

Feb 22, 2023

Coastal Waters Commission

ARTICLE XIII FLOAT, WHARF & DOCK PERMITS

Applicants: Route 888, LLC

Project : Residential Dock

Location: 159 Maguoit Drive, Tax Map 5 Lot 35A-ETC

For your consideration please accept this application for a residential dock at 159 Maquoit Drive. This property lies on Flying Point within the Brickyard Cove area.

- 1. The project is in keeping with the neighborhood as many properties on Maquoit Drive are utilizing similar dock systems. The property has +/- 200' of shore frontage. The project does not unreasonably interfere with traditional public access and does not interfere with ingress and egress or riparian owners as it is the last property on the dead end road. Project does not pose hazard to navigational channels.
- 2. The project does not encroach into existing mooring areas. The applicant will have a mooring in the nearby in Brickyard Cove anchorage.
- 3. The material will be transported by barge and should not disturb any soil.
- 4. Eelgrass is not visible in the immediate vicinity.
- 5. The project shall not significantly impact fisheries or shellfish harvesting.
- 6. The dock lies within the 125' overall length from HAT seaward.

Construction time frame- summer 2023

Have there been any objections from neighbors? No

Please see attached submissions.

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

PLEASE	I TPE UK F	'KINT IN BI	LACK II	VK UNLT								
1. Name of Applicant:	Route 888, LLC			5.Name of Agent:			Falls Point Marine					
2. Applicant's Mailing Address:				6. Agent's Mailing			PO Box 61					
	Newton, Ma 02464				Address:			S. Freeport, ME 04078				
3. Applicant's Daytime Phone #:	857-272-7509			7. Agent's Daytime Phone #:			207-865-4567					
4. Applicant's Email A (Required from either or agent):		ryan@themo	mentume	nterprises.com	8. Agent's	Email Add	ress:	info@fallspoint.com				
9. Location of Activity: (Nearest Road, Street,				10. Town:	Freepo	ort	11. Co	unty:	Cum	berland		
12. Type of	River, st	ream or bro	ok		13. Name of Resource:							
Resource:	Great Po							Maquoi	t Bay			
(Check all that apply)	√ Coastal	Wetland iter Wetland			14 Amou	nt of Impoo	4.	Em.				
		Special Sig		ce		int of Impac .Ft.)	ι.	Fill:				
		nt Wildlife I			(04	,		Dredgi	ing/Veg	Remova	al/Other:	
		Mountain										
15. Type of Wetland:	Foreste					OR FRESH		WETL	ANDS			
(Check all that apply)	Scrub S Emerge			Tier	1	T	ier 2		Tier 3			
	Wet Mea			0 - 4,999	sa ft.	15,000 –	43.560	sa. ft.	> 43	3.560 so	a. ft. or	
	Peatland	d		5,000-9,9					60 sq. ft. → 43,560 sq. ft. or √smaller than 43,5			
	Open W			10,000-1							ot eligible	
	Other				sq ft			for Tier 1			1	
16. Brief Activity Description:	Residential dock											
17. Size of Lot or Parce	el			1		19 N		_				
& UTM Locations:		square f	eet, or	89	acres UT	M Northing:	41491	<u>0</u> UT	M East	ing: <u></u>	4852744	
18. Title, Right or Inter	v ow	/n	leas	se pur	chase option	on writt	en agre	ement				
19. Deed Reference Nu		Book#: 39	482 Pa	^{age:} 198		p and Lot N	umbers:		5/		35-A E I C	
21. DEP Staff Previous	ly					of a larger	Yes		r-the-	Ye		
Contacted: 23. Resubmission	Yes	If yes, pre	wious		project:	Drov	√ No ious pro	Fact	<u>:</u>	√ N	0	
of Application?:	√ No	applicatio					ious pro ager:	gect .				
24. Written Notice of	Yes	If yes, nar		EP				25. Previ	ous W	etland	Yes	
Violation?:	√ No	enforceme	ent staf	f involved:				Alter	ation:		√ No	
26. Detailed Directions	From N	lain street	in Free	port, take E	Bow St 4.	1 miles righ	it onto L	ower Fly	ing Po	oint Rd,	1.2 miles to	
to the Project Site:	14 Mer	ganser wa	y on th	e right								
27. TIER [,]	TIED OVER AND INDIVIDUAL DEDMITO											
Title, right or interest					Plan							
Topographic Map	Map			hment 3), if								
Narrative Project De		√ Copy of Public Notice/Public required			ont 4) if							
	g (8 1/2" x 11") Information Meeting Documentation Compensation Plan (Attachment 4), if Wetlands Delineation Report required			ent 4), n								
(Attachment 1) that contains the			uired									
Information listed				nder Site Conditions		√ Stater	Statement/Copy of cover letter to MHPC					
					Description of Previously Mined Peatland,							
			including description of how wetland impacts were Avoided/Minimized									
28. FEES Amount End	1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2											
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<u>IMPORTANT</u>: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

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

see attached	Date:	2/15/2023
SIGNATURE OF AGENT/APPLICANT		

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

08/08

PUBLIC NOTICE FILING AND CERTIFICATION

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

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

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

CERTIFICATION

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

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

The Public Informational Meeting was held on	·
	Date
Approximately members of the public at	tended the Public Informational Meeting.
Kallalua III. Keegaa	2/15/23
Signature of Applicant or authorized agent	Date







PART 3. TIER 3 INDIVIDUAL NATURAL RESOURCE PROTECTION ACT PERMIT BASIC ATTACHMENTS FOR TIER 3 AND INDIVIDUAL NRPA PERMIT

☐ <u>Attachment 1</u>, Activity Description

The project proposes to construct a residential dock at 159 Maquoit Drive in Freeport. The applicants plan to use the dock for safe water access for kayaking, swimming, fishing and other boating. The dock system begins at the top of bank with 40' of embankment stairs and continues seaward with a 5' x 90' fixed pier which is supported by helix anchors at the inshore end and one timber pile bent offshore. The elevation of the walking surface is 12'. A wood gallows frame for seasonal service of the gangway will be added at the outer end of the fixed pier.

For the seasonal portion, the gangway is 3'x45' and the float is 12'x20'. A four point anchor system will hold the float in place. The gangway will be stored on the pier head in the winter. The float will be stored above HAT and out of the tidal zone for the winter months. The proposed dock is 34' from the south-eastern boundary and over 200' from the north-western boundary

Direct Impact of Project: 10 ft².

(8) Stairs, Inner helix bent

(2) Below HAT - Outer bent (2) 10-12" pilings

<u>Indirect Impact of Project:</u> 945 ft²

Stair $3x40' = 120 \text{ ft}^2$

Pierhead 5x45, 5x55 = 450 ft²

Gangway 3x45'= 135 ft^2

Float $12x20' = 240 \text{ ft}^2$

☐ Attachment 2, Alternatives Analysis / Avoidance and Minimization

Several alternatives were considered in determining the need, placement and design of the proposed structures. Among the factors considered were shoreline characteristics, vegetation, tidal access, identified natural resources and proximity to existing public and private facilities. The project purpose is to avoid the marsh and provide safe upland water access. The project's minimal approach preserves and expands the existing native vegetation by raising the structure high enough over the marsh.

Alternative 1: Do Nothing

The "do nothing" approach would leave an impactful aging system in place and would not address the need for safe waterfront access to Maquoit Bay.

<u>Alternative 2</u>: The project proposes to preserve the shore from further erosion or degradation by constructing an elevated stair and pier head. The current system shall be removed and the vegetation will thrive underneath the proposed system with a 1:1 ration of width:height. The placement of the dock system was chosen as it is the most logical, representing a minimum permanent structure in order to reach minimal, reasonable water access.

The applicants will have access to water for half of the tide cycle, as do the majority of the docks in the area. The location is safely tucked in a cove and away from the navigable channel so as not to interfere with any normal private or commercial activities. Adjacent Brickyard Cove having similar dock systems make the project in keeping with the surrounding character of the area and the Town of Freeport.

Attachment 3: See attached CalTopo Map

Attachment 4: See photos

Attachment 5: See attached plan drawing

Attachment 6: Additional plans, n/a

Attachment 7: Construction Plan

The system will be transported and installed via crane barge in the following sections

- ° 5'x45', 5'x55' fixed pier (2) aluminum/wood pier sections
- ° 3'x45' seasonal gangway aluminum/wood
- ° 12'x20' seasonal float wood construction with sealed flotation, skids
- ° The 4 point anchoring system will be set at 45° angles from the float

2 buried anchors out with 1/2" x ~65' 1/2" chain

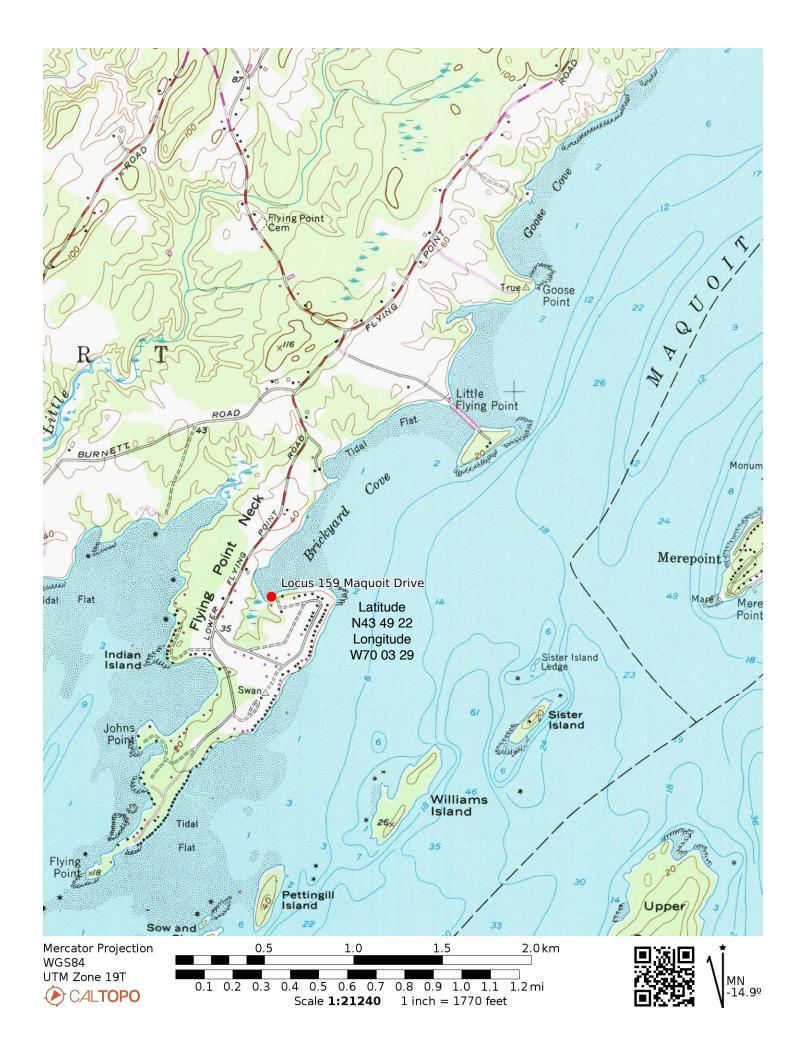
2 pins with 3/8" x ~ 65 chain

The pier head, gallows frame and gangway will be fabricated off site with a welded aluminum frame and wood decking. The 10"x10" piles are marine grade 2.5 CCA PT timbers. The timber float will be constructed off site with marine grade lumber and polyethylene molded flotation and skids. The float fasteners are 1/2" galvanized steel. The bent fasteners are 3/4"-1" galvanized steel.

☐ <u>Attachment 8</u>, Erosion Control Plan.

The site will not produce a need for vegetation removal and does not disturb the resource in an unreasonable way. We refer to Maine DOT Best Management Practices for Erosion and Sedimentation Control. Hay bales will be set in the event that unexpected erosion occurs during construction. Construction access to the the project will be via a barge. Occasional crew access may transit from shore.

Attachment 9, See attached Coastal Wetland Characteristics, Appendix B
Attachment 10, See attached Overhead and side view plan drawing
Attachment 11, See attached Dept. Army Permit App and MHPC letter
Appendix D. See Project Description for Dock, Pier or Wharf Application



FallsPointMarine

Attachment #4-Photos
1. View NNE

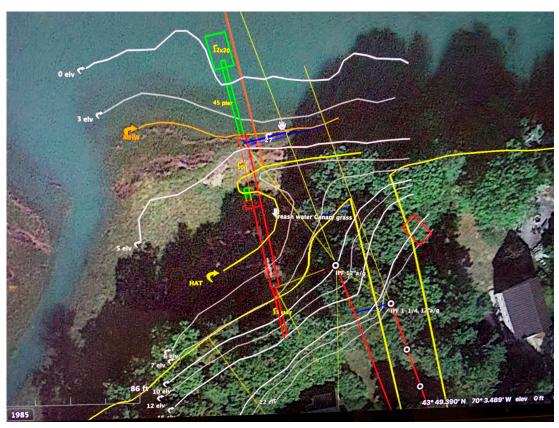


2. View NNE



FallsPointMarine

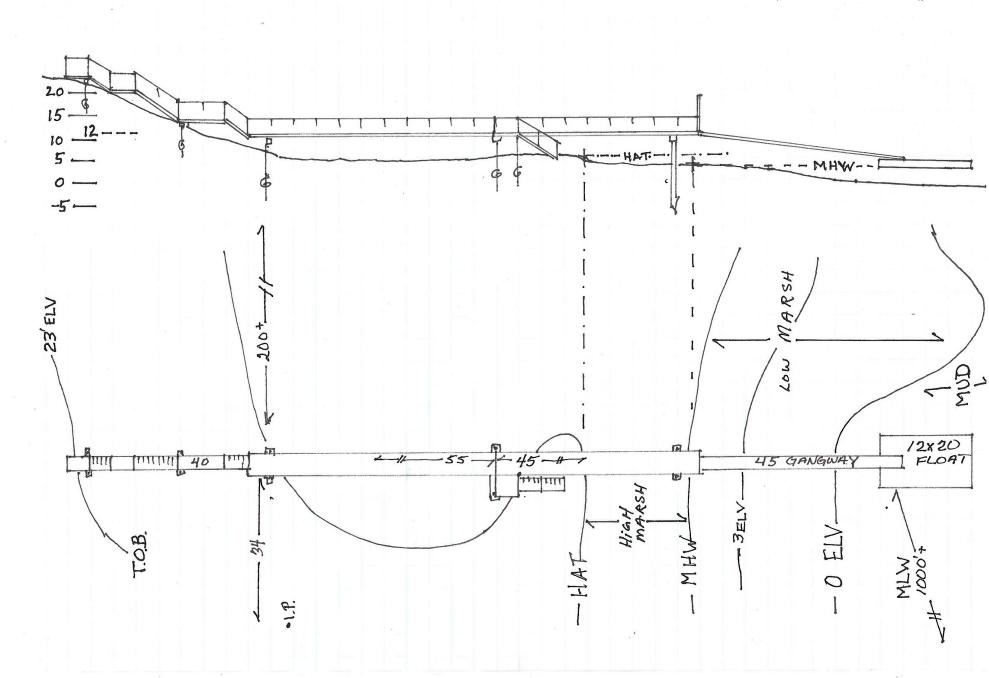
3. Aerial view

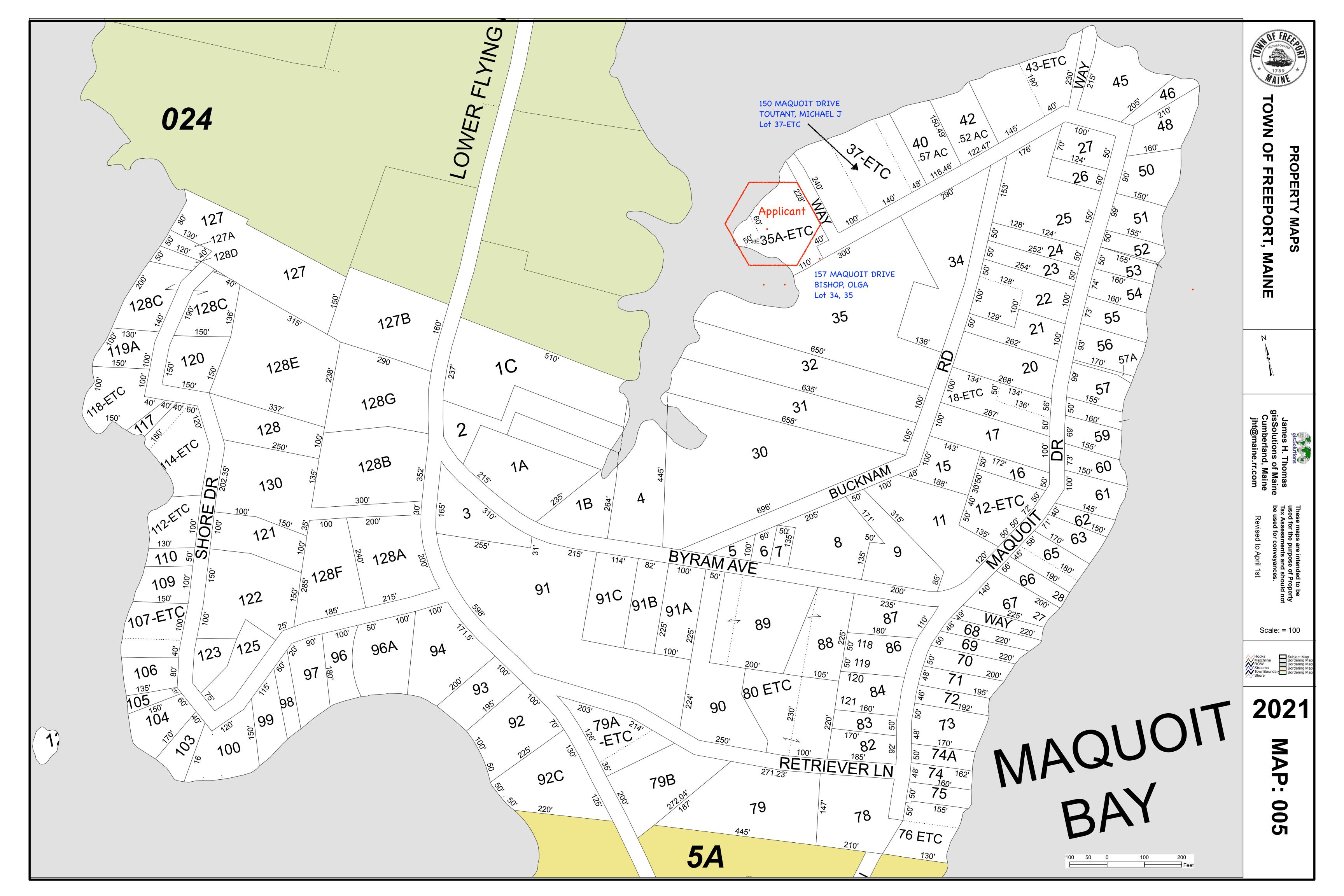


4. View ENE Brickyard Cove



159 Maquoit Drive, Freeport Tax Map 5 Lot 35A-ETC Scale 20 Prepared for Route 888, LLC by Falls Point Marine. 02.01.2023





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

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 of2' feet. My boat(s) is28'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 CONSIDERATIONSPlease complete Appendix A of the NRPA application.
WHAT FACILITIES ARE NEARBY? 5.3 miles to Porter's Landing 9 miles to Winslow Park 10 miles to Mere Point approximately miles from the project location. (town) (distance) The nearest public, commercial, or private marina is located in Freeport-Brewer's approximately 7.5 miles from the project location. (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.

My mooring is adjacent in Brickyard Cove anchorage

Name:	Charlie Tetreault	_ Phone:_	207-865-4546	
I currently i	use the following for my boat: $oldsymbol{\Sigma}$	Mooring	g 🗆 Ма	rina
TELL US A	ABOUT YOUR PROPOSED P	IER, DO	CK OR WHA	ARF
MATERIA	LS:			
[★]	The structure will be supported b	• •		es in diameter
	Γhe structure will be supported l	•	_	h granite cribs feet by feet
	Γhe structure will be supported l	•	l. uare feet of so	lid fill
	Other:			
DIMENSI	ONS:			
Width o Length o Dimens Distance Depth o Depth o Depth o	ions of float: the structure will extend below f water at the fixed end of the str f water at the float at low tide: f water at the float at high tide: ions of any proposed buildings (ructure: e.g. bait sh	vwater (MLW ned):	90' feet 5' feet 45' feet long 1): 0' feet 3"@MHW'feet 0' feet 4.5' feet ide by feet long
ACCESS:				
Dur	ng construction, my project site	will be ac	cessed via:	
	☐ Land			
	☐ Beach/intertidal area			
	1 Water/barge			

SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

WARRANTY DEED

DLN #1002240196349

(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS THAT we, Jonathan W. Ely and Caroline C. Ely, of the Town of Freeport, County of Cumberland, State of Maine, for consideration paid, grant to Route 888, LLC, a Maine limited liability company, with a mailing address of 2 Hale Street, Newton, Massachusetts 02464, with Warranty Covenants, the land, buildings and any appurtenances thereto located in the Town of Freeport, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land situated in the town of Freeport, County of Cumberland and state of Maine bounded and described as follows:

Being lots 79, 80 and 81 as shown on Plan of Lots of Flying Point made by E. A. Rand, Surveyor, dated May 25, 1933 and recorded in the Cumberland County Registry of Deeds in Plan Book 21 page 45.

Also releasing to the grantee, with no covenants of any type, all of our right, title and interest in and to the premises and interests described in the following deeds:

- 1. Deed from Peter H. Smith to the Grantors herein, dated March 23, 2015 and recorded in said Registry of Deeds in Book 32174 Page 54:
- 2. Deed from David A. Meserve to the Grantors herein, dated March 26, 2015 and recorded in said Registry of Deeds in Book 32174 Page 55:
- 3. Deed from Deborah A. Greenlaw to the Grantors herein, dated August 4, 2015 and recorded in said Registry of Deeds in Book 32597 Page 317: and
- 4. Deed from David Swan to the Grantors herein, dated October 23, 2015 and recorded in said Registry of Deeds in Book 32722 Page 153:

The above described premises are conveyed together with and subject to any and all easements or appurtenances of record insofar as the same are in force and applicable.

Meaning and intending to describe, and hereby describing, the same premises conveyed by Jonathan W. Ely and Caroline C. Ely, as Trustees of The Ely Family Trust u/d/t June 18, 2018 to the Grantors herein by Trustee's Deed dated February 21, 2019 and recorded in said Registry of Deeds in Book 35478, Page 324.

DOC:29200 BK:39482 PG:199

RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS 06/08/2022, 08:08:32A

Register of Deeds Jessica M. Spaulding E-RECORDED

WITNESS our hands and seals this \(\bigvee \psi \) day of June, 2022.

SIGNED, SEALED and DELIVERED in the presence of

Witness

COMMONWEALTH OF MASSACHUSETTS

June_6, 2022

County of Worcester

Then personally appeared the above-named Jonathan W. Ely and Caroline C. Ely and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public/ Attorney at Law

Please print or type name as signed

COLLEEN LORD Notary Public

Commonwealth of Massachusetts My Commission Expires

January 20, 2023



To Whom It May Concern,

Route 888 LLC

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) to construct a recreational dock at 159 Maquoit Drive in Freeport, Me Map 5 Lot 35A

200, 220
2 Hale Street
Newton, Ma 02464
Representative Signature:
Ryan Debin Print Name:
Date: 01 / 11 / 2023
E-Mail Address ryan@themomentumenterprises.com
Phone: (857) 272-7509



2/15/23

Maine Historic Preservation Commission (MHPC) 65 State House Station Augusta, Maine 04333-0065

Dear Sir/Madam,

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding an application for a residential dock. The application is at 159 Maquoit Drive in Freeport, Maine Tax Map 5, Lot 35-A- ETC.

Attached you will find photos, map and a drawing of the project.

There are no shipwrecks in the area. The structure on the lot was built in 2016. We hope that this project will not affect any historic resources and meets with your approval.

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

Sincerely,

Kathleen Keegan Falls Point Marine, Inc. PO Box 61 So. Freeport, Me 04078

Cc:

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