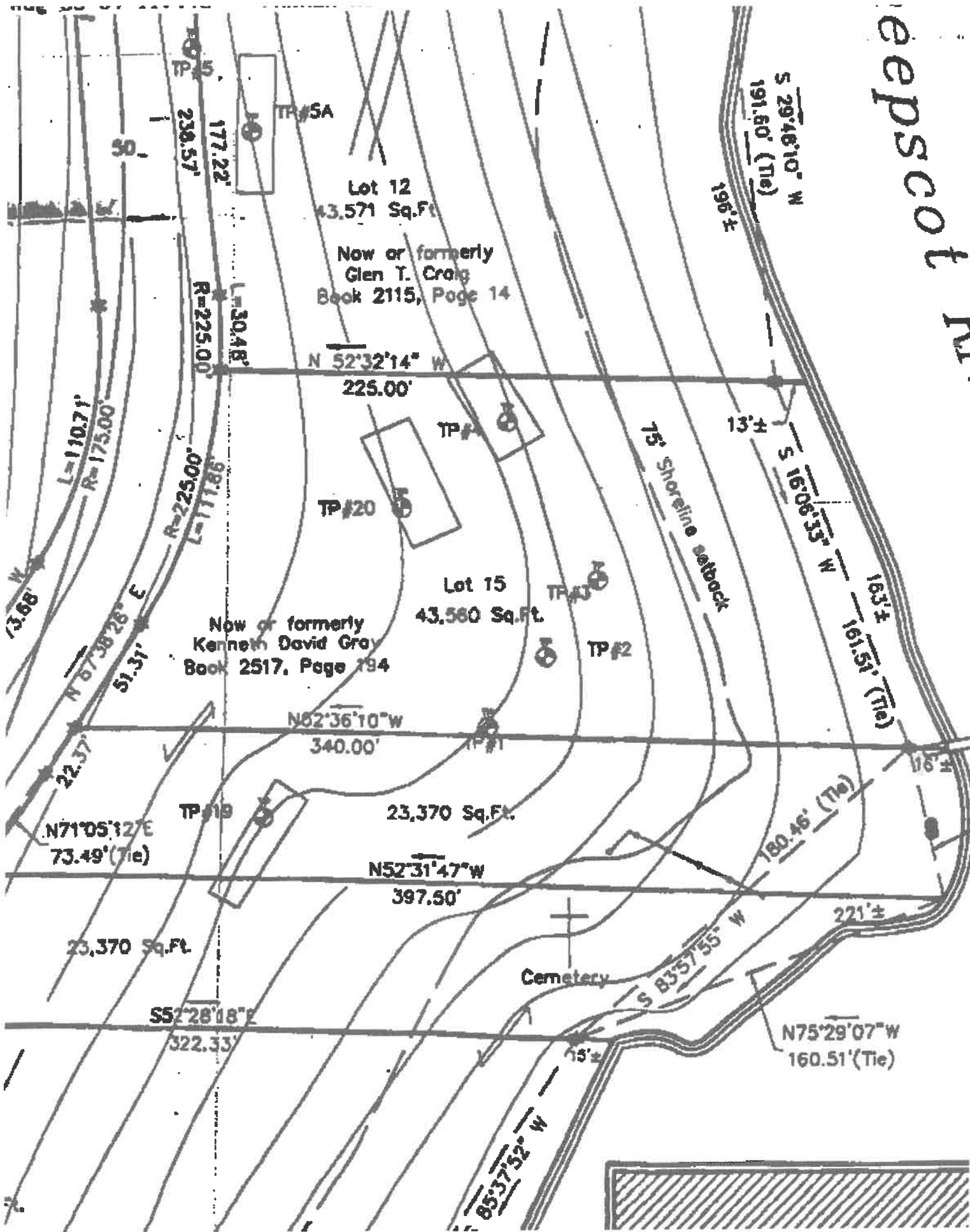
Date: NOV. 15, 2002

Then personally appeared the above named **Harold G. Warren** and acknowledged the foregoing instrument to be his free act and deed, before me,

Notary Public/Attorney at Law

JOHN J. LYNCH
Print or Type Name

Leppscot Pl.



DECLARATION

This Declaration, dated this 9th day of July, 1993 by Harold G. Warren of Gardiner, Maine, Kennebec County, Maine.

WITNESSETH

WHEREAS, Harold G. Warren, is the owner of a certain parcel of land, situated in Wiscasset, Lincoln County, Maine and being more fully described in Plan entitled "Sheepscot Shores Subdivision" recorded in the Lincoln County Registry of Deeds (hereinafter "Sheepscot Shores") on April 13, 1993 in Plan Book 52, Pages 8 and 9 and on June 17, 1993 in Plan Book 52, Pages 29 and 30 and any subsequent plans of Sheepscot shores later recorded in said Registry, and

WHEREAS, it is desired that Sheepscot Shores be divided into building lots and common areas for general use of the owners of said building lots in Sheepscot Shores, and

WHEREAS, it is desired to subject Sheepscot Shores to the terms, conditions, covenants, restrictions, agreements, easements and charges hereinafter set forth for the protection and benefit of Sheepscot Shores and each lot owner therein and which terms, conditions, covenants, restrictions, agreements, easements and charges shall enure to the benefit of and run with every building lot and common area therein,

NOW, THEREFORE, Harold G. Warren hereby declares that every building lot in Sheepscot Shores is and shall be held and conveyed subject to the terms, conditions, covenants, restrictions, agreements, easements and charges, sometimes referred to as "covenants and restrictions", hereinafter set forth:

1. No trailer or mobile home shall be temporarily or permanently used as a residence on the premises. No mobile home shall be stored or parked on the premises. Recreational vehicles used extensively for travel purposes are excepted from this provision, provided, however that they not be used as a temporary residence for more than 14 days in any 180 day period.
2. The premises herein described shall be occupied and used for a single family dwelling only.
3. No nuisances shall be permitted, erected or allowed to remain upon the premises, including but not limited to junk or unregistered vehicles, machinery and heavy equipment.
4. A residential building on the premises shall be completed as to the exterior within one year from the commencement of construction.
5. No livestock or poultry of any kind shall be raised, bred, or kept on any lot; dogs, cats and smaller household pets are permitted.
6. No lot shall be used or maintained as a dumping ground for rubbish, trash, old automobiles or similar materials offensive or degrading in appearance.
7. No single story house with less than 1,050 square feet of floor space is to be built on the premises.
8. No cape style house consisting of one and one half $1\frac{1}{2}$ stories with less than 850 square feet of floor space on the ground floor is to be built on the premises.
9. No residential building shall be constructed on pilings or posts; all residential buildings shall have concrete slab, full concrete or crawlspace foundations.
10. Fuel tanks not located within the dwelling unit shall be properly screened and placed out of view of any adjoining parcel or traveled way.
11. Enforcement shall be by 1) the developer, 2) the lot owners, or 3) any aggrieved person by proceedings at law or in equity against any persons violating or attempting to violate any covenants either to restrain violation or to recover damages. Any party successfully enforcing any of these covenants shall be entitled to recover against the party violating such covenant(s), as a monetary award, for the reasonable attorney's fees and costs incurred in such enforcement proceedings.

amended dec

12. A dock and float is planned for water access and will be made available to all Sheepscot Shores lot owners for a fee. An Association will also be planned to oversee the maintenance of the dock, float and access road. All lot owners will be notified once the details are available.

Witness my hand and seal this 9th day of July, 1993.

Keith R. Varner

Harold G. Warren
Harold G. Warren

State of Maine
Kennebec, SS.

July 9, 1993

Personally appeared the above-named Harold G. Warren and acknowledged the foregoing instrument to be his free act and deed,

Before me,

Keith R. Varner
~~Notary Public~~/Attorney at Law
Keith R. Varner

Bk 2950 P-237 #14472
11-21-2002 @ 08:48a

AMENDED DECLARATION

Re: *Sheepscoot Shores Subdivision*
Wiscasset, Lincoln County, Maine

WHEREAS, Harold G. Warren, (hereinafter referred to as Warren) of Boothbay, Maine is the owner of land situated in Wiscasset, Lincoln County, Maine depicted on Plan of Survey entitled *Sheepscoot Shores Subdivision* (hereinafter referred to as *Sheepscoot Shores*) recorded on April 13, 1993 in Plan Book 52, Pages 08 and 09, with revisions to said plan dated June 17, 1993, and recorded in Plan Book 52, Pages 29 and 30 of the Lincoln County Registry of Deeds and;

WHEREAS, Warren has caused a Declaration of Restrictive Covenants, dated July 9, 1993, applicable to *Sheepscoot Shores*, to be recorded in Book 1891, Page 321 of the Lincoln County Registry of Deeds, and;

WHEREAS, Warren desires to amend the Restrictive Covenants;

NOW, THEREFORE, Warren hereby amends said Restrictive Covenants as follows:

(Original Paragraph 12 is deleted in its entirety and the following paragraph 12 is substituted therefor:

12 Association Each purchaser of a parcel on the Sheepscoot Shores Subdivision Plan shall, by reason of such purchase, become a member of the Sheepscoot Shores Homeowners Association (or such other name as the Association shall designate from time to time). Until the sale of the last parcel by Warren, any amendments to or other changes to the covenants shall be by majority vote of the Association, with the owner of each parcel entitled to one vote for each parcel owned. Warren reserves the right to exercise one vote for each unsold parcel. After the sale of the last parcel by Warren, any amendments to this Declaration shall be by three quarter (3/4) majority of all parcel owners. Meetings of the Association shall be held at a time and place determined by a majority vote of the Association. Any amendment to this Declaration shall not interfere with the rural and residential character of this Wiscasset, Maine property, nor alter the intent of this Declaration or conflict with Wiscasset Shoreland Land Use or Subdivision Ordinances. Warren covenants to establish a Homeowners Association on or before December 31, 2002.

The following additional paragraphs 13 and 14 are hereby added:

13 Dock/float Land in the intertidal zone and lying adjacent to the Southeast end of a fifteen (15) foot wide pedestrian right of way traversing the unnumbered lot designated as *To be Reserved*, on the above referenced plan, (which right of way is not depicted on the plans) shall be reserved for the installation of a dock/float. The dock/float area shall be used to build a dock and install a float, if and when the Homeowners Association elects to implement such a project. It shall be the sole responsibility of the Homeowners Association to repair, replace and maintain the dock, float and pedestrian access leading to the dock/float area.

John J. Lynch, Esq.

Notwithstanding the limited use of the right of way for pedestrian purposes, nothing contained herein shall be construed to limit the Association's right to install an access route to and from the shore which will facilitate temporary vehicular access related to construction, repair and/or maintenance of the improvements in the dock /float area.

14 Trees The wholesale cutting of trees on a parcel, whether for commercial lumbering purposes or otherwise, is prohibited, except in accordance with a Forest Management Plan prepared by a professional forester. This does not prevent an owner from cutting trees to construct or enhance a home site or preserve the wooded environment of his land in a healthy manner. Clearing of trees within the shoreland zone, as shown on said Plan, shall be in compliance with the Wiscasset Shoreland Land Use Ordinance.

IN WITNESS WHEREOF, HAROLD G. WARREN has hereunto set his hand and seal this 15th day of November, 2002.



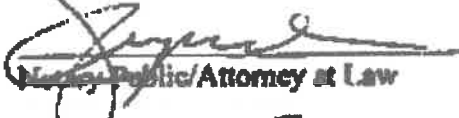
Witness



Harold G. Warren

STATE OF MAINE,
LINCOLN, ss:


Personally appeared the above named HAROLD G. WARREN and acknowledged the foregoing instrument to be his free act and deed, before me.



Notary Public/Attorney at Law
JOHN J. LYNCH
Print or Type Name

© 1997 Lincoln County Registry of Deeds, Lincoln, Maine

Lincoln County Registry of Deeds



Marcia P. Silva Registrar

BY-LAWS

SHEEPSCOT SHORES HOMEOWNERS ASSOCIATION

A MAINE NONPROFIT CORPORATION

Revision 1-August 23, 2007

Schedule A

Albert, Tanya and Gregory, Lot 22

Andersson, Mikael and Kim, Lot 2

Beard, Brian and Kathryn Dionne, Lot 3

Carlson, Shawn and Molly, Lot 14

Carvalho, Tara and Lucas, Lot 13

Craig, Sandra and Glen, Lot 12

Daniel, Jody Macaron, Lot 7

Davignon, Patti, Lot 17 &18

Feather, James E. and Janice L., Lot 11

Gray, Ken and Rebecca Havens, Lot 15

Hudson, Mark E. and Irene C., Lot 9

Hudson, Tamela A., Lot 8

Matzell, Mark and Susan, Lot 6

Nery, David and Bridget, Lot 16

Pushor, Donald, Lot 20

Ranta, Anna, Lot 19

Roberts, J. Curtis and Joan H., Lot 21

Wallace, Stephen P. and Deborah A., Lot 1

Warren, Harold, Lot 4, 5, 10, 24

NRPA application for a pier off Sheepscot Shores Road for the Sheepscot Shores Homeowner Association in Wiscasset, Maine

Attachment 1, activity description.

The project is construction of a 20' x 6' wooden pile-supported pier on the western shore of the Sheepscot River off Sheepscot Shores Road in Wiscasset, Maine. The runway and float will be seasonal. Their dimensions will be 3' x 36' and 10' x 20' respectively. The pier will be pile-supported and the pilings will be 10' apart and pinned to the ledge. There will be 2 sets under the pier for a total of 4 pilings; the shoreward end of the pier will sit on the ledge. The upper two pilings will be above the maximum spring high tide line. Each piling will have a maximum diameter of 14 inches, resulting in a maximum impact area of 1.07 sq. ft. per pile. The total direct maximum impact to the coastal wetland from these pilings will be 2.14 sq. ft. In addition, float stops are proposed to keep the float from resting on the mudflat at low tide. These will consist of two beams, 8" wide by 10' long and 3" thick, resting on two pilings driven into the mud and cut off below the mud surface. Since these will be flush with the mud surface, they will not be subject to ice scour during the winter. The direct impact from these two beams will be 13.3 sq. ft. for a total of 15.5 sq. ft. direct impact.

The indirect impact by shading to coastal wetland will be 368 sq. ft. since the shoreward 10' of the pier will be above the maximum spring high tide line. All impacts will be intertidal.

The runway will be pulled up on the float in the winter. No skid way for hauling the float is proposed. Temporary beams will be used to haul the float onto the upland in the off season.

The ROW is 15' wide and crosses the land of Kenneth David Gray. The deed language states that it is "for purposes of pedestrian ingress and egress to the dock and float". Mr. Gray does not have a pier at this time; his pier was lost during the winter approximately 3 years ago. It was located on his property to the north. There are pins in the ledge near the proposed association pier. This was from an old pier.

Attachment 2, alternatives analysis report

The purpose of the pier is to provide access to the water. There are 23 lots in the association. Currently, there are 19 owners of these lots (two own more than one lot). The list of association members and their lots is attached. All of these members will have access to the pier. The pier will be used for small boats, primarily canoes and kayaks. There are no other piers on the property. Mr. Gray, whose land the ROW crosses, lost his pier to ice several winters ago. This is the only location where there is a ROW to the water for association members. There was a pier at one time in this vicinity; the pins in the ledge are still visible in the area of the proposed pier location.

The pier size has been minimized. The float will be tucked up to edge of rocky shore, just far enough out so that it will not hit the rocks at low tide. This will minimize impact to the tidal waterfowl and wading bird habitat mapped in the area. The pier will not have all-tide access, but will rest on the mudflat at low tide. Float stops will be used to keep the float off the mud to minimize impact to organisms. The float will only provide access to the river at mid-tide and higher. The float stops will be flush to the mud and float feet

will sit on the horizontal timbers, which are supported by 2 pilings each, augered into the mud. This will minimize wave and ice scouring. Because there is no visible structure above the mud surface, the ice will not pull out the stops, which has been a problem in other ice prone areas.

Both the runway and float will be seasonal. Only the pier will remain in place throughout the year.

The nearest public boat launch is 2.5 miles away in the village of Wiscasset. The Wiscasset Public Landing does rent moorings and has a boat launch ramp. However, parking is very limited and there is no space for storage of canoes or kayaks. This facility is on the opposite side of the Route 1. Traffic is notoriously slow on Route 1 in Wiscasset during the boating season. Fighting this traffic is not an attractive alternative. Eddy Marine is located in Edgecomb. It is a private facility with limited parking, dockage and moorings. A new marina is proposed at the old Mason Station further south in Wiscasset, which has not yet been built. This marina is geared for large boats and will be expensive. The traffic issues, fighting Route 1 through Wiscasset, would be the same for all of these facilities. It would not be practical to canoe or kayak from any of these upriver to the vicinity of Sheepscot Shores against the tidal currents. There is a place to put in a kayak at Head Tide in Alna, but this is 8.5 miles by river to the project site.

Attachment 3, topographic map with the activity location
See attached.

Attachment 4, color photographs
See Photos 1 to 4.

Attachment 5, overhead and side view plan
See attached.

Attachment 6, additional plans Cross sectional drawings for piers
See attached float stop plan.

Attachment 7, a construction plan
All of the pier materials will come by land. The pier will be built, starting closest to shore and working out into the cove. The pilings will be pinned to ledge. The wood used will be environmentally friendly pressure treated wood in compliance with EPA rules. Floats and the runway will be built off-site and installed once the pier is built. They will be brought to the site by water. Work is scheduled to start in 2008.

Attachment 8 an erosion control plan
NA

There will be no excavation. The pilings for the pier will be pinned to the ledge. The pilings for the float stops will be dug in with a hand shovel. Because of the Wiscasset bridge, Fuller Marine Services cannot get the barge to this site to drive the pilings.

Attachment 9, a site condition report

The pier will be built over the intertidal ledge. There is a steep drop of several feet from the upland to the ledge. The shoreward portion is bare ledge. Below this is ledge with a band of encrusting blue green algae and another of green algae (see Photo 1). Shoreward are boulders with rockweed (*Ascophyllum nodosum* and *Fucus vesiculosus*)(see Photo 2). Their coverage was estimated at 90%. The runway will extend over the rockweed covered boulders.

Mud is found at the end of the ledge. The sediment is very mucky and one sinks knee deep. A few worm holes were observed in the mud. According to the applicant, wormers do sometimes work the area. The area is not closed to shellfish harvesting. The area is mapped as tidal waterfowl and wading bird habitat.

Attachment 10, the Notice of Intent to File

See attached. Published in the Boothbay Register on February 21, 2008

Attachment 11, for Corps review only. Applicants must submit a copy of this application and plans to the Maine Historic Preservation Commission (MHPC). Completed.

Attachment 12, Functional Assessment

NA

Attachment 13, Compensation

NA

APPENDIX A: MDEP VISUAL EVALUATION: FIELD SURVEY CHECKLIST

See attached.

There are no National Natural Landmarks, Wildlife Refuges, Parks or Public Reserved Lands in the vicinity of this project. There are no properties on the National Register on that can be seen from this location. None of sites in Wiscasset, Newcastle, Alna or Edgecomb on the Register are visible from this property. This project will fit into the character of the area, which is residential with private docks. Existing docks are located on the properties across the river and south of this property (see photographs). The railroad tracks run along the water on the opposite shore.

APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:

INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST

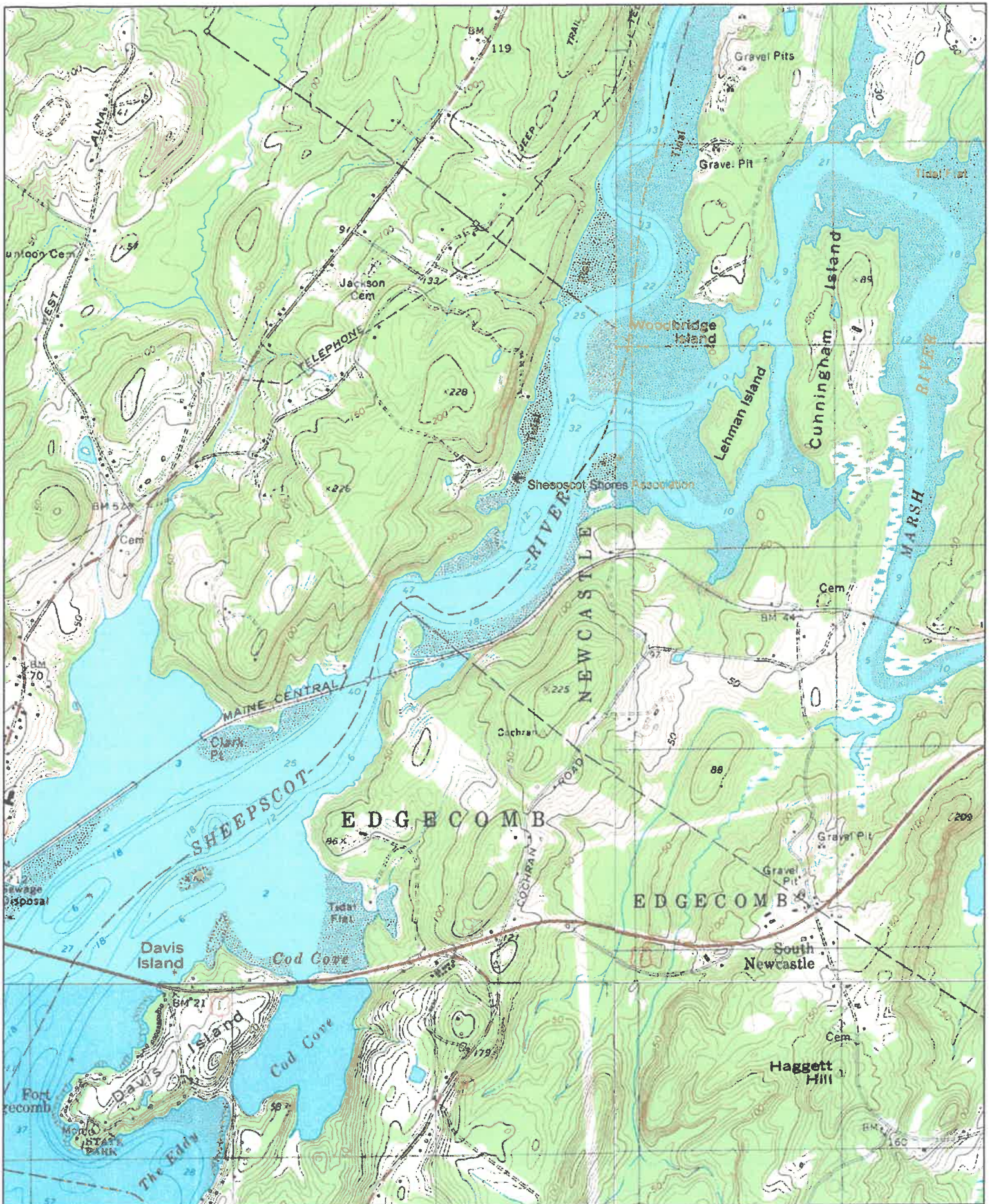
See attached and Attachment 9 above.

APPENDIX C: Supplemental Information for Dredging Activities in Coastal Wetland, Great Pond, River, Stream or Brook

NA

APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application

See attached.



Name: WISCASSET
 Date: 2/13/2008
 Scale: 1 inch equals 2000 feet

Location: 19 0449310 E 4873728 N
 Caption: Attachment 3. Location map of the pier for Sheepscot Shores Homeowners Association Wiscasset, Maine



Photo 1. View looking at the upper intertidal zone in the location of the proposed pier for Sheepscot Shores Homeowners Association in Wiscasset, Maine.



Photo 2. View of the lower intertidal zone. The float will be located just seaward of the edge of the rockweed covered boulders.

Photographer: Lauren T. Stockwell

Date: November 23, 2007



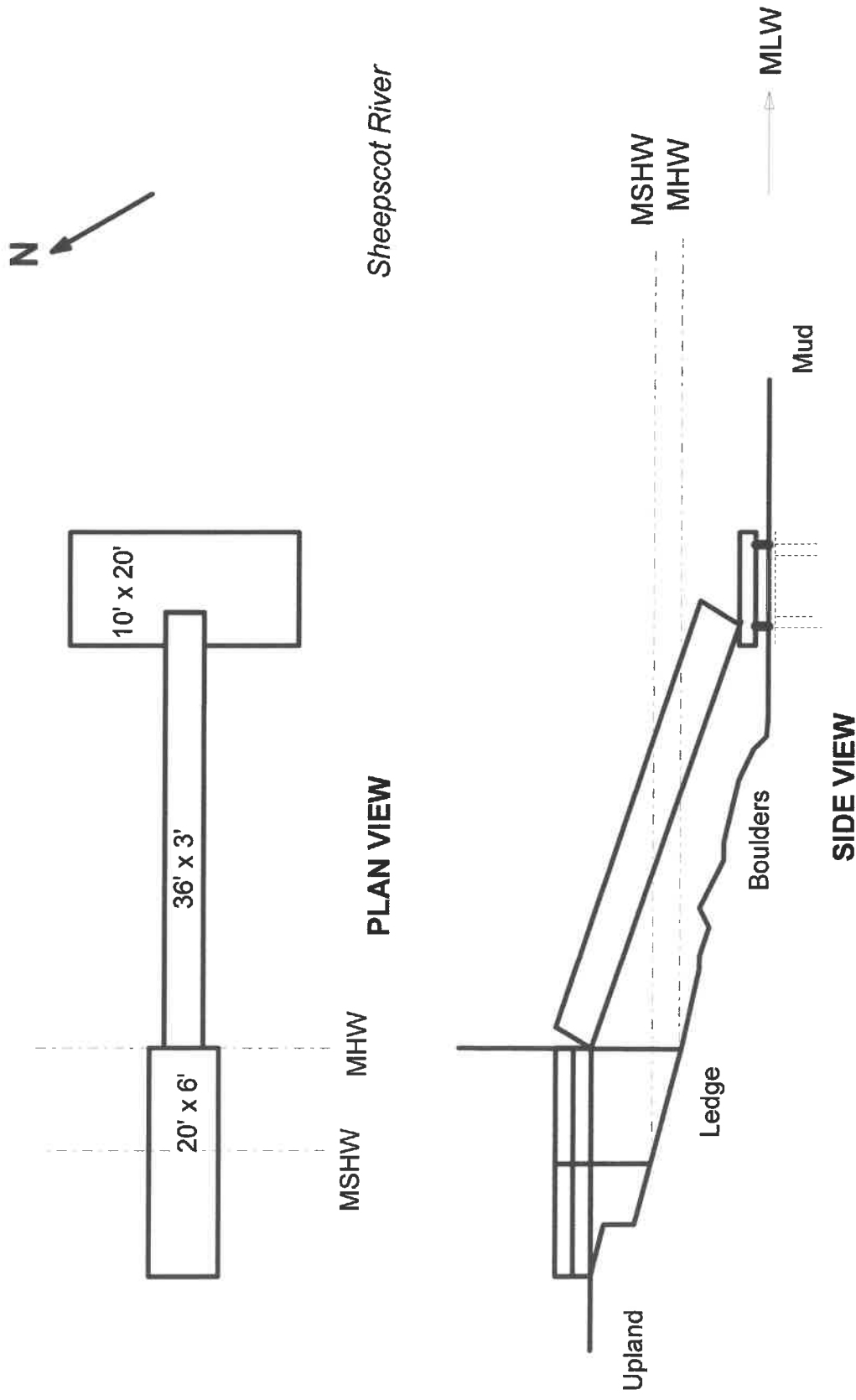
Photo 3. View looking north, upstream, at the Sheepscot River.



Photo 4. View looking southwest into the unnamed cove just downstream.

Photographer: Lauren T. Stockwell

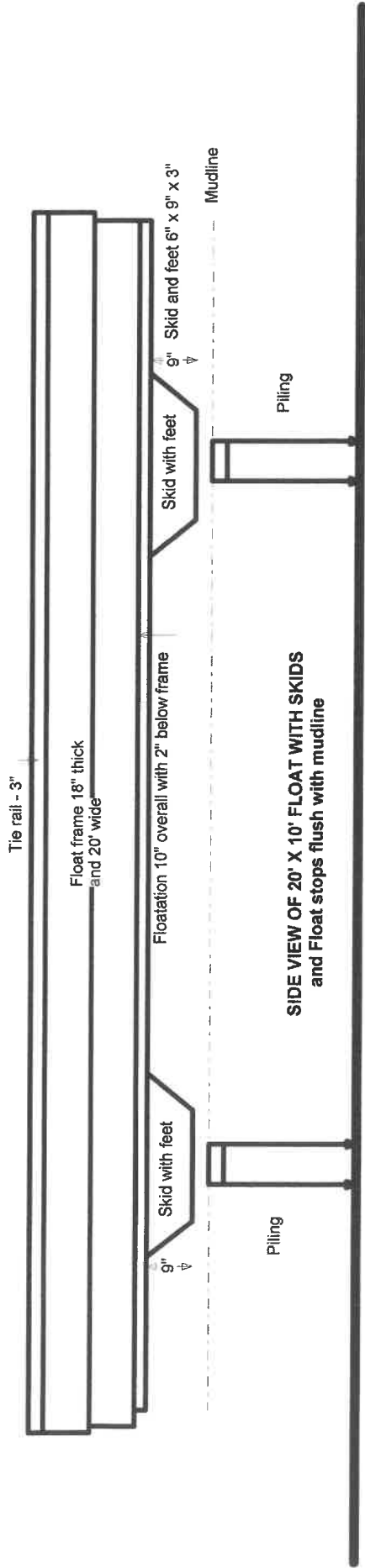
Date: November 23, 2007



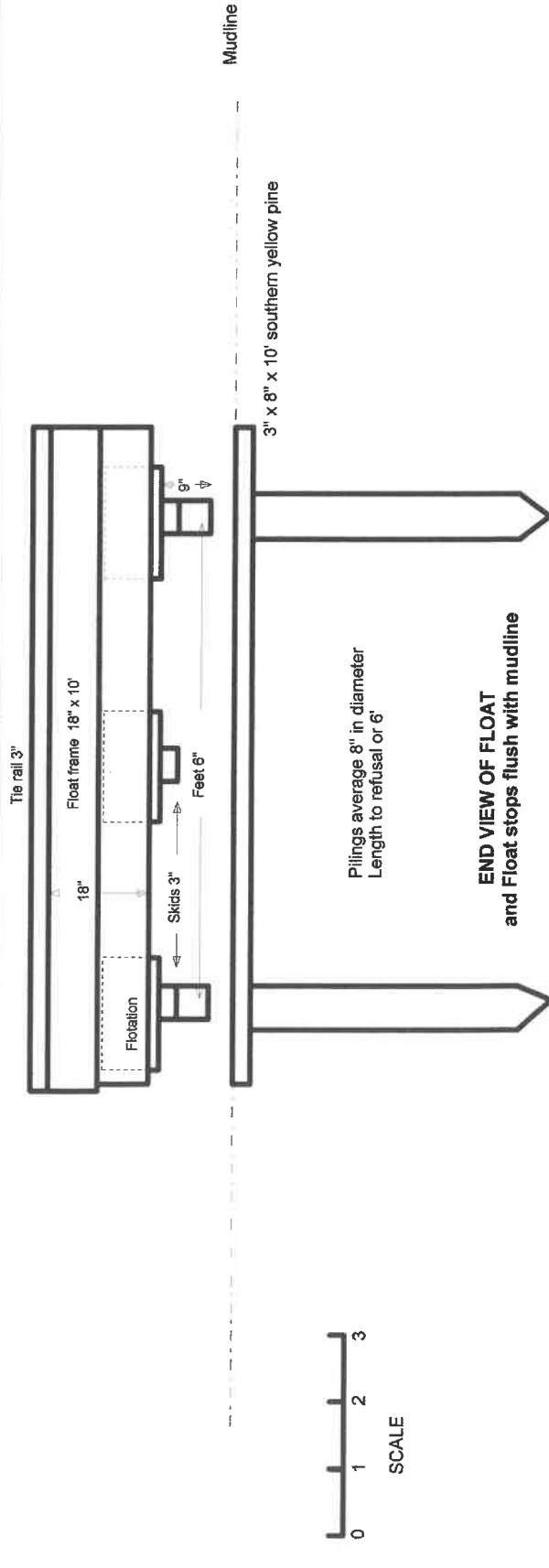
Appendix 5. Overhead and Side Plan Views
Sheepscot Shores Homeowners Association
Design by Fuller Marine Services
Drawn by Stockwell Environmental Consulting
February 2008

FLOAT STOP DESIGN FOR ICE PRONE AREAS

FULLER MARINE SERVICES



SIDE VIEW OF 20' X 10' FLOAT WITH SKIDS and Float stops flush with mudline



END VIEW OF FLOAT and Float stops flush with mudline



Design by Fuller Marine Services
 Drawing by Stockwell Environmental Consulting
 February 2008

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

- ✓1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
- ✓2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
- ✓3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

- ✓1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
- ✓2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
- ✓3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
- NA 4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Lauren J. Stockwell
Signature of Applicant or authorized agent

2/22/08
Date

ABUTTERS:

Kenneth David Gray and Rebecca Havens
17 Sheepscot Shores Rd.
Wiscasset, Maine 04578

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

Sheepscot Shores Homeowners Association, Dave Nery, President

(Name, Address and Phone of Applicant)

30 Stonewall Drive, Wiscasset, Maine 04578 207-882-5202

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A through 480-Z on or about February 22, 2008

(anticipated filing date)

The application is for

The project is construction of a 20' x 6' pile-supported pier on the western shore of

(description of the activity)

the Sheepscot River. The dimensions of the seasonal runway will be 36' x 3'; those of the

float will be 10' x 20.

at the following location:

Sheepscot Shores Road in Wiscasset, Maine.

(activity location)

A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. §1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in

Wiscasset Maine.

(town)

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017 or the appropriate regional office.

(pink)

Stockwell Environmental Consulting
58 Hendricks Hill Road
Southport, ME 04576
(phone) 207-633-4417, (cell) 207-542-2421
(fax) 207-633-4493
e-mail: stockenv@roadrunner.com

February 21, 2008

Earle G. Shettleworth, Jr., Director
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

Re: Proposed pile-supported pier for the Sheepscot Shores Homeowners Association in
Wiscasset, Maine

Dear Mr. Shettleworth,

Please find enclosed an Individual NRPA application for a pile-supported pier on behalf of the Sheepscot Shores Homeowners Association. The project is construction of a pier 6' x 20' on the western shore of the Sheepscot River in Wiscasset, Maine. The pier will have a 3' x 36' runway to a 10' x 20' float which will be seasonal. The application has been submitted to the U.S. Army Corps of Engineers, Maine Project Office and the Maine Department of Environmental Protection, Central Maine Regional Office. A copy of the application will be delivered to the Town of Wiscasset, Maine.

Please feel free to contact me if you have questions.

Sincerely,
Stockwell Environmental Consulting

Lauren T. Stockwell

Lauren T. Stockwell
Wetland Scientist/Botanist

Cover letter to DOC: Bureau of Parks and Lands, Penobscot Indian Nation, Passamaquoddy
Tribe of Indian: Pleasant Point Reservation and Indian Township Reservation, Houlton Band of
Maliseet Indians, Aroostook Band of Micmac

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Sheepscot Shores Homeowners Association –Dave Nery Pres. Phone: 882-5202

Application Type: full NRPA

Activity Type: (brief activity description) Construction of a 20 x 6 foot pile-supported pier with a seasonal 36 x 3 foot ramp and a 10 x 20 foot float.

Activity Location: Town: Wiscasset Court: Lincoln

GIS Coordinates, if known: _____

Date of Survey: November 23, 2007 Observer: Lauren Stockwell Phone: 207-633-4417

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**

	0-¼	¼-1	1+
1. Would the activity be visible from:			
<i>A. A National Natural Landmark or other outstanding natural feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>C. A state or federal trail?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>D. A public site or structure listed on the National Register of Historic Places?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>E. A National or State Park?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>F. 1) A municipal park or public open space?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Sheepscot Shores Homeowners Assoc. Dave Nery, Pres.
 PHONE: 882-5202, cell: 319-5465 APPLICATION TYPE: full NRPA
 ACTIVITY LOCATION: TOWN: Wiscasset COUNTY: Lincoln

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other: _____

DATE OF SURVEY: November 23, 2007 OBSERVER: Lauren T. Stockwell

TIME OF SURVEY: 2:30 to 3:45 TIDE AT SURVEY: low at 3:37 pm, -1.4 tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet): 15.5 sq. ft.
 Intertidal area: 15.5 sq. ft. Subtidal area: 0 sq. ft.

SIZE OF INDIRECT IMPACT, if known (square feet): 368 sq. ft.
 Intertidal area: 368 sq. ft. Subtidal area: 0 sq. ft.

HABITAT TYPES PRESENT (check all that apply):

sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: 2'+)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:

bluff/bank (height from spring high tide: _____) beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing

(pink)

Natural Resource Protection Act Application

APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



THIS IS AN APPLICATION FOR A.....

- Commercial wharf
If yes, indicate type of commercial activity: _____
License number: _____
Number of fishermen using this wharf: _____
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: _____



TELL US ABOUT YOUR BOAT.... Will have skiff and kayaks on dock.

Proposed boat

My boat(s) requires a draft of 1 feet.

My boat(s) is 15 feet long. Canoes and kayaks



TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____ See Appendix B



SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application. See Appendix A.



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Wiscasset approximately 2.5 miles from the project location. (town)
(distance)

The nearest public, commercial, or private marina is located in Wiscasset approximately 2.5 miles from the project location. (town)
(distance)

I have inquired about slip or mooring availability at the nearest marina or public facility.

Yes, a slip or mooring is available.

No, a slip or mooring is not available. Approximate expected time on waiting list: _____

I will contact the local Harbor Master. Name: _____

I currently use the following for my boat: Mooring Marina



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- The structure will be supported by pilings.
 2 pilings of 14 inches in diameter below mshw
- The structure will be supported by stacked, flow-through granite cribs.
 _____ blocks, measuring _____ feet by _____ feet
- The structure will be supported by solid fill.
 _____ square feet of solid fill
- Other: _____

DIMENSIONS:

Length of fixed section: 20 feet
 Width of fixed section: 6 feet
 Length of ramp: 36 feet
 Dimensions of float: _____ 20 feet wide by 10 feet long
 Distance the structure will extend below mean low water (MLW): 0 feet
 Depth of water at the fixed end of the structure: 0 feet
 Depth of water at the float at low tide: 0 feet
 Depth of water at the float at high tide: 8 feet
 Dimensions of any proposed buildings (e.g. bait shed):
 _____ **feet** high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- Land for the pier
- Beach/intertidal area
- Water/barge to bring in the ramp and float

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Wednesday, October 30, 2019 2:50 PM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: Re: archived files, reviewer comments

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Great. Thanks for acanning. I will take a look and be in touch shortly.

As for agency comments, that work window shouldnt be an issue. Thanks again

> On Oct 30, 2019, at 2:02 PM, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

>

> Hi Jeff,

>

> I received the Clark's Point files (#L-21984). I looked through them briefly and found the draft declaration of condominium from 2005, which I scanned and attached here. Feel free to come in if you want to view the entire file.

>

> The Sheepscot Shores file (#L-24143) came today. It is not especially large, so I scanned the application and attached it. Again, you can come to the office if you want to view the whole file. The application includes some deed and declaration language. You can read it and see if it contains anything useful to you.

>

> You had also asked about reviewer comments. Maine Inland Fisheries & Wildlife did not identify any concerns for wildlife. Maine Department of Marine Resources recommends a work window of Nov. 8 to Apr. 8. Maine Natural Areas Program identified sensitive plants and salt marsh nearby, but finds the project acceptable provided that proper erosion and sedimentation controls are employed.

>

> I will continue to review you responses and will reach out as other questions or comments come up.

>

> Thank you,

>

> -Jami MacNeil

> Environmental Specialist III

> Bureau of Land Resources

> Maine Department of Environmental Protection

> (207) 446-4894 | jami.macneil@maine.gov

>

> -----Original Message-----

> From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>

> Sent: Wednesday, October 30, 2019 10:01 AM

> To: MacNeil, Jami <Jami.MacNeil@maine.gov>

> Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

> Subject: RE: remainder of items / misc. to-do.

>

> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> Completely understand, we are working on formalizing docs, etc. It's a slow process, i also still want to see some examples ...any word on those archives? I want to make sure we are consistent with what other groups do.

>
> -----Original Message-----
> From: MacNeil, Jami <Jami.MacNeil@maine.gov>
> Sent: Wednesday, October 30, 2019 9:33 AM
> To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
> Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Subject: {EXTERNAL} RE: remainder of items / misc. to-do.

>
> Hi Jeff,
>
> I'm am still going through your responses and will let you know if we have further questions. Question 4 is the main one we will still need. I'm still waiting to hear about the dredge aspect.

>
> -Jami MacNeil
> Environmental Specialist III
> Bureau of Land Resources
> Maine Department of Environmental Protection
> (207) 446-4894 | jami.macneil@maine.gov

>
> -----Original Message-----
> From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Sent: Tuesday, October 29, 2019 9:39 AM
> To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
> Subject: RE: remainder of items / misc. to-do.

>
> EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> I think I have all I need for the moment Jeff.

>
> -----Original Message-----
> From: Spinney, Jeffrey [mailto:Jeffry.Spinney@LibertyMutual.com]
> Sent: Tuesday, October 29, 2019 9:34 AM
> To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
> Subject: [Non-DoD Source] remainder of items / misc. to-do.

>
> Hi guys,
>
>
> I'm back from vacation and looking to close this up. From my notes, I believe that i owe you answers to Questions 1, 4, and 10 (well, technically, this one is DEP only and 'is it dredging or not' question. Jami is working on getting clarity on or determining if we will just go along with it and use the info I provided as part of the dredging form).

>
>
> Are you guys satisfied with the other answers I have provided?

>
>
>
>

> I haven't really heard back much from you guys about the interactive map, is that sufficient to help show/explain what's going on here? Especially regarding the list of alternate sites and other features.

>

>

> Thanks,

> -jeff

York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, November 4, 2019 1:12 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: license & bylaws
Attachments: GRSC membership application.pdf; GRSC bylaws - draft 11-2-2019.pdf; GRSC license - draft1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami/Jay,

attached you will find a draft of our club bylaws that we created as well as a draft land use license agreement for use of the launching facilities on my property at Golden Ridge.

after some discussion/review with some knowledgeable legal folks, we felt that the automatically renewable license concept (as long as conditions of license are upheld by licensee and any permitting agencies) was most appropriate as it does not muddy the waters of ownership of my actual property and it still removes the concern of arbitrary discontinuance by my sole discretion.

also, we added in a section to bylaws that discusses specific use rules for some properties, obviously as we grow/expand we can add to this. ARTICLE IX USE ANY CLUB OWNED OR LICENSED FACILITIES:



Golden Ridge Sportsman's Club, LLC.

126 Golden Ridge Rd.

Alna, ME 04535

MEMBERSHIP APPLICATION

LAST NAME:

FIRST NAME:

SPOUSE:

CHILDREN:

1.

2.

3.

4.

STREET ADDRESS:

CITY / STATE / ZIP:

HOME PHONE: ()

WORK PHONE: ()

OCCUPATION (self):

(spouse):

DATE OF BIRTH:

REFERRED BY:

EMAIL ADDRESS:

NRA MEMBER: () YES

() NO

REVISED: November 2, 2019



Golden Ridge Sportsman's club, LLC.

126 Golden Ridge Rd.

Alna, Me 04535

BY-LAWS

ARTICLE I

MEETINGS

A. There shall be a regular meeting of the club on the first Thursday of each month of which suitable notice shall be given.

B. A special meeting may be called by any three (3) officers or members provided that all members are notified in advance.

C. The President shall hold an annual Board of Directors Meeting in January and others as necessary.

ARTICLE II

OFFICERS AND DIRECTORS

A. The officers of the club shall be a president, vice-president, secretary/treasurer, elected annually; and three directors. These officers shall constitute a Board of Directors who shall have charge of the affairs of the club between meetings.

1. Three (3) directors, one of whom shall be the immediate past-president, shall be elected to a two (4) year term.
2. Three (3) members of the Board of Directors shall constitute a quorum.

REVISED: November 2, 2019

B. Duties of the officers shall be as follows:

1. The President shall preside at all regularly scheduled Board and Business meetings of the club and shall perform such other duties as usually pertains to that office.
2. The Vice-president shall assist the President in the charge of his duties, and in the absence of the President of the vice- President shall perform the duties of that office.
3. The secretary/treasurer shall, as Secretary, keep the official records of all regularly scheduled Board and Business meetings, attend to all correspondence of the club, send out notices of as required, and shall send out notices of dues and maintain records of membership standings. As treasurer, they will receive all moneys due the Club, make all disbursements as provided by the Finance Committee, shall maintain adequate records of receipts and expenditures, and notify the secretary of dues receipts.
5. The Directors shall attend meeting of the Board of Directors and shall participate in the transactions of all business brought before the meeting.

C. A vacancy in any office, excepting that of president, shall be filled by the Board of Directors, suitable notice having been given all members of the Board.

D. The Board of Directors by a two-thirds (2/3) vote may recommend to the club the dismissal of any Officer for not performing his/her duties as described in Article II, Section B.

ARTICLE III

MEMBERSHIP

Membership application is available to any person and their immediate family in Alna (or the surrounding towns) who gains the respect and sponsorship of one of our members in good standing and exhibits & upholds the values and principals for which our club stands.

A. The classifications of Membership are as follows:

1. An adult membership is anyone 18 years or older.
2. A family membership which will include a husband, wife and all dependent children less than 18 years of age.

REVISED: November 2, 2019

3. A member whose membership dues are greater than one month in arrears shall be considered a non-member; however, an ex-member may reapply for membership upon payment of dues, plus the initiation fee and shall be range orientated again.

B. A life membership, without further payment of dues, may be awarded to a member who has reached age sixty-five (65), provided that he/she must have been a member of the club in good standing with dues paid for five (5) years immediately prior to reaching age sixty-five (65). If sixty-five (65) or older at time of joining the club the member must be a member in good standing for five (5) years before receiving their life time membership.

C. Dues are payable on or before the 1st of the calendar year. A member may elect to pay his/her dues in advance, for a period not to exceed three years, at the current membership rate.

D. A member upon reaching age fifty (50) may elect to pay in advance his membership dues to age 65, at the current membership rate.

F. A member who is current with the club who is in the armed forces and is deployed overseas will receive a one (1) year membership free when they return.

ARTICLE IV

FINANCES

A. It is the responsibility of the Finance chair to prepare an Annual Budget for the club by the end of the calendar year prior to the Annual Meeting and to present the Budget to the General Membership for approval thirty (30) days prior to the Annual Meeting. The Annual Budget requires a majority vote of the attending membership at the annual meeting.

B. The funds of the club shall be deposited by the Treasurer.

C. The Treasurer shall be authorized to make payments for all Budgeted contingent or current expenses and unbudgeted emergency expenditures will require the recommendation of the Board of Directors and present it to the members at the monthly business meeting.

D. The books of the treasurer shall be audited prior to the annual meeting by the auditing committee.

REVISED: November 2, 2019

ARTICLE V

NOMINATIONS AND ELECTIONS

A. The election of officers and directors shall take place at the annual meeting of the club. A nominating committee of five (3) members shall be nominated from the floor at the regular meeting of the club in February. The Nominating Committee shall present to the Secretary, within fourteen (14) day prior to the March meeting, a complete list of nominations for officers including directors. The Nomination Committee's report will be presented to the club prior to the nominations from the floor at the March meeting.

B. Further nominations will be accepted from the floor at the March meeting providing the person(s) nominated is/are present and accept(s) said nomination. The Secretary shall notify all members of the complete list of nominations at least 7 days prior to the annual meeting and the Secretary will prepare the ballots for use at the annual meeting if required.

C. At the annual meeting upon elections of new officers they will be sworn in. Following the swearing in of the new officers all members present will renew their membership when the new members are sworn in.

ARTICLE VI

COMMITTEES

A. The following committees of three or more members shall be appointed by the president with the approval of the Board of Directors prior to the annual meeting. These committees shall remain active until new committees are appointed.

1. Finance
2. Membership
3. Education
4. Entertainment
5. Fish & Game
6. Property
7. Range
8. n/a
9. Auditing
10. n/a

B. The President may appoint such other committees, with the approval of the Board of Directors or by vote of the club as he/she deems necessary to transact business of the club.

REVISED: November 2, 2019

C. Duties of the Committees:

1. It shall be the duty of the Finance Committee to prepare an annual budget of the receipts and expenditures of the Club for the approval by the membership. The chairperson of each committee shall submit to the Finance Committee within 45 days of appointment a budget for the term of his/her committee.

REVISED: November 2, 2019

A. All special projects not included in the budget shall be referred to the Finance Committee to be certain that funds will be available. If funds are not available the committee chairperson will submit plans whereby funds can be obtained or raised for the cost of the project.

2. The Membership Committee shall formulate plans to encourage additional membership and to maintain attendance of present membership.

A. All applications for membership which may be presented to the club at or before a regular meeting shall be reported on by the membership committee prior to being voted on by the membership that is present at the meeting.

3. The Education Committee shall educate the members in the existing projects for which the club is established and shall encourage the dissemination of game and conservation studies in educational institutions.

4. The Entertainment Committee shall provide programs of interest to the members at each of the regular meetings, except at the annual meeting.

5. The Fish and Game Committee shall be in charge of and responsible for any procurement, stocking, or handling of game or fish allotted to or desired by the club on all properties where applicable.

6. The Property Committee shall be responsible for the care and preservation of all real and personal property of the Club, which shall be kept in good repair at all times. The Committee shall recommend to the Board of Directors or the Club such improvements and replacements as may be required.

7. The Range Committee shall encourage interest in all range activities and shall arrange programs to that end. The committee shall be responsible for all properties necessary to these activities.

8. n/a

9. The Auditing Committee shall audit the books of the treasurer prior to the annual meeting.

10. n/a

D. The authority of any committee named in the above Article (Article VI) shall not infringe upon any by any officer or member of the club.

ARTICLE VII

BOARD OF TRUSTEES

A. The Board of Directors shall elect a Board of Trustees composed of three adult members. The Board of Trustees will hold for the club all properties owned by the club.

B. The properties that the Trustees shall hold for the club shall be the following:

1. Deeds

REVISED: November 2, 2019

2. Property Maps
3. By-Laws
4. Insurance Papers
5. Tax Records
6. A list of the Club Bank Accounts
7. Any other documents as deemed necessary.

ARTICLE VIII

SUSPENSION AND/OR EXPULSION OF MEMBERS

- A. By reason of misconduct not limited to violation of membership oath, violations of range rules, or fish and game law convictions, a member may be recommended for expulsion by the Board of Directors.
1. Upon being made aware of a violation, any Board of Director or officer may suspend a membership until:
 - A.) He is notified in writing by certified mail, receipt requested, of pending action, and requests the member's presence within thirty (30) day for a hearing and/or clarification at a Board of Directors fact finding meeting.
 - B.) After review of all available information, the Board of Directors will make its ruling.
 - C.) If expulsion is recommended, all current club members will be notified in writing by the Board of Directors that their recommendation is expulsion.
 - D.) Expulsion will occur by a two-thirds (2/3) vote of current members present at the next regular club meeting.
 2. Any member having been expelled from this organization may petition the Board of Directors for reinstatement after a period of one (1) year, provided that his/her hunting and fishing privileges are not under suspension. The individual in question may then be considered for membership upon payment of the annual dues and any fees of a new membership, and submission of a new membership application for consideration. Acceptance of reinstatement must be by tow-thirds (2/3) vote of the current membership present at the next regular meeting, and this vote shall be final.

ARTICLE IX

USE ANY CLUB OWNED OR LICENSED FACILITIES:

-All State of Maine hunting & fishing laws are to be followed on all properties.

REVISED: November 2, 2019

-Use of the access road, boat ramp, and dock facility at Golden Ridge Rd.: All state laws regarding invasive species must be followed as posted on site. Always check for plants when launching or removing a boat.

-Use of the property at Hassan Rd. camping & outdoor facility at Hassan rd is carry in/carry out primitive site. Gate on access road is to be securely locked both in coming and going and is to remain locked while on the property. Speed limit on access road is 5mph.

-Use of the Highland Plantation property trail system is for snowmobile access ONLY, no ATVs or side-by-sides are to be used on trails/bridges for any reason.

REVISED: November 2, 2019

ARTICLE X

QUORUM

A. Five (5) adult members in good standing shall constitute a quorum for the transaction of business at any regular meeting one of which shall be either the President or Vice-President and one other officer.

ARTICLE XI

AMENDMENTS

A. These By-Laws may be amended by bringing it before the Board of Directors for their recommendation and then having two (2) consecutive readings at regular club meeting and by a two-thirds (2/3) majority vote of the adult members, where a quorum is present, provided that all adult members shall have been given suitable notice of the proposed Article and number to be amended seven (7) days in advance of the first meeting.

ARTICLE XII

PARLIAMENTARY AUTHORITY

A. The rules contained in "Robert's Rule of Order, Revised" shall govern the club in all cases in which they are not inconsistent with the By-Laws and Constitution of the club.

DRAFT

Land Access Agreement

This is a Land Access Agreement (“Agreement”) dated as of _____, 20____ (the “Effective Date”), between Jeffrey A. Spinney (“Licensor” or “I”) and Golden Ridge Sportsman’s Club, LLC. (“GRSC” or “Licensee” or “they”), a registered Maine corporation whose members will benefit from the access agreement.

Background

Jeffrey A. Spinney possesses the real property described in Exhibit A (the “Property”). The GRSC desires access for its members to the Property for purposes as described in Exhibit A (the “Licensed Premises”). I agree to grant such access to the GRSC on the terms set forth in this Agreement.

1. License Grant

1.1 Grant, Purpose, and Scope of License. I grant to GRSC a non-exclusive, nontransferable, non-assignable, revocable right of entry onto and license to use the Licensed Premises for the limited purposes described in, and during the time period (the “Term”) set out in, Exhibit A (the “License”). The License extends to GRSC, and its members, contractors, and invited guests while supervised by members. The specific parameters of the License are described in Exhibit A.

1.2 Fee. A nominal fee of \$1 per license term.

2. Licensed Premises

2.1 Limited Rights. This License gives GRSC a license only and, notwithstanding anything to the contrary in this Agreement, does not constitute a grant of any ownership, leasehold, easement, or other property interest or estate whatsoever in any portion of the Property.

2.2 As-Is; No Representation as to Suitability for purpose or safety of persons. GRSC acknowledges that, except as provided in Section 2.3, I have not made any representations or warranties, express or implied, concerning any aspect of the Property or the Licensed Premises, including its fitness for our purposes, that GRSC disclaim any such representation or warranty, and that the Licensed Premises are being licensed “as is.” GRSC acknowledges that they have made

DRAFT

their own independent evaluation in deciding to enter into this Agreement and conduct activities on the Licensed Premises.

2.3 No Interference. I represent to GRSC that I have the power and authority to grant the License to GRSC. I will not, nor will I grant access or license rights to any third parties that would, materially interfere with GRSC use of the Licensed Premises.

2.4 No Improvements. GRSC will not make any alterations, additions, or improvements to the Licensed Premises, including erecting any structures, without Licensor's prior written approval.

3. Waiver and Release, Indemnification and Insurance

3.1 Waiver and Release. GRSC and its members waive and release any and all claims against Jeffrey A. Spinney (the "Licensor Party") for any liability, loss, damage, expenses and attorneys' fees, resulting from (i) death or injury to person or (ii) loss, theft or damage to property arising from use of the Licensed Premises, regardless of the cause and even if caused by negligence, active or passive. GRSC and members agree not to sue Jeffrey A. Spinney on the basis of these waived and released claims.

3.2 Indemnification. GRSC will defend, indemnify and hold the Licensor harmless from and against any and all claims, liabilities, losses, damages and attorney's fees that may be suffered by Licensee (i) as a result of a claim by an Client employee, contractor, collaborator, volunteer or guest, or any other third party, arising directly from Licensee's presence and activities on the Licensed Premises and the Property under this Agreement, or (ii) from any breach by GRSC of our obligations under this Agreement, except to the extent that the liability is caused by the relevant Licensor Party's gross negligence or willful misconduct.

DRAFT

4. Termination

4.1 Term. This Agreement will begin on the Effective Date and will automatically renew for another term unless terminated by Licensor or Licensee in writing.

4.3 Revocation by Licensor. Notwithstanding any other provision of this Agreement or any course of performance under this Agreement, Licensor may after written notice of default of this license without remedy, revoke the License at any time by giving written notice to Licensee. Such a revocation will be effective after 30 days. Should such revocation occur, it will be without liability or further obligation.

5. General Provisions

5.1 Entire Agreement; Amendments. This Agreement, together with Exhibit A, is the entire agreement between Jeffrey A Spinney and GRSC. This Agreement may be amended only as stated in a written document signed by both parties which states that it is an amendment to this Agreement. If there are any inconsistencies between this Agreement and other documents, including Exhibit A, this Agreement will control.

5.2 Severability. If any provision of this Agreement is held illegal, invalid, or unenforceable, all other provisions of this Agreement will remain enforceable, and the illegal, invalid, or unenforceable provision will be considered modified so that it is valid to the maximum extent permitted by law.

5.3 Waiver. Any waiver under this Agreement must be in writing and signed by the party granting the waiver. Waiver of any breach or provision of this Agreement will not be considered a waiver of any later breach or of the right to enforce any provision of this Agreement.

5.4 Third-Party Beneficiaries. Each Licensor Party other than Licensor is an express third party beneficiary of this Agreement. Except as specifically provided in this Section 5.4, this Agreement is for the exclusive benefit of you and Client, and not for the benefit of any third party.

5.5 Governing Law. This Agreement is governed by Maine law. You consent to the exclusive jurisdiction of the state and federal courts for Lincoln County, Maine.

DRAFT

5.6 Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which will be taken together and deemed to be one instrument. Transmission by fax or PDF of executed counterparts constitutes effective delivery.

* * * * *

Name: Jeffry A. Spinney (licensor)

126 Golden Ridge Rd. Alna, Me 04535

Name: Jeffry A. Spinney on behalf of GRSC (Licensee)

Title: Registered Agent & Founder Golden Ridge Sports Club, LLC.

Address: 126 Golden Ridge Rd. Alna, ME 04535

DRAFT

EXHIBIT A:

1. Property street address. 126 Golden Ridge Rd. Alna, Me 04535 – see also Alna tax map R4-21A
2. Licensed Premises. Existing access road (20') to boat ramp and dock area.
3. Purpose. Access by members to the Sheepscot river with boat trailer for launching for hunting, fishing, and other recreational purposes.
4. Term. 5 year automatically renewable
5. Number of Entrants. Parking and access is physically limited to the existing parking and vehicle areas near launch site. Parking shall not block access route to and from launch site. Limited parking & storage is available in small upland field area as agreed upon by GRSC and Jeffrey A. Spinney.
6. Hours of Entry. Hours of entry are governed by GRSC access rules.
7. Fee. \$1/year

York, Marylisa

From: MacNeil, Jami
Sent: Wednesday, November 6, 2019 3:55 PM
To: jeff spinney
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: dredging ?

Hi Jeff,

I've talked to our solid waste program regarding dredge spoils. Pursuant to Rule Chapter 418, Section 3(E), 100 cubic yards or less of dredge spoils, if applied as beneficial use on the site of generation, does not require review and approval from DEP's Bureau of Remediation and Waste Management. Beneficial use is defined in Rule Chapter 400:

T. Beneficial use. "Beneficial use" means to use or reuse a solid waste or waste derived product:

- (1) As a raw material substitute in manufacturing,
- (2) As construction material or construction fill,
- (3) As fuel, or
- (4) In agronomic utilization.

If you are using the small amount of dredge material for one of the uses above (for example, filling in low spots on your lawn or driveway, in upland areas and not in wetlands), we should have no issue with this aspect of the project. Please fill out Appendix C with the information in your earlier email, so I can add it to the file, and confirm the type of beneficial use that will be employed.

As for searching archives, we unfortunately do not have these files online.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, November 04, 2019 1:38 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: dredging ?

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any word back on that yet? I have got to believe that out of all the launch ramps in the state approved by NRPA, i cant be the only one who is depositing displacee material into upland area.

Is there some way to search these applications? if i drive up to the archive, is that something i can do? I guess if its necessary i could do that, but if it is just easier to go along and do a very limited scope 'dredge' as they see it, then...maybe thats easiest.

York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Wednesday, November 6, 2019 3:58 PM
To: MacNeil, Jami; Clement, Jay L CIV USARMY CENAE (US)
Subject: remaining questions

Follow Up Flag: Follow up
Flag Status: Flagged

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Jami & Jay, yesterday i sent over to you guys drafts of bylaws and a draft land use agreement. Below are the remaining questions (1 & 4) that I'm trying to dissect and answer. I separated the questions by section for Army vs DEP and tried to answer them individually and yet in the same context if that helps.

please let me know if you have anything further.

Thanks,
-jeff

(ARMY CORPS QUESTIONS)

1. Please provide more detail on the intended use of the boat ramp and pier/ramp/float and explain how that differs from the existing use. What is the size, type and number of boats that use your property now and with the installations? If you care to comment on your observations of the prevailing vessel traffic in the river and its overall effect on navigation and the environment, please do so.

ANSWER: As you can see, the club is a local fish & game 'style' club, we are currently working to formalize it and structure it to include advocacy/education/enablement of traditional Maine hunting/fishing and outdoor recreational activities along those lines. We may even pursue tax exempt status at in near future, but it is a lot of paperwork and a process of its very own and somewhat irrelevant to this application.

Relevant to this NRPA application, having a convenient (existing location in town, close to members homes) and easily usable boat launch & dock facility (hard surface ramp with associated stable dock for loading/unloading after launch) is a key resource of this group. Currently, many of our members who are older or do not get around as well have difficulty managing the unimproved/unlevel nature of current ramp and sometimes if you don't time your return right, and the tide falls too low, it is difficult to launch or remove a boat at the lower tide and we have had members get stuck or otherwise have difficulty retrieving boats as the mixed gravel/mud can become very slippery. I dont see the type of use being a substantive change, just making it easier and possible for some users.

Since we were not supposed to 'start any type of construction prior to approval' (according to the nrpa documentation), we/i opted to not start repairs & put the existing dock this summer so as to not confuse the NRPA process further. We are trying to do the right thing in terms of permitting/paperwork.

As stated in NRPA application, there are approx. 25 members including their families. I would not expect this to grow of any significance as has been suggested by concerned commenters as we are a local club intended for local people within our social group (similar i guess to how a condo association is intended for owners of condo development). Physical constraints on parking, launch facilities, etc impose a practical set of limits. I would suggest that there is a maximum of 2-3 simultaneous users (e.g. boats) as that is the limit to parking for such. There could in theory be others participating in other activities elsewhere on the property but that is outside scope of this question i believe. It is also likely that if multiple people are doing an activity and using the ramp . it would not be a 1:1 ratio of individuals to boats. (e.g. Should Trask and i decide to go duck hunting together as we might, we would only take one of our boats even though we both may have one) or (If a family of 4 go fishing, they likely take one boat.)

In terms of the size/type of boats. A quick survey of member owned power boats shows that we have 2 center console style boats (15' &16') , 1 bass style boat (17'), 3 jon style boats (12'-15'), 2 duck boats (unknown exact size of each but i would guess 12'-14'), and two aluminum (12-14') open Grumman fishing boats. There are also a number of canoes/kayaks and other craft of that style, but i assume that's not what we are looking for here. Some members have other boats as well, but they are not appropriate nor would they be used in this area so i am leaving them out. Some members also have multiple boats (e.g. myself, i have a bass boat, a jon boat, two zodiacs, as well as multiple canoes & kayaks and (admittedly, i even used to have a pair of jetskis that i kept and used down there for many years. Commenters did not even know about this fact so clearly it was not truly that obtrusive or offensive and in fact it probably predated many of their tenures in town).

Again, it is *NOT* expected (or physically possible via the existing or proposed launching facilities) that these boats would all be arriving and launching at any given time. The site is focused on day use and based on varying usage patterns of people, it gets spread out naturally.

In terms of observation of vessel traffic, i have never once had personally (or seen) any issue with multiple vessels traveling the river. Typical river width varies of course and is approx. 150'-200'+ south of my property and there is plenty of room for safe co-navigation of craft within that. In a recent tour a week or so ago i launched & took in my jon boat to collect data for this application that went into my interactive map, i observed several kayaks down by the falls being paddled around, and i also observed a couple of other power boats at their moorings/docks along the way. One kayaker that I happened to meet that day near my ramp even was talking to me in a friendly manner and didn't appear to be harmed or otherwise offended outwardly by the fact that i was in my powerboat. In fact, he was kayaking and stopping to rest along the shore on my property along the way and likely didn't even know he was enjoying my property which i was fine with.

I have typically found that traffic is very light as different users have different times of use (e.g. duck hunters are out at break of dawn in colder weather, kayakers are out at certain tides during day and (typically) constrained to the falls area down in Sheepscot, general recreational people swimming and fishing and what not are usually only in out good weather during hot days mid-summer). I do not see any type of vessel navigational issue that is ongoing in terms of existing use or proposed use. In fact, i don't see any significant navigational change from the simple surface improvement of a boat ramp or replacement of dock.

4. Please clarify the level of your 'club' membership and what their intended use of the facilities will be. More specifically, how many members do you currently have, how many might you expect, how many have boats, etc.

ANSWER: Membership (including families) is currently approx. 25 people. From that group, I accounted for 10 power boats in the paragraphs above (focusing on boats only used or cable of being used in this location). Given all the discussions that we have had recently, once we get things formalized there are a number of others who want to join just out of principal of opposition to the commenters. I can see membership growing a bit due to that and while only a few of those people have boats at all, few if any of them have any additional power boats. i don't see the core group of powerboats which are seemingly the substance of commenter objection(s) changing significantly. The core group of

hunters/fisherman will continue to use the facility with greater ease due to the hard surfacing proposed and those who are less physically able to currently will be able to do so more independently and safely without the need to bring along a more able person to assist or call for help if something goes wrong.

One change i do expect, is to see a few more paddlers/swimmers/etc using the river from this location as this will be the first authorized, reasonable, easy to walk in/walk out to a vehicle access point for people not able to physically carry a boat over a large distance and/or adverse/rough terrain.

(DEP QUESTIONS)

1. Many of the public comments focus on the impact of motorized boats on existing uses (i.e., canoes and kayaks) and quiet enjoyment of the resource. Please describe your experience/observations of the use of motorized vessels on this stretch of the river. Elaborate on the existing use of the current launch site - how many boats are typically launched here and how often? How will that change if the permanent launch is installed?

ANSWER: First of all, motorboats ARE an existing use as has been evidenced by the letters you have received as well as the pictures, etc of motorboats i have provided in my map. They do not hinder anybody's quiet enjoyment of the resource. I have personally used boats, jetskis, kayaks, canoes both with and without motors on the river my whole life and many of my friends who spent their entire lives here have done same until a progressive loss of access hindered it. While it is true that I rarely see anybody else when out, i certainly don't spend my entire day looking for others either. I suspect that this works in the reverse for many other people who claim that they too 'never see anybody' or never see any motorboats. Lack of a couple people;s observation, doesnt mean the others are not there or exist.

I do on occasion see a kayaker or another fisherman, but it is a fairly big area. Back when i had my jetskis, i used to take my dog (a pug named Buddy) for rides on them and he liked to bark at the kayakers down at the falls when we would go by, again, the kayakers seemed entertained and not at all out of sorts by the destruction of their quiet enjoyment of the resource.

As noted above, given the constraints of the NRPA wording pre-approval we have been holding off use of the ramp in most part this summer. I can only think of 3 or 4 launches (that i witnessed) this summer other than my own use. I expect more now that we are in Duck season, but even then it is maybe 3-4 days in a month depending on weather, etc and typically at hours when others are not up observing. Given that the population of my club is relatively fixed, the only quantifiable change in use i can see after proposed improvement is minimal (e.g. those who have current difficulty may use the ramp more now than before) but that is a very small differential when considering a total population size of approx. 25 and even if it grows as large as 30 which i do not expect is insignificant and likely unnoticeable.

4. Commenters are concerned about the limited information on the potential users of the boat launch.
a. Please elaborate on the number of club members, how many are expected to use the boat launch, the structure of the organization, potential for number of users/club members to increase, the size and number of vessels that will use the site, and where vehicles and trailers will be parked. Ideally, we would like to see bylaws for the organization that specify the rules of access.

ANSWER: I have provided a draft of the bylaws of the group for review as applicable. I believe i have also spoken to the potential scalability of the group. In short, we are a localized recreation group within the town of Alna. Our target demographic if you will, is local, easy going people interested in the traditional Maine hunting/sporting/fishing lifestyle. This probably from what i have seen precludes most commenters and (likely but not always) others 'from away' and frankly is a finite group of people and therefore expansion potential is also limited. Parking will be in existing parking areas (of course not blocking access road), the obvious physical limitations on existing parking will help self-govern use by design. I do have some upland field area where i have let people store boats between uses in the past but

not over winter.

b. The Department is also concerned about the informality of the shared use of the boat launch. Without a formal agreement for access by a specified group of people, you could decide at any time to refuse access to all others and simply use the ramp as a private access point. Would you be willing to grant an easement for members of your recreational club to access the launch? If so, we will need to see the draft language for the easement agreement. Recording it in the registry of deeds would be a condition of the NRPA permit.

ANSWER: I have provided a draft land use agreement for review to address this. We are making things more formal for just this reason. In (abbreviated) summary, this agreement between myself and the club will allow for continued use which is not arbitrarily revocable. As long as the group maintains the use within the terms of license agreement, it is automatically renewed thereby removing my ability to arbitrarily revoke. I (and some legal folks) believe that this should address the concerns of the DEP. It can be recorded at registry if the department so desired.

10. If any material is removed from the intertidal zone and deposited elsewhere, this will constitute a dredge and will require additional information and review. However, if the native material within the footprint of the proposed boat ramp will be graded but not removed from the coastal wetland, it will be considered regrading rather than dredging, and will not require additional information. Please confirm which method will be used.

ANSWER: I believe that Jami is still working within DEP to determine what's going on here in terms of interpretation. I have provided (see email excerpted below from 10/21) the few bits of info that are required for a dredging permit. I am of the opinion that it is easier to just get the permit and be safe / exempt from the potential complaint.

> Just looking at the application page 57(pink) (appendix c supplemental info for dredging) in the NRPA.

>

> It appears that it is fairly simple to fill this out. Honestly, the info is right here in this email.

>

>

> Below is the info i would put on the appendix c:

>

>

> 1.) Volume to be dredged: I would conservatively estimate this to be a max of half the footprint of ramp (the upper part is graveland such already), at lets say a depth of max of 12" (for easy math) so...calculating that out that is $(10' \times 36') / 2 = 180 \text{ ft}^2$ by 1' deep or 180 ft^3

>

> AREA to be dredged: 180 ft^2

> VOLULME to be dredged: 6.66667 yards^3

>

> 2.) Erosion control measures will be used during dredging. I imagine those would be the same as are already in place (silt screen, only work at low tide) for placement of ramp/grading activity since it is between the low and high tide and not in the water itself like *actual* dredging would be.

>

> 3.) Describe how/where it will be dewatered, controls around that. I would envision as in my original application, putting in a dump trailer or small truck and hauling to the upland site in my field, i can put silt fence around the pile if that somehow helps. Or would 'spreading it out be better? I have tractors and such and can do that too. You guys tell me what's best. As in my original NRPA app, the upland site in the field i showed you when you visited is all high/dry ground.

>

> 4.) What equipment will be used to dredge? The excavator placing the stone & concrete planks.

>

>

> 5.) Disposal location (check one) onsite and upland in this case would be checked (see also existing map in NRPA app)

>

>

>

> That seems to be all of the questions involved in the dredging appendix of NRPA application.....

>

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, November 7, 2019 8:23 AM
To: MacNeil, Jami; Jay.L.Clement@usace.army.mil
Subject: Attachment
Attachments: IMG_2951.JPG; ATT00001.txt; IMG_2952.JPG

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Hit button too soo. Here are the two pages. Thanks, jeff

APPENDIX C: APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

SUPPLEMENTAL INFORMATION FOR DREDGING ACTIVITIES IN A COASTAL WETLAND, GREAT POND, RIVER, STREAM OR BROOK

(Discard this part if dredging is not proposed as part of your activity.)

The DEP and the Corps strongly recommend that applicants schedule a pre-application meeting prior to submitting an application for dredging.

Volume to be dredged:	~ 7 cu. yds.		
Sq. ft. to be dredged: i	~ 180 sq. ft.		
Max. depth of dredging below existing grade:	~ 12"		
Type of material (example: sand, silt, clay, gravel. etc.) to be Dredged:	Mixed mud/clay/gravel		
Describe what erosion and sediment control measures will be used during the dredging operation. (attach separate sheet if necessary):	Existing turbidity curtain/screen in place for ongoing boat launch project will be used. Work will be performed at low tide.		
Describe how and where the dredge spoils will be dewatered (attach separate sheet if necessary): Show dewatering location and erosion control measures on activity drawings.	Upland disposal area in field or gravel pit can be used as preferred/accepted by DEP. See See NRPA map for location of disposal area.		
What equipment will be used for the dredge?	Crane doing work placing stone		
Disposal Location: (Check one)	Upland disposal: <input checked="" type="checkbox"/> On site <input type="checkbox"/> Landfill <input type="checkbox"/> Other _____	Ocean disposal: Federal Disposal Site <input type="checkbox"/> Arundel <input type="checkbox"/> Portland <input type="checkbox"/> Rockland <input type="checkbox"/> Other _____	

FOR UPLAND DISPOSAL:

Contact the Division of Solid Waste Management at (207) 822-6300:

Contacted: Yes No If yes, attach a copy of any correspondence. *Jemi MacNeil (DeP)*
 Permitted: Yes No If yes, provide the permit number *_____* Contacted Solid Waste dept.

FOR OCEAN DISPOSAL: *N/A*

Submit as **Attachment 15**, a copy of the test results performed in accordance with the U.S. Environmental Protection Agency and the Army Corps of Engineers' document entitled "Regional Implementation Manual for the Evaluation of Dredged Material Proposed for Disposal in New England Waters" (May 2002). This is available from the Army Corps of Engineers. (207) 623-8367

NOTE: Applicants are STRONGLY recommended to contact the DEP prior to performing any sediment sampling. Improperly sampled or analyzed sediments may have to be retested.

Submit as **Attachment 16**, a copy of a map showing the proposed transportation route to the disposal site.

List all municipalities adjacent to the proposed transportation site:

See access rd map in NRPA to upland disposal area.

A copy of the application must be submitted to all municipalities adjacent to the proposed transportation site.

Submit as **Attachment 17**, a copy of the notice of the proposed transportation route. A copy of the proposed transportation route must be published in a newspaper of general circulation in the area of the proposed route. (The notice of the proposed route must include compass bearings or Loran coordinates). The notice must be published under the heading "NOTICE TO FISHERMEN".

N/A (pink)

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Friday, November 8, 2019 2:42 PM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: license & bylaws

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Oh, sorry.....im not saying your micromanaging at all...sorry to seem that way, i just wanted to see what legal had to say before i went too nuts fixing.

I just (knowingly) didn't put the same level of though into the bylaws (partly because that was more group participation) than the agreement part which directly affects me more.



I understand about the parking within 75' portion, i really don't see that being an issue as there just isnt the room to be honest.

I will certainly refine the doc a bit and clean up the typos and confusing parts, i was using the example language a bit too much perhaps there.

So, did legal have anything else to say? Or should i just move forward as is?

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, November 08, 2019 2:36 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: license & bylaws

Hi Jeff,

Our legal staff has reviewed the draft documents. The Land Access Agreement will be an acceptable method of granting access to the club. I do not mean to micro-manage your wording. If you can just work on polishing these documents and making them as close to a final draft as possible, that will help your case, at least for DEP's review.

I would not want you to include a hand-drawn map with the access agreement. You may want to include a tax map or a description of your parcel, but that is up to you.

Any parking areas >75 feet from the resource are outside of NRPA jurisdiction. If any new parking will be created within 75 feet of the river, we need to see that on a plan. If that is not planned at this time, it does not need to be included in this review.

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Friday, November 08, 2019 11:19 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: license & bylaws

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hi Jami, thanks. I did find a couple of typos in the bylaws....I am sure there is a lot for us to change/modify in those as we have never had any before. We borrowed from a much larger club and tried to appropriately downsize them. Honestly, i didn't think that the details of internal operation of our club (via the bylaws) was really a critical part of this nrpa permit process.

I was under impression that the DEP wanted some assurance that we are an organized club and have bylaws. We did include "Artcile IX: Use of Any club owned or licensed facilities" which was intended to lay out specific access rules (e.g. follow all hunting/fishing laws, invasive species laws) as they may change over time or apply/not apply as we acquire different parcels or uses of parcels. this is what was meant by the 'access rules', need to clarify the title i guess or just excerpt them into the license agreement.

I agree the I/YOU/they parts are confusing, but thats how the example did it and they are defined technically.....but....i agree...im going to fix them to licensor/licnsee i think where i can.

how long does legal typically take to get an initial set of comments back? The concept of a license for a portion of the property (the licensed premises) is a key thing here. A license is a non-possery right of an individual or group. In this case, i am making it not revocable unless they default on terms of use. The land use agreement creates a license, the license is to use real property (property) but only the licensed premises as specified. Does that make sense? I know its complicated, but otherwise you end up muddying the waters of ownership of the real property or otherwise creating an exclusive arrangement that is not desired.

In terms of a map, i was hesitant to draft a map as it woudl not have sufficient accuracy one might want. I am defining the access road as a 20' road in width along the existing path (or if i happen to move it) along an altered path. Parking is to be in the existing areas unless otherwise negotiated between club and myself. Again, i had figured this aspect (e.g. if i allow folks to park in my field or not for example) was outside scope of NRPA for most part as long as there is the access which is not revocable for an arbitrary reason by me.

am i misunderstanding something?

thanks,
-j

On Thu, Nov 7, 2019 at 2:56 PM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Jeff,

Thank you for the draft documents. My initial comments are that the Land License Agreement contains inconsistencies in language.

1. The first sentence defines Land Access Agreement as “Agreement,” but it seems that the document later uses the term “License” to refer to the “Agreement.” I recommend you use “Agreement” and not “License.”
2. Please eliminate “I” or “You” from the document to avoid confusion. I recommend you use “Licensor,” “GRSC,” or “Licensee,” as they are defined in the first paragraph.
3. The text suggests that “Exhibit A” is interchangeable with the “Property,” the “Licensed Premises,” and the “License,” which it is not. The information in Exhibit A can be moved to the text itself, in the appropriate paragraph (for example, the purpose can be stated in paragraph 2; the address can be given under section 2, Licensed Premises; “term” can be defined in section 4.1, etc.). You may want to include an “Exhibit A” as a map or description of the property (such as the description in your deed), and possibly an “Exhibit B” to include rules of access, including number of entrants and hours of entry.
4. If you are going to reference the “GRSC access rules,” you will need to specify where those can be found.

These are just initial thoughts. The Department’s legal staff is also taking a look. Please also check over the by-laws for typos, in the meantime. I found a few. I will continue to go through this and your other responses and reach out with our comments.

Thank you,

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: jeff spinney <jeff.spinney@gmail.com>

Sent: Monday, November 04, 2019 1:12 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Subject: license & bylaws

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Jami/Jay,

attached you will find a draft of our club bylaws that we created as well as a draft land use license agreement for use of the launching facilities on my property at Golden Ridge.

after some discussion/review with some knowledgeable legal folks, we felt that the automatically renewable license concept (as long as conditions of license are upheld by licensee and any permitting agencies) was most appropriate as it does not muddy the waters of ownership of my actual property and it still removes the concern of arbitrary discontinuance by my sole discretion.

also, we added in a section to bylaws that discusses specific use rules for some properties, obviously as we grow/expand we can add to this. ARTICLE IX USE ANY CLUB OWNED OR LICENSED FACILITIES:

York, Marylisa

From: MacNeil, Jami
Sent: Friday, November 8, 2019 1:44 PM
To: Parker, Michael T
Subject: RE: dredge for small boat ramp

Hi Mike,

Would you mind putting your comments in writing for us, for the record? As a reminder, this is for the Spinney NRPA application for a boat ramp in Alna (#L-28397-4E-A-N). The applicant has confirmed with me that they will use the approx. 7 cy of dredge spoils for agronomic purposes in an upland location on the property.

Thank you,

-Jami MacNeil

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: MacNeil, Jami
Sent: Tuesday, October 22, 2019 3:28 PM
To: Parker, Michael T <Michael.T.Parker@maine.gov>
Subject: dredge for small boat ramp

Hi Mike,

I have a project I'm reviewing that involves a proposed boat ramp. Prior to laying down concrete planks, the applicant would like to regrade within the intertidal zone to create a clear, flat bed. They then want to take the excavated material and dispose of it in an upland area on the property.

The applicant estimates that the intertidal area affected is about 180 s.f., and the dredge spoils would amount to about 6.67 cy.

1. Would you consider this a dredge? It seems to me to technically meet the NRPA definition. Army Corps does not consider this a dredge.
2. If we do treat it as a dredge, what info would you require, beyond Appendix C of the NRPA application? Should I just have the applicant contact you?

Thanks,

-Jami MacNeil

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Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Sunday, November 10, 2019 8:40 PM
To: MacNeil, Jami
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: RE: license & bylaws

Follow Up Flag: Follow up
Flag Status: Completed

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Jami,

Can you give me an idea as to when i have to have this final draft of polished docs & info in to DEP? what is the expected timeline of events at this point from you and Jay? Just trying to figure out appropriate timelines for my remaining work.

I spent some time working on the license agreement this weekend, just wondering about the rest and trying to plan my week especially where i need to coordinate with others.

Thanks,
-jeff

Jay – what about from your side? Anything else needed?

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, November 08, 2019 2:36 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
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-Jami MacNeil

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Sent: Friday, November 08, 2019 11:19 AM
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Subject: Re: license & bylaws

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

hi Jami, thanks. I did find a couple of typos in the bylaws....I am sure there is a lot for us to change/modify in those as we have never had any before. We borrowed from a much larger club and tried to appropriately downsize them. Honestly, i didn't think that the details of internal operation of our club (via the bylaws) was really a critical part of this nrpa permit process.

I was under impression that the DEP wanted some assurance that we are an organized club and have bylaws. We did include "Artcile IX: Use of Any club owned or licensed facilities" which was intended to lay out specific access rules (e.g. follow all hunting/fishing laws, invasive species laws) as they may change over time or apply/not apply as we acquire different parcels or uses of parcels. this is what was meant by the 'access rules', need to clarify the title i guess or just excerpt them into the license agreement.

I agree the I/YOU/they parts are confusing, but thats how the example did it and they are defined technically.....but....i agree...im going to fix them to licensor/licnsee i think where i can.

how long does legal typically take to get an initial set of comments back? The concept of a license for a portion of the property (the licensed premises) is a key thing here. A license is a non-possery right of an individual or group. In this case, i am making it not revocable unless they default on terms of use. The land use agreement creates a license, the license is to use real property (property) but only the licensed premises as specified. Does that make sense? I know its complicated, but otherwise you end up muddying the waters of ownership of the real property or otherwise creating an exclusive arrangement that is not desired.

In terms of a map, i was hesitant to draft a map as it woudl not have sufficient accuracy one might want. I am defining the access road as a 20' road in width along the existing path (or if i happen to move it) along an altered path. Parking is to be in the existing areas unless otherwise negotiated between club and myself. Again, i had figured this aspect (e.g. if i allow folks to park in my field or not for example) was outside scope of NRPA for most part as long as there is the access which is not revocable for an arbitrary reason by me.

am i misunderstanding something?

thanks,
-j

On Thu, Nov 7, 2019 at 2:56 PM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Jeff,

Thank you for the draft documents. My initial comments are that the Land License Agreement contains inconsistencies in language.

1. The first sentence defines Land Access Agreement as “Agreement,” but it seems that the document later uses the term “License” to refer to the “Agreement.” I recommend you use “Agreement” and not “License.”
2. Please eliminate “I” or “You” from the document to avoid confusion. I recommend you use “Licensor,” “GRSC,” or “Licensee,” as they are defined in the first paragraph.
3. The text suggests that “Exhibit A” is interchangeable with the “Property,” the “Licensed Premises,” and the “License,” which it is not. The information in Exhibit A can be moved to the text itself, in the appropriate paragraph (for example, the purpose can be stated in paragraph 2; the address can be given under section 2, Licensed Premises; “term” can be defined in section 4.1, etc.). You may want to include an “Exhibit A” as a map or description of the property (such as the description in your deed), and possibly an “Exhibit B” to include rules of access, including number of entrants and hours of entry.
4. If you are going to reference the “GRSC access rules,” you will need to specify where those can be found.

These are just initial thoughts. The Department’s legal staff is also taking a look. Please also check over the by-laws for typos, in the meantime. I found a few. I will continue to go through this and your other responses and reach out with our comments.

Thank you,

-Jami MacNeil

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: jeff spinney <jeff.spinney@gmail.com>

Sent: Monday, November 04, 2019 1:12 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>

Subject: license & bylaws

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami/Jay,

attached you will find a draft of our club bylaws that we created as well as a draft land use license agreement for use of the launching facilities on my property at Golden Ridge.

after some discussion/review with some knowledgeable legal folks, we felt that the automatically renewable license concept (as long as conditions of license are upheld by licensee and any permitting agencies) was most appropriate as it does not muddy the waters of ownership of my actual property and it still removes the concern of arbitrary discontinuance by my sole discretion.

also, we added in a section to bylaws that discusses specific use rules for some properties, obviously as we grow/expand we can add to this. ARTICLE IX USE ANY CLUB OWNED OR LICENSED FACILITIES:

York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, November 11, 2019 11:11 AM
To: MacNeil, Jami
Subject: bylaws final revision
Attachments: GRSC bylaws - final draft 11-11-2019.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Jami, we also took another pass through bylaws as well over weekend, corrected typos and simplified in a couple of places to adjust for our club size.

please see attached

thanks,
-j

REVISED: 11/11/19



Golden Ridge Sportsman's club, LLC.

126 Golden Ridge Rd.

Alna, Me 04535

BY-LAWS

ARTICLE I

MEETINGS

A. There shall be a regular meeting of the club on the first Thursday of each month of which suitable notice shall be given.

B. A special meeting may be called by any three (3) officers or members provided that all members are notified in advance.

C. The President shall hold an annual Board of Directors Meeting in January and others as necessary.

ARTICLE II

OFFICERS AND DIRECTORS

A. The officers of the club shall be a president, vice-president, secretary/treasurer, elected annually; and three directors. These officers shall constitute a Board of Directors who shall have charge of the affairs of the club between meetings.

1. Three (3) directors, one of whom shall be the immediate past-president, shall be elected to a two (2) year term.
2. Three (3) members of the Board of Directors shall constitute a quorum.

REVISED: 11/11/19

B. Duties of the officers shall be as follows:

1. The President shall preside at all regularly scheduled Board and Business meetings of the club and shall perform such other duties as usually pertains to that office.
 2. The Vice-president shall assist the President in the charge of his duties, and in the absence of the President of the vice- President shall perform the duties of that office.
 3. The secretary/treasurer shall, as Secretary, keep the official records of all regularly scheduled Board and Business meetings, attend to all correspondence of the club, send out notices of as required, and shall send out notices of dues and maintain records of membership standings. As treasurer, they will receive all moneys due the Club, make all disbursements, and shall maintain adequate records of receipts and expenditures.
 5. The Directors shall attend meeting of the Board of Directors and shall participate in the transactions of all business brought before the meeting.
- C. A vacancy in any office, excepting that of president, shall be filled by the Board of Directors, suitable notice having been given all members of the Board.
- D. The Board of Directors by a two-thirds (2/3) vote may recommend to the club the dismissal of any Officer for not performing his/her duties as described in Article II, Section B.

ARTICLE III

MEMBERSHIP

A membership application is available to any person and their immediate family in Alna who gains the respect and sponsorship of one of our existing members in good standing and exhibits & upholds the traditional Maine values for hunting, fishing, and wildlife management and protection for which our club stands.

A. The classifications of Membership are as follows:

1. An adult membership is anyone 18 years or older.
2. A family membership which will include a husband, wife and all dependent children less than 18 years of age.

REVISED: 11/11/19

3. A member whose membership dues are greater than one month in arrears shall be considered a non-member; however, an ex-member may reapply for membership upon payment of dues, plus the initiation fee and shall be range orientated again.

B. A life membership, without further payment of dues, may be awarded to a member who has reached age sixty-five (65), provided that he/she must have been a member of the club in good standing with dues paid for five (5) years immediately prior to reaching age sixty-five (65). If sixty-five (65) or older at time of joining the club the member must be a member in good standing for five (5) years before receiving their life time membership.

C. Dues are payable on or before the 1st of the calendar year.

D. A member who is current with the club who is in the armed forces and is deployed overseas will receive a complimentary one (1) year membership when they return from service as a token of our gratitude.

ARTICLE IV

FINANCES

A. It is the responsibility of the Treasurer to prepare an Annual Budget for the club by the end of the calendar year prior to the Annual Meeting and to present the Budget to the General Membership for approval thirty (30) days prior to the Annual Meeting. The Annual Budget requires a majority vote of the attending membership at the annual meeting.

B. The funds of the club shall be deposited by the Treasurer.

C. The Treasurer shall be authorized to make payments for all Budgeted contingent or current expenses and unbudgeted emergency expenditures will require the recommendation of the Board of Directors and present it to the members at the monthly business meeting.

REVISED: 11/11/19

ARTICLE V

NOMIMATIONS AND ELECTIONS

A. The election of officers and directors shall take place at the annual meeting of the club. Nominations shall be accepted from any member in good standing at the annual meeting of the club. Nominees must be present for consideration and vote.

B. At the annual meeting upon elections of new officers they will be sworn in. Following the swearing in of the new officers all members present will renew their membership when the new members are sworn in.

ARTICLE VI

COMMITTEES

A. The following committees shall be appointed by the president with the approval of the Board of Directors prior to the annual meeting. These committees shall remain active until new committees are appointed.

1. Education
2. Entertainment
5. Fish & Game
6. Property
7. Range

B. The President may appoint (or disband as necessary) any such other committees, with the approval of the Board of Directors or by vote of the club as he/she deems necessary to transact business of the club.

REVISED: 11/11/19

1. The Education Committee shall educate the members in the existing projects for which the club is established and shall encourage the dissemination of game and conservation studies in educational institutions and any other venues as appropriate.
 4. The Entertainment Committee shall provide programs of interest to the members.
 5. The Fish and Game Committee shall be in charge of and responsible for any procurement, stocking, or handling of game or fish allotted to or desired by the club on all properties where applicable.
 6. The Property Committee shall be responsible for the care and preservation of all real and personal property of the Club, which shall be kept in good repair at all times. The Committee shall recommend to the Board of Directors or the Club such improvements and replacements as may be required.
 7. The Range Committee shall encourage interest in all range activities and shall arrange programs to that end. The committee shall be responsible for all properties necessary to these activities as well as safety.
- C. The authority of any committee named in the above Article (Article VI) shall not infringe upon any by any officer or member of the club.

ARTICLE VII

BOARD OF TRUSTEES

- A. The Board of Directors shall elect a Board of Trustees composed of three adult members. The Board of Trustees will hold for the club all properties owned by the club.
- B. The properties that the Trustees shall hold for the club shall be the following:
1. Deeds
 2. Property Maps
 3. By-Laws
 4. Insurance Papers
 5. Tax Records
 6. A list of the Club Bank Accounts
 7. Any other documents as deemed necessary.

REVISED: 11/11/19

ARTICLE VIII

SUSPENSION AND/OR EXPULSION OF MEMBERS

A. By reason of misconduct not limited to violation of membership oath, violations of range rules, or fish and game law convictions, a member may be recommended for expulsion by the Board of Directors.

1. Upon being made aware of a violation, any Board of Director or officer may suspend a membership until:

- A.) He is notified in writing by certified mail, receipt requested, of pending action, and requests the member's presence within thirty (30) day for a hearing and/or clarification at a Board of Directors fact finding meeting.
 - B.) After review of all available information, the Board of Directors will make its ruling.
 - C.) If expulsion is recommended, all current club members will be notified in writing by the Board of Directors that their recommendation is expulsion.
 - D.) Expulsion will occur by a two-thirds (2/3) vote of current members present at the next regular club meeting.
2. Any member having been expelled from this organization may petition the Board of Directors for reinstatement after a period of one (1) year, provided that his/her hunting and fishing privileges are not under suspension. The individual in question may then be considered for membership upon payment of the annual dues and any fees of a new membership, and submission of a new membership application for consideration. Acceptance of reinstatement must be by tow-thirds (2/3) vote of the current membership present at the next regular meeting, and this vote shall be final.

ARTICLE IX

MEMBER USE OF ANY CLUB OWNED OR LICENSED FACILITIES:

1. All State of Maine hunting & fishing laws are to be followed on all properties at all times.
2. Use of the access road, boat ramp, and dock facility at the Golden Ridge Rd. property: All state laws regarding invasive species must be followed as posted on site. Always check for any plants when launching or removing a boat.
3. Use of the property at Hassan Rd. camping & outdoor facility. The Hassan Rd property is considered to be a carry in/carry out, primitive site. The gate on access road is to be securely locked both in coming and going and is to remain locked while on the property. Speed limit on access road is 5mph, please show respect for the abutting neighbors by adhering to this.
4. Use of the Highland Plantation property trail system is for snowmobile access ONLY, no ATVs or side-by-sides are to be used on trails/bridges on this property for any reason.

REVISED: 11/11/19

ARTICLE X

QUORUM

A. Five (5) adult members in good standing shall constitute a quorum for the transaction of business at any regular meeting one of which shall be either the President or Vice-President and one other officer.

ARTICLE XI

AMENDMENTS

A. These By-Laws may be amended by bringing it before the Board of Directors for their recommendation and then having two (2) consecutive readings at regular club meeting and by a two-thirds (2/3) majority vote of the adult members, where a quorum is present, provided that all adult members shall have been given suitable notice of the proposed Article and number to be amended seven (7) days in advance of the first meeting.

ARTICLE XII

PARLIAMENTARY AUTHORITY

A. The rules contained in "Robert's Rule of Order, Revised" shall govern the club in all cases in which they are not inconsistent with the By-Laws and Constitution of the club.

York, Marylisa

From: jeff spinney <jeff.spinney@gmail.com>
Sent: Monday, November 11, 2019 10:35 AM
To: MacNeil, Jami
Subject: final land use license agreement
Attachments: GRSC license - final draft 11-11-19.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

please find attached, after a couple of drafts and review, i think i have it cleaned up sufficiently now. thanks,
-jeff

Land Use License Agreement

This is a Land Use License Agreement (“Agreement”) dated as of _____, 20____ (the “Effective Date”), between Jeffrey A. Spinney (“Licensor”) and Golden Ridge Sportsman’s Club, LLC. (“GRSC” or “Licensee”), a registered Maine corporation.

Background

Jeffrey A. Spinney possesses the real property described in Exhibit A (the “Property”). The GRSC desires access for its members to a portion of the property for the specific purposes as described in Exhibit A (the “Licensed Premises”). Jeffrey A. Spinney agrees to grant such access to the GRSC pursuant to the terms set forth in this Agreement.

1. License Grant

1.1 Grant, Purpose, and Scope of License. Licensor agrees to grant to Licensee a non-exclusive, nontransferable, non-assignable, revocable right of entry onto and license to use the Licensed Premises for the limited purposes described in, and during the time period (the “Term”) set out in, Exhibit A (the “Licensed Premises”). The License extends to GRSC, and its members in good standing, contractors, and invited guests while they are supervised by members. The specific parameters of the License are further described in Exhibit A.

1.2 Licensing Fee. \$1 per license term

2. Licensed Premises

2.1 Limited Rights. This License gives the Licensee a license only and, notwithstanding anything to the contrary in this Agreement, does not constitute a grant of any ownership, leasehold, easement, or other property interest or estate whatsoever in any portion of the Property.

2.2 As-Is; No Representation as to Suitability for purpose or safety of persons. Licensee acknowledges that, except as provided in Section 2.3, Licensor has not made any representations or warranties, express or implied, concerning any aspect of the Property or the Licensed Premises, including its fitness for our purposes, that Licensee disclaim any such representation or warranty, and that the Licensed Premises are being licensed “as is.” Licensee acknowledges that they have made their own independent evaluation in deciding to enter into this Agreement and conduct activities on the Licensed Premises.

2.3 No Interference. Licensor will not materially interfere with Licensee use of the Licensed Premises.

2.4 No Improvements. Licensee will not make any alterations, additions, or improvements to the Licensed Premises, including erecting any structures, without Licensor's prior written approval.

3. Waiver and Release, Indemnification and Insurance

3.1 Waiver and Release. Licensee and its members waive and release any and all claims against Licensor for any liability, loss, damage, expenses and attorneys’ fees, resulting from (i) death or injury to person or (ii) loss, theft or damage to property arising from use of the Licensed Premises, regardless of the cause and even if caused by negligence, active or passive. Licensee and members agree not to sue Licensor on the basis of these waived and released claims.

3.2 Indemnification. Licensee will defend, indemnify and hold the Licensor harmless from and against any and all claims, liabilities, losses, damages and attorney's fees that may be suffered by Licensee (i) as a result of a claim by a client, employee, contractor, collaborator, volunteer, guest, or any other third party, arising directly from Licensee's presence and activities on the Licensed Premises and the Property under this Agreement, or (ii) from any breach by Licensor of our obligations under this Agreement, except to the extent that the liability is caused by the relevant Licensor's gross negligence or willful misconduct.

4. Termination

4.1 Term. This Agreement will begin on the Effective Date and will automatically renew for another term unless terminated by Licensor or Licensee in writing.

4.3 Revocation by Licensor. Notwithstanding any other provision of this Agreement or any course of performance under this Agreement, the Licensor may after written notice of default of this license without remedy, revoke the License at any time by giving written notice to Licensee. Such a revocation will be effective after 30 days. Should such revocation occur, it will be without liability or further obligation.

5. General Provisions

5.1 Entire Agreement; Amendments. This Agreement, together with Exhibit A, is the entire agreement between Licensor and Licensee. This Agreement may be amended only as stated in a written document signed by both parties which states that it is an amendment to this Agreement. If there are any inconsistencies between this Agreement and other documents, including Exhibit A, this Agreement will control.

5.2 Severability. If any provision of this Agreement is held illegal, invalid, or unenforceable, all other provisions of this Agreement will remain enforceable, and the illegal, invalid, or unenforceable provision will be considered modified so that it is valid to the maximum extent permitted by law.

5.3 Waiver. Any waiver under this Agreement must be in writing and signed by the party granting the waiver. Waiver of any breach or provision of this Agreement will not be considered a waiver of any later breach or of the right to enforce any provision of this Agreement.

5.4 Third-Party Beneficiaries. Each Licensor Party other than Licensor is an express third party beneficiary of this Agreement. Except as specifically provided in this Section 5.4, this Agreement is for the exclusive benefit of Licensee and Licensor, and not for the benefit of any third party.

5.5 Governing Law. This Agreement is governed by Maine law. Parties consent to the exclusive jurisdiction of the state and federal courts for Lincoln County, Maine.

5.6 Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which will be taken together and deemed to be one instrument. Transmission by fax or PDF of executed counterparts constitutes effective delivery.

* * * * *

Name: Jeffry A. Spinney (licensor)

126 Golden Ridge Rd. Alna, Me 04535

Name: Jeffry A. Spinney on behalf of GRSC (Licensee)

Title: Registered Agent & Founder Golden Ridge Sports Club, LLC.

Address: 126 Golden Ridge Rd. Alna, ME 04535

EXHIBIT A: The Licensed Premises

1. Property street address. 126 Golden Ridge Rd. Alna, Me 04535 – see also Alna tax map R4-21A
2. Licensed Premises. Existing private access road (20' in width) from Golden Ridge Rd. to boat ramp and dock area at river. Exact location of access road at Licensor's discretion.
3. Purpose. Access by members to the Sheepscot river with boat trailer for launching for hunting, fishing, and other recreational purposes.
4. Term. 5 year automatically renewable
5. Number of Entrants. Parking and access is physically limited to the existing parking and vehicle areas near launch site. New parking shall not be created without written agreement from Licensor. Parking shall not block access route to and from launch site. Limited parking & storage is available in small upland field in specific area as agreed upon by Licensee and Licensor.

York, Marylisa

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, November 12, 2019 10:23 PM
To: Clement, Jay L CIV USARMY CENAE (US); MacNeil, Jami
Subject: correction for record
Attachments: Alna Planning Board minutes - comp snip.jpg; Alna Planning Board minutes - comparison.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

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Jami/Jay,

I just got done with our planning board meeting tonight and I wanted to take a moment to correct what appears to have been an admin error in our record keeping, exposed to us tonight by a member of the public and discussed tonight at our meeting.

After our last meeting, there was an document shared with Army Corps that was lacking the DRAFT label when it was distributed by our secretary for review. We technically approved those minutes tonight, and there were some very minor changes made.

I am attaching two documents for your review. The first is a pdf document showing the changes in a light blue color for you to see in context of the FINAL approved document (which ironically I note still lacks a good document label but I digress). The second is a screen grab of my screen showing the set of revisions that the secretary made to clarify the record at the request of this individual. I just wanted to be fully transparent here, we are a small town as you know and this work is performed by volunteers, and unfortunately mistakes do get made and the process is clearly not ideal.

In hindsight, I probably should have caught this too because looking back, jay copied me too when he sent to DEP.....but they were not flagged as draft so in reviewing it, I never thought twice about it and moved on to the next item.

I'm sorry for any confusion this made, as a board we are trying to implement some better controls and this is a good example of why that is necessary. I am sure that we are not the only small town with such problems though in the day of email but I do want to be fully transparent with you guys in this process.

As always, any questions feel free to call or email.

Thanks,
-jeff

Elizabeth Whitney Inserted

18 people for Spinney

Elizabeth Whitney Deleted

are

Elizabeth Whitney Inserted

have

Elizabeth Whitney Inserted

been

Elizabeth Whitney Deleted

current

Elizabeth Whitney Inserted

(Note: After the meeting is came to light that Jeff's location is actually SB1.)

Members: Peter Tischbein, Beth Whitney, Tom Albee, Jeff Spinney,

CEO: Tom McKenzie

Public: Tucker Neale (business permit), Charles Culbertson, Thomas Aldrich, Al Monaco, Susan & Kinne Stires, Jonathan Gold*, Christy Joyce*, Bailey Bolen, Carol Ervin, Donna Flynn, Dick Picard, Paul Tena*, Cathy Johnson, Bill Weary*, William Balch*, Joan Belcher, William Wilbur, Jeff Philbrick ([18 people for Spinney](#) dock permit) * indicates Newcastle residents

Press: none

Minutes: Minutes of September 3, 2019 meeting accepted as presented

Business:

1. Tucker Neale - Business Permit for tree service & portable sawmill - This is a sole proprietorship, one-man operation. All work is off-site except what he mills for himself. Noise? Not at odd hours Traffic? None Parking? NA Sign? possibly at some point. Moved & seconded to approve the permit. We took his check for the permit fee. Beth will get the check to Liz Brown and send Tucker a letter indicating the approval of his permit.
2. Jeff Spinney - Status of dock/ramp permit that we had site visited several years ago. Jeff stepped out of his position as Planning Board Chair since this is his project. Peter Tischbein chaired the rest of the meeting and began with an explanation of his role with the Army Corps of Engineers. He had recused himself from being in charge of this project because of his involvement in Alna but he has been following the project's progress.

Jeff was asked to layout his plans and where he is in the process. He said that he is in the

Alna Planning Board Minutes

Date: October 8, 2019

Call to Order: 6:30 pm

Present

Members: Peter Tischbein, Beth Whitney, Tom Albee, Jeff Spinney,

CEO: Tom McKenzie

Public: Tucker Neale (business permit), Charles Culbertson, Thomas Aldrich, Al Monaco, Susan & Kinne Stires, Jonathan Gold*, Christy Joyce*, Bailey Bolen, Carol Ervin, Donna Flynn, Dick Picard, Paul Tena*, Cathy Johnson, Bill Weary*, William Balch*, Joan Belcher, William Wilbur, Jeff Philbrick ([18 people for Spinney](#) dock permit) * indicates Newcastle residents

Press: none

Minutes: Minutes of September 3, 2019 meeting accepted as presented

Business:

1. Tucker Neale - Business Permit for tree service & portable sawmill - This is a sole proprietorship, one-man operation. All work is off-site except what he mills for himself. Noise? Not at odd hours Traffic? None Parking? NA Sign? possibly at some point. Moved & seconded to approve the permit. We took his check for the permit fee. Beth will get the check to Liz Brown and send Tucker a letter indicating the approval of his permit.

2. Jeff Spinney - Status of dock/ramp permit that we had site visited several years ago. Jeff stepped out of his position as Planning Board Chair since this is his project. Peter Tischbein chaired the rest of the meeting and began with an explanation of his role with the Army Corps of Engineers. He had recused himself from being in charge of this project because of his involvement in Alna but he has been following the project's progress.

Jeff was asked to layout his plans and where he is in the process. He said that he is in the public comment phase of the Natural Resource Protection Act process. A number of letters with comments have been submitted by the public and many of those concerned with this project were at tonight's meeting. The rest of the process also includes the Army Corps of Engineers and the DEP along with various resource agencies, such as IF&W, who provide information for the permitting process. All of that is in addition to and independent of the Town of Alna's permit for work in the Shoreland Zone.

The plan: A dock & float were previously permitted and [are have](#) already [been](#) in place. Jeff wants to replace the [current](#) wooden structure with aluminum to the float and place precast cement planks for vehicles to drive on to protect the shoreline when boats are

launched.

The structures are for his private use, which includes friends in an informal hunting club, estimated to be approximately 25 members. This does not mean that there would be 25 boats at one time.

Eighteen of Jeff's neighbors and fellow river dwellers (some of whom are Newcastle residents) were in attendance to voice their concerns about the project. Their concerns include: increased traffic on the river (traffic is allowed on a navigable waterway), increased noise from the increased number of boats (requested no jet skis), disruption of the natural resources and undesirable changes to the nature of the river.

One resident brought up that this shouldn't be done because the Sheepscot River is an AA classified river. That is the case but only the fresh water section, which extends just only as far south as Head Tide. The section in question is classified SA because it contains salt water. As these are water quality designations, the issue is not relevant to this discussion. [\(Note: After the meeting is came to light that Jeff's location is actually SB1.\)](#)

They were also very concerned that there be a public hearing on this permit. There probably will be but we are not to that stage yet. Jeff's application for the permit must be deemed "complete" before we will set that date.

It was ascertained that this will not be a marina. There will be no fuel station, no maintenance facility and no "commerce."

There was also concern that the cement planks for the boat launch would qualify as permanent structures, which are not permitted in the Shoreland Zone. Jeff has researched alternative, temporary designs such as roll out aluminum decking and removable concrete. It was the opinion of IF&W that the permanent structure would have a smaller impact and do less damage to the mud flat in the long run.

One resident was concerned about the rifle range on Jeff's property but that is unrelated to this permit application and, as such, is not relevant to this discussion.

Another resident asked: "Why are you really doing this?" and said she was trying to "read between the lines" because Jeff is going to an awful lot of trouble to put a couple of his buddy's boats in the water (paraphrase). She also asked: "What will this little thing turn into?" Why Jeff is doing is not relevant to our permitting process. It can't turn into something else easily because "change of use" turns this into a different animal and would require further scrutiny.

Due to a minor "records crisis," caused by a quick turnover of of Planning Board secretaries in the last few years and the recent move of the Town Office to its new

location, we have not yet located Jeff's original application for the permit to do this project (submitted several years ago) and the meeting minutes that would refer to the findings of our site visit. Three members in attendance tonight (Tom, Pete & Beth) do remember the site visit and that the project was in the process of being approved. We will continue to pursue the search for the pertinent records.

For the Alna Planning Board, Jeff will need to fill out a new local permit application and provide some drawings relating to his plans. We may or may not need to do another site visit as we have already been down there to see his river frontage.

Next Meeting: November 12, 2019 (The first Tuesday, 11/5, would conflict with Election Day.)

Adjourn: 8:18 pm

Respectfully submitted,

Beth Whitney
Planning Board Secretary

York, Marylisa

From: MacNeil, Jami
Sent: Thursday, November 14, 2019 3:16 PM
To: 'Spinney, Jeffrey'
Cc: Clement, Jay L CIV USARMY CENAE (US)
Subject: additional public comments
Attachments: RE: NRPA application by Jeffrey Spinney for a boat ramp and pier, 126 Golden Ridge Road, Alna, ME 04535; RE: Public comments for Spinney/Alna dock DEP permit application; RE: Alna planning board minutes 10/8; Ltr to MacNeil re. Application (03279209xAE394).pdf; RE: Request for draft analysis of Spinney NRPA application; RE: [Non-DoD Source] Application of Jeffrey Spinney, 126 Golden Ridge Road, Alna; Re: [Non-DoD Source] Application of Jeffrey Spinney, 126 Golden Ridge Road, Alna; Spinney 10-23-19.pdf

Hi Jeff,

The 15th of November was my initial goal date for a Department decision. That date is no longer relevant. Attached are the additional public comments we have received since the first batch I sent to you on October 8. Most are just further questions and comments from the same folks. We do not need a response to these, these are just for your records.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Thursday, November 14, 2019 12:09 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: correction for record

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jami,

Are you still expecting to be getting back to me by the 15th of November? i think you mentioned that in an earlier email somewhere.

Also, please don't forget to send me the remaining comments or whatever you received.

Thanks
-j

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>

Sent: Wednesday, November 13, 2019 11:16 AM
To: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Subject: {EXTERNAL} RE: correction for record

Thank you for the correction. I will remove the draft copy of the minutes from our file.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, November 12, 2019 10:23 PM
To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: correction for record
Importance: High

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami/Jay,

I just got done with our planning board meeting tonight and I wanted to take a moment to correct what appears to have been an admin error in our record keeping, exposed to us tonight by a member of the public and discussed tonight at our meeting.

After our last meeting, there was a document shared with Army Corps that was lacking the DRAFT label when it was distributed by our secretary for review. We technically approved those minutes tonight, and there were some very minor changes made.

I am attaching two documents for your review. The first is a pdf document showing the changes in a light blue color for you to see in context of the FINAL approved document (which ironically I note still lacks a good document label but I digress). The second is a screen grab of my screen showing the set of revisions that the secretary made to clarify the record at the request of this individual. I just wanted to be fully transparent here, we are a small town as you know and this work is performed by volunteers, and unfortunately mistakes do get made and the process is clearly not ideal.

In hindsight, I probably should have caught this too because looking back, Jay copied me too when he sent to DEP.....but they were not flagged as draft so in reviewing it, I never thought twice about it and moved on to the next item.

I'm sorry for any confusion this made, as a board we are trying to implement some better controls and this is a good example of why that is necessary. I am sure that we are not the only small town with such problems though in the day of email but I do want to be fully transparent with you guys in this process.

As always, any questions feel free to call or email.

Thanks,
-jeff

Judy A. S. Metcalf
jmetcalf@eatonpeabody.com



167 Park Row, P.O. Box 9
Brunswick, Maine 04011-0009
Phone 207-729-1144 Fax 207-729-1140
www.eatonpeabody.com

November 7, 2019

Via Email – Jami.macneil@maine.gov
And United States Mail, First Class
Jami MacNeil
Environmental Specialist III
Maine Dept. of Environmental Protection
Bureau of Land Resources
28 Tyson Drive
Augusta, ME 04330

Re: Permit Application of Jeffrey Spinney, Alna, Maine

Dear Ms. MacNeil:

Please be advised that I represent the James Erskine Philbrick Tree Farm Trust and Philbrick family members in connection with the referenced application. As you have earlier been advised, the application proposes the development of a dock and ramp which, if built, would be accessed by crossing the Trust and family land of my clients.

I note that the public comment period is still open and that you have asked the applicant a number of questions and sought clarification of the application in light of public comments that have been received by you to date. In particular, I note that you have specifically asked the applicant to provide further information regarding the nature of the intended use of the proposed boat launch given that, to date, the application has been utterly silent as to the nature of the "club" which will have access to this proposed boat launch.

We, too, are concerned and surprised that there are have not been answers to those questions to date. Attached to this correspondence is a certificate of formation for a quasi-commercial entity, the Golden Ridge Sportsman's Club, LLC, organized by Mr. Spinney in May, 2019, months prior to the DEP application currently under consideration. While the publicly available documents reflect the formation of this Limited Liability Company ("LLC"), they do not disclose the substantive nature of this club's membership, management, rules, and obligations. As you are probably aware, for an LLC to be legally effective, it must have in existence an Operating Agreement. Therefore, the answers to your questions posed on October 16, 2019, should be susceptible to forthright response. Yet, I see from the public records that none has been provided to date.

Certainly, if the proposed ramp is going to be used by club members rather than by the owner of the real estate, i.e., Mr. Spinney, in a manner which is consistent with his previous residential use of the property, then the DEP should receive answers as to whether it is a commercial enterprise; whether and how use and access may be revoked and regulated; the manner and method for proposed maintenance of the ramp and dock; and what liability protections, including insurance, are proposed to be in place. I note that Mr. Spinney has described the Club members as "dues paying." However, he does not appear to have disclosed the amounts and uses of those dues.

As you further note, if the club is really the intended user (and since a LLC has been organized that appears to be the case), an easement agreement would be necessary. Yet, as you have learned from other public comments, any claimed right to use reserved to Mr. Spinney in light of the discontinuance of Reed Road is for Mr. Spinney's access, not the general public's access. Certainly the discontinuance does not reflect that the town contemplated the reservation of a right of use for commercial or even quasi-commercial purposes, such as those of a club organized to launch boats. If you agree that an easement must be secured, it is only fair to advise that my clients have no interest in granting an easement over their land to the LLC.

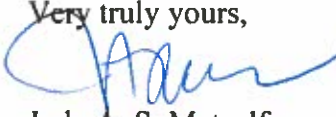
The questions about the users of the club also have an impact upon your other questions regarding how the property would be maintained, including but not limited to fuel and oil spill prevention. In other words: who is in charge? I think you have the right to know that, as do the abutters and members of the community who have expressed concerns about this proposed change of the use of the waterfront area. It may very well be that the local planning board is best suited to discern the answers to these questions and how the proposed use will comply with local shoreland and land use ordinances. Perhaps no action should be taken on this application until that occurs. Surely, Mr. Spinney will need to answer the question in any event.

Furthermore, it is with dismay that I have read in the public comments by a public official a challenge to the integrity of my clients' concerns expressed in their earlier correspondence merely because some members of the Philbrick family do not live full time in the state of Maine. It is unfair to suggest to you that the Philbrick family's questions should be rejected based on their residency. As you know, their former or additional place of residence is not relevant to the standard of review for the application. If my clients' residency somehow is relevant to the merits of their questions, I note that the Philbrick family has deep roots in the community, including long-term, year round residency in the town of Alna.

Finally, I address a collateral issue only because the town of Alna's second selectman has raised it. As I am sure you know, the test concerning whether a public official must recuse himself or herself from participation in a decision making process is dependent upon the appearance of impropriety and the appearance of a conflict of interest. The decision of recusal is one owned by the person who has the potential conflict of interest. In raising the potential conflict of interest, my clients merely note what ought to be obvious, namely that a proper recusal consideration should be undertaken to assure that the permit application is never tainted by the appearance of impropriety.

Jami MacNeil
November 7, 2019
Page 3 of 3

Thank you for your consideration of these comments. If I can be of any further assistance to you in seeking clarity as to the proposed "club" and its impact on the proposed use, please do not hesitate to call.

Very truly yours,

Judy A. S. Metcalf

JASM/rt
Enc.
cc: Jay Clement, Sr. Project Manager, USACE
clients

MAINE
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

FILE
File No. 20197242DC Pages 2
Fee Paid \$ 175
DCN 2191507900001 DLLL
-----FILED-----
05/24/2019

Julie R. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

- FIRST:** The name of the limited liability company is:
Golden Ridge Sportsman's club, LLC
(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "LC" or "LC" or, in the case of a low-profit limited liability company, "LJC" or "LJC" - see 31 MRSA 150E.)
- SECOND:** Filing Date: (select one)
 Date of this filing; or
 Later effective date (specified here): _____
- THIRD:** Designation as a low profit LLC (Check only if applicable):
 This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
A. The company intends to qualify as a low-profit limited liability company;
B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.
- FOURTH:** Designation as a professional LLC (Check only if applicable):
 This is a professional limited liability company* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

(Type of professional services)

FIFTH: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: _____

(Name of commercial registered agent)

Noncommercial Registered Agent

J. Spinney

(Name of noncommercial registered agent)

126 Golden Ridge Rd

(physical location, not P.O. Box - street, city, state and zip code)

Alna, Me 04535


(mailing address if different from above)

SIXTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit _____, and made a part hereof.

**Authorized person(s)

Dated 5/22/19



(Signature of authorized person)

Jeffrey A. Spinney

(Type or print name of authorized person)

(Signature of authorized person)

(Type or print name of authorized person)

*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list - see 13 MRSA §723.7)

**Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101

Telephone Inquiries: (207) 624-7752

Email Inquiries: CEC.Corporations@Maine.gov

TOWN OF ALNA

BOARD OF SELECTMEN

1574 ALNA ROAD
ALNA, MAINE 04535
207.586.5313
ALNA@TIDEWATER.NET

Melissa Spinney, 1st Selectman
Doug Baston, 2nd Selectman
Greg Shute, 3rd Selectman

23 October 2019

Via email and 1st Class mail

Ms. Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333
jami.macneil@maine.gov

Mr. Jay Clement
Senior Project Manager
US Army Corps of Engineers
Maine Project Office
442 Civic Drive, Suite 350
Augusta, Maine 04330
Jay.L.Clement@usace.army.mil

Dear Ms. MacNeil and Mr. Clement:

I am writing at the request of Jeffry Spinney, a citizen of Alna who has a regulatory matter pending with your offices. Mr. Spinney has asked the Board of Selectmen to document to you his physical address and the legal status of his access to it, based on town records. As Mr. Spinney's wife is our 1st Selectman, I have been asked to respond to this request.

As background, Mr. Spinney forwarded correspondence from one Allen Philbrick, a non-resident landowner in Alna. It appears that Mr. Philbrick believes that Mr. Spinney's home is on the Angier Road, and cites restrictions on the use of that road that would, if accurate, bear on Mr. Spinney's proposed uses.

Mr. Philbrick is incorrect; Mr. Spinney resides on the former Reed Road, which was discontinued by at our annual town meeting on March 29, 2007. The discontinuation warrant article read as follows:

To See if the Town will vote to approve the Order of Discontinuance of the Reed Road lying between the Golden Ridge Road and property of Jeffrey A. Spinney a/k/a Jeffry A. Spinney (Tax Map 4, Lot 21A), retaining no public easement whatsoever except as is necessary by Jeffrey A. Spinney a/k/a Jeffry A. Spinney , his heirs and assigns to access his property (Tax Map 4, Lot 21A), provided however that the road abutter(s) shall have no obligation of any kind to maintain the retained easement. The Order of Discontinuance has been filed by the Selectmen with the Town clerk and would discontinue the Reed Road lying between the Golden Ridge Road and property of Jeffrey A. Spinney a/k/a Jeffry A. Spinney (Tax Map 4, Lot 21A), and its present public easement, except as retained for access to the Spinney lot.

The vote was unanimous.

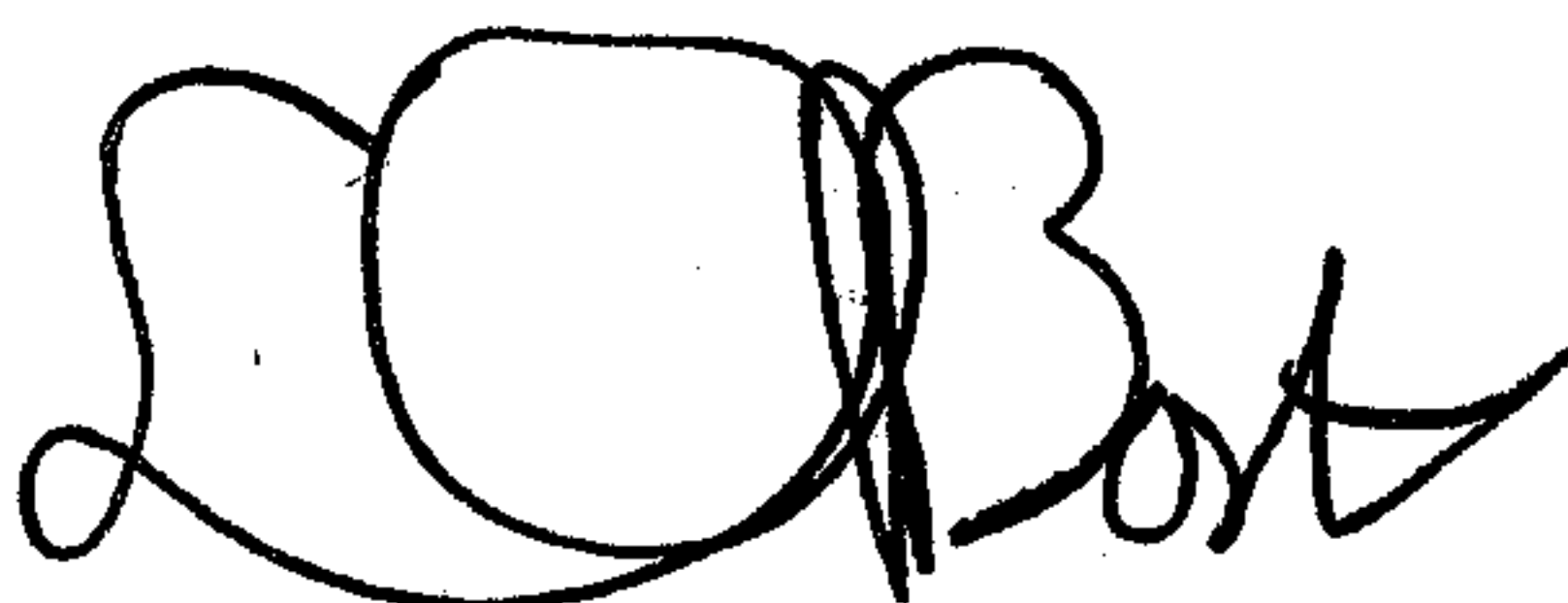
Mr. Philbrick argues his interest in this matter is due to his long attachment to the town of Alna. While doubtless he is sincere in his belief, I have lived in this town for almost thirty-five years, serving in public office for much of that time, and before this correspondence I had never heard of the gentleman. An informal survey of local people over the last few days came up likewise blank as to his identity.

This is relevant only because in opposing Mr. Spinney's application, Mr. Philbrick questions the integrity of Alna's board of selectmen and planning board, presuming in advance that the members will be biased towards this project because Mrs. Spinney serves on the one board and Mr. Spinney on the other. I find it astonishing that someone who purports to have some connection to our town would, in absence of any local action on this application, indeed without any evidence at all, casually malign the integrity of our volunteer citizen boards – composed of local people he almost certainly has never met. And he does so in a public document for all to see.

I also must personally respond to his attack on Selectman Melissa Spinney, who he identifies by name. I have served as a selectman with Ms. Spinney for five years, and for three of those years she has been our first selectman. I have found her in every instance to be a woman of impeccable integrity who has served this town and its citizens tirelessly and well. I meet and work with her almost daily and she has never once, even in passing, made any public reference to her husband's application.

I have no opinion one way or the other on the outcome of this proposal. But however it is decided, it will have the greatest impact on the people who live, work and recreate in Alna, and their views – both pro and con – should be paramount. I am confident that your agencies will make your determinations based on the law, regulation, and objective data, and will disregard any testimony based on inuendo and conjecture. I encourage you to weigh Mr. Philbrick's comments accordingly.

Best regards,

A handwritten signature in black ink, appearing to read 'Douglas Baston', written in a cursive style.

Douglas Baston, 2nd Selectman
Town of Alna

cc: Jeffry Spinney

York, Marylisa

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Thursday, November 21, 2019 5:54 PM
To: MacNeil, Jami
Subject: RE: Reed Road

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Sure, sorry i didn't catch this earlier...i just happened to find in my junk folder.

Let me go find it, give me a few mins.

-jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Thursday, November 21, 2019 2:18 PM
To: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Subject: {EXTERNAL} Reed Road

Hi Jeff,

Can you send me the evidence of the vote on the discontinuance of Reed Road as a town way? You sent me the proposal but I do not have documentation of the execution. I want to make sure our record is complete in case any of this gets challenged. Attached are the items you sent previously, for your reference.

You mentioned "discontinuance language and notice" in the email from 10/8/19 (below), but I think you forgot to attach it.

Thanks,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Spinney, Jeffrey <Jeffry.Spinney@LibertyMutual.com>
Sent: Tuesday, October 08, 2019 10:45 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Philbrick ROW claim response

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jamie,

Please find attached a map snippet showing the Reed Rd (my driveway, the former town road), and the Angier Rd (the one which Fred & Hope Angier created, in or about 1986 per the ROW agreement Philbrick cited.) As you can see, they are/were two different roads crossing the same Philbrick lot and even more confusingly, at one point in time owned by the same people.)

Also find attached the Notice of discontinuance as well as the actual discontinuance article published in the town report which was then voted on.

As a point of history, the former Reed Rd (named after Alonzo Reed) was used to access gravel pits further on my property (toward river, past my house) and the then owner of my house (Mosley) objected to that use and relied upon the public road to allow this until Mosley bought the property being accessed and quashed it in that way.

In 2007, I had my lawyer draft up a discontinuance language & notice on behalf of the town and Dr. Philbrick (Allen's father, the actual owner of the property at the time that it crossed) was officially notified of this at his home in Canada (This is why i was familiar with sending certified mail to the address in Canada as you and i discussed.....see attached copy of notice).

Ironically, the only person to object to this process at all was indeed Allen Philbrick.

Depending upon how deep you would like to go on this, you can read the nuances of roads/ROWs in Maine and discontinuance here, it really is sort of fascinating once you dig in a ways:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdigitalcommons.mainelaw.maine.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1581%26context%3Dmlr&data=02%7C01%7CJami.MacNeil%40maine.gov%7C4995b190284f427ca05a08d76ed5bff8%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C1%7C637099736639922939&sdata=nnyGZ%2BI9w%2FfNz%2FGWxcOEmmrRIhWinA5g7SYDtTHYrwl%3D&reserved=0>

As you can see, there is no issue with respect to right of access to my property as is stated.

Hope this helps clarify this aspect. Thanks, -jeff

York, Marylisa

From: Spinney, Jeffrey <Jeffrey.Spinney@LibertyMutual.com>
Sent: Thursday, November 21, 2019 6:18 PM
To: MacNeil, Jami
Subject: RE: Reed Road
Attachments: disc article w vote.jpg; cover.JPG

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached please find the '08-'09 town report cover and the article from '07 spring meeting showing vote/outcome info.

Thanks,
-j

Article 26: To see what sum the Town will vote to raise and appropriate for the Fire Truck Reserve Account.

Fire Department Recommends \$15,000.00

Note: The amount raised and appropriated last year was \$12,000.00

Motion made to accept as written Seconded Passed

Article 27: To see what sum the Town will vote to raise and appropriate for Emergency Preparedness.

Emergency Preparedness Director recommends \$1,450.00

Note: The amount raised and appropriated last year was \$0.00

Motion made to accept as written Seconded Passed

Article 28: To take up again Article 2 from the August eighth, 2007 meeting warrant, which was voted tabled until the March, 2008 Annual Meeting, said article reading as follows: To see if the Town will vote to approve the Municipal Officer's Order of discontinuance of a portion of the Nelson Road, dated July 11, 2007 and filed with the Town Clerk.

Motion made to accept as written Seconded Discussion Passed

Article 29: To see if the Town will vote to approve the Order of Discontinuance of the Reed Road lying between the Golden Ridge Road and property of Jeffrey A. Spinney a/k/a Jeffry A. Spinney (Tax Map 4, Lot 21A), retaining no public easement whatsoever except as is necessary for access by Jeffrey A. Spinney a/k/a Jeffry A. Spinney, his heirs and assigns, to access his property (Tax Map, 4 Lot 21A), provided however that the road abutter(s) and new owner(s) of the land underlying the discontinued roadbed shall have no obligation of any kind to maintain the retained easement. The Order of Discontinuance has been filed by the Selectmen with the Town Clerk and would discontinue the Reed Road lying between the Golden Ridge Road and property of Jeffrey A. Spinney a/k/a Jeffry A. Spinney (Tax Map 4, Lot 21A), and its present public easement, except as retained for access to the Spinney lot.

Motion made to accept as written Seconded Passed

Article 30: To see what sum the Town will vote to raise and appropriate for the General Highway Account.

Road Commissioner and Selectmen recommend \$40,000.00

Note: The amount raised and appropriated last year was \$35,000.00

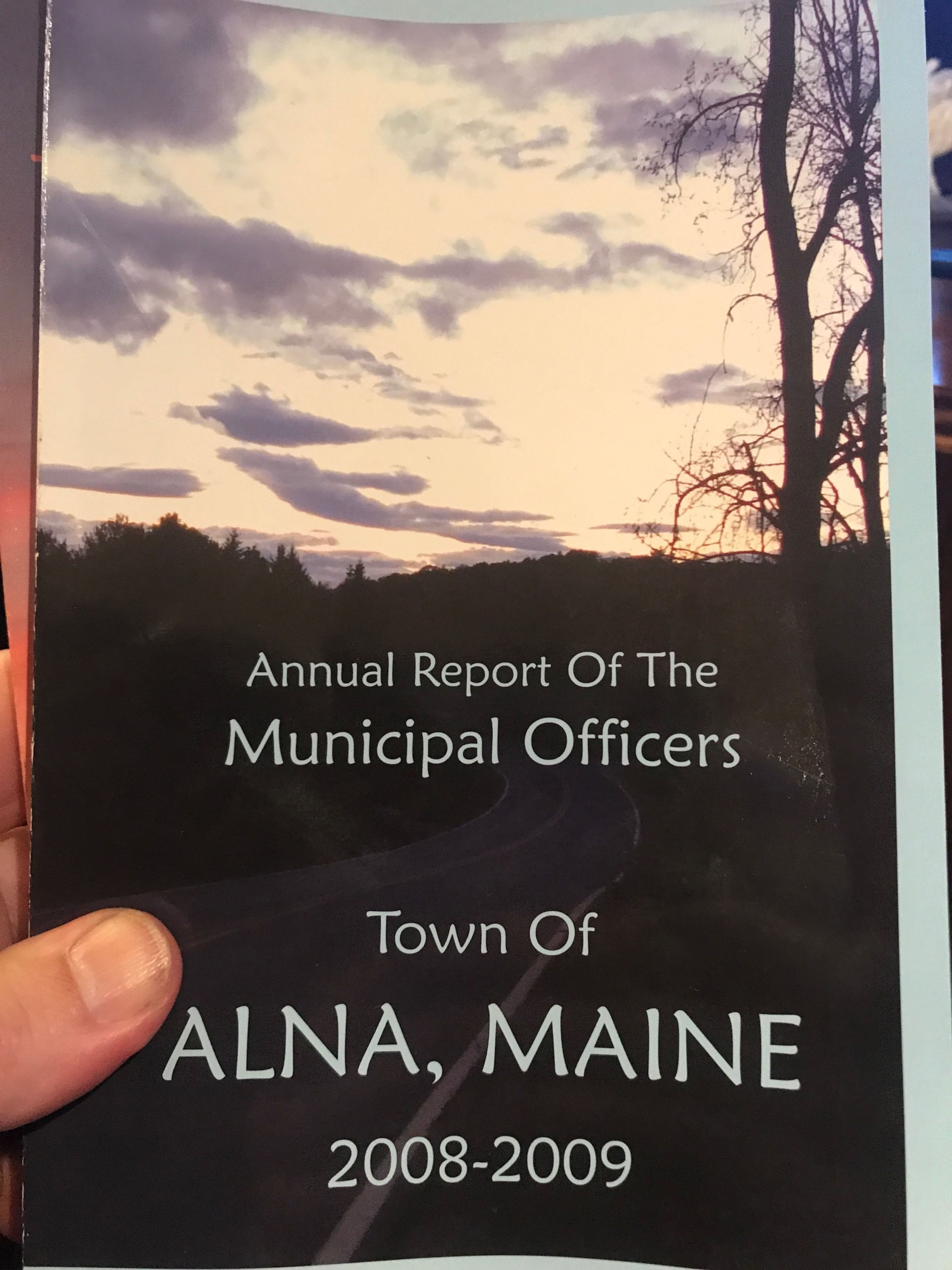
Motion made to accept as written Seconded Passed

Article 31: To see what sum the Town will raise and appropriate for the Rabbit Path Bailey Road Reconstruction Account.

Road Commissioner recommends \$25,000.00

Note: The amount raised and appropriated last year was \$25,000.00

Motion made to accept as written Seconded Passed



Annual Report Of The
Municipal Officers

Town Of
ALNA, MAINE

2008-2009