

ARTICLE XIII FLOAT, WHARF & DOCK PERMITS

Project: Residential Dock with Shoreline Stabilization

Applicants: Frederick Battistini and Michelle Roy

Permit Application

May 3, 2021

The applicants are requesting consideration at a regular meeting of the Coastal Waters Commission.

Applicants: *Frederick Battistini and Michelle Roy*

Location: *6 Riverview, Map 2 Lot 43*

1. The project is in keeping with the neighborhood. There are other docks in Shipwright cove. The property has 152' feet of water frontage. This proposed skid way meets a 20' setback and the dock is 40' to boundary.
2. The length does not exceed 125' from the highest annual tide water mark .
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 will be constructed with piles and helix anchors
6. Eelgrass is not visible in the vicinity.
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? August 2021

Will neighbors be allowed access? *Informally, yes*

Who will build, store and maintain the float? *Falls Point Marine*

Are there future plans for expansion? *No*

Have there been any objections from neighbors? *Not as of the time of submission, 5.3.*

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

FOR DEP USE  
ATS # \_\_\_\_\_  
L- \_\_\_\_\_  
Total Fees: \_\_\_\_\_  
Date: Received \_\_\_\_\_

## APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

<b>1. Name of Applicant:</b>		Fred Battistini and Michelle Roy		<b>5. Name of Agent:</b>		Falls Point Marine, Inc.											
<b>2. Applicant's Mailing Address:</b>		PO Box 733 S Freeport, ME 04078		<b>6. Agent's Mailing Address:</b>		PO Box 61 So Freeport Me 04078											
<b>3. Applicant's Daytime Phone #:</b>		978-808-0503		<b>7. Agent's Daytime Phone #:</b>		207-865-4567											
<b>4. Applicant's Email Address (Required from either applicant or agent):</b>			battwave1@gmail.com		<b>8. Agent's Email Address:</b>			info@fallspoint.com									
<b>9. Location of Activity: (Nearest Road, Street, Rt.#)</b>			6 Riverview			<b>10. Town:</b>		So Freeport		<b>11. County:</b>		Cumberland					
<b>12. Type of Resource: (Check all that apply)</b>		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain				<b>13. Name of Resource:</b>		Harraseeket River, Casco Bay									
						<b>14. Amount of Impact: (Sq.Ft.)</b>		<b>Fill:</b>									
								<b>Dredging/Veg Removal/Other:</b>									
<b>15. Type of Wetland: (Check all that apply)</b>		<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 _____		<b>FOR FRESHWATER WETLANDS</b> <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft.  <input type="checkbox"/> 5,000-9,999 sq ft  <input type="checkbox"/> 10,000-14,999 sq ft               </td> <td> <input type="checkbox"/> 15,000 – 43,560 sq. ft.             </td> <td> <input type="checkbox"/> &gt; 43,560 sq. ft. or  <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1             </td> </tr> </tbody> </table>								Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
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<b>16. Proposed Start Date and Brief Activity Description:</b>		Summer 2021 - Residential Dock - Shoreline stabilization touch up Locus 43°49.361', -70°06.437' 43.8227, -70.1073															
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> <u>.4</u> acres				UTM Northing: _____ UTM Easting: _____ 19T 0410961E 4852775N											
<b>18. Title, Right or Interest:</b>		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement															
<b>19. Deed Reference Numbers:</b>		Book#: 33123 Page: 0197		<b>20. Map and Lot Numbers:</b>		Map #: 2		Lot #: 43									
<b>21. DEP Staff Previously Contacted:</b>				<b>22. Part of a larger project:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>After-the-Fact:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
<b>23. Resubmission of Application?:</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>If yes, previous application #</b>				<b>Previous project manager:</b>									
<b>24. Written Notice of Violation?:</b>		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>If yes, name of DEP enforcement staff involved:</b>				<b>25. Previous Wetland Alteration:</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
<b>26. Detailed Directions to the Project Site:</b>		From the Big Indian on Route 1 in Freeport take South Freeport Rd 2 miles to Main Street South Freeport. Take Right onto Main Street and follow .2 miles to Riverview Road. Take Riverview Road and follow to end - #6 destination on right.															
<b>27. TIER 1</b>				<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>													
<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 checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized				<input checked="" 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 checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required									
<b>28. FEES Amount Enclosed:</b>		547.															
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>																	





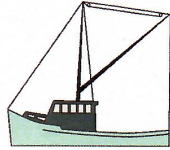
View directly below house where stairs descend and pier begins.



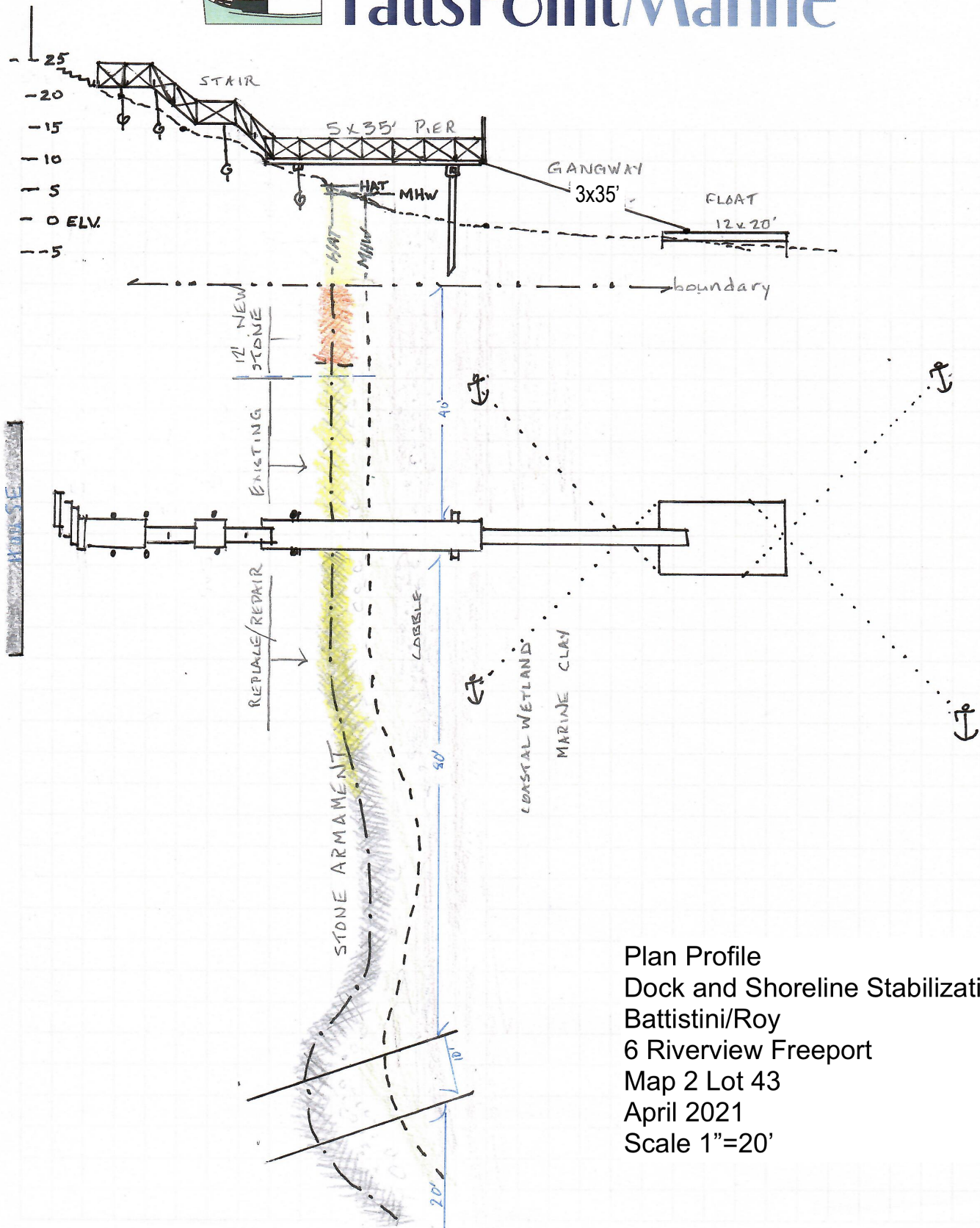
View north into Shipwright Cove



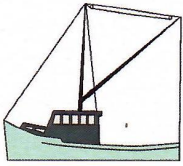
View South towards Brewster's South Freeport Marina



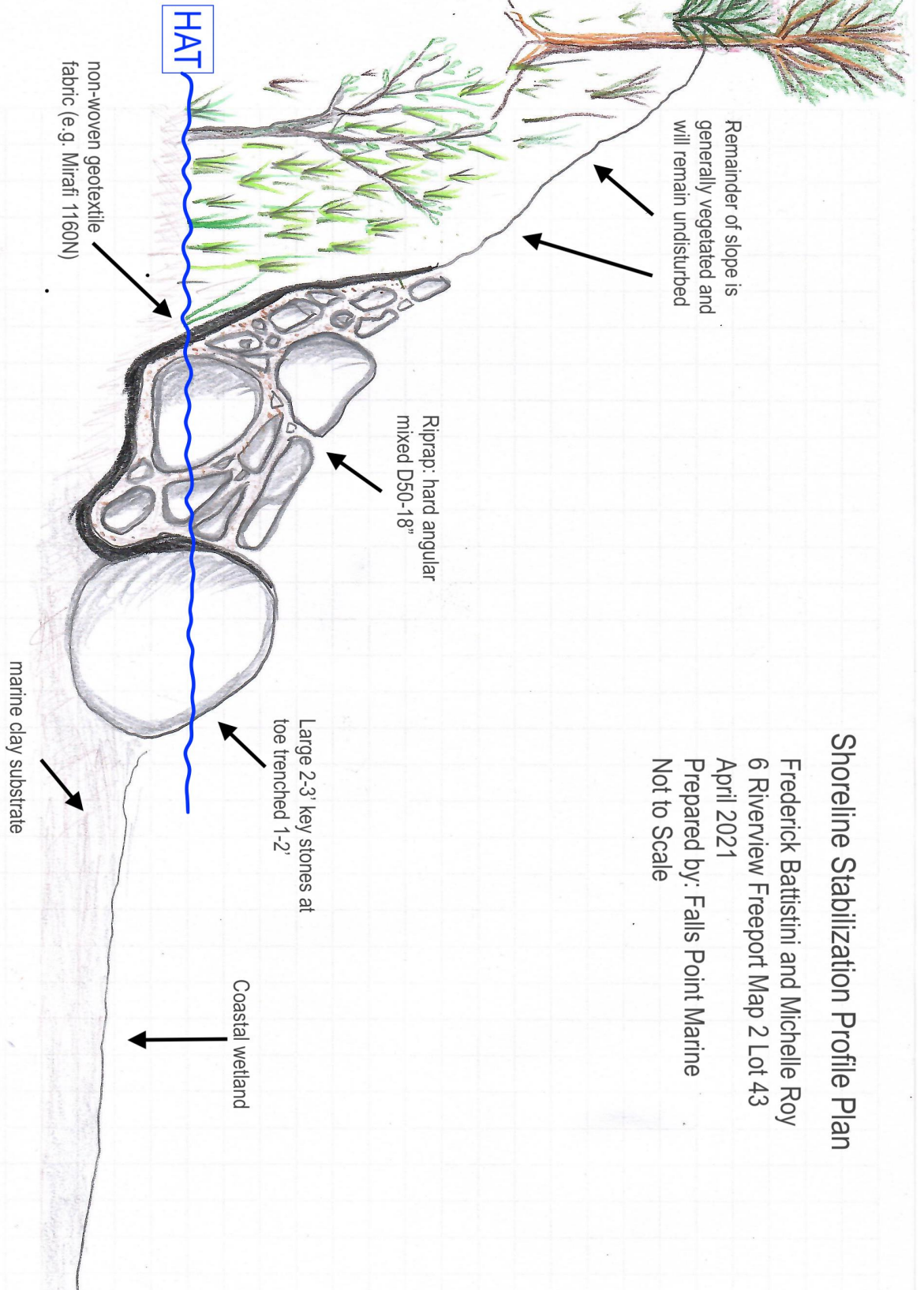
# FallsPointMarine



Plan Profile  
Dock and Shoreline Stabilization  
Battistini/Roy  
6 Riverview Freeport  
Map 2 Lot 43  
April 2021  
Scale 1"=20'



# FallsPoint Marine

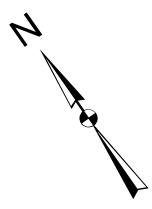


## Shoreline Stabilization Profile Plan

Frederick Battistini and Michelle Roy  
6 Riverview Freeport Map 2 Lot 43

April 2021

Prepared by: Falls Point Marine  
Not to Scale

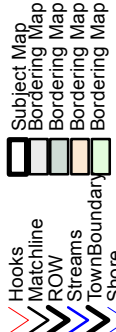


  
**James H. Thomas**  
**gisSolutions of Maine**  
**Cumberland, Maine**  
**jht@maine.rr.com**

These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.

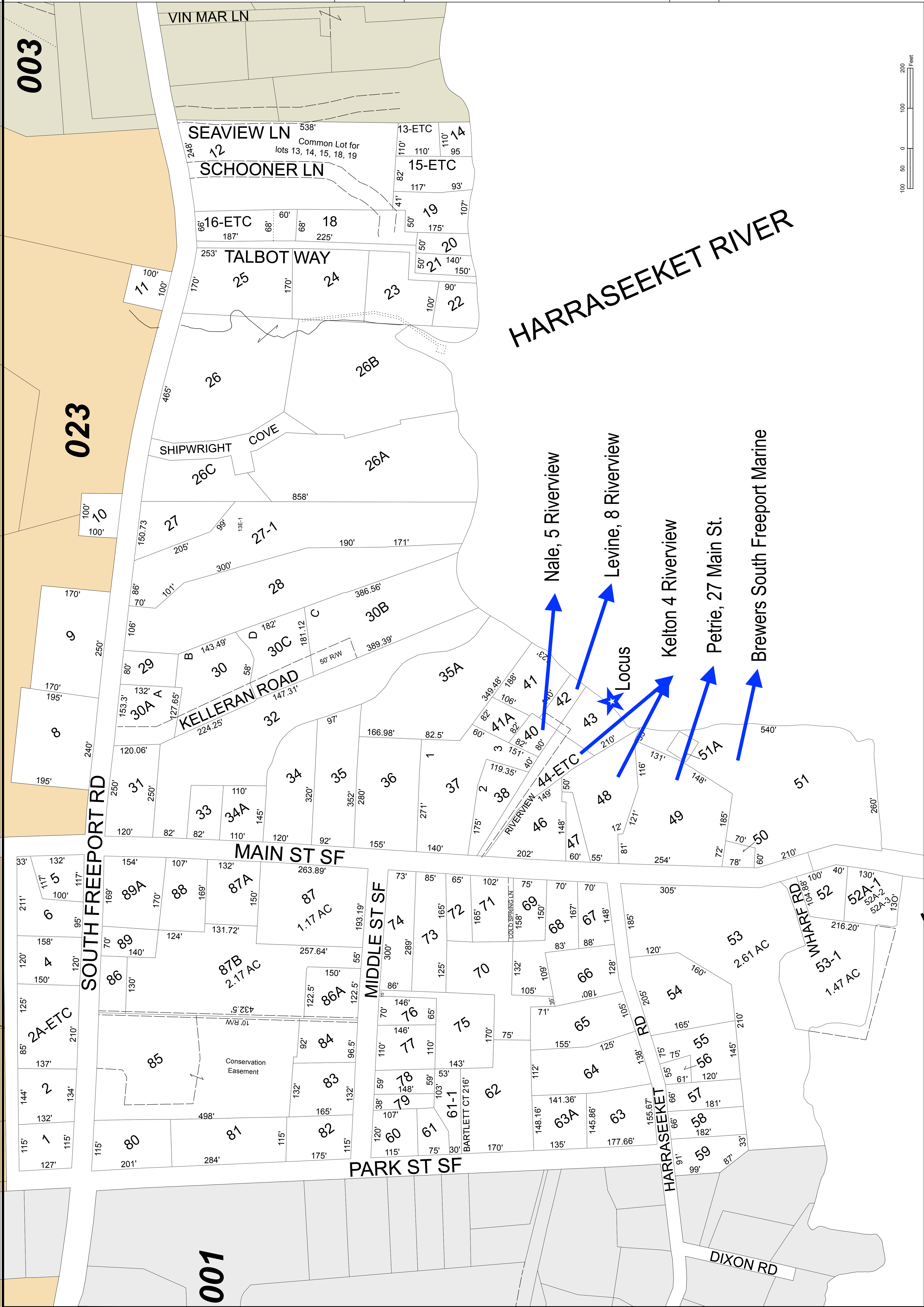
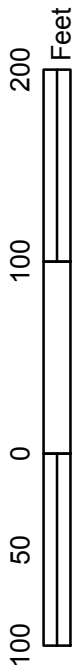
Revised to April 1st

Scale: = 100



# 2020

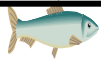
# MAP: 002



**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 1 feet.  
My boat(s) is 14 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, Porters Landing approximately 1.5 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Freeport approximately .15 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.

**Kayak and small boat access**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

I currently use the following for my boat: ☐ Mooring ☐ Marina

**Currently kayaks and small boats are dragged up the shore to the upland for storage**



**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: \_\_\_\_\_ 35 \_\_\_\_\_ feet  
Width of fixed section: \_\_\_\_\_ 5 \_\_\_\_\_ feet  
Length of ramp: \_\_\_\_\_ 35 \_\_\_\_\_ feet  
Dimensions of float: \_\_\_\_\_ 12 \_\_\_\_\_ feet wide by \_\_\_\_\_ 20 \_\_\_\_\_ feet long  
Distance the structure will extend below mean low water (MLW): \_\_\_\_\_ feet  
Depth of water at the fixed end of the structure: \_\_\_\_\_ 4.5' @ MHW \_\_\_\_\_ feet  
Depth of water at the float at low tide: \_\_\_\_\_ 0 \_\_\_\_\_ feet  
Depth of water at the float at high tide: \_\_\_\_\_ 6 \_\_\_\_\_ 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



To Whom It May Concern,

Either Kathleen Keegan and/or Carter Becker of Falls Point Marine, Inc. are authorized to apply for and obtain such permits as necessary from all permitting authorities (local, state and federal) related to the planning and construction of a permanent dock at 6 Riverview, South Freeport Me Tax Map 2 Lot 43.

Print Name: Frederick A Battistini Jr.

Signed: Frederick A Battistini Jr.

Mailing Address P.O. Box 733

S. Freeport, Me 04078

Email Battwave1@gmail.com

May 5, 2021

WHARF OUT APPLICATION, Coastal Waters Commission, Freeport

ABUTTER NOTIFICATION VIA CERTIFIED MAIL

Applicant: Frederick Battistini and Michelle Roy

Project: Residential Dock and Shoreline Stabilization

Location: 6 River View Freeport, Maine 04032. Tax Map 2, Lot 43

This letter is to inform you that a permit application has filed with the Town of Freeport for a wharfing out permit for a shore access stair and seasonal dock. As an abutter to the referenced property, you are hereby notified that a copy of the application can be viewed at the Town offices, 30 Main Street in Freeport, Maine.

The Freeport Coastal Waters Commission will review the following application at its next regular available meeting time The council meets on the second Wednesday of each month.

Time: 6:00 p.m.

Location: TBD

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## **Public Notice**

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### **NOTICE OF INTENT TO FILE**

Frederick Battistini and Michelle Roy are intending to file a Natural Resources Protection Act permit application with the Maine DEP pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about May 15, 2021. The application is for a dock at the following location: 6 Riverview in Freeport, Maine. Request for a public hearing or a request that the DEP 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. The application will be filed for public inspection at the DEP's office in Portland during normal working hours. A copy of the application may also be seen at the municipal offices in Freeport, Maine. Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

7020 1290 0001 3607 5157

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$ 55

Total Postage and Fees \$ 58.60

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Street and Apt. No., or PO Box No. 401 Jackson Street  
City, State, ZIP+4® Denver, CO 80206

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

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$ 55

Total Postage and Fees \$ 58.60

Sent To Brewers South Freeport Marine  
Street and Apt. No., or PO Box No. PO Box 119  
City, State, ZIP+4® South Freeport, ME, 04078

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

7020 1290 0001 3607 5287

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Extra Services & Fees (check box, add fee as appropriate)

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<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 \$ 55

Total Postage and Fees \$ 58.60

Sent To Carol J. Nale  
Street and Apt. No., or PO Box No. PO Box 157  
City, State, ZIP+4® South Freeport, ME 04078

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

7020 1290 0001 3607 5294

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Extra Services & Fees (check box, add fee as appropriate)

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<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 \$ 55

Total Postage and Fees \$ 58.60

Sent To Elaine E. Lavine  
Street and Apt. No., or PO Box No. PO Box 43  
City, State, ZIP+4® South Freeport ME 04078

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

7020 1290 0001 3607 5270

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Certified Mail Fee \$ 3.60

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 \$ 55

Total Postage and Fees \$ 58.60

Sent To William and Deborah Kenton  
Street and Apt. No., or PO Box No. PO Box 303  
City, State, ZIP+4® South Freeport, ME 04078

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

5/3/2021

To Whom It May Concern:

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding a proposal for a residential dock. This installation is for Frederick Battistini and Michelle Roy at 6 Riverview Freeport , Maine Tax Map 2 Lot 43.

Enclosed you will find a map and a drawing of the project.

There are no shipwrecks in the area. South Freeport Village is included as an Historic Distric. We hope that this project meets with your approval.

Please do not hesitate to reach out if you require any further information.

Sincerely,

Kathleen Keegan

Falls Point Marine, Inc.  
PO Box 61  
So. Freeport, Me 04078  
207-865-4567  
[kathy@fallspoint.com](mailto:kathy@fallspoint.com)

cc:

Aroostook Band of Micmacs  
Passamaquoddy Tribe of Indians  
Houlton Band of Maliseet Indians  
Penobscot Indian Nation  
MHPC

**WARRANTY DEED**  
**Maine Statutory Short Form**

KNOW ALL BY THESE PRESENTS, That We, **Lynn M. Allen, formerly known as Lynn M. Wallace and Lynn Robinson, and Lillian S. Robinson**, of Freeport, Maine, for consideration paid, grant to:

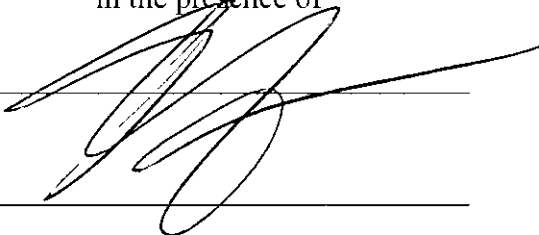
**Michele M. Roy and Frederick A. Battistini, Jr.**

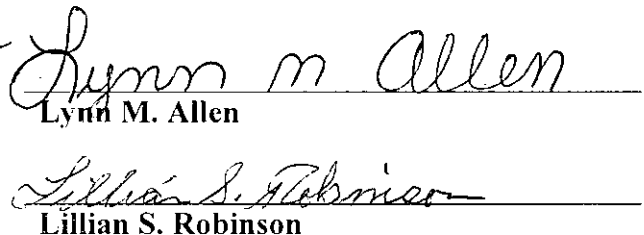
whose mailing address is: 126 Merrimack Meadow Lane, Tewksbury, Massachusetts 01876, with **warranty covenants, as joint tenants**, the real estate situated in Freeport, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the Town of Freeport, County of Cumberland, and State of Maine being more particularly described in Exhibit A attached hereto and made a part hereof.

Witness our hands and seals this 18th day of May, 2016.

Signed, Sealed and Delivered  
in the presence of

  
\_\_\_\_\_  
**Lynn M. Allen**

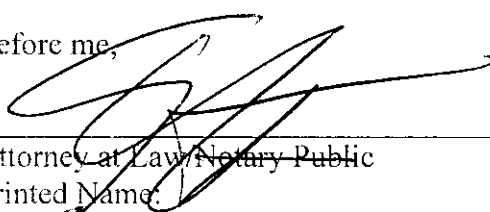
  
\_\_\_\_\_  
**Lillian S. Robinson**

State of Maine  
County of Cumberland

May 18, 2016

Then personally appeared before me the above named Lynn M. Allen and Lillian S. Robinson and acknowledged the foregoing instrument to be their free act and deed.

Before me,

  
\_\_\_\_\_  
Attorney at Law/Notary Public  
Printed Name:

**SPENCER SCHACKEFORD**

MAINE REAL ESTATE TAX PAID

The premises are conveyed subject to and benefited by the terms and provisions set forth in Road Maintenance Agreement recorded February 29, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32943, Page 175.

Received  
Recorded Register of Deeds  
May 19, 2016 03:30:58P  
Cumberland County  
Nancy A. Lane

**EXHIBIT A**  
**6 Riverview, Freeport, Maine**

A certain lot or parcel of land, with the buildings thereon, situated at South Freeport, in the Town of Freeport, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the northeasterly corner of land conveyed by John W. Ineson to Bertha M. Pinkham by deed dated July 19, 1911 and recorded in the Cumberland County Registry of Deeds in Book 879, Page 41;

Thence South  $77^{\circ} 30'$  East, one hundred fifty-three and two tenths (153.2) feet on a line in continuation of said Pinkham's front or northerly line to an iron pin set in the ground on the shore of the Harraseeket River, so-called;

Thence South  $26^{\circ} 27'$  West, one hundred fifty-one and seven tenths (151.7) feet by the shore of the Harraseeket River to an iron pipe driven in the ground in a gully;

Thence North  $48^{\circ}$  West, one hundred thirty-three and seven tenths (133.7) feet by the center of the gully to an iron pin driven in the ground at a point that would intersect the easterly line of said Pinkham land if extended southerly;

Thence North  $12^{\circ} 30'$  East, thirty-two and three tenths (32.3) feet to the southeasterly corner of said Pinkham land;

Thence North  $12^{\circ} 30'$  East, fifty (50) feet, continuing in the same direction and by said Pinkham land to the point of beginning.

The above-conveyance is made subject to a right of way, if any, that may exist across the above described premises.

Being the same premises conveyed by Confirmatory Deed Trustee's Deed of Distribution from James G. Palmer, Testamentary Trustee under the Will of Carlton L. Robinson to Lynn M. Wallace, formerly known as Lynn Robinson dated August 30, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31024, Page 46. Further reference is made to the election of Lillian S. Robinson not to accept the specific provisions of the will of Carlton L. Robinson and to claim her one third interest by descent in and to the above-described premises which she was entitled to by law reference being made to instrument dated November 30, 1978 and recorded in said Registry of Deeds in Book 4352, Page 107.

The premises are conveyed subject to the rights set forth in Easement Warranty Deed from Carlton L. Robinson to Freeport Sewer District dated November 13, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3775, Page 32, and benefited by the rights reserved in said deed.