

Wharfing Out Application



Town of Freeport Coastal Waters Commission

Application Form – Page 2
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INSTRUCTIONS:

1. Please complete pages two through seven. Obtain or get copies of information as required by the application on these pages.
2. Use the checklist on page two to make sure submission requirements are met. The checklist is a summary of the standard requirements in the Coastal Waters Ordinance.
3. All waiver requests will require a written statement.
4. Make ten (10) copies of the application and required submissions as well as one digital PDF copy. Please submit these copies and the original application as well as any fees (see fee schedule) to the Harbor Master by 1:00 pm seven days prior to the requested meeting.

Applicant Name: GOODRICH RISING TIDE, LLC

Date of Board Review:



TOWN OF FREEPORT

30 Main Street
Freeport, ME 04032
(207)865-4546

Wharfing Out Application

FOR OFFICIAL USE ONLY

Date Received

MBLU

Permit Fee

Payment Info

Date of CWC
Review

Permit Number: _____

1. If you have questions about what is required in order to obtain a permit, contact the Harbor Master, at 207-865-4546 or harbormaster@freeportmaine.com.
2. DEP Certification is required for soil disturbances located in the Shoreland Zone.

Project Address:

50 RISING TIDE LANE, FREEPORT, ME

Tax Map and Lot:

25 / 40A-2

Estimated Cost:

\$95,000.

Please Describe Your Project:

CONSTRUCT 4' X 6' ACCESS RAMP;
5' X 12' FIXED TIMBER PIER;
SEASONAL RAMP 3' X 34'; SEASONAL FLOAT 12' X 24'

Property Owner Information

Owner(s) Name:

GODDRICH RISING TIDE, LLC.

Book and Page

39098/24

Phone Number:

207-807-2685

Mailing Address:

20 SHERWOOD DRIVE, FREEPORT, ME 04032

Email Address:

Contractor or Applicant Information

Contractor or Applicant
Name:

PETER F. SPENCER WATERMAN MARINE CORP

Mailing Address:

415 US ROUTE 1, STE 6, FREEPORT ME 04032

Phone Number:

207-198-2600

Email Address:

SPENCER PF@GMAIL.COM

DEP Certification:

Submissions Checklist

The following list is the information required by section Ch. 31 Art. XIII of the Coastal Waters Ordinance for the Town of Freeport Please check in the column on the left if the information has been provided, a waiver has been requested, or you believe the information is not applicable to your application. If a waiver has been requested, or the information is not applicable, a written explanation is required.

FOR APPLICANT USE				FOR COASTAL WATERS USE			
Provided	Waiver	N/A	<u>"Application and Plan Requirements"</u>	Received	On File	Waived	N/A
✓			Application Received 30 Days prior				
✓			Application Fee Paid				
✓			Signed copy of application				
✓			Name & Address of owner				
✓			Seven Copies of Application				
✓			Name & Address of all abutters within 250 feet and Certified Mail Receipts				
✓			Map of general location				
✓			Show all adjacent properties				
✓			Name, Map & Lot numbers on drawings				
✓			Copy of Deeds & Agreements				
✓			Scaled Site Plan drawings				
✓			Visual Map with Latitude and Longitude				
✓			Photographs of site including aerial				
✓			HAT, MLLW lines shown				
✓			<u>"Additional Information"</u>				
		✓	Location of Temp Structures in Winter Months				
		✓	Anticipated date for start of construction.				
		✓	Anticipated date for completion of construction				
		✓	Shared Access?				
✓			Contractor for Construction				
✓			Contractor for Storage				
✓		✓	Contractor for Maintenance				
		✓	Any Future Plans				
		✓	Abutter objections				
			<u>"Structure (Project) Standards"</u>				
✓			No larger in Dimension				
✓			Required Frontage				
✓			No longer than 125 Feet				
✓			No interference with existing public access				
✓			Hazard to Navigation				
✓			Hazard to Navigation				
✓			Shore access soils described				
			Locations of development and natural beaches shown				
✓			Effect on fish & wildlife				
		✓	Superstructure on piers				
			Registration				
✓			State and Federal permits				

The Coastal Waters Commission shall make a positive finding on each the following standards, please describe in the area provided below, how your proposed application will meet the applicable criteria.

No more than one (1) pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Town of Freeport Zoning Ordinance, a second structure may be allowed and may remain as long as the lot is not further divided.

RIVER FRONTAGE IS 530'

ONLY 1 PIER IS TO BE CONSTRUCTED

1. The project shall be no larger in dimension than is consistent with the conditions, use and character of its surroundings; it will not adversely affect water use by adjacent properties; and will remain in general harmony with that of existing activities in adjacent areas within the Freeport Coastal Water Commission's jurisdiction. The property for which the project will be constructed shall have a minimum of sixty (60) feet of water shore frontage. The total length of the structure from the highest annual tide water mark shall not exceed one hundred twenty-five (125) feet and must be completed within two (2) years of final approval.

PROJECT IS NO LARGER THAN REQUIRED TO ALLOW USAGE AND PARTIAL ACCESS TO TIDAL WATERS. SCALE IS COMPATIBLE WITH EXISTING CONDITIONS

PROPERTY HAS 530' OF SHORE FRONTAGE.

TOTAL LENGTH OF PIER, RAMP & FLOAT, ACCESS RAMP 121.5'

2. The project must not unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, and navigation) in, on, or over the submerged lands; unreasonably interfere with fishing or other existing marine uses of the area; unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and unreasonably interfere with ingress and egress or riparian owners. Project may require accommodations such as steps or pier elevations allowing passage over or beneath the structure

PROJECT WILL NOT INTERFERE WITH ANY PUBLIC ACCESS, WILL NOT BE VISIBLE FROM ANY HISTORIC LANDMARKS, WILL NOT HINDER FISHING OR OTHER EXISTING MARINE USES

3. The project will not pose hazard to navigational channels, nor pose a hazard to navigation by obscuring visibility or by the display of distracting lights or reflective material. If appropriate the float will display appropriate warning lights to aid in navigation and public safety at the discretion of the Harbor Master, the US Coast Guard, or the Army Corps of Engineers.

NO INTERFERENCE WITH NAVIGATION WILL RESULT FROM CONSTRUCTION OF THE DOCK SYSTEM.

4. The project will not encroach into, interfere with, or pose a hazard to: municipal or federal navigational channels; existing mooring or berthing areas (commercial and recreational); public access, public rights of way, public and private launching ramps in any Freeport Coastal Waters.

THE PROJECT LOCATION WELL REMOVED FROM NAVIGATIONAL CHANNELS
AND MOORING AREAS, WILL NOT ENCROACH ON PUBLIC ACCESS, RIGHTS
OF WAY AND LAUNCHING RAMPS.

5. The project will be developed on soils appropriate for such use and construction so as to control erosion.

CONSTRUCTED OVER A SALT MARSH EROSION IS LIMITED BY THE
DRIVING OF PIER SUPPORT PILES MINIMIZING SOIL DISTURBANCE.

6. The project will not cause water quality or other coastal resources to be degraded including developed or natural beach areas, marshes, grasses and wildlife habitats

LIMITING SOIL DISTURBANCE & POSSIBLE EROSION WILL NOT CAUSE
DEGRADING OF WATER QUALITY OR OF OTHER COASTAL RESOURCES.

7. The project shall not significantly impact fisheries or shellfish harvesting. Prior to approval applications may be reviewed by the Shellfish Commission.

THE PROPOSED ACTIVITY WILL NOT UNREASONABLY HARM WILDLIFE
HABITAT, MARINE FISHERIES AND SHELLFISH HARVESTING.

8. Registration and Identification will be required on all ramps and floats.

REQUIRED REGISTRATION AND IDENTIFICATION WILL BE SUPPLIED

9. 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 wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

NO SUCH STRUCTURE WILL BE BUILT

10. 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 wetland shall be converted to residential dwelling units in any district.

NO SUCH STRUCTURE WILL BE BUILT.

11. Except in the Marine Waterfront District, 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.

NO SUCH STRUCTURE WILL BE BUILT.

12. Temporary Floats shall be stored outside of the mud flats and in compliance with the Town of Freeport Zoning Ordinance.

FLOAT WILL BE STORED IN THE UPLAND, OUT OF THE SALT MARSH, UPLAND OF THE MUD FLATS

After the submission of a complete application to the Coastal Waters Commission, the Coastal Waters Commission shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- a) Will maintain safe and healthful conditions;

- b) Will not result in water pollution, erosion, or sedimentation to surface waters;

- c) Will adequately provide for the disposal of all wastewater;

d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

f) Will protect archaeological and historic resources as designated in the comprehensive plan;

g) Will not adversely affect existing commercial fishing or maritime activities in the Maritime Waterfront district;

h) Will avoid problems associated with floodplain development and use; and

i) Is in conformance with the provisions of the Town of Freeport Zoning Ordinance, verification from the CEO is required.

1. I hereby acknowledge that I have read this application and pertinent sections of the ordinances, and state that the information in this application is to the best of my knowledge to be true and accurate. I agree to comply with all of the Town of Freeport's ordinances and the State of Maine's statutes regulating the activities sought in this application as well as any permit(s) that may be approved with this application.
2. I understand that any approval is valid for only the use(s) as specified in this application. The permitting authority must approve any change(s) made to the use(s) sought in the application. Any approval issued for this application is approved on the basis of truthful information provided by the applicant(s), and as allowed by the ordinances of the town.
3. I understand that it is my responsibility to assure that the lot description herein accurately describes its ownership, its boundary lines, and the setback measurements from the legal boundary lines.
4. I understand that I have the burden of proof as to the legal right to use the property, and that approval of this application in no way relieves me of this burden. Any approval issued does not constitute a resolution in favor of me or the landowner in any matters regarding the property boundaries, ownership, or similar ties.
5. I understand that all necessary **Building and Use Permits** shall be secured from the Codes Enforcement Officer if the Coast Waters Commission grants approval of this application.
6. I understand that the approval becomes invalid if construction or use has not commenced within twelve (12) months of the approval date or it is found that false statements have been furnished in this application.
7. I understand that if I fail to comply with the aforementioned statements, a "**STOP WORK**" order may be issued for which I will immediately halt any construction and/or use(s) that are approved for this application. This failure may also require that I return the property to its natural state or as closely thereto before the use(s) was/were approved.
8. I understand that failure to follow these requirements may lead to **Violation**. The notice may result in referring the matter to the Town's attorney for legal action and possible civil penalties as provided in Ch. 21 Art. VI § 601.B & C of the Zoning Ordinance and Title M.R.S.A 30-A 4452. Fines of \$100.00 to \$2,500.00 per violation per day may be imposed.
9. I understand that all state and federal permits are my responsibility as the applicant and/or owner.
10. I understand that the Codes Enforcement Officer and Harbor Master shall have the authority to enter all areas covered by this application at any reasonable hour to enforce the provisions of the codes and ordinances applicable to this application.
11. An appeal may be taken from a decision of the Coastal Waters Commission, within thirty (30) days after the decision is rendered, to Superior Court in accordance with rule 80-B of the Maine Rules of Civil Procedure.

Applicant Signature:

[Handwritten Signature]

Date: 10/31/22

This application was first reviewed by the Coast Waters Commission (CWC) on ____/____/____.

By vote of the CWC this application requires an on-site inspection: _____ Yes _____ No

If yes, an onsite inspection is scheduled for ____/____/____ at ____:____ AM PM

By vote of the CWC this application requires a public hearing: _____ Yes _____ No

If yes, public hearing is scheduled for ____/____/____ at ____:____ AM PM

Conditions of Approval:

Goodrich Rising Tide LLC Application

Index of Exhibits

1. Deed
2. Certificate of Good Standing
3. Locator Map
4. Scale Drawing Plan/Profile
5. Survey showing site and distance across river (496')
6. Lot sketch showing location of activity, abutters and distance from boundaries
7. Letter of Authorization
8. Construction Plan – Narrative
9. Construction Plan – Sketch
10. Photographs
11. Public notice of intent to file from DEP
12. Certified mail receipts for abutters
13. Appendices from DEP application A, B and D
14. Copy of DEP permit

DLN: 1002240180366

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that we, **BENJAMIN BURNS** and **JAMIE BURNS**, individuals whose mailing address is 2 Aspen Drive, Freeport, Maine 04032, for consideration paid, grants to **GOODRICH RISING TIDE LLC**, a Maine limited liability company, with a mailing address of 20 Sherwood Drive, Freeport, Maine 04032, with **WARRANTY COVENANTS**, a certain lot or parcel of land located in the Town of Freeport, County of Cumberland and State of Maine, and more particularly described as follows:

A certain lot or parcel of land, situated on the westerly side of Lambert Road, so-called, but not adjacent to, and the easterly side of Cousins River, so-called, in the Town of Freeport, County of Cumberland, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a 5/8-inch rebar, capped "Buker 2397" on the westerly side of a right-of-way, said rebar being North 71° 36' 51" West, along a tie line, a distance of 476.41 feet from a 5/8-inch rebar, capped "PLS 1281" at the corner of a stonewall, being the southwesterly corner of land now or formerly of Gould Farm II, LLC (Book 32364 Page 251);

Thence, from the point of beginning, South 69° 21' 25" West, along land now or formerly of Daniel D. Mills and Lauren B. Mills as described in a Deed dated January 19, 2018 and recorded in Book 34626, Page 28, a distance of 244.77 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, South 47° 07' 52" West, along said land now or formerly of Mills, a distance of 834.22 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, South 67° 34' 32" West, along said land now or formerly of Mills, a distance of 466.64 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, continuing, South 67° 34' 32" West, along said land now or formerly of Mills, a distance of 9 feet, more or less, to Cousins River, so-called;

Thence, in a general northerly direction, along said Cousins River, a distance of 530 feet, more or less, to a point;

Thence, North 71° 24' 43" East, along land now or formerly of Gould Farm II, LLC as described in a Deed dated February 12, 2018 and recorded in Book 34654, Page 173, a distance of 10 feet, more or less, to a 5/8-inch rebar capped "Buker 2397", said rebar being North 06° 14' 05" East, along a tie line, a distance of 423.64 feet from the last described rebar;

Thence, continuing, North 71° 24' 43" East, along said land of said Gould Farm II, LLC, a distance of 585.45 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, North 53° 38' 32" East, along said land of said Gould Farm II, LLC, a distance of 454.74 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, North 69° 21' 25" East, along said land of said Gould Farm II, LLC, a distance of 377.18 feet to a 5/8-inch rebar capped "Buker 2397";

Thence, South 20° 38' 35" East, along said land of said Gould Farm II, LLC, a distance of 36.49 feet to a 5/8-inch rebar capped "Buker 2397" on the northerly side of said right-of-way;

Thence, in a general southwesterly direction, along said right-of-way and a curve to the left, a distance of 200.00 feet to the point of beginning, said curve having a radius of 85.00 feet;

The above-described parcel of land contains 8.59 acres, more or less. All bearings are referenced to Maine State Grid, West Zone, NAD 83.

Together with and benefiting the Grantees' land herein, in common with others, an easement and right-of-way over an existing driveway on land now or formerly of Gould Farm II, LLC, from Lambert Road, so-called, to the Grantees' property, for all purposes of ingress and egress by pedestrian and vehicular traffic, including the right to install and operate underground or aboveground utilities, as more particularly described in an easement deed from Gould Farm II, LLC to Gould Farm I, LLC dated February 22, 2018 and recorded in the Cumberland County Registry of Deeds in Book 34670, Page 284. The location of the right-of-way is bounded and described as follows:

Beginning at a 5/8 inch rebar, capped "PLS 1281" at the southwesterly terminus of Lambert Road, so-called, said rebar being North 03° 17' 38" East, along a private right-of-way, a distance of 330.22 feet from a 5/8 inch rebar, capped "PLS 1281" at the end of a stonewall at the southeasterly corner of land now or formerly of Gould Farm II, LLC (Book 32364, Page 251);

Thence, from the Point of Beginning, North 80° 07' 47" West, a distance of 26.15 feet to a point;

Thence, in a general westerly direction, along a curve to the left, a distance of 209.76 feet to a point, said curve having a radius of 180.00 feet;

Thence, South 33° 06' 03" West, a distance of 321.04 feet to a point;

Thence, in a general westerly direction, along a curve to the right, a distance of 410.75 feet to a point, said curve having a radius of 320.00 feet;

Thence, North 73° 21' 14" West, a distance of 150.60 feet to a point;

Thence, in a general westerly direction, along a curve to the left, a distance of 194.67 feet to a point, said curve having a radius of 330.00 feet;

Thence, South 72° 50' 46" West, a distance of 293.75 feet to a 5/8-inch rebar, capped "Buker 2397" in a stonewall on the easterly line of land now or formerly of Gould Farm I, LLC (Book 32364, Page 245);

Thence, South 72° 50' 46" West, a distance of 251.64 feet to a 5/8-inch rebar, capped "Buker 2397";

Thence, continuing, South 72° 50' 46" West, a distance of 85.48 feet to a point;

Thence, in a general westerly direction, along a curve to the right, a distance of 201.30 feet to a 5/8-inch rebar, capped "Buker 2397", said curve having a radius of 85.00 feet;

Thence, in a general northerly and easterly direction, along said land of said Gould Farm II, LLC, and a curve to the right, a distance of 282.02 feet to a point, said curve having a radius of 85.00 feet;

Thence, North 72° 50' 46" East, along said land of said Gould Farm II, LLC, a distance of 355.40 feet to a point in a stonewall;

Thence, North 72° 50' 46" East, along said land of said Gould Farm II, LLC, a distance of 275.48 feet to a point;

Thence, in a general easterly direction, along said land of said Gould Farm II, LLC, and a curve to the right, a distance of 224.17 feet to a point, said curve having a radius of 380.00 feet;

Thence, South 73° 21' 14" East, along said land of said Gould Farm II, LLC, a distance of 86.73 feet to a point on the southerly side of land now or formerly of Lawrence A. and Colette Wold (Book 32746, Page 272);

Thence, continuing, South 73° 21' 14" East, along said land now or formerly of Wold, a distance of 63.87 feet to a point;

Thence, in a general easterly direction, along said land now or formerly of Wold and a curve to the left, a distance of 346.57 feet to a point, said curve having a radius of 270.00 feet;

Thence, North 33° 06' 03" East, along said land now or formerly of Wold, a distance of 356.55 feet to a point;

Thence, in a general easterly direction, along said land now or formerly of Wold and a curve to the right, a distance of 253.21 feet to a point, said curve having a radius of 230.00 feet;

Thence, in a general northeasterly direction, along said land now or formerly of Wold and a curve to the left, a distance of 38.49 feet to a point on the westerly side of said Lambert Road, said curve having a radius of 25.00 feet;

Thence, along said westerly side of Lambert Road to the Point of Beginning.

All bearings are referenced to Maine State Grid, West Zone, NAD 83.

All Book and Pages refer to the Cumberland County Registry of Deeds.

Also together with a 50-foot wide reserved right-of-way, being more particularly bounded and described as follows:

Beginning at a #5 rebar set on the westerly sideline of said Lambert Road at the most northeasterly corner of land now owned by John M. & Elsie B. Knizeski;

Thence S 88° 14' 45" W by a stone wall along land of said Knizeski, a distance of 543.88 feet;

Thence S 85° 21' 45" W by a stone wall along land of said Knizeski, a distance of 217.26 feet to a #5 rebar found at the most northeasterly corner of land of said Hildreth;

Thence S 86° 25' 59" W by a stone wall along land of said Hildreth, a distance of 679.16 feet to a #5 rebar set at the southeasterly corner of property described in the Deed to Gould Farm I, LLC dated June 15, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32364, Page 245;

Thence N 19° 46' 25" E by a stone wall along said land now or formerly of Gould Farm I, LLC, a distance of 54.46 feet to a #5 rebar set;

Thence N 86° 25' 59" E a distance of 657.58 feet to a #5 rebar set;

Thence N 85° 21' 45" E a distance of 217.76 feet to a #5 rebar set;

Thence N 88° 14' 45" E a distance of 531.15 feet to a #5 rebar set at the point of curvature;

Thence in a northeasterly direction by a curve to the left having a radius of 50.00 feet and a delta of 68° 10' 27", an arc length of 59.49 feet to a #5 rebar set on the westerly sideline of said Lambert Road;

Thence S 20° 04' 18" W along the westerly sideline of said Lambert Road, a distance of 87.70 feet to the point of beginning.

This conveyance is made TOGETHER WITH and SUBJECT TO the terms, conditions, rights and covenants as described in a Declaration of Protective Covenants of Gould Farm dated January 19, 2018 and recorded in the Cumberland County Registry of Deeds in Book 34610, Page 341.

This conveyance is made TOGETHER WITH and SUBJECT TO the rights and easements granted to Central Maine Power Company and Northern New England Telephone Operations, LLC, d/b/a Consolidated Communications-NNE by virtue of an instrument dated March 12, 2021 and recorded in the Cumberland County Registry of Deeds in Book 38120, Page 146 and Line Extension Conveyance dated March 12, 2021 recorded in Book 38120, Page 145.

This conveyance is made TOGETHER WITH and SUBJECT TO the terms and conditions as set forth in a Town of Freeport Consent Agreement made by and among the Town of Freeport, Benjamin and Jamie Burns, and Maine Custom Woodlands, LLC dated December 1, 2021 and recorded in the Cumberland County Registry of Deeds in Book 38984, Page 54.

Being the same premises conveyed to Benjamin Burns and Jamie Burns by virtue of a Warranty Deed from Gould Farm I, LLC dated February 22, 2018 and recorded in the Cumberland County Registry of Deeds in Book 34670, Page 288.

IN WITNESS WHEREOF, Benjamin Burns and Jamie Burns have set their hands and seals this 18th day of January, 2022.

Witness:

to seller

Witness:

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

Benjamin Burns
Benjamin Burns

Jamie W Burns
Jamie Burns

January 18, 2022

Then personally appeared before me the above-named Benjamin Burns and Jamie Burns, and acknowledged the foregoing instrument to be their free acts and deeds.

Nicholas J. McMill
Notary Public/Attorney at Law
Print name: *Nicholas J. McMill*
Commission Expires: _____



MAINE

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Corporate Name Search

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Apr 19 2022 09:18:04. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
GOODRICH RISING TIDE LLC	20228513DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
01/11/2022	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

NICOLE GOODRICH
20 SHERWOOD DR.
FREEPORT, ME 04032

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List of Filings

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Certificate of Existence ([more info](#))

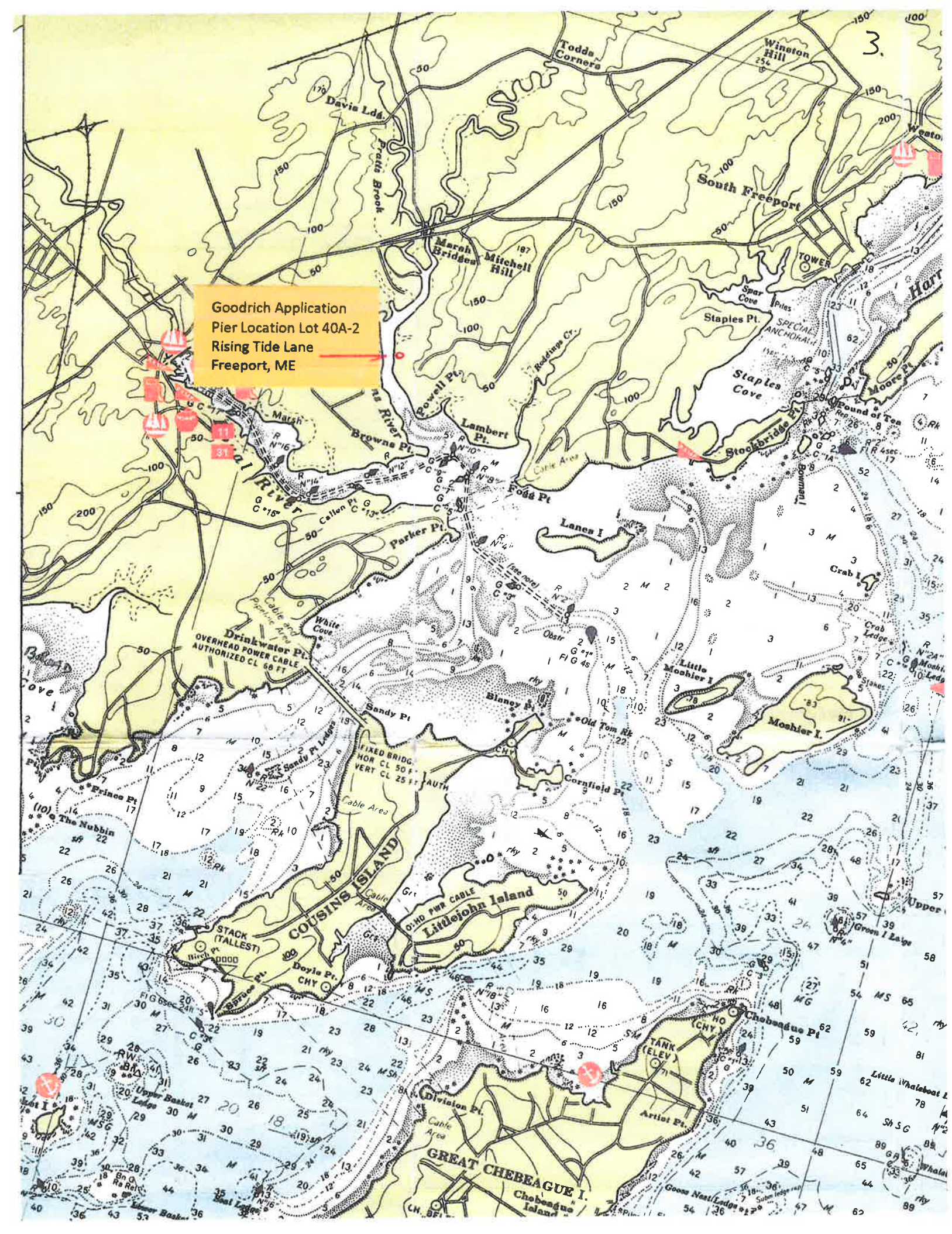
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amendments](#)
(\$30.00)

[Long Form with
amendments](#)
(\$30.00)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the [troubleshooting page](#).



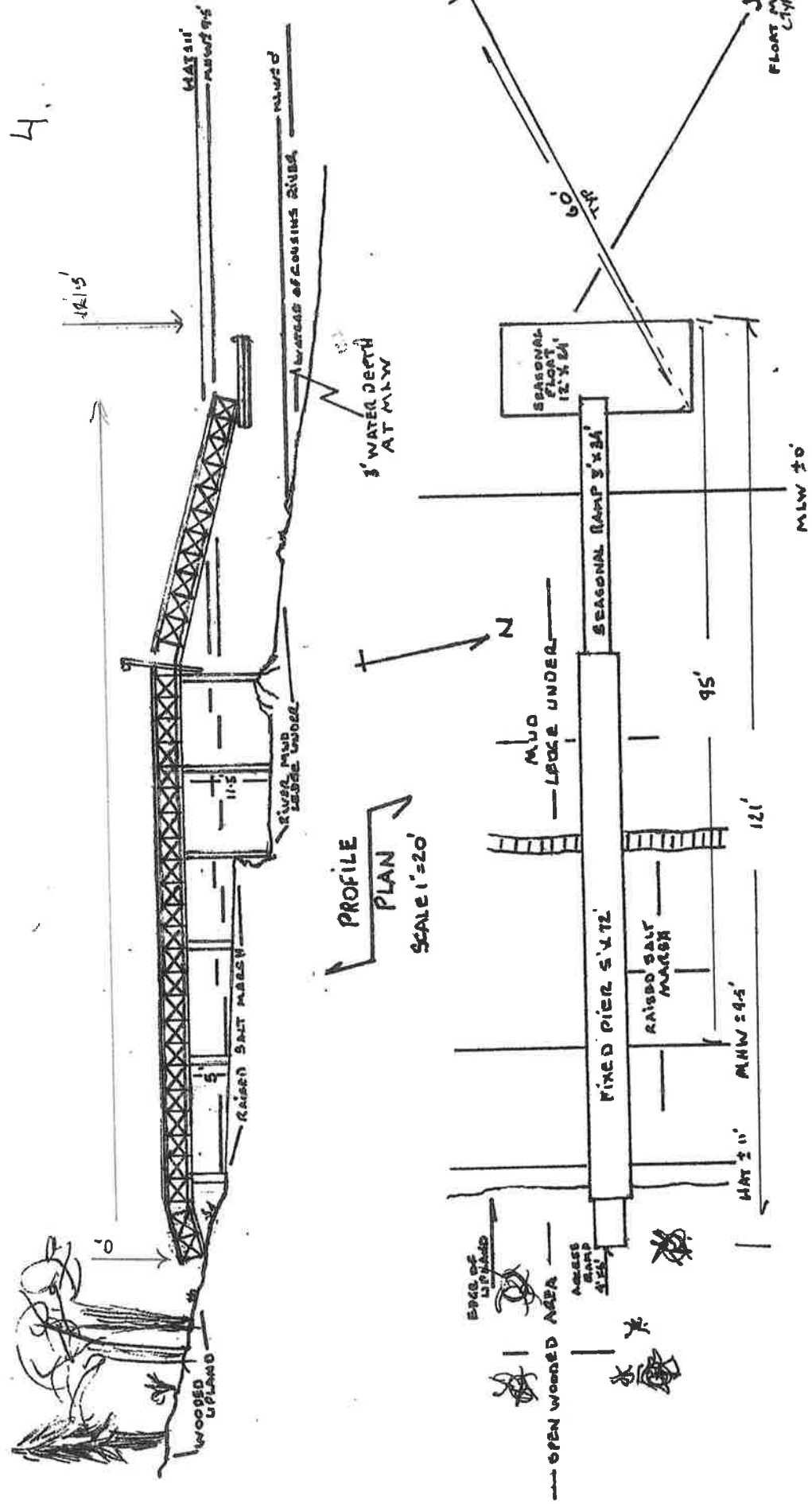
If you encounter technical difficulties while using these services, please contact the [Webmaster](#). If you are unable to find the information you need through the resources provided on this web site, please contact the Bureau's Reporting and Information Section at 207-624-7752 or [e-mail](#) or visit our [Feedback](#) page.





WATERMAN MARINE CORPORATION Custom Docks, Ramps & Boat Systems, Erosion Control Remediation

4.



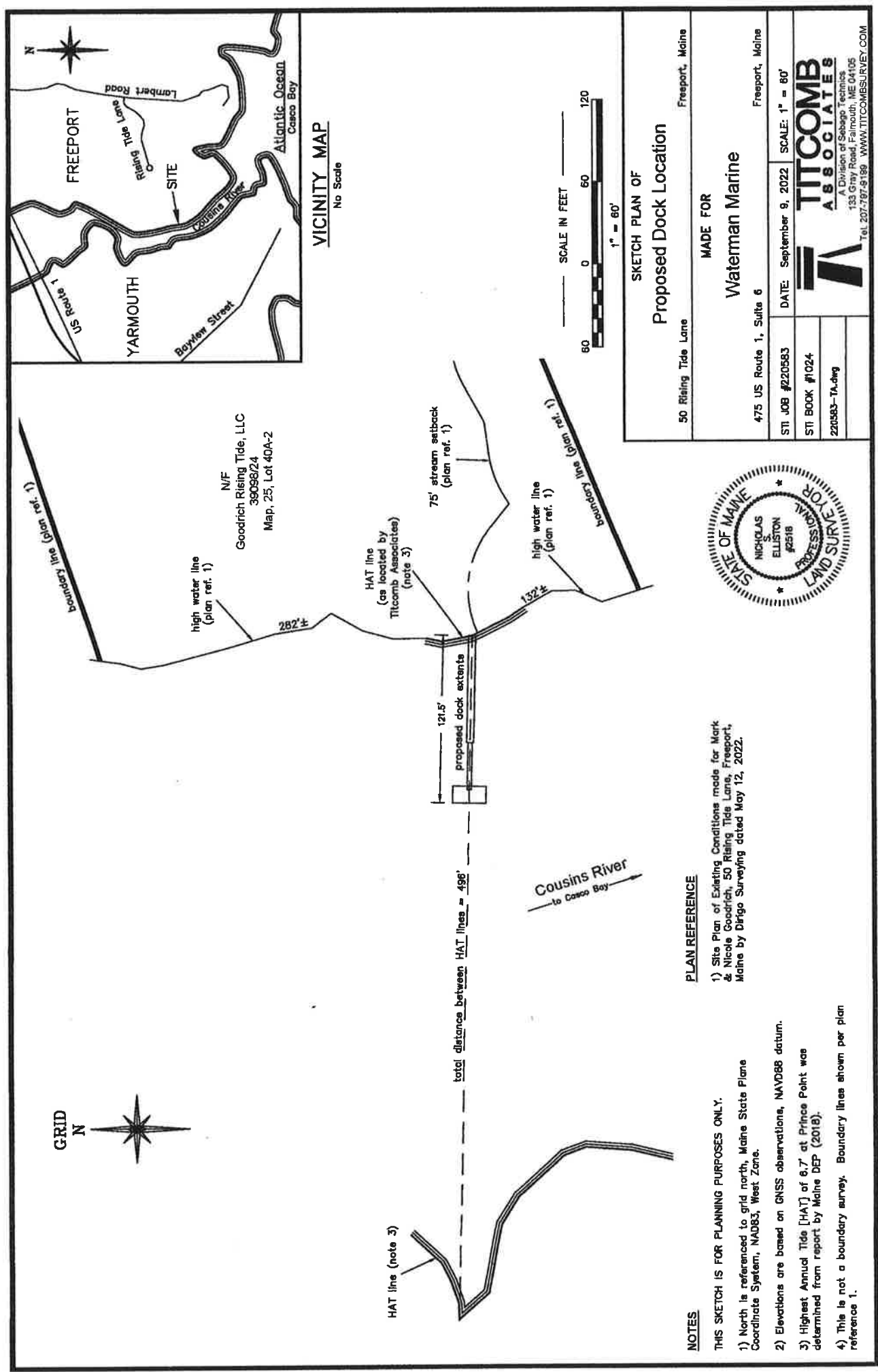
Proposed Dock System
for
Mark Goodrich
at

50 Rising Tide Lane
Freeport, ME

© Waterman Marine Corp, 2022
All Rights Reserved
12 January, 2022

2205 Survey 2022, 9/29, 2022

5.



PLAN REFERENCE

1) Site Plan of Existing Conditions made for Mark & Nicole Goodrich, 50 Rising Tide Lane, Freeport, Maine by Dirigo Surveying dated May 12, 2022.

NOTES

THIS SKETCH IS FOR PLANNING PURPOSES ONLY.

- 1) North is referenced to grid north, Maine State Plane Coordinate System, NAD83, West Zone.
- 2) Elevations are based on GNSS observations, NAVD88 datum.
- 3) Highest Annual Tide [HAT] of 6.7' at Prince Point was determined from report by Maine DEP (2018).
- 4) This is not a boundary survey. Boundary lines shown per plan reference 1.



**SKETCH PLAN OF
Proposed Dock Location**

MADE FOR
Waterman Marine

50 Rising Tide Lane
Freeport, Maine
475 US Route 1, Suite 6
Freeport, Maine

STI JOB #220583
STI BOOK #1024
220583-TA.dwg
DATE: September 8, 2022
SCALE: 1" = 80'



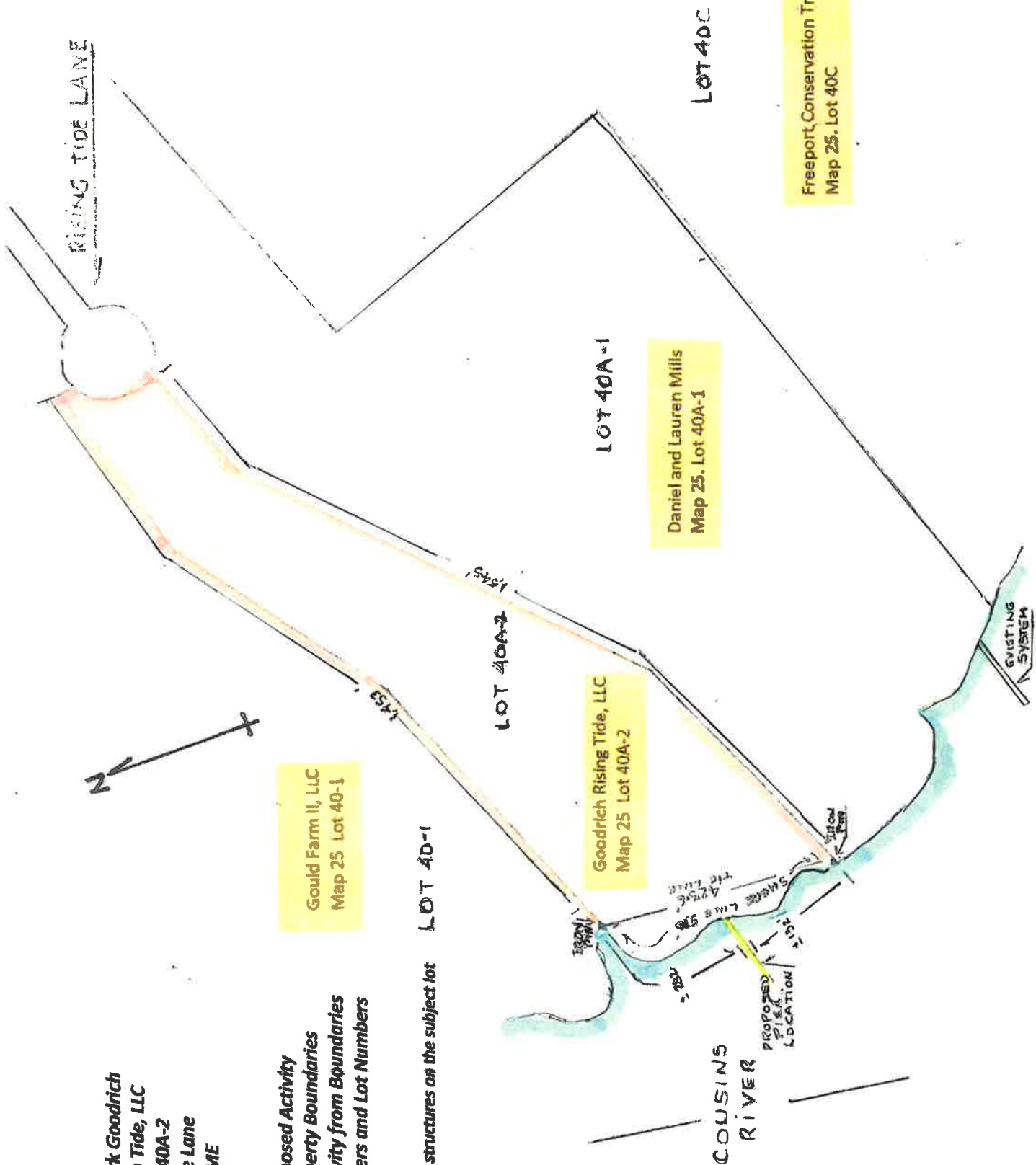
VICINITY MAP
No Scale



Application Mark Goodrich
Goodrich Rising Tide, LLC
Map 25 Lot 40A-2
50 Rising Tide Lane
Freeport, ME

Plan Showing:
Location of Proposed Activity
Location of Property Boundaries
Distance of Activity from Boundaries
Names of Abutters and Lot Numbers

Scale 1" = 250'
Note: There are no structures on the subject lot
4/15/22



Mark Goodrich
20 Sherwood Drive
Freeport, ME 04032

4 February, 2022

**Proposed Dock System, 50 Rising Tide
Lane
Freeport, ME]**

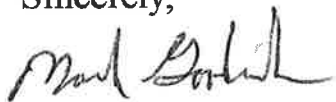
To Whom it May Concern,

We hereby authorize Peter F. Spencer of Waterman Marine Corp. to make application

to the requisite authorities to secure the required permits for the construction of a

dock system to be constructed at our property, 50 Rising Tide Lane, Freeport, ME.

Sincerely,



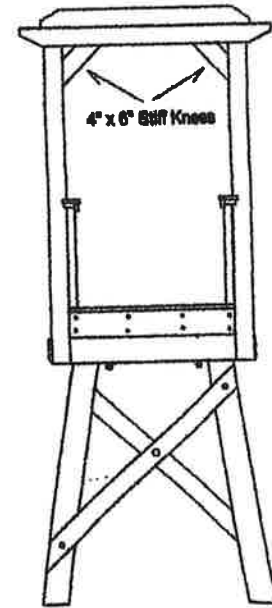
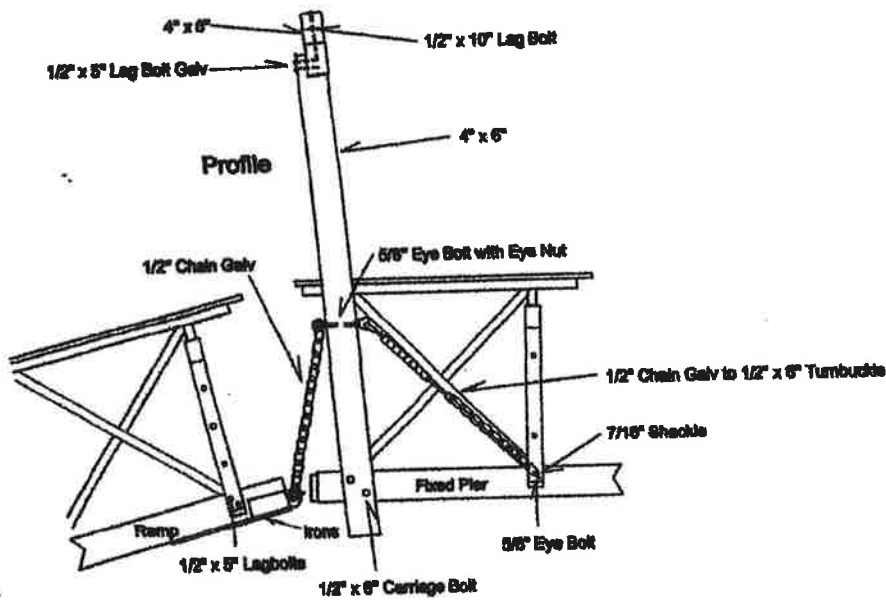
Mark Goodrich

**Goodrich Application
Construction Plan**

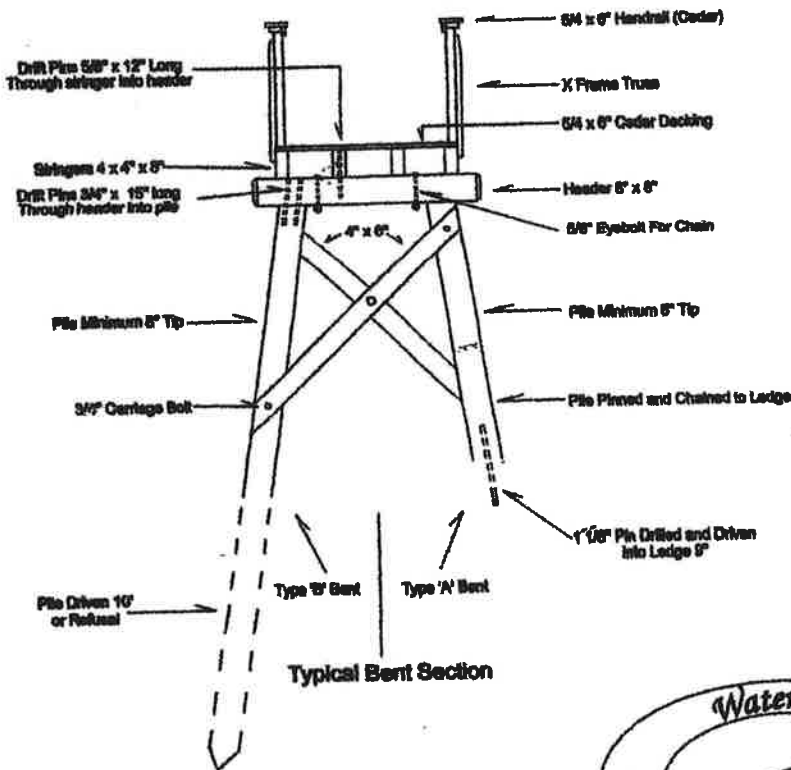
1. Access ramp: 4' x 6'
6" x 6" supports; 4" x 6" header; 4" x 6" stringers; 5/4 x 6" cedar decking; X trussed handrail.
2. Fixed Pier 5' x 72'
Pier supported on driven pile for the inner section over the salt marsh and by pile pinned and chained to the ledge for the outer section: 8" x 8" headers; 4" x 8" stringers; X trussed handrail both sides: 5/4 x 6" Alaskan yellow cedar decking and top handrail; 4" x 6" structural bracing for the pile as required.
3. Seasonal ramp: 3' x 34'
3' x 34' timber ramp, heavy construction; 4" x 6" stringers; X trussed handrail, custom fabricated steel irons securing the ramp to the float with 1/2" chain bolted to the irons securing the ramp to the pier; 5/4 x 6" Alaskan yellow cedar decking.
4. Seasonal float: 12' x 24'
12' x 24' float, heavy construction; 2" x 10" laminated stringers x 4; 6" x 6" corner bollards; 4" x 6" internal supports for structural integrity; fully foamed for maximum stability; 1/2" hot dipped galvanized hardware throughout except for decking fasteners which are stainless steel; 5/4 x 6" Alaskan yellow cedar decking; heavy 4" x 6" shoes for sitting on the intertidal area and for seasonal hauling and launching.
5. All structural lumber subject to salt water immersion is CCA pressure treated southern yellow pine; all structural lumber not subject to salt water immersion is ACQ or equivalent severe surface pressure treated southern yellow pine.
All decking and top handrail is Alaskan Yellow cedar.
All hardware is hot dipped galvanized except for decking and handrail which are stainless steel.

4/15/2022.

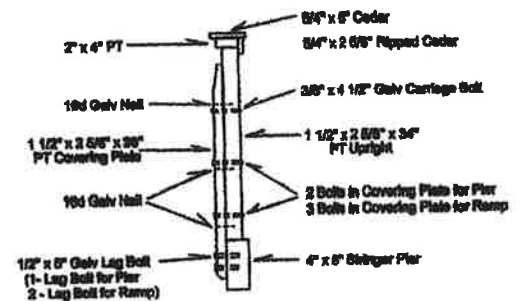
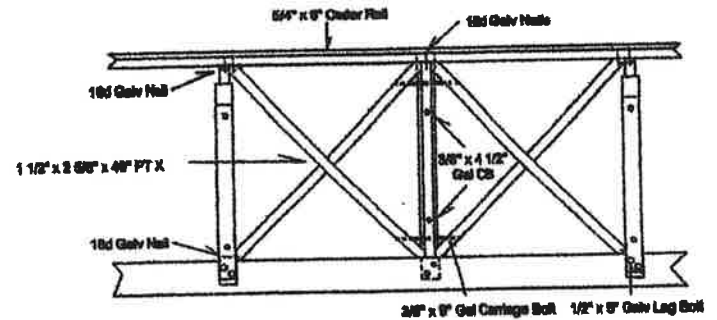
Gallows



Front View



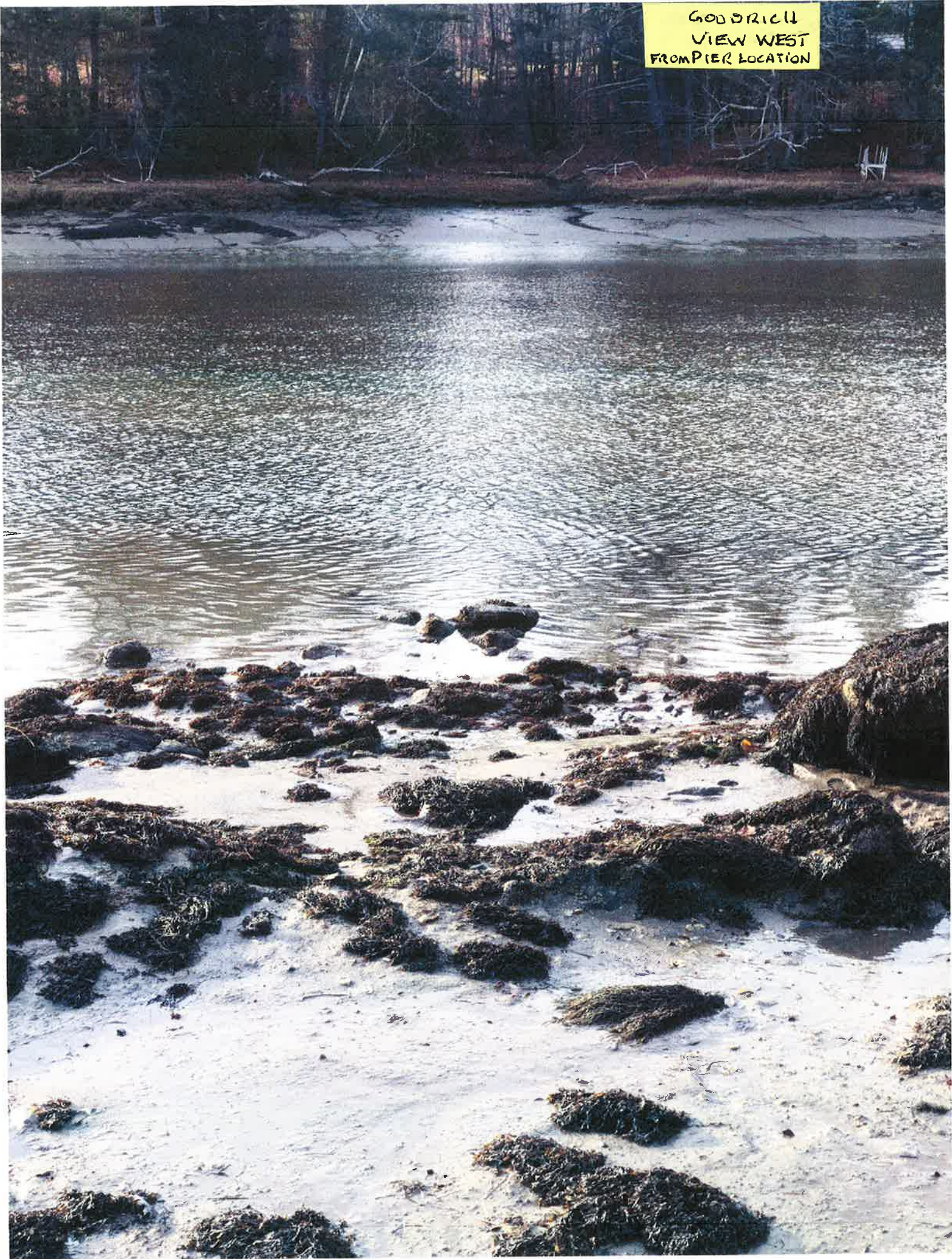
Pier



Handrail



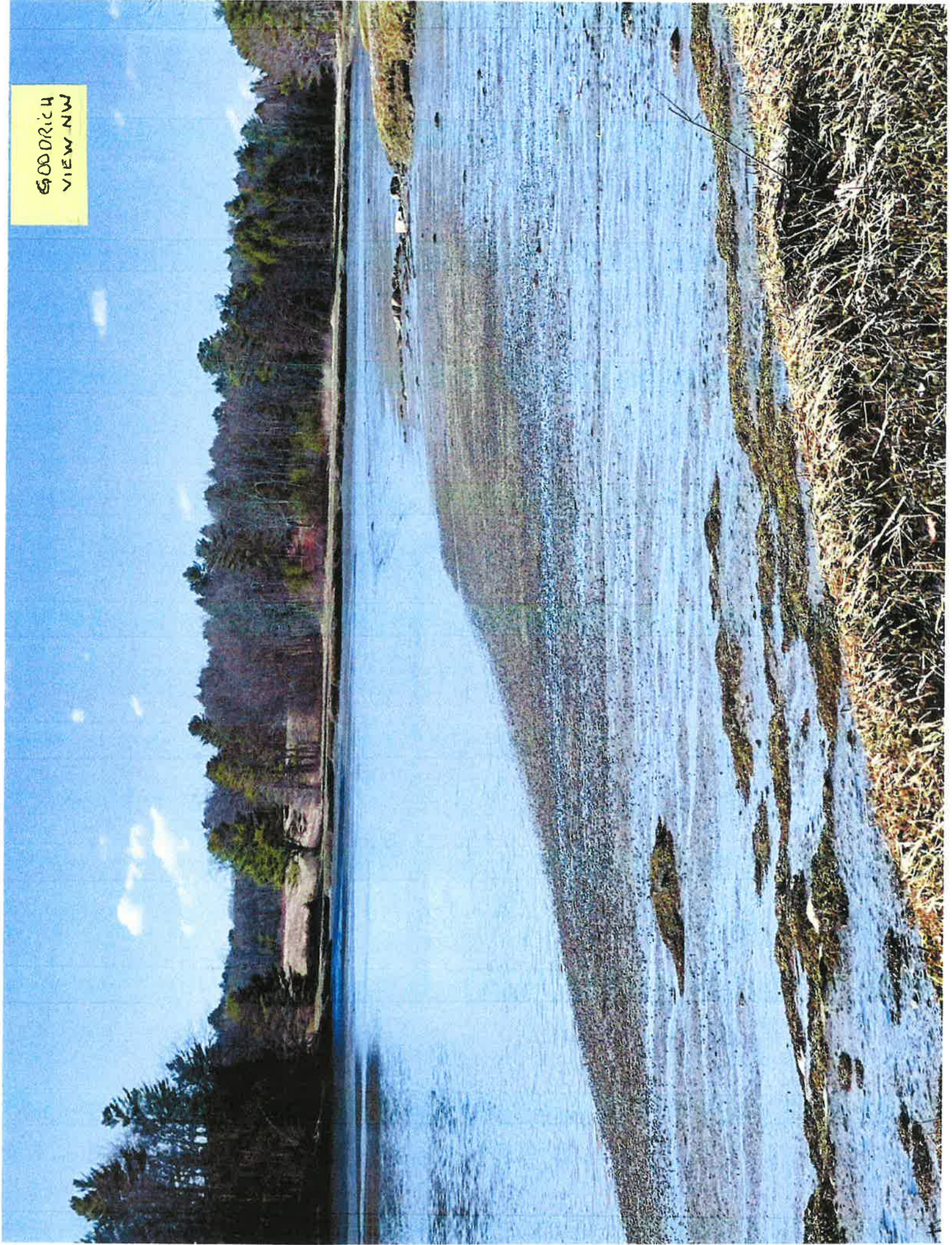
GODDRICH
VIEW WEST
FROM PIER LOCATION



Goodrich
View S



GOODRICH
VIEW NW



PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

RISING TIDE, LLC / MARK GOODRICH

20 SHERWOOD DRIVE, FREEPORT ME 04032; 207-807-2685

(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. §§ 480-A thru 480-BB on or about

10 MAY, 2022

(anticipated filing date)

The application is for

CONSTRUCTION OF A FIXED PIER 5'X12'; SEASONAL RAMP &
(description of the project)

FLOAT; ACCESS LANDING TO PIER

at the following location:

50 RISING TIDE LANE, FREEPORT ME 04032

(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 FREEPORT, Maine.
(town)

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

(goldenrod)

Application Mark Goodrich/Goodrich Rising Tide, LLC

Copy of Notice of Intent to File

N Forecaster 5 May, 2022

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

Please take notice that

Rising Tide, LLC / Mark Goodrich
20 Sherwood Frice, Freeport, ME 04032 ; 207-807-2685
(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. §§ 480-A thru 480-88 on or about

May 10, 2022
(Anticipated Filing Date)

The application is for

Construction of a fixed pier 5'x12'; Seasonal Ramp & Float; Access Landing To Pier
(Description of Project)

At the following location

50 Rising Tide Lane, Freeport ME 04032
(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.

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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

Application Goodrich Rising Tide, LLC/ Mark Goodrich

Property Abutters

Gould Farm II, LLC
1126 North High Street
Bridgton, ME 04009
Map 25 Lot 40-1

Daniel and Lauren Mills
49 Rising Tide Lane
Freeport, ME 04032
Map 25 Lot 40A-1

7022 0410 0002 8213 4039

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
Freeport ME 04032	
Certified Mail Fee \$4.00	0032 06
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$0.00	
☐ Return Receipt (electronic) \$0.00	
☐ Certified Mail Restricted Delivery \$0.00	
☐ Adult Signature Required \$0.00	
☐ Adult Signature Restricted Delivery \$0.00	
Postage \$0.60	10/31/2022
Total Postage and Fees \$4.60	
Sent To DANIEL & LAUREN MILLS	
Street and Apt. No., or PO Box No. 49 RISING TIDE LANE	
City, State, ZIP+4® FREEPORT, ME 04032	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 0410 0002 8213 4022

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
Bridgton ME 04009	
Certified Mail Fee \$4.00	0032 06
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$0.00	
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☐ Certified Mail Restricted Delivery \$0.00	
☐ Adult Signature Required \$0.00	
☐ Adult Signature Restricted Delivery \$0.00	
Postage \$0.60	10/31/2022
Total Postage and Fees \$4.60	
Sent To GOULD FARM, LLC	
Street and Apt. No., or PO Box No. 1126 NORTH HIGH STREET	
City, State, ZIP+4® BRIDGTON, ME 04009	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: MARIA GOODRICH GOODRICH Phone: 207-801-2685
 Application Type: TIER 3 RISING TIDE, LLC
 Activity Type: (brief activity description) CONSTRUCT FIXED TIMBER PIER, ACCESS RAMP, SEASONAL RAMP AND FLOAT
 Activity Location: Town: FREEPORT County: CUMBERLAND
 GIS Coordinates, if known: _____
 Date of Survey: 4/15/22 Observer: PETER F. SPENKER Phone: 207-798-2600

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**
 0-1/4 1/4-1 1+

1. Would the activity be visible from:

A. A National Natural Landmark or other outstanding natural feature?

☐ ☐ ☒

B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?

☐ ☐ ☒

C. A state or federal trail?

☐ ☐ ☒

D. A public site or structure listed on the National Register of Historic Places?

☐ ☐ ☒

E. A National or State Park?

☐ ☐ ☒

F. 1) A municipal park or public open space?

☐ ☒ ☐

2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?

☐ ☐ ☒

3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?

☒ ☐ ☐

2. What is the closest estimated distance to a similar activity?

☒ ☐ ☐

3. What is the closest distance to a public facility intended for a similar use?

☐ ☐ ☒

4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)

☒ Yes ☐ 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?

☒ Yes ☐ 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/nrl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

Most Maine State and National Wildlife Refuges, Sanctuaries, and Preserves and State Game Refuges are listed in the Maine Atlas and Gazetteer published by DeLorme.

Most State and federal trails are listed in the Maine Atlas and Gazetteer published by DeLorme. In addition, the Maine Department of Conservation maintains a list of state parks with trails that can be searched by county at: www.state.me.us/doc/parks/programs/db_search/index.html

Maine sites and structures listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, can be searched by town at: www.cr.nps.gov/nr/research/nris.htm

In addition, State historic sites can be found at: www.state.me.us/doc/parks/programs/db_search/index.html A partial listing of historic sites in Maine can be found in the Maine Atlas and Gazetteer published by DeLorme.

A listing of Maine State Parks can be found at: www.state.me.us/doc/parks/programs/db_search/index.html or in the Maine Atlas and Gazetteer published by DeLorme. Acadia National Park on Mount Desert Island is Maine's only National Park.

For guidance on completing this field survey checklist, please contact Licensing staff in the Division of Land Resource Regulation at the following offices:

(Headquarters)
Central Maine Regional Office
17 State House Station
Ray Building, Hospital Street
Augusta, Maine 04333
(207) 287-7688 or
toll free at 1-800-452-1942

Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477 or
toll free at 1-888-769-1053

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570 or
toll free at 1-888-769-1137

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(207) 822-6300 or
toll free at 1-888-769-1036

(pink)

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

NAME OF APPLICANT: MARK GOODRICH, GOODRICH PHONE: 201-907-2685
 APPLICATION TYPE: TIER 3 RISING TIDE, LLC
 ACTIVITY LOCATION: TOWN: FREEPORT COUNTY: CUMBERLAND

ACTIVITY DESCRIPTION: ☐ fill ☒ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: 04/15/22 OBSERVER: PETER F. SPENCER

TIME OF SURVEY: 4:30 PM TIDE AT SURVEY: LOW

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
 Intertidal area: _____ 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: 4")

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: 2') ☐ beach ☐ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☒ river ☐ wetland ☐ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	☒	☐	☐	☐
clams	☐	☐	☒	☐
marine worms	☐	☒	☐	☐
rockweed	☐	☒	☐	☐
eelgrass	☒	☐	☐	☐
lobsters	☒	☐	☐	☐
other	☐	☐	☐	☐

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: (pink)
☐ Photographs ☐ Overhead drawing

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....

My boat(s) requires a draft of 2 feet.
My boat(s) is 28 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 FREEPORT approximately 2 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in YARMOUTH approximately 3 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 have contacted the local Harbor Master.

Name: GOODRICH RISING TIDE, LLC Phone: 807-2685
MARK GOODRICH
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.
12 pilings of 10" inches in diameter
- ☐ 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: 72 feet
Width of fixed section: 5 feet
Length of ramp: 34 feet
Dimensions of float: 12 feet wide by 24 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: 4.3 feet
Depth of water at the float at high tide: 1.12 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
- ☐ Beach/intertidal area
- ☐ Water/barge



14.

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

DEPARTMENT ORDER

IN THE MATTER OF

GOODRICH RISING TIDE, LLC
Freeport, Cumberland County
RECREATIONAL PIER SYSTEM
L-29882-4P-A-N (approval)
L-29882-TW-B-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) COASTAL WETLAND ALTERATION
) SIGNIFICANT WILDLIFE HABITAT
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection (Department) has considered the application of GOODRICH RISING TIDE, LLC (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a recreational pier system. The pier system will consist of a four-foot wide by six-foot long access ramp, a five-foot wide by 72-foot long pile-supported pier, a three-foot wide by 34-foot long seasonal ramp, and a 12-foot wide by 24-foot long seasonal float oriented parallel to the shore. The float will be equipped with skids to limit contact with the mud at low tide. The pier will be supported by 12 ten-inch by ten-inch pilings, six of which will be driven and six of which will be pinned to ledge. All piles will be located below the highest annual tide (HAT) line, which is the defined limit of the coastal wetland. The pier system will directly impact approximately 12 square feet of coastal wetland due to the pilings and indirectly impact approximately 750 square feet of coastal wetland due to shading from the pier, ramp, and float. The proposed pier will extend approximately 118 feet beyond the HAT line and will terminate approximately 22 feet beyond the Mean Low Water (MLW) line, providing all-tide access to the resource.

The proposed project is located in high value Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated as a Significant Wildlife Habitat under the Natural Resources Protection Act (NRPA). The proposed project is shown on a plan titled, "Proposed Dock System for Mark Goodrich," prepared by Waterman Marine Corp. and dated January 12, 2022. The project site is located at 50 Rising Tide Lane in the Town of Freeport.

B. Current Use of the Site: The 8.59-acre parcel is developed with an access road and clearing associated with a future residential building. The parcel is identified as Lot 40A-2 on Map 25 of the Town of Freeport's tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings.

The proposed project is located in the Cousins River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This area experiences mixed commercial and recreational uses. There is a recreational pier system located on the abutting shoreline that is similar in length and design to the proposed pier system. There are smaller recreational pier systems in this area as well. The applicant proposes to remove the ramp and float from the resource seasonally; the ramp will be stored on the pier and the float in an upland location, reducing the visual impact of the pier system.

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

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

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

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

Construction access to the project site will be provided from the upland and the resource via barge. Soil disturbance will be limited to the installation of pilings in the upland and the driving of piles in the intertidal area, which are not expected to be a significance

cause of sedimentation. The ramp and float will be built off-site and set in place once the pier is constructed. Based on these methods, the applicant anticipates that there will be minimal soil disturbance associated with the project construction and is not proposing formal measures to control erosion or sedimentation.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The project site is a semi-protected area with a low to moderate energy mudflat system. The upper intertidal area consists of salt marsh vegetation before transitioning to ledge outcrops and soft mudflat in the lower intertidal. Soft-shell clams and marine worms are known to occur in this area.

According to the Department's Geographic Information System (GIS) database, the project is located in an area mapped as TWWH which is designated as Significant Wildlife Habitat. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and commented that because the project is in high value TWWH, spacing between dock planks should be at least three-quarter inches to allow sunlight penetration to the marsh grass, soil disturbance should be kept to an absolute minimum and the vegetated buffer should be maintained. Additionally, MDIFW recommended a minimum 1:1 height to width ratio of the fixed pier. The applicant designed the pier system to maintain the vegetated buffer and at the recommended 1:1 height to width ratio. The applicant stated that because the pier is being constructed at the required height over marsh to allow for light penetration, the additional deck spacing will not significantly increase light penetration. The applicant further stated that the three-quarter inch deck spacing would result in an unsafe walking surface for children; therefore, the decking space will remain at one-half inch.

In its review, DMR stated that soft-shell clam and marine worm resources are known to exist in the proposed project area. Shellfish harvesting is allowed under certain conditions. Additionally, DMR stated that the project as proposed will have some impacts to marine resources in the project location; however, the float will not contact soft bottom shellfish habitat and the seasonal nature of the ramp and float will allow access to any marine resources under the structure during part of the year, reducing the loss of fishing opportunity.

Based on the details of the fixed pier structure and other issues outlined above, the Department finds that the activity will not unreasonably harm any significant wildlife

habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter approximately 12 square feet of coastal wetland due to piles for the proposed pier system and to indirectly alter 750 square feet of coastal wetland from shading caused by the pier, ramp, and float. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier system is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c).

The applicant submitted an alternatives analysis for the proposed project completed by Peter F. Spencer. The purpose of the project is to provide safe access to the coastal wetland from the upland area and to protect the existing marsh vegetation that grows between upland and the resource. The applicant considered other locations on the parcel;

however, the proposed location minimizes permanent impacts by crossing the marsh at the narrowest width and would alleviate disturbance of the marsh and shoreline by providing recreational access over existing vegetation. The proposed location also allows for the maximum number of pilings to be pinned to ledge. The applicant also considered the use of public and private facilities as an alternative to the proposed project. The closest public boat launch is located approximately two miles away and the closest private marina is located approximately three miles from the project site. However, neither the boat launch nor marina have adequate parking, neither provide safe access for kayaks and small boats, and moorings are not available in these areas. Based on these considerations, the applicant stated that there is no other practicable alternative that would accomplish the project purpose and avoid impacts to coastal wetland.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant determined that the length of the pier is the minimum necessary for providing all-tide access, that also minimizes structural contact with the soft mudflat from boats that will be using the float. The ramp and float will be removed for part of the year and the designed height of the pier system will allow light penetration to salt marsh vegetation below. The applicant stated that the proposed design reasonably minimizes the impact on the coastal wetland while providing safe access for recreational use of the resource.

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

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters, provided that CCA- treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of GOODRICH RISING TIDE, LLC to construct a recreational pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This

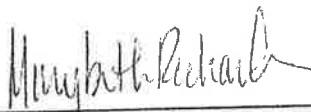
License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

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

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 12th DAY OF OCTOBER 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L29882ANBN/ATS#89561,90163

