

Application Harry Keates & Robin Silverman

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24 September/20

TOWN OF FREEPORT COASTAL WATERS COMMISSION
APPLICATION FORM FOR WHARFING OUT PERMIT

Project Type: (check all applicable)

X New Application Amendment to existing plan

Name of Project: KEATES & SILVERMAN DOCK SYSTEM - KELSEY BROOK

Applicant Information:

Name: PETER F. SPENCER Tel: 869-9100 / 798-2600
(If a Company, provide name of person also)

Address: 475 US ROUTE #1, STE 6 FREEPORT ME 04032

Email: SPENCER PF @ G.MAIL.COM

Property Address for which permit is requested:

64 LUPINE LANE, FREEPORT

Contractor Information:

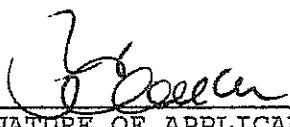
Name: WATERMAN MARINE CORP Tel: 869-9100
(If a Company, provide name of person also)

Address: 475 US ROUTE 1, STE 6, FREEPORT, ME 04032

Email: SPENCER PF @ G.MAIL.COM

The undersigned, being the applicant, owner or legally authorized representative, states that all information in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

24 SEPT / 20
DATE


SIGNATURE OF APPLICANT/
OWNER/REPRESENTATIVE
PETER F. SPENCER
REPRESENTATIVE

Application Fee: \$10.00

FOR DEP USE

ATS#

Total Fees:

Date: Received

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		HARRY KEATES & ROBIN SILVERMAN		5. Name of Agent:		PETER F. SPENCER	
2. Applicant's Mailing Address:		64 LUPINE LANE FREEPORT ME 04032		6. Agent's Mailing Address:		475 US ROUTE 1, STE 6 FREEPORT, ME 04032	
3. Applicant's Daytime Phone #:		504-254-3120		7. Agent's Daytime Phone #:		201-798-2600	
4. Applicant's Email Address (Required from either applicant or agent):		HAKMUSIC@GMAIL.COM		8. Agent's Email Address:		SPENCER PF@GMAIL.COM	
9. Location of Activity: (Nearest Road, Street, Rt. #)		64 LUPINE LANE		10. Town:		FREEPORT	
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:		KELSA BROOK	
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 type="checkbox"/> Open Water <input type="checkbox"/> Other _____		14. Amount of Impact: (Sq. Ft.)		Fill: Dredging/Veg Removal/Other:	
16. Brief Activity Description:		CONSTRUCT FIXED TIMBER PIER 4'X30', SEASONAL RAMP 3'X21' SEASONAL FLOAT 8'X14' *SEE AMENDED ACTIVITY DESCRIPTION		17. Size of Lot or Parcel & UTM Locations:		UTM Northing: 43.852063 UTM Easting: 70.070518	
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 #: 34910 Page: 211	
21. DEP Staff Previously Contacted:		CHRIS WOODRUFF		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:		FROM JUNCTION OF US 21 & BOW STREET PROCEED EAST, CONTINUE ON FLYING POINT ROAD APPROX 2.1 MILES TO LUPINE LANE ON RIGHT. SITE IS AT END OF ROAD, DOWN HILL TO RIGHT.		25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS		28. FEES Amount Enclosed:			
<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		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input 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 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			

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
100 WATER STREET, SUITE 300, PORTLAND, MAINE 04101-1001

DEPARTMENT ORDER

IN THE MATTER OF

HARRY KEATES & ROBIN SILVERMAN) NATURAL RESOURCES PROTECTION ACT
Freeport, Cumberland County) COASTAL WETLAND ALTERATION
PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-28468-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-28468-TW-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of HARRY KEATES & ROBIN SILVERMAN with the supportive data, agency review comments, public comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicants propose to install a permanent pier system to obtain partial-tide access to the resource from their waterfront property. The proposed pier system will consist of a four-foot wide by 12-foot long access ramp, a four-foot wide by 50-foot long permanent pier, a three-foot wide by 18-foot long seasonal ramp, and a 14-foot wide by eight-foot long seasonal float with four-inch by six-inch float shoes to keep the float above the substrate. The proposed pier will be supported by 10 pilings. The proposed project can be seen on a set of plans, the first of which is entitled, “Proposed Dock System for Harry Keats & Robin Silverman,” prepared by Peter F. Spencer and dated May 31, 2019, with a last revision date of February 2, 2020. The project site is located on Lupine Lane in the Town of Freeport.

B. Current Use of the Site: The site of the proposed project is a 25.6-acre parcel developed with a residence, barn, and associated accessways located in the upland area of the property. The parcel is identified as Lot #63A on Map #20 of the Town of Freeport’s tax maps. The parcel is further identified in the Cumberland County Registry of Deeds on Page #211 of Book #34910.

C. Interested Persons: While the application was being reviewed, the Department received comments from an interested person, who is the executive director of Freeport Conservation Trust which owns an abutting parcel. The Department did not receive any requests for a public hearing during the 20-day period specified in the Department’s Chapter 2 Rules governing the processing of applications.

The interested person submitted comments to the Department in the form of a letter, dated January 8, 2020. In these comments, the interested person expressed concerns relating to adverse impacts to the scenic and aesthetic value and character of the area, as

location, existing vegetation will filter the view of the pier system from the land trust parcel.

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, the site visit and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

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

The Department determined that based on the nature of the proposed project and its location, there are no existing recreational or navigational uses of the resource that would be unreasonably impacted.

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

3. SOIL EROSION:

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

Construction access to the project site will occur through an existing path that leads from the upland area to the tidal stream. Materials will be stored in the upland area of the property, greater than 25 feet away from the tidal stream. The pier, ramp, and float will be constructed and installed on-site. Pilings for the pier will be driven to a point of refusal or pinned to ledge. Based on these methods, the applicants anticipate that there will be minimal soil disturbance associated with project construction.

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.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly alter two- and one-half square feet of coastal wetland to construct the permanent pier. The applicants propose to indirectly alter 414 square feet of the coastal wetland as a result of shading over the resource. Coastal wetlands are considered wetlands of special significance.

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

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicants also submitted an alternatives analysis for the proposed project completed by Peter F. Spencer and dated September 28, 2019. The purpose of the proposed project is to provide safe, partial-tide access to the resource from the applicant's waterfront property. The applicants currently walk across the salt marsh to launch kayaks in the resource but have found that the marsh is slippery and unsafe to traverse. The applicants considered multiple alternatives to the proposed project, including the no-action approach, but found that this option would not meet project goals. Salt marsh exists along the frontage of their property. The applicants considered constructing a seasonal boardwalk over the salt marsh vegetation with a staircase leading to the stream, rather than a pier system, but found that the seasonal boardwalk would result in greater impact to the salt marsh vegetation and the staircase would perpetuate further erosion of the channel banks. The applicants determined that there is no alternative that avoids impacts to the salt marsh while meeting the project goals.

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 stream to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicants stated that the proposed pier system is the minimum length necessary to reach navigable waters on a partial-tide basis. The applicants designed the project such that the pier will be elevated at least as high as it is wide over the salt marsh vegetation to minimize shading impacts on salt marsh

- 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 HARRY KEATES & ROBIN SILVERMAN to install a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.



Natural Resources Protection Act (NRPA) Standard Conditions

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

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

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

HARRY KEATES AND ROBIN SILVERMAN
64 LUPINE ROAD
FREEPORT, MAINE 04032

CORPS PERMIT # NAE-2019-02496
CORPS GP ID# 19-645
STATE ID# L-28468-4P-A-N

DESCRIPTION OF WORK:

Install and maintain a 50-ft. long x 4-ft. wide timber pile-supported pier with an 18-ft. long x 3-ft. wide ramp leading to a 16 ft. x 14 ft. float with associated mooring tackle below the mean high water line of Kelsey Brook off 64 Lupine Lane at Freeport, Maine. This work is shown on the attached plans entitled "Site Location Map" in one sheet undated, and "Proposed Dock System" in one sheet dated "23FEB/20".

See ADDITIONAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.850898° N -70.071665° W USGS QUAD: FREEPORT, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permit which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/> Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 38 of the GP (page 16) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 13, 2020. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 13, 2021.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR: _____ TIER 1: _____ TIER 2: _____ TIER 3: X LURC: _____ DMR LEASE: _____ NA: _____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 12/12/2019 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

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

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

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

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

GREENAN.COLIN.M. Digitally signed by
GREENAN.COLIN.M.1546383926
546383926 Date: 2020.02.24 10:09:39 -05'00'

DELGIUDICE.FRA. Digitally signed by
DELGIUDICE.FRA.1546383926
HKJ1228916597 Date: 2020.02.24 10:09:39 -05'00'

24FEB2020

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

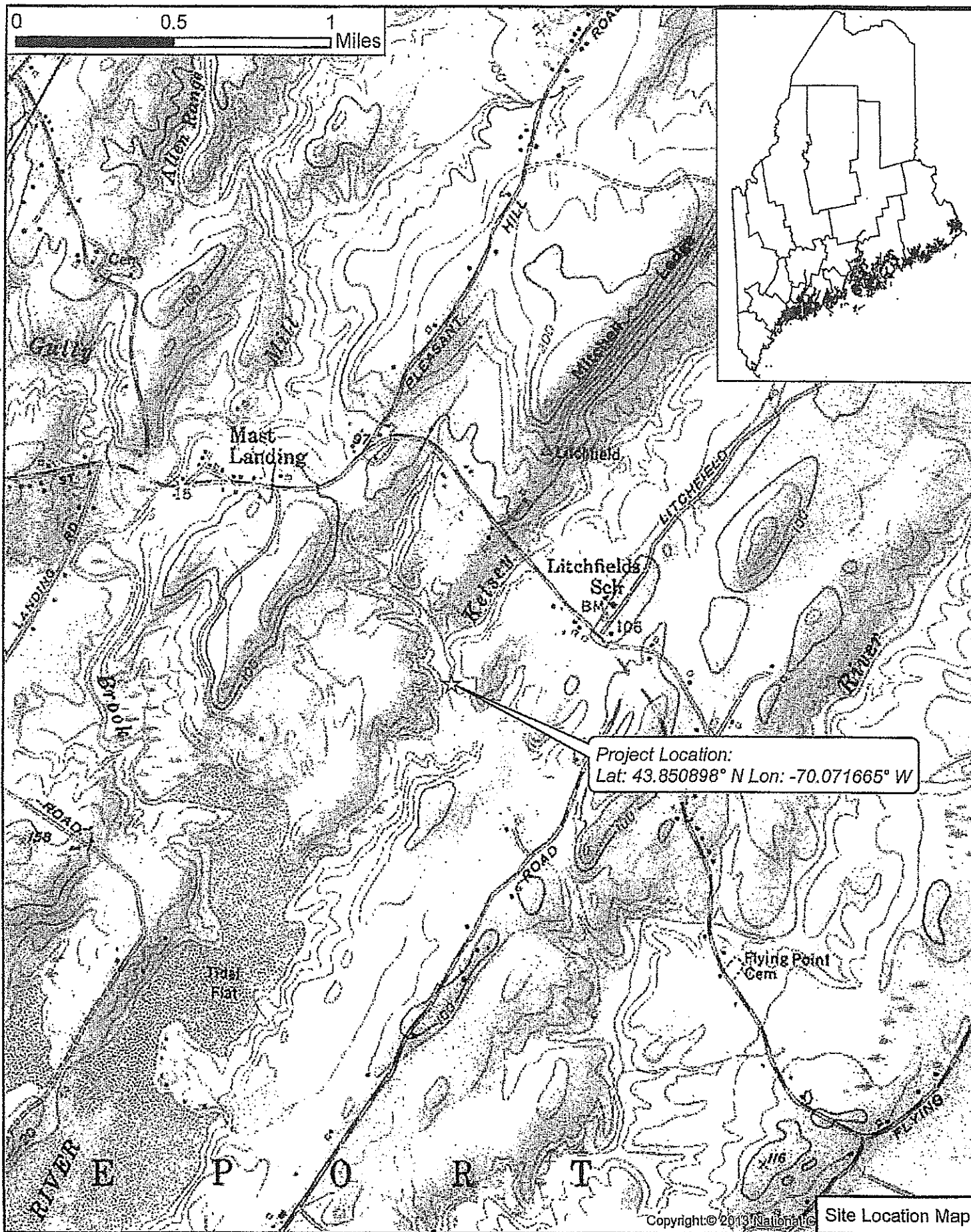
FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



**US Army Corps
of Engineers®**
New England District

**PLEASE NOTE THE FOLLOWING ADDITIONAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2019-02496**

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work. The forms are attached after the plans.
2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above the high tide line and not on tidal marsh.
5. All piles shall be driven in-the-dry in order to minimize potential impacts to local water quality.
6. This permit does not eliminate the need to obtain local harbormaster approval or conform to local harbor management plans.



Harry Keates and Robin Silverman
Pier, ramp, and float off 64 Lupine Drive at Freeport, ME
USGS 7.5 QUAD: Freeport, ME

CORPS FILE NO. NAE-2019-02496

WARRANTY DEED

Statutory Short Form

DLN # 1001840029177

KNOW ALL BY THESE PRESENTS That I, **Russell J. Collett** with a mailing address of 64 Lupine Lane, Freeport, Maine, for consideration paid, grant to **Harry A. Keates and Robin Silverman** of 7 Peppercorn Road, Hopkinton, Middlesex County, Massachusetts, AS JOINT TENANTS, with Warranty Covenants, the land and buildings in Freeport, Cumberland County, Maine, described as follows:

A certain lot or parcel of land located on the westerly side of Flying Point Road in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the westerly sideline of Flying Point Road at the southeasterly corner of land now or formerly of Chad D. Carter and Michelle M. Carter as described in a deed recorded in the Cumberland County Registry of Deeds in Book 32266, Page 320, and the northerly sideline of a private way known as "Lupine Way". Thence:

- (1) S 28° 21' 12" E by said Flying Point Road a distance of Fifty and 45/100 (50.45) feet to a capped iron pin set and the northeasterly corner of a parcel of land now or formerly of Chad D. Carter and Michelle M. Carter as described in a deed recorded in said Registry in Book 32266, Page 320;
- (2) S 53° 58' 40" W by said land of Carter a distance of Four Hundred Six and 00/100 (406.00) feet to a capped iron pin set;
- (3) S 40° 13' 26" E by said land of Carter a distance of Three Hundred Eighty-One and 00/100 (381.00) feet to a capped iron pin set and the northerly sideline of land now or formerly of Dorothy M. Maybury as described in a deed recorded in said Registry in Book 21688, Page 13;
- (4) S 52° 35' 11" W by said land of Maybury a distance of Six Hundred Fifty-Five and 58/100 (655.58) feet to a point;
- (5) N 31° 24' 20" W by said land of Maybury a distance of One Hundred Eight and 25/100 (108.25) feet to a point;
- (6) S 66° 29' 25" W by said land of Maybury a distance of Two Hundred and 13/100 (200.13) feet to a point and the northeasterly corner of land now or formerly of Georgina D. Field as described in a deed recorded in said Registry in Book 1 8654, Page 268;
- (7) S 64° 39' 56" W by said land of Field a distance of Two Hundred Eighteen and 50/100 (218.50) feet to a point;
- (8) S 63° 01' 40" W by said land of Field a distance of Three Hundred Thirty-Five and 00/100 (335.00) feet to a point hereinafter referred to as "Point A";

(9) S 63° 01' 40" W by said land of Field a distance of One Hundred Ten (110) feet, more or less, to the centerline of Kelsey Brook and land now or formerly of John W.

Coffin as described in a deed recorded in said Registry in Book 14038, Page 300;

(10) Northerly and easterly by said Kelsey Brook and land of said Coffin a distance of One Thousand Six Hundred (1600) feet, more or less, to a point and the northwesterly corner of said land of Carter;

(11) S 44° 40' 29" E by said land of Carter a distance of Forty (40) feet, more or less, to a capped iron pin set, said capped iron pin set being located N 31° 06' 19" E a distance of One Thousand Six Hundred Five and 57/100 (1605.57) feet from the aforementioned "Point A";

(12) S 44° 40' 29" E by said land of Carter a distance of Four Hundred Ten and 00/100 (410.00) feet to a capped iron pin and the northerly sideline of said Lupine Way;

(13) N 42° 18' 10" E by said land of Carter and said Lupine Way a distance of Ninety Seven and 94/100 (97.94) feet to a point;

(14) N 69° 17' 59" E by said land of Carter and said Lupine Way a distance of One Hundred Forty and 48/100 (140.48) feet to the point of beginning.

Bearings are referenced to Magnetic North 1997.

The above described parcel is conveyed subject to a right of way, bounded and described as follows:

Beginning on the westerly sideline of Flying Point Road at the southeasterly corner of said land of Carter. Thence:

(1) S 28° 21' 12" E by said Flying Point Road a distance of Fifty and 45/100 (50.45) feet to a point.

(2) S 69° 17' 59" W a distance of One Hundred Thirty-Five and 19/100 (135.19) feet to a point.

(3) S 42° 18' 10" W a distance of Eighty-Five and 94/100 (85.94) feet to a point.

(4) N 47° 41' 50" W a distance of Fifty and 00/100 (50.00) feet to a point and the southwesterly corner of said land of Carter.

(5) N 42° 18' 10" E by said land of Carter a distance of Ninety-Seven and 94/100 (97.94) feet to an iron pin.

(6) N 69° 17' 59" E by said land of Carter a distance of One Hundred Forty and 48/100 (140.48) feet to the point of beginning.

The above described right of way being Fifty and 00/100 (50.00) feet in width and being the same right of way described in a deed to Chad D. Carter and Michelle M. Carter recorded in the Cumberland County Registry of Deeds in Book 32266, Page 320. Said right of way is subject to a Road Maintenance Agreement recorded in said Registry in Book 32266, Page 323.

The above described parcel also being subject to an easement granted to Central Maine Power Company and Verizon New England, Inc. recorded in said Registry in Book 19040, Page 144.

Meaning and intending to convey the premises described in a deed to the Grantor dated December 29, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32828, Page 152.

WITNESS my hand and seal(s) this 12th day of June, 2018.

Witness:



Russell J. Collett

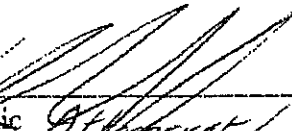
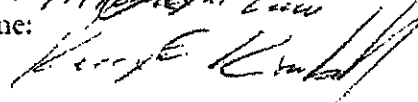
STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On June 12, 2018, personally appeared the above-named **Russell J. Collett** acknowledged the foregoing instrument to be **his** free act and deed.

Before me,

Notary Public

Printed Name:

**64 Lupine Lane
Freeport ME 04032**

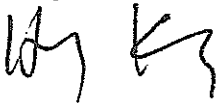
3 June, 2019

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 to construct a dock system at our property 64 Lupine Lane, Freeport.

Sincerely,

Harry Keates

A handwritten signature in black ink, appearing to be 'H. Keates'.

Robin Silverman

A handwritten signature in black ink, appearing to be 'R. Silverman'.

Proposed Dock System

for

Harry Keates & Robin Silverman

at

64 Lupin Lane, Freeport, ME

Revised Plan and Location

Waterman Marine Corp., 2020

All Rights Reserved

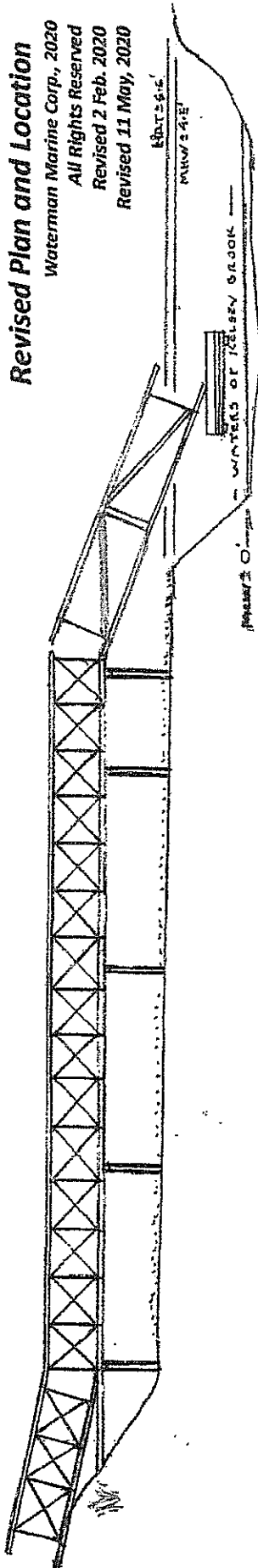
Revised 2 Feb. 2020

Revised 11 May, 2020

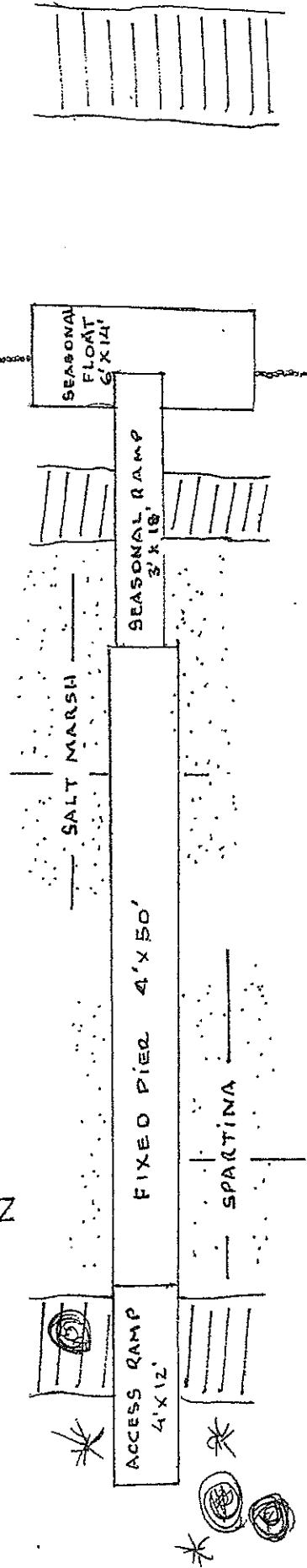
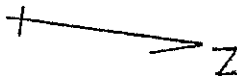


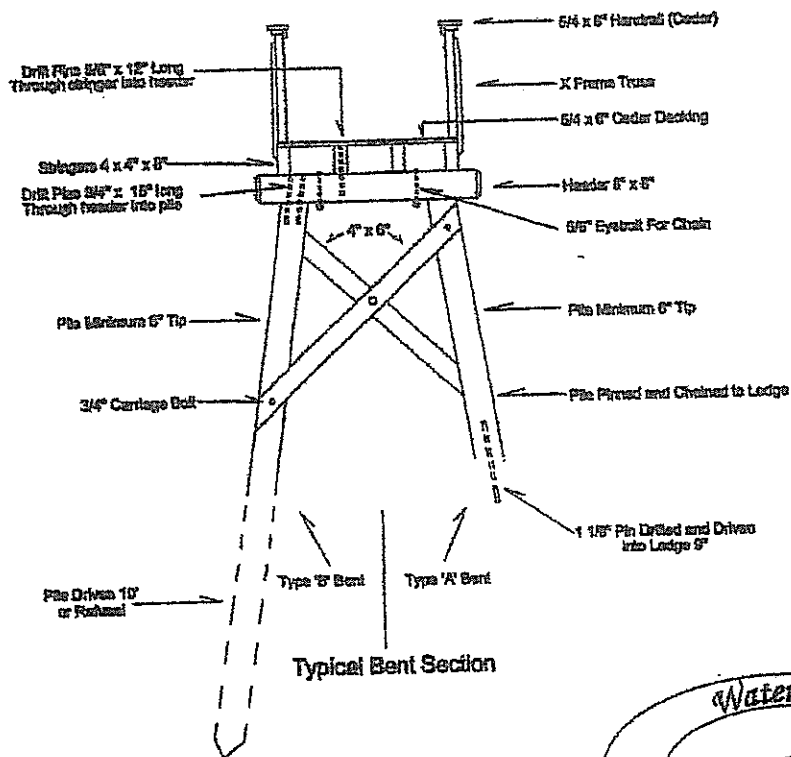
WATERMAN MARINE CORPORATION

Custom Docks, Ramps & Float Systems, Erosion Control Remediation

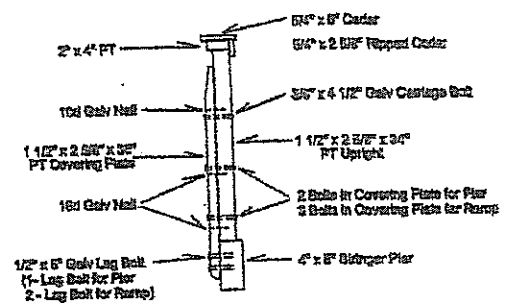
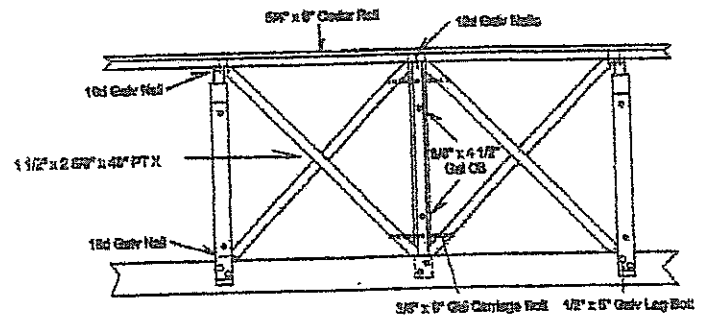
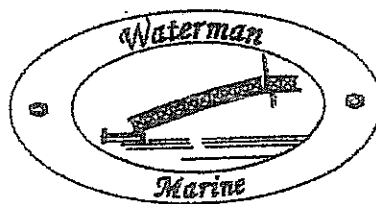


PROFILE
PLAN
SCALE 1"=10'





Pier



Handrail

Construction Plan

Application Harry Keates & Robin Silverman

Property Abutters

John W. Coffin
Map 20- Block 63B
Mailing Address:
30 Johns Road
Freeport, ME 04032

Freeport Conservation Trust
Map 20-Block 70
Mailing Address:
PO Box 433
Freeport, ME 04032

Marion J. Doyle
Map 20-Block 63
Mailing Address:
54 Flying Point Road
Freeport, ME 04032

~~Tod R. Yankee & Amy W. Yankee
Map 20- Block 70-1
Mailing Address:
102 Wolfe's Neck Road
Freeport, ME 04032~~

Chad D. Carter & Michelle M. Carter
Map 20-Block 63D
Mailing Address:
2 Lupine Lane
Freeport, ME 04032

~~THOMAS W. COFFIN
MAP 20 - BLOCK 63C
MAILING ADDRESS:
c/o JOHN W. COFFIN
30 JOHN'S ROAD
FREEPORT, ME 04032~~

ASP, LLC
Map 20-Block 64
Mailing Address:
ASP, LLC
Att: Aaron Rugh
262 US Route 1
Falmouth, ME 04105

Valerie H. Young
Map 20-Block 65
Mailing Address:
72 Flying Point Road
Freeport, ME 04032

Stephen A Young & Valerie H. Young
Map 20- Block 65-1
Mailing Address:
72 Flying Point Road
Freeport, Me 04032

7020 0090 0001 4932 1147

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OFFICIAL USE

Certified Mail Fee	\$3.55	0032
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Sent To
 NALEDIE H. YOUNG & STEPHEN A. YOUNG
 Street and Apt. No., or PO Box No.
 12 FLYING POINT RD
 City, State, ZIP+4®
 FREEPORT ME 04032 (2 NOTICES)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4932 1123

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Sent To
 CHAD & MICHELLE CARTER
 Street and Apt. No., or PO Box No.
 2 LUPIN LANE
 City, State, ZIP+4®
 FREEPORT ME 04032

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Sent To
 JOHN W. COFFIN
 Street and Apt. No., or PO Box No.
 30 JOHN'S ROAD
 City, State, ZIP+4®
 FREEPORT ME 04032

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Falmouth, ME 04105

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Sent To
 ASP, LLC
 Street and Apt. No., or PO Box No.
 40 AARON RUSH, 212 US ROUTE 1
 City, State, ZIP+4®
 FALMOUTH ME 04105

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Freeport, ME 04032

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.10	

Sent To
 MARION DOYLE
 Street and Apt. No., or PO Box No.
 54 FLYING POINT RD.
 City, State, ZIP+4®
 FREEPORT ME 04032

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	06
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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Total Postage and Fees	\$4.10	

Sent To
 BOB & AMY W. YANKEE
 Street and Apt. No., or PO Box No.
 102 WOLF'S NECK RD
 City, State, ZIP+4®
 FREEPORT ME 04032

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

KEATES & SILVERMAN
 CERTIFIED MAIL RECEIPTS (2 PAGES)

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Freeport, ME 04032	
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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
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Postage	\$0.55
Total Postage and Fees	\$4.10
Sent To	
FREEPORT CONSERVATION TRUST	
Street and Apt. No., or PO Box No.	
P.O. BOX 433	
City, State, ZIP+4 [®]	
FREEPORT ME 04032	
PS Form 3800, April 2015 Edition See Reverse for Instructions	

0032
06
Postmark
Here
07/29/2020

29 August, 2020

Thomas W. Coffin
c/o John W. Coffin
30 John's Road
Freeport, ME 04032

9500 095E 9T02

U.S. Postal Service® CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
Freeport, ME 04032	
Certified Mail Fee \$	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage \$	\$0.55
Total Postage and Fees \$	\$4.10
0970 04	
Postmark Here	
08/31/2020	
Sent To THOMAS W. COFFIN, c/o JOHN W. COFFIN Street and Apt. No., or PO Box No. 30 JOHN'S ROAD City, State, ZIP+4® FREEPORT ME 04032	

Harry Keates & Robin Silverman/Notice of Application
64 Lupine Lane, Freeport

Take notice that an application will be made on 9 September, 2020, on behalf of the above mentioned persons to the Coastal Waters Commission for a permit to build a dock system for recreational access to tidal waters at 64 Lupine Lane.

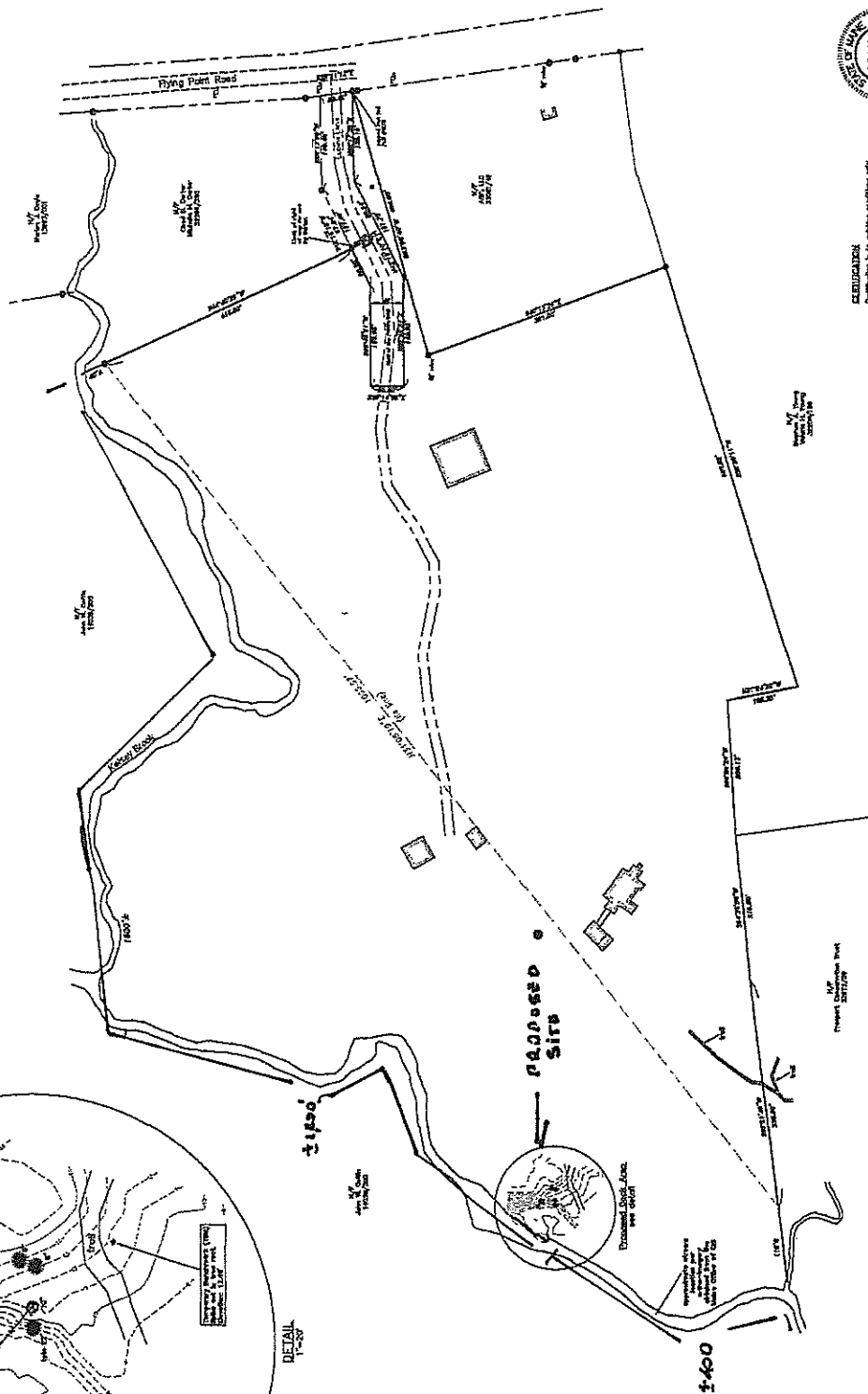
The meeting will be held in a virtual format at 6 pm. If you wish to participate please contact the following person at town hall who will provide instructions for access:

jhanselman@freeportmaine.com

This notice is sent to you as an abutter to the subject property.

Peter F. Spencer

Agent for the owners
Map 20 Block 63C



Investment - bond	100
Int. rate - 10%	10
Property tax - 10%	10
Property tax - 10%	10
Height of tree	10
Standard deviation	10
Edge of pavement	10
Edge of road	10
Utility pole	10
Within	10
Suburban (10)	10
Suburban (10)	10
Area of driveway	10
Good reference (10)	10
Suburban tree	10
Confidence tree	10
Building building	10
100	10

- 2) This is not a Standard Binding format. The particular binding information shown on this plan is based on plan references and the information shown on the referenced plans.
- 3) North is referenced to the plan, using North Arrow. Dimensions are shown in feet and inches. All dimensions are referenced to the nearest whole foot. All dimensions are shown in feet and inches.
- 4) Dimensions are based on GPS observations, NAD83 datum.
- 5) Book and page references are to the Consolidated County Registry of Deeds.
- 6) Bridge and structure are shown per plan reference 2.

(1) Standard Forestry Agency made its first field work by survey in October 1947 and ended 1947/1948.

NAME OF THE COMPANY

Harry A. Kantor
Robert E. Zimmerman
Joseph J. F. Peters

PERCENT

100

80

60

40

20

0

1950 1955 1960

YEAR

SOURCE: BUREAU OF ECONOMIC ANALYSIS

PLAN OF Existing Conditions

MADE FOR
Waterman Marine

4711 UN Bldg 1	DATE	March 27, 2009	SOURCE	T = R
00130720				
IC 0007				
00000000000000000000				
001717				

Thornb Associates
 123 Gray Road, Atlanta, GA 30308
 (770) 555-1234, www.thornb.com

Prepared, Mailing

DECLARATION

4/10/11

Thomas W. Coffin
c/o John W. Coffin
30 John's Road
Map 20 Lot 63C

John W. Coffin
30 John's Road
Map 20 Block 63B

Marion J. Doyle
54 Flying Point Rd
Map 20 Block 63

63C

63B

63

KELSEY CREEK

63D

Chad & Michelle Carter
2 Lupin Lane
Map 20 Block 63D

63A
25.6 AC

LUPINE LANE

ASP, LLC
Flying Point Road
Map 20 Block 64

64

Stephen A and Valerie H Young
72 Flying Point Road
Map 20 Block 65-1

65

Valerie H Young
72 Flying Point Road
Map 20 Block 65

Freeport Conservation Trust
PO Box 433, Freeport
Map 20 Block 70

70
19 AC

65-1
10.68 AC

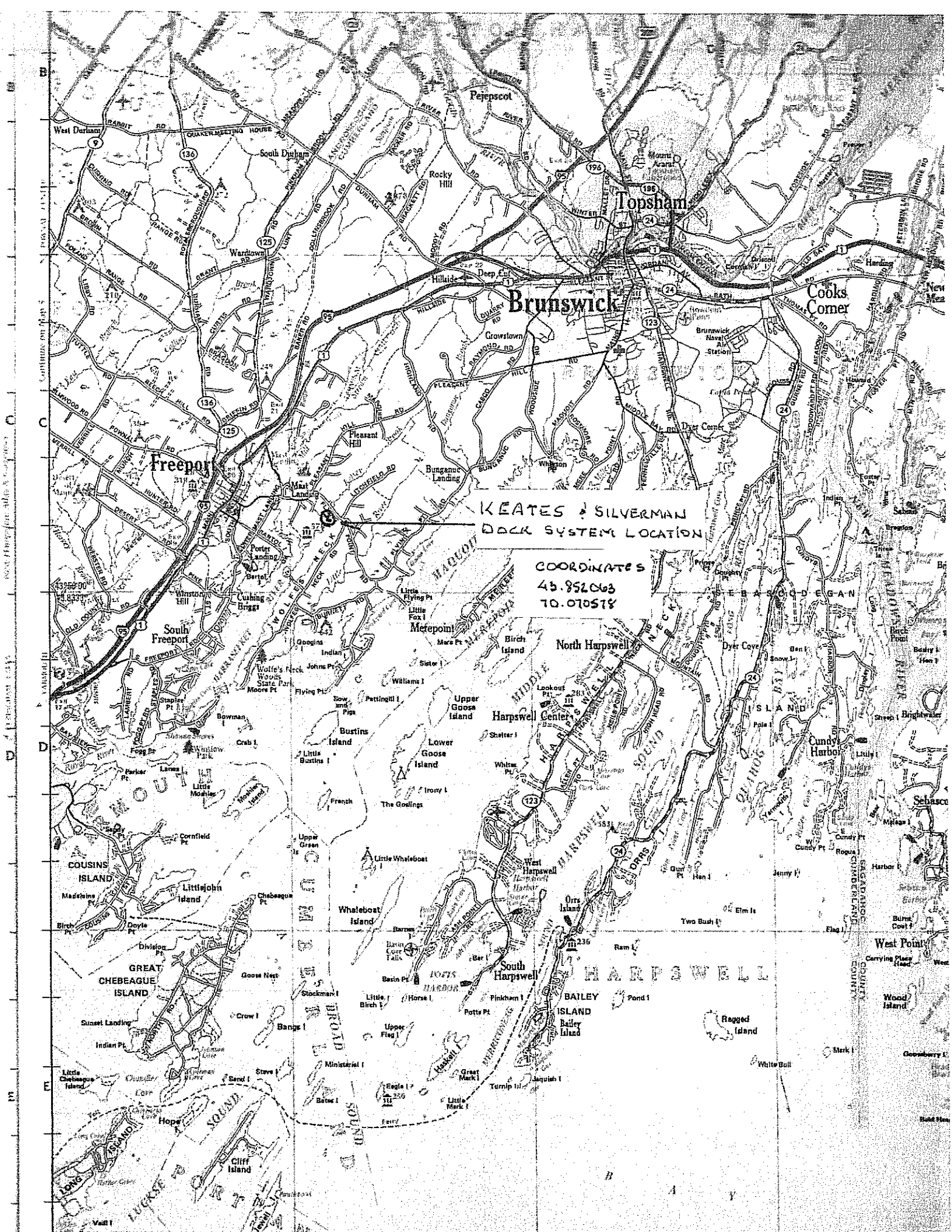
71-1

Ted R and Amy W Yankee
102 Wolfe's Neck Road
Map 20 Block 70-1

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**Application of Harry Keates & Robin Silverman
Plan Showing Location
of
Property Boundaries
and
Names of Abutters**

10/05/2019
Revised 08/26/20



KEATES & SILVERMAN
DOCK SYSTEM LOCATION

COORDINATES
43.852063
10.070519

Application Harry Keates & Robin Silverman

Project Requirement/ Activity Description— Revised 26 August, 2020

The subject property is located in Freeport on the southern bank of Kelsey Brook, a tidal stream which runs to the Harasseeket River approximately 3,540 feet from the proposed site. The brook is unique with clay banks rising 5' from the stream bed, at this location composed of alluvial fines covered in part by flat stones and rocks. The tidal rise of the water in the stream is 4.5' and at this location the brook is 33' in width with +/-6" of water depth in the stream at low water. Navigation in this waterway is by canoe or kayak. At a distance of 10' upstream from the proposed site the character of the brook changes dramatically first with large cobble stone in the stream and the large rocks and ledge rising 2'-4' in height blocking passage except by foot. At 70' upstream the brook elevation rises +/-2' with an aperture in the ledge through which fresh water runoff discharges into the stream. Tidal waters flow beyond this point only at high water.

No piers or other fixed structures are evident from the proposed site. There will be no interference with navigation as the navigable portion of the brook terminates at the site.

The applicants are recreational boaters seeking to obtain safe access by kayak to the tidal waters of the Harasseeket River.

The applicants propose to construct a fixed timber pier 4' x 50' supported on driven pile and accessed directly from the upland by a ramp 4' x 12'. A seasonal ramp 3' x 21' will connect with a 6' x 14' seasonal float.

Alternatives Analysis

The Applicants are recreational boaters with kayaks being their chosen conveyance. The nearest launch for kayak or other hand carry conveyances is located at Porters Landing approximately 2.5 miles by road from the proposed site.

Several alternatives to the proposed pile supported structure have been considered prior to the choice of both this site and the method of construction. They are as follows:

- 1. A crib supported structure. This alternative has an unfavorable environmental footprint and is not feasible to build over a salt marsh.
- 2. With no ledge at the site a structure pinned and chained to rock, while a better environmental solution than a crib structure is not possible at this location.

- 3. Construction of a boardwalk over the salt marsh leading to a staircase at the stream bank appears a reasonable solution save for a number of unacceptable consequences, the first of which is the large environmental footprint with resulting damage to the salt marsh. The second is the installation of stairs off the bank leading to the water. This would require 4" x 6' posts situate at the marsh edge which raises the probability of bank erosion and is not a viable option.
- 4. Consideration was given to moving the project further downstream where the channel widens but this presented several unacceptable issues, one being the distance from the upland to the brook which increases dramatically as you move southward which would result in a lengthy structure with a large environmental footprint. In addition, there are several vernal pools which would have to be crossed in order to reach the stream.
- 5. The last item for consideration is the use of the existing staircase at the head of the brook before it rises 2' in elevation. This alternative is not feasible due to the character of the stream bed which has ledge and rock blocking passage by kayak upstream from the site.

As a result, the proposed method chosen for access is a fixed ramp, 4' x 12' leading to a fixed pier, 4' x 50' supported on driven pile, elevated from the marsh 1' for each foot of width. A lightweight seasonal ramp, 3' x 21' leads to a seasonal float, 6' x 14' which will extend into the brook 13' leaving 17' of water for passage at high tide as the stream width at this location is 33'.

Care will be taken to keep the pier structure as short as possible to allow the seasonal ramp to connect to the float without impacting the stream bank. The pier will have a low profile and will be aesthetically pleasing.

Visual Impact

The proposed dock system will not be visible from any historic landmarks and will have as low a profile as reasonably possible. The ramp will be stored on the pier during the off season and the float will be stored in the upland.

Wetland Impact

The area of impact to the salt marsh below highest annual tide is estimated to be less than 5 square feet. The estimated indirect impact at or below mean low water is estimated to be zero square feet.

Erosion Control Plan

Soil disturbance above mean high water will be limited to six 6" x 6" supports for the first three bents of the structure from the junction of the upland and the marsh. Supports for the balance of the structure will be limited to four 6" x 6" pile driven into the salt marsh. There will be no soil disturbance below low water.

Construction Plan

1. Fixed Pier: 4' x 50'
Pier supported on driven pile using 6" x 6" timbers; 6" x 6" headers; 4" x 6" stringers; X trussed handrail both sides; 5/4" x 6" Alaskan Yellow cedar decking.
2. Access Ramp: 4' x 12'
4" X 6" stringers; 4" x 6" posts dug into the ground; Alaskan Yellow cedar decking.
3. Seasonal Ramp
Timber ramp. 2" x 6" stringers, X bracing, old fashioned handrail; 5/4" x 6" Alaskan Yellow cedar decking; custom fabricated irons securing ramp to float and to pier.
4. Seasonal Float, 6' x 14'
2" x 10" laminated stringers; corner bollards; 4" x 6" structural supports for integrity of float; fully foamed; 5/4" x 6" Alaskan Yellow cedar decking; 4" x 6" shoes on bottom to keep the float above stream bed an for seasonal hauling and launching.
5. Material Specifications:
All structural lumber subject to salt water immersion is CCA pressure treated 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 finish handrail is Alaskan Yellow cedar; all hardware is hot dipped galvanized product except fasteners for decking and handrail which are stainless steel.

Revised 08/26/20.

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

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

Name of applicant: HARRY KEATES & ROBIN SILBERMAN Phone: 508-259-3120

Application Type: TIER 3

Activity Type: (brief activity description) CONSTRUCT FIXED PIER, SEASONAL RAMP & FLOAT

Activity Location: Town: FREEPORT County: CUMBERLAND

GIS Coordinates, if known: _____

Date of Survey: 10/01/19 Observer: PETER F. SPENCE Phone: 207-869-9100

	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?	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/> Yes	<input 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 type="checkbox"/> Yes	<input checked="" 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: HARRY KEATES & ROBIN SILVERMAN PHONE: 508-259-3120

APPLICATION TYPE: TIER 3

ACTIVITY LOCATION: TOWN: FREEPORT COUNTY: CUMBERLAND

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

DATE OF SURVEY: 10/01/19 OBSERVER: PETER F. SPENCER

TIME OF SURVEY: 1:15 PM TIDE AT SURVEY: LOW

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 3 Subtidal area: 0

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: 5")

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: 0) ☐ 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 type="checkbox"/>	<input checked="" 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

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....

My boat(s) requires a draft of 0'3" feet.
My boat(s) is 12' feet long. Clark



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 1/2 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in FREEPORT approximately 3.5 miles from the project location.
(distance) (town)

- ☐ 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: _____
Phone: _____

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: _____

DIMENSIONS:

Length of fixed section: _____ feet
Width of fixed section: _____ feet
Length of ramp: _____ feet
Dimensions of float: _____ feet wide by _____ feet long
Distance the structure will extend below mean low water (MLW): _____ 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: _____ 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



Don't forward sensitive information

64 Lupine Lane

Michelle Carter <flynfly99@yahoo.com>
To: spencerpf@gmail.com

Mon, Sep 7, 2020 at 9:11 PM

Sent from my iPhone

Begin forwarded message:

From: michelle carter <flynfly99@yahoo.com>
Date: September 7, 2020 at 9:09:57 PM EDT
To: ctetreau@freeportmaine.com
Subject: 64 Lupine Lane

To whom it may concern,

This is Michelle Carter from 2 Lupine Lane Freeport. I'm writing in regards to the dock project, proposed by my neighbors, Silverman and Keates, at 64 Lupine Lane. Chad and I are in full support of their dock project. Thank you for your time.

V/R,
Michelle M. Carter
(207)485-1468

Sent from my iPhone



Abutter to 64 Lupin Lane

Valerie Young <svyoungnantucket@comcast.net>

Wed, Sep 9, 2020 at 9:11 AM

To: ctetreau@freeportmaine.com

Cc: spencerpf@gmail.com

TO:

Harbor Master
Charles Tetreau
Freeport ME

Hello Mr. Tetreau,

My name is Valerie Young. I am the owner of 70 Flying Point Road in Freeport and an abutter to 64 Lupine Lane. I would like to show my Full support for my neighbors Harry Keates and Robin Silverman's dock application at 64 Lupine lane, Freeport, ME. If you have any questions for me, let me know. Sincerely, Valerie Young



Fwd: Dock application for Harry Keates and Robin Silverman Lupin In Freeport

Stephen Young <ackmearts@gmail.com>
To: spencerpi@gmail.com;

Wed, Sep 9, 2020 at 8:42 AM

Begin forwarded message:

From: Stephen Young <ackmearts@gmail.com>
Subject: Dock application for Harry Keates and Robin Silverman Lupin In Freeport
Date: August 12, 2020 at 11:35:45 AM EDT
To: ctetreau@freeportmaine.com
Cc: jhanselman@freeportmaine.com

Hello Charles,

My wife Valerie and I would like to show our support to our neighbors Harry Keates and Robin Silverman in regards to their application to install a dock system at their property 64 Lupine Ln Freeport. I feel comfortable that they have done their due diligence in making sure the dock design will be professionally installed and any environmental concerns have been addressed. We hope you vote yes on their application.

Thank you, Stephen and Valerie Young
72 Flying Point rd Freeport
207-504-3202

APPLICATION KEATES &
SILVERMAN
KELSEY BROOK SYSTEM LOCATION
SHOWING BROOK AT LOW TIDE

Legend

64 Lupine Ln

64 Lupine

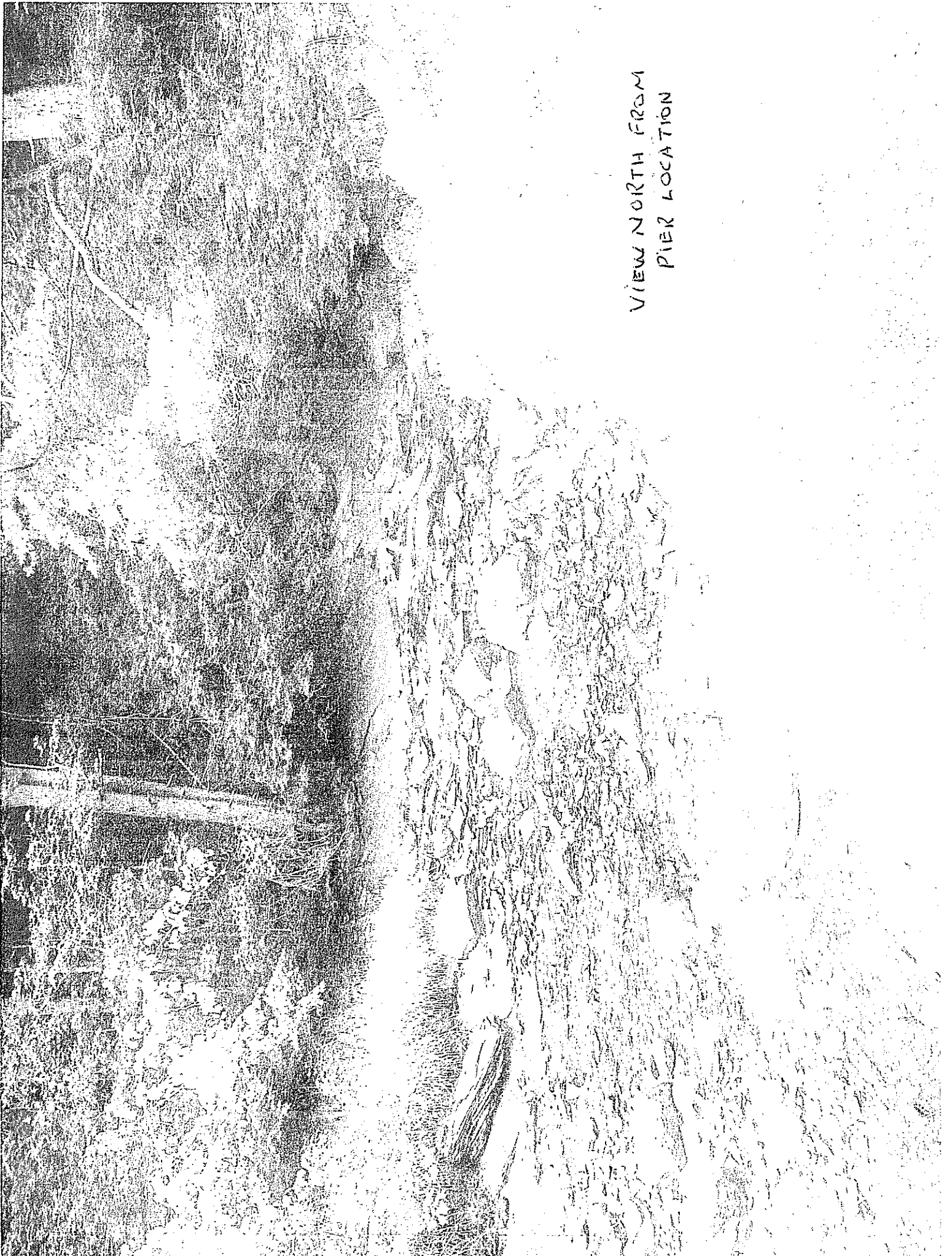
PROPOSED
LOCATION

Google Earth

200 ft



VIEW NORTH FROM
PIER LOCATION



VIEW SOUTH FROM PIER
LOCATION

