ARTICLE XIII FLOAT, WHARF & DOCK PERMITS Project: Residential Dock Applicants: Amanda Berry & Ben Willauer Permit Application

Tuesday, June 14, 2022

The applicants are requesting consideration at a regular meeting of the Coastal Waters Commission. Applicants: Amanda Berry & Ben Willauer Location: 90 Birch Point Road, Map 24, Lot 53C

1. The project is in keeping with the neighborhood. There are other docks in the upper Harraseeket River and in our cove. The property has 162' feet of water frontage. The dock is 90' to boundary.

2.The length from the highest annual tide water mark will be less than 125' to the end of the dock.

3. The project does not unreasonably interfere with traditional public access and does not interfere with ingress and egress or riparian owners. Project does not pose hazard to navigational channels.

4. The project does not encroach into existing mooring areas.

5. The dock has been constructed to be completely removed (including anchors) every fall.

6. The aluminum ramp crosses 72' of marsh grass. It has openings to let light through and sits 42" above the grass. After 9 years of use, there has been no habitat degradation.

7. The dock shall not significantly impact fisheries or shellfish harvesting.

8. Identification will be on all ramps (vinyl) and floats (branded).

How and where will the permanent and/or temporary structure be stored in the winter months? *The float will be stored on skidways on the property.*

When will the structure be built? June 2013 Will neighbors be allowed access? Informally, yes Who will build, store and maintain the float? Homeowner Are there future plans for expansion? No Have there been any objections from neighbors? Not as of the time of submission, 6/15/22

Department of E		I Protection	ı		FOR DE						
Bureau of Land											
17 State House											_
Augusta, Maine											_
Telephone: 207 APPLICA →PLEASE	TION F		IATU BLACK	RAL RE	SOURC	ES F	PROTE	СТІС	ON ACT	PERN	11T
1. Name of Applicant:	AMA	NDA (SERK	Y	5.Name	of Age	nt:				
2. Applicant's Mailing Address:	90B FREE	PORT	POINT	rt Rp = 04032	6. Agen Addre	5S:					
3. Applicant's Daytime Phone #:	207	650-	037	0	7. Agent Phone	e#:	-				
4. Applicant's Email A (Required from <i>either</i> or agent):		benn	v:11av	ver&9m	⁸ . Agent ୩/ଜେନ	's Ema わ	il Addres:				
9. Location of Activity (Nearest Road, Street,	: Rt.#) 90	BIRC	HPO	INT RO	10. Town:	FR	EEPOR	•			BERLAND
Resource:	River, st Great Po Coastal	ond	rook		13. Nam	e of Re	source:	Ave	RASEE	GIR	IVER
	 Freshwa Wetland Significa Fragile N 	iter Wetlan Special S int Wildlife	Significa		14. Amo (S	unt of I q.Ft.)	Impact:		Fill:	eg Remov	val/Other:
15. Type of Wetland:	G Forester	ł			F	OR FR	ESHWA	TER	WETLAND		
(Check all that apply)	Scrub S			Tie	er 1		Tier 2	2		Tier	- 3
					0 og ft		000 43	560 6	sq. ft. □ > 4	13 560 9	a ft or
	 Wet Mea Peatland 			□ 0 - 4,99 □ 5,000-9			000 - 43	,500 8			an 43,560
	Open W			□ 10,000-8							ot eligible
	Other		1. a.H.	L 10,000	sq ft					for Tie	
16. Proposed Start Date <u>and</u> Brief	Dock		BE	GN U	SEP F	15 5	SEASO	NA	L DOL		
Activity Description:	2013	,									
17. Size of Lot or Parce & UTM Locations:	el 🛛	square	feet, or	× .5	2 _{acres}	M Nort	hing:		_ UTM Ea	sting:	
18. Title, Right or Inter	SLOW		🗆 lea		irchase opti) written a				
19. Deed Reference Nu	h.	Book#:3	16	^{Page:} 3/	20. Ma 22. Part			Yes	Map # 20 After-the		#:53C
21. DEP Staff Previous Contacted:	1	ANNA	\sum	MITH	project:	oralia		No	Fact:		
23. Resubmission	the second second second second second	If yes, pro					Previous manage		ect		
		application If yes, na		DEP			Inanage		. Previous V	Netland	□ Yes
24	No	enforcem	ent sta	ff involved:					Alteration	-	D No
26. Detailed Directions to the Project Site:	LAST	- Ho	JSE	on Ri					-	Rp,	RED HOUSE
27. TIER 1									PERMITS		
Title, right or interest	documentat	tion -		e, right or inf ographic Ma		nentatio			Control/Cor		
Topographic Map Narrative Project Des	cription			ographic Ma		ic	requ		nai 73585511	en (Alla	chment 3), if
Narrative Project Des	2" x 11")			ation Meetir					nsation Plan	(Attachn	nent 4), if
A Photos of Area			U Wet	lands Delin	eation Repo	ort	requ	lired			
Statement of Avoidan	ce & Minim	ization		nment 1) that					lix A and oth		
Statement/Copy of co	ver letter to	MHPC		ation listed					ent/Copy of o		
				rnatives Ana ng descripti				escrip quired		Jusiy Wilf	ned Peatland,
				s were Avoi				quileu			
28. FEES: Amount Encl	osed:										
		TIONS	S AN	D SIGN	ATURF	SLO	OCATI	ED (ON PAG	E 2	

APPENDIX B: MDEP COASTAL WETLAND CHARA INTERTIDAL & SHALLOW SUBTIDAL FIELD SURY	VEY CHECKLIST
NAME OF APPLICANT: AMANDA BERRY PHONE: 2 APPLICATION TYPE: SEASONAL DOCK ACTIVITY LOCATION: TOWN: FREEPRI COUNTY:	CUMBER LAND
ACTIVITY DESCRIPTION: \Box fill pier \Box lobster pound \Box shoreling dredge dother: <u>SEASDNAL</u> <u>OO</u> DATE OF SURVEY: <u>6/15/22</u> OBSERVER: <u>SEASDNAL</u> <u>OO</u> TIME OF SURVEY: <u>10</u> : 00 AM TIDE AT SURVEY: <u></u>	na stabilization
DATE OF SURVEY: 6/15/22 OBSERVER: BEN	WILLAVER
TIME OF SURVEY: 10:00 AM TIDE AT SURVEY:	H104
SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet): Intertidal area: 48/59 Subtidal area:	
SIZE OF INDIRECT IMPACT, if known (square feet):	-
HABITAT TYPES PRESENT (check all that apply): □ sand beach □ boulder/cobble beach □ sand flat □mixed coarse & f □ ledge □ rocky shore ➤ mudflat (sediment depth, if known:)	
ENERGY protected semi-protected partially exposed	□ exposed
DRAINAGE: Adrains completely standing water pools	
SLOPE: 20%	□ variable
SHORELINE CHARACTER: ▲ bluff/bank (height from spring high tide: 3) □ beach □rocky	Vegetated
FRESHWATER SOURCES: stream viewer vi	□ stormwater
MARINE ORGANISMS PRESENT:	
absent occasional common mussels clams marine worms rockweed eelgrass lobsters other	abundant
SIGNS OF SHORELINE OR INTERTIDAL EROSION?	no
PREVIOUS ALTERATIONS?	no
CURRENT USE OF SITE AND ADJACENT UPLAND:	□ recreational
PLEASE SUBMIT THE FOLLOWING:	(pink)

APPENDIX A: MDEP VISUA FIELD SURVEY CHI (Natural Resources Protection Act, 3	ECKLIST		
Name of applicant: A MAWOA BERRY Phone:	(207)	650-0	1370
Application Type: RECREATIONAL DOCK -SEA			
Activity Type: (brief activity description)			
Activity Location: Town: FREEPORT County:	UMBE	RLAND	
GIS Coordinates, if known:			
Date of Survey: 6/15/22 Observer: BEN WILLAL	1ER_Phon	. <u>(207)6</u> !	50.5177
/ (Distance Bet	tween the Prope I Resource (in N 1/4-1	osed Visibility
1.Would the activity be visible from:	0-74	74 1	
A. A National Natural Landmark or other outstanding Ko natural feature?			
B. A State or National Wildlife Refuge, Sanctuary, or No Preserve or a State Game Refuge?			
C. A state or federal trail?			
D. A public site or structure listed on the National No Reg ister of Historic Places?			
E. A National or State Park? No			
F. 1) A municipal park or public open space? \mathcal{N}_{\circ}			
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of Mo 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
 4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other se 	easons)	Xves	□No
Are any of the resources checked in question 1 used by the pu during the time of year during which the activity will be visi	ablic ble?	□Yes	Xno

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)

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

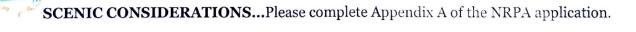
□ Expansion or modification of an existing structure

Other, please indicate:_____

TELL US ABOUT YOUR BOAT

My boat(s) requires a draft of _____ feet. My boat(s) is _____ 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:



WHAT FACILITIES ARE NEARBY?

	launch is located in REEPORTap	proximately 5	miles from the
project location.	(town)	(distance)	
The nearest public, com approximately <u>65</u> (distance)	mercial, or private marina is located miles from the project location.	d in FREEPOR	Γ

X I have inquired about slip or mooring availability at the nearest marina or public facility.

 \Box Yes, a slip or mooring is available. \Box No, a slip or mooring is not available.Approximate expected time on waiting list: \Box YEARS

I have contacted the local Harbor Master.

Phone: (207) 650-0370 Name: HMANDA BERRY 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. _ pilings of _____ 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: 1EMPORARY ALUMINUM PIER ON PADS **DIMENSIONS:** feet Length of fixed section: feet Width of fixed section: feet Length of ramp: < feet wide by **20** feet long Dimensions of float: Distance the structure will extend below mean low water (MLW): feet feet Depth of water at the fixed end of the structure: feet Depth of water at the float at low tide: feet 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

ACCESS:

During construction, my project site will be accessed via:



Beach/intertidal area

□ Water/barge

Exhibit A - Deed

A certain lot or parcel of land situated on the westerly side of Wolf's Neck, so-called, in the Town of Freeport, County of Cumberland and State of Maine and bounded and described as follows:

Beginning at an iron pipe driven in the ground on the northeasterly side of a common right of way at the southerly corner of land of James Leonard McLaughlin as shown in deed from Bertha A. Fogg to James Leonard McLaughlin, dated August 10, 1960 and recorded in Cumberland County Registry of Deeds; thence in a general northeasterly direction along said McLaughlin land one hundred and forty (140) feet, more or less, to another iron pipe driven in the ground near the edge of the waters of the Harraseeket River; thence southeasterly along said waters one hundred and ten (110) feet, more or less, to another iron pipe driven in the ground at the waters edge; thence in a general southwesterly direction on a course parallel with the first boundary hereinbefore set forth twenty-nine (29) feet to an iron pipe set in the ground at the northerly corner of land owned by Sylvia and Walter Colbath; thence continuing in the same direction along line of land of said Colbath two hundred (200) feet, more or less, to another iron pipe driven in the ground at the aforementioned right of way; thence in a general northerly direction one hundred and ten (110) feet to another iron pipe driven in the ground; thence in a general northwesterly direction eighty-two (82) feet, more or less, to the point of beginning.

Also granting and conveying to the Grantee herein, her heirs and assigns forever, a right of way in common with others leading over and along the road as now established from the public high-way on Wolf's Neck to the above described parcel of land.

Also granting and conveying to the Grantee herein, her heirs and assigns forever, all shore rights appurtenant to the above described parcel of land, to be used in common with others.

Reference is hereby made to a deed from Vincent R. Marriner and Sandra Marriner dated September 30, 1976 to Jean Field and recorded in the Cumberland County Registry of Deeds in Book 3916, Page 319

> Received Recorded Resister of Deeds Nov 04:2003 02:23:45P Cumberland Counts John B. D Brien

Cumberland Cour	nty Register of Deeds	Current datetii	me: 9/30/2013 1:1	9:17 PM
DETAILS RE	PORT			
**Note: Report is Sor	ted in Ascending Order by Off	ice, Recorded Date	, Document Number	
Doc#	Document Type	Town	Book/VIm/Pag e	File Date
123315	DEED	FREEPORT	20509/269	11/04/2003
Street	Street Name		Description	
Grantors	Grantees	Street	Proper	ty Description
FIELD JEAN	BERRY AMANDA M, WILLAUER BENJAMIN B	1		
References Book/VIm/Page	Description		Recorded year	r
20509/269	DEED			

WARRANTY DEED

Know All Men By These Presents That I, Jean Field

of 85 Seminary Avenue #238, Auburndale, County of and State of Ma,

for consideration paid, grant to Amanda M. Berry and Benjamin B. Willauer

of 21 Quebec Street, Portland, County of Cumberland as Joint Tenants with WARRANTY COVENANTS:

and State of Maine

A certain lot or parcel of land together with any buildings thereon situated in Freeport County of Cumberland and State of Maine, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

In Witness Whereof have hereunto set my hand(s) this 29th day of October 2003 Jean

State of Maine County of Cumberland

above named Jean Field

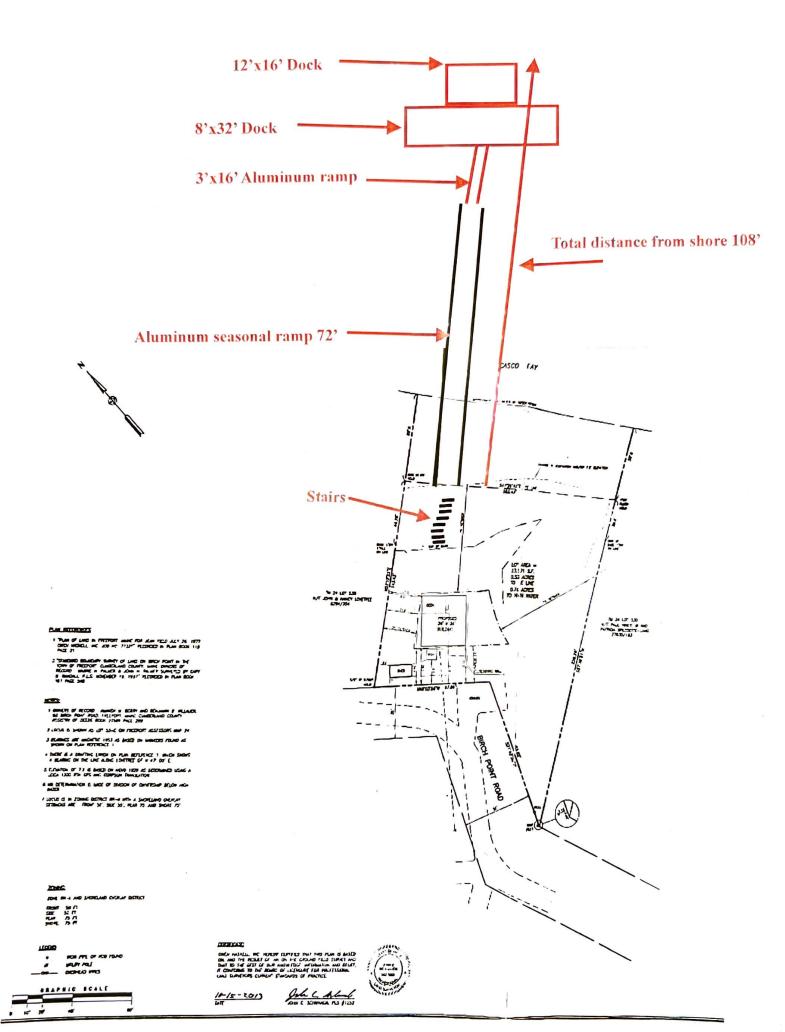
SS.

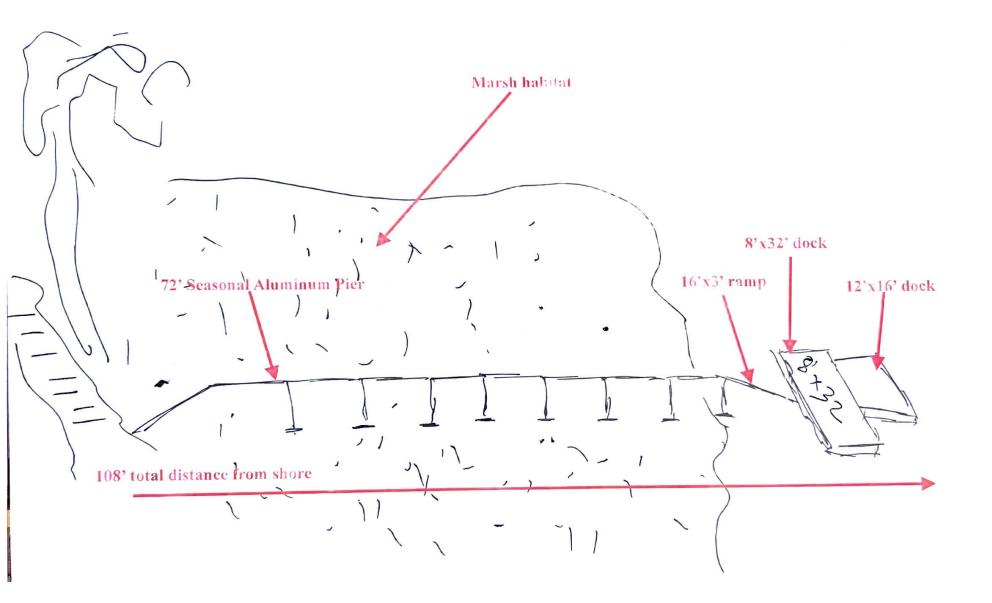
, personally appeared before me the

and acknowledged the foregoing to be his/her/their free act and deed.

On this 29th day of October, 2003

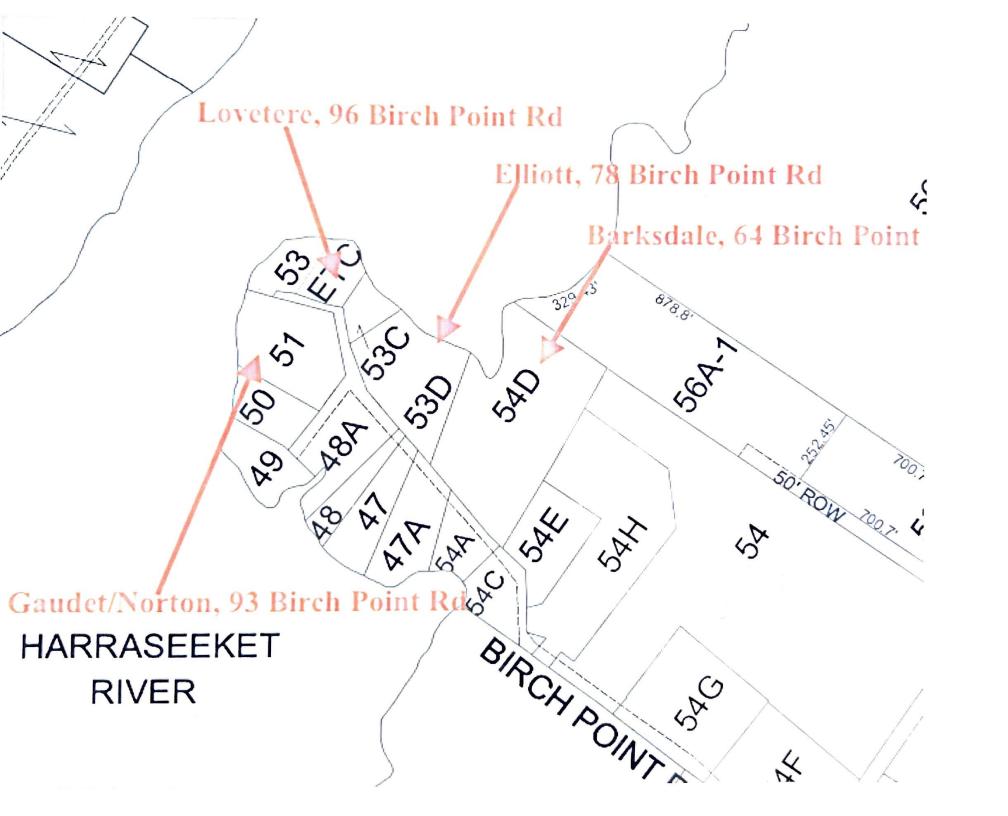
Return to: Amanda M. Berry













U.S. Postal Service[™] CERTIFIED MAIL[®] RECEIPT Domestic Mail Only

S

F

m For delivery information, visit our website at www.usps.com®. Freeporty ME 04032 LO, **Certified Mail Fee** \$3.75 -0 -00 Extra Services & Fees (check box, add fee as a opror Return Receipt (hardcopy) 111£ Return Receipt (electronic) Postmark J \$0 OD Certified Mail Restricted Delivery Here 0 Adult Signature Required \$0.00 Adult Signature Restricted Delivery Postage ~ \$0.58 12607 -7 **Total Postage and Fees** \$4.33 7 **L** Street and Apt City, State, ZIP-REE PORT ME 04032

