

April 8, 2024

Ms. Caroline Pelletier
Town of Freeport
30 Main Street
Freeport, Maine 04032

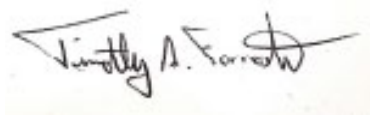
RE: Site Plan Review Application for Shoreline Stabilization on behalf of Melinda D. Dyar and William S. Phillips located at 42 Maquoit Drive, Freeport, Maine.

Dear Ms. Pelletier,

On behalf of Melinda D. Dyar and William S. Phillips (Applicants), Flycatcher, LLC (Flycatcher) requests the Town of Freeport's Project Review Board consider a Site Plan Review application to stabilize the shoreline at 42 Maquoit Drive in Freeport, Maine. The proposed stabilization consists of the placement of irregular stones that are two (2) to four (4) feet in diameter along approximately one hundred (100) feet of the Applicant's shoreline and will tie into existing riprap to the north (Tax Map #5 Lot #75), which is also owned by the Applicants and taper along the southerly property line. The riprap will vary in height depending on the extent of erosion and the Applicant proposes approximately two hundred (200) square feet of direct impacts below the Highest Annual Tide (HAT) line. Native plantings will be established at the top of the riprap once construction of the riprap is complete. Applications have been submitted to the U.S. Army Corps of Engineers (ACOE), Maine Projects Office in Augusta, Maine and to the Maine Department of Environmental Protection (MDEP). Copies of those approvals will be forwarded upon receipt.

Thank you in advance for your consideration of this Application. If you require any additional information or clarification, please feel free to contact me at (207) 837-2199 or by email at tim@flycatcherllc.com.

Respectfully submitted,



Tim Forrester
Director, Coastal Resources
Lower Falls Landing, 106 Lafayette Street, Suite 2A
Yarmouth, Maine 04096

Town of Freeport
Site Plan Review Submission Checklist – Small Projects
Per Section 602 of the Freeport Zoning Ordinance

Submission Requirements: When the owner of the property or authorized agent makes formal application for Site Plan Review to the Staff Review Board and/or the Project Review Board, the application for the Site Plan or an amendment to an approved site plan shall contain at least an application, a deed for the property, plans, building elevations, and a cover letter. In addition to the paper copies required below, all application materials must be submitted in digital PDF form. More details on each of these items are listed below. The Town Planner shall make an initial review of the application to determine if it is complete.

Requirements	Check if included	If the item has not been included with the submission, a waiver must be requested. Please explain the reason:
Application: A fully executed and signed copy of the Planning Department Application for Review. The application form will be provided by the Planning Department.	<input type="checkbox"/>	
Proof of right, title and/or interest in the property: A copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be omitted.	<input type="checkbox"/>	
Cover letter: A cover letter explaining the project should include details on any proposed construction or change of use that can't be explained by the plans. The cover letter should also list other local, state, or federal permits or licenses that will be required.	<input type="checkbox"/>	
Plans: Two (2) sets of the full-size plan drawn at a scale sufficient to allow review under the Criteria and Standards of Section (F) of Section 602, but at not more than 40 feet to the inch for that portion of the total tract of land being proposed for development and ten (10) copies for the Project Review Board, or seven (7) copies for the Staff Review Board of the plan set on 11 X 17" size sheets. All plans shall include the following information:	<input type="checkbox"/>	
a. Owner's name, address and signature;	<input type="checkbox"/>	
b. Assigned address and Tax Assessor Map and Lot(s) of each parcel(s)- existing at the time the application is submitted;	<input type="checkbox"/>	

c. <u>Boundaries</u> of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;	<input type="checkbox"/>	
d. The <u>bearings and distances</u> of all property lines, and easements and the location of the adjacent right-of-way. A formal survey is recommended for new developments; however, the Project Review Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries;	<input type="checkbox"/>	
e. <u>Zoning classification(s)</u> of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts;	<input type="checkbox"/>	
f. The <u>lot area</u> of the parcel and the <u>road frontage</u> ;	<input type="checkbox"/>	
g. The <u>location, size, and type of all existing and proposed buildings</u> and structures (including size and height) and:	<input type="checkbox"/>	
<i>The setbacks from property lines</i>	<input type="checkbox"/>	
<i>Driveways</i>	<input type="checkbox"/>	
<i>Sidewalks</i> N/A	<input type="checkbox"/>	
<i>Parking spaces</i> N/A	<input type="checkbox"/>	
<i>Loading areas</i> N/A	<input type="checkbox"/>	
<i>Open spaces</i>	<input type="checkbox"/>	
<i>Large trees</i> see vegetation buffer on plans	<input type="checkbox"/>	
<i>Open drainage courses</i> N/A	<input type="checkbox"/>	
<i>Signs</i> N/A	<input type="checkbox"/>	
<i>Exterior lighting</i> N/A	<input type="checkbox"/>	
<i>Service areas</i> N/A	<input type="checkbox"/>	
<i>Easements</i> N/A	<input type="checkbox"/>	
<i>Landscaping</i> N/A	<input type="checkbox"/>	

**Town of Freeport
Planning Department**

Application for Review

Project Type: (check all applicable)

Site Plan Review Design Review Certificate Subdivision
 Zoning Ordinance Amendment Other (please explain) _____

Name of Project: Melinda Dyar and William Phillips Shoreline Stabilization Project

Proposed Use of Property: Single family residential, shoreline stabilization

1) Applicant Information:

Name: Tim Forrester, Flycatcher, LLC Tel: (207) 837-2199
(If a Company, provide name of person also)

Address: 106 Lafayette Street, Suite 2A, Yarmouth, Maine 04096

Email: tim@flycatcherllc.com

2) Interest in Property: Please attach a copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be blacked out. This application will not be processed without this information.

3) Do you own any abutting property? Yes No

If yes, please explain: Melinda Dyar and William Phillips own the abutting property to the north Map #5 Lot #75.

4) Property Information:

Present Use of Property Single family residential, shoreline stabilization

Location: Street Address 42 Maquoit Drive

Assessor's Office Map: 5

Lot: 76 ETC

Size of Parcel (acres): 0.45

Zoning District (s): MDR-1

5) Design Review Information (please circle one from each category)

Design Review District: One Two Not in the Design Review District

Building Class, as designated on the Design Review District Map(s): A B C

Is this building in the Color Overlay District: Yes No

Please describe the proposed changes: _____

6) Other Information:

Proposed # of Buildings: N/A Gross Square Footage of Non-Residential Buildings: N/A

Is Zoning Board of Appeals Approval Required? Yes x No

If YES, provide reason _____

7) Subdivision Approval or a Subdivision Amendment: (if applicable) N/A

Proposed Number of Lots _____

Does the applicant intend to request any waivers of Subdivision or Site Review provisions?

NO _____ YES _____

If YES, list and give reasons why _____

8) Applicant's Engineer, Land Surveyor, Landscape Architect and/or Planner:

Name: Linkel Construction Tel: (207) 725-1438

Address: 286 Augusta Road, Topsham, Maine 04086

Email: corey@linkelconstruction.com

9) Billing Contact (If different than applicant information) (see Applicant information)

Name: _____ Tel: _____

Address: _____

Email: _____

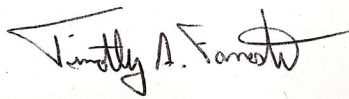
Application Fee: \$ 165 **Abutter Fee:** \$ 7.50

Submission: This application form, along with required accompanying materials, must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered.

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.

4/1/24

DATE



SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE



AUTHORIZATION LETTER

DATE: January 26, 2024

By this letter, I authorize Flycatcher LLC to act on my behalf as my agent for the purpose of obtaining permits and approvals related to the proposed project located at:

42 Maquoit Drive, Freeport, Maine.

This authorization allows Flycatcher LLC to act as my agent for the preparation, signing and submission of federal, state, regional, and municipal permit applications, including conducting any necessary or pertinent consultations, preparation and submission of relevant documents and applications, advancing nominal funds as are required to file such applications, and representation at meetings and hearings for the applications.

This authorization is effective as of the date of this correspondence and will remain valid until revoked in writing.

Melinda D Dyar

Print Name

Title

melindadyar@gmail.com

413-348-9424

Phone or Email



Signature

1/29/24

Date

Photographs

The following photographs are taken from the site of the project and represent the existing conditions of the project located at 42 Maquoit Drive, Freeport, Maine. All photographs were taken on January 30, 2024 by Chuck Ferris of Flycatcher, LLC unless otherwise noted.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Google Earth. Date: 2022.



Photograph Two. View of shoreline facing northeast.

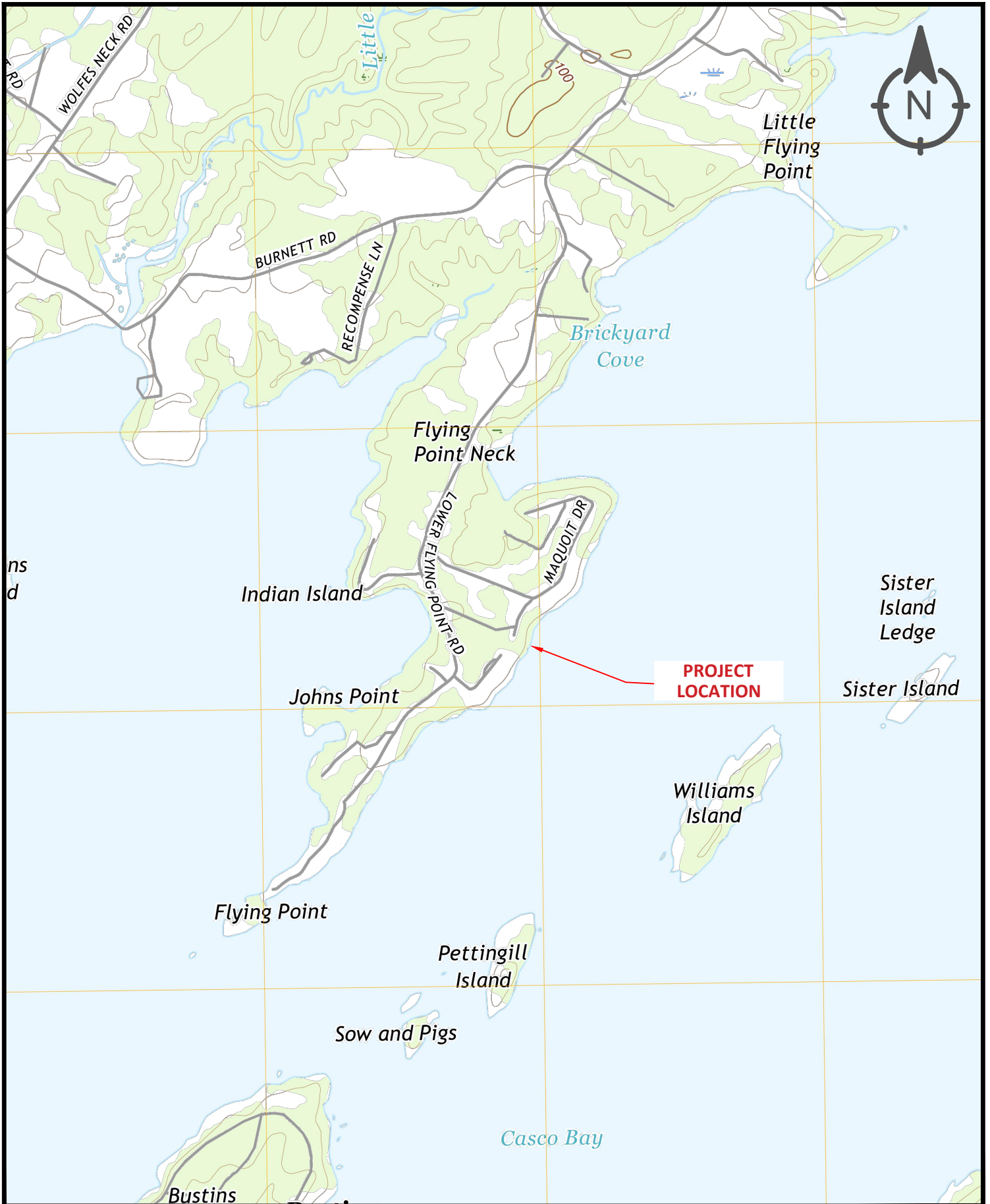


Photograph Three. View of existing access stairs on property. Riprap will continue on far side of stairs.



Photograph Four. View of shoreline from top of bank. Vegetation along the top of the bank will remain undisturbed.

Location Map



Lower Falls Landing
 106 Lafayette Street,
 Suite 2A
 Yarmouth, ME 04096

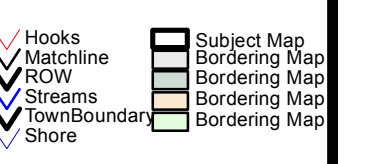
PROJECT LOCATION
42 MAQUOIT DRIVE
FREEPORT, MAINE
43.818183, -70.057638



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

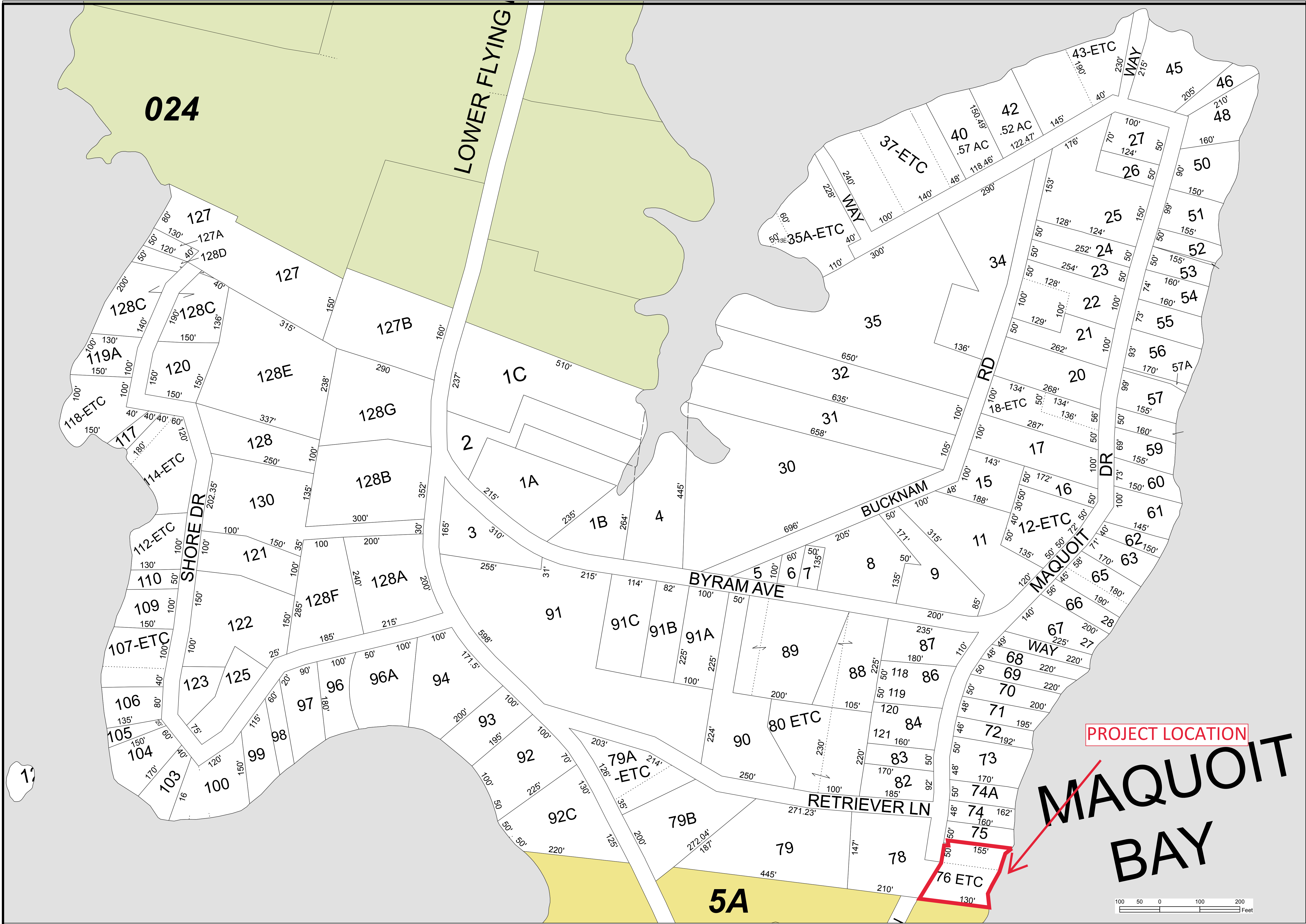
These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.
Revised to April 1st

Scale: = 100



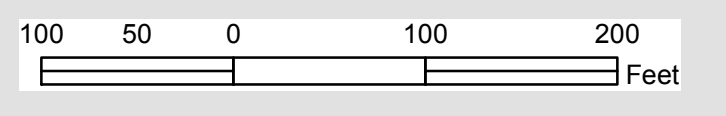
2021

MAP: 005

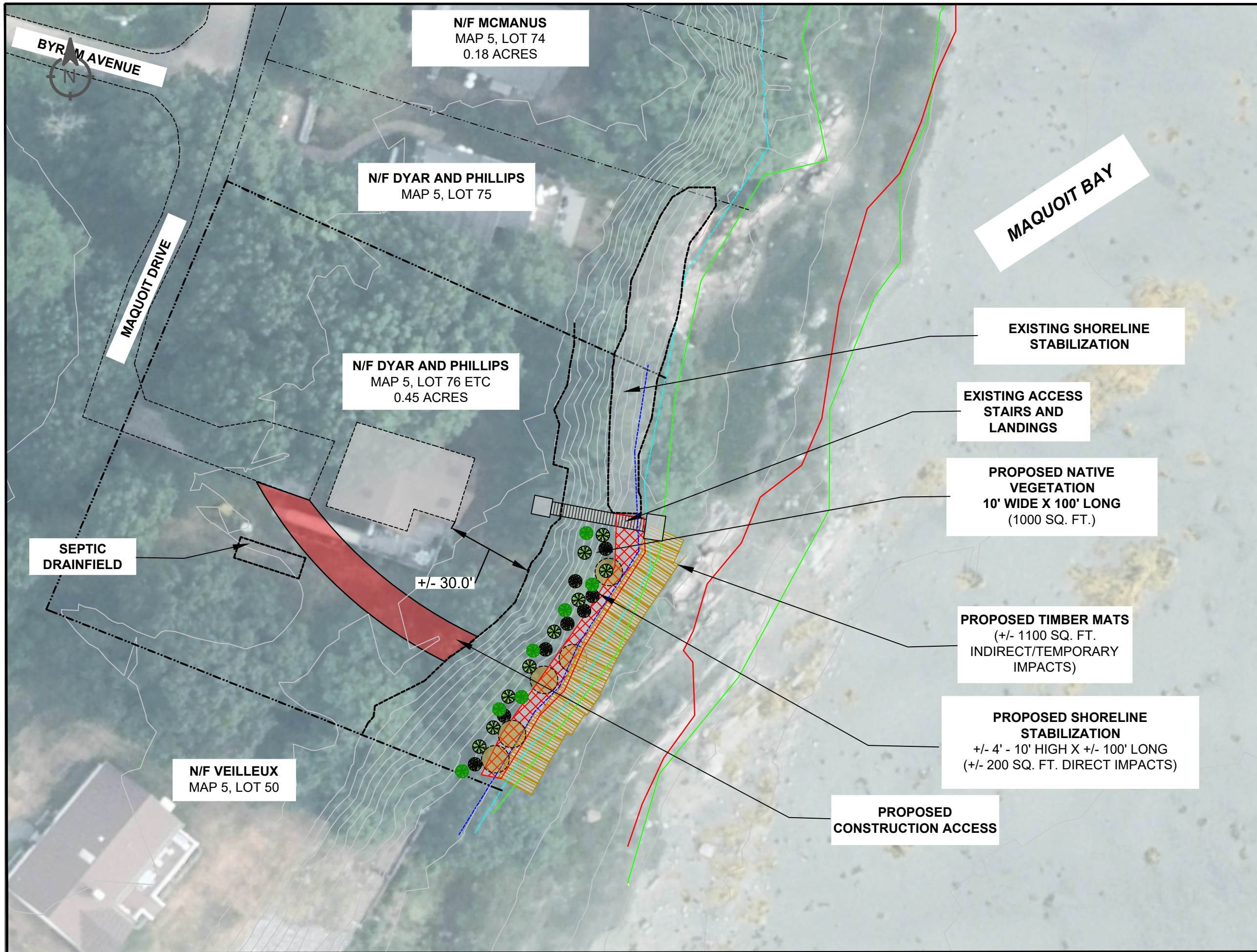


PROJECT LOCATION

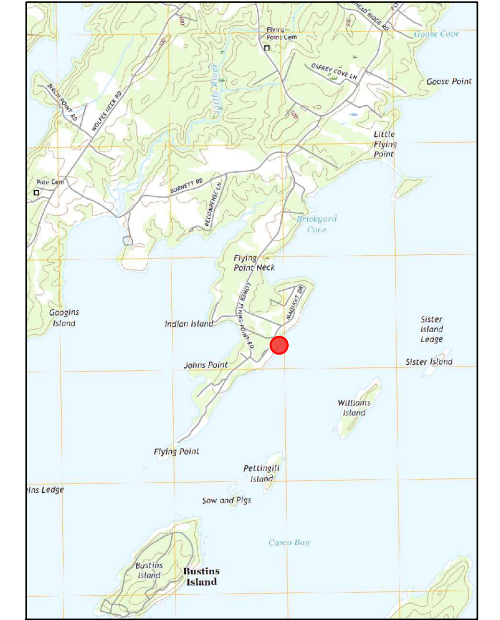
MAQUOIT BAY



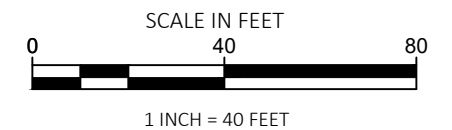
Project Plans



- LEGEND**
- PROPERTY LINE
 - HIGHEST ANNUAL TIDE (HAT)
 - MEAN HIGH WATER (MHW)
 - SIGNIFICANT WILDLIFE HABITAT
 - MARSH VEGETATION
 - TOP OF BANK
 - TREES TO BE REMOVED



- NOTES:**
- 1) BASE MAP IMAGERY BASED ON MAINE OFFICE OF GIS AERIAL IMAGERY DATED 2022.
 - 2) 2 FT CONTOUR DATA BASED ON MAINE OFFICE OF GIS TILE 19TDJ15.
 - 3) HIGHEST ANNUAL TIDE DATA BASED ON SOUTH FREEPORT TIDAL STATION (6.70' NAVD88)
 - 4) PROPERTY LINE DATA BASED ON PLAN TITLED, "BOUNDARY SURVEY AT 42 MAQUOIT DRIVE," PREPARED BY MANN ASSOCIATES, INC. AND DATED SEPTEMBER 7, 2001.
 - 5) PLAN IS FOR PERMITTING PURPOSES.



PROJECT:
 PROPOSED SHORELINE STABILIZATION FOR MELINDA DYAR AND WILLIAM PHILLIPS, 42 MAQUOIT DRIVE, FREEPORT, MAINE.

TITLE:
 OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

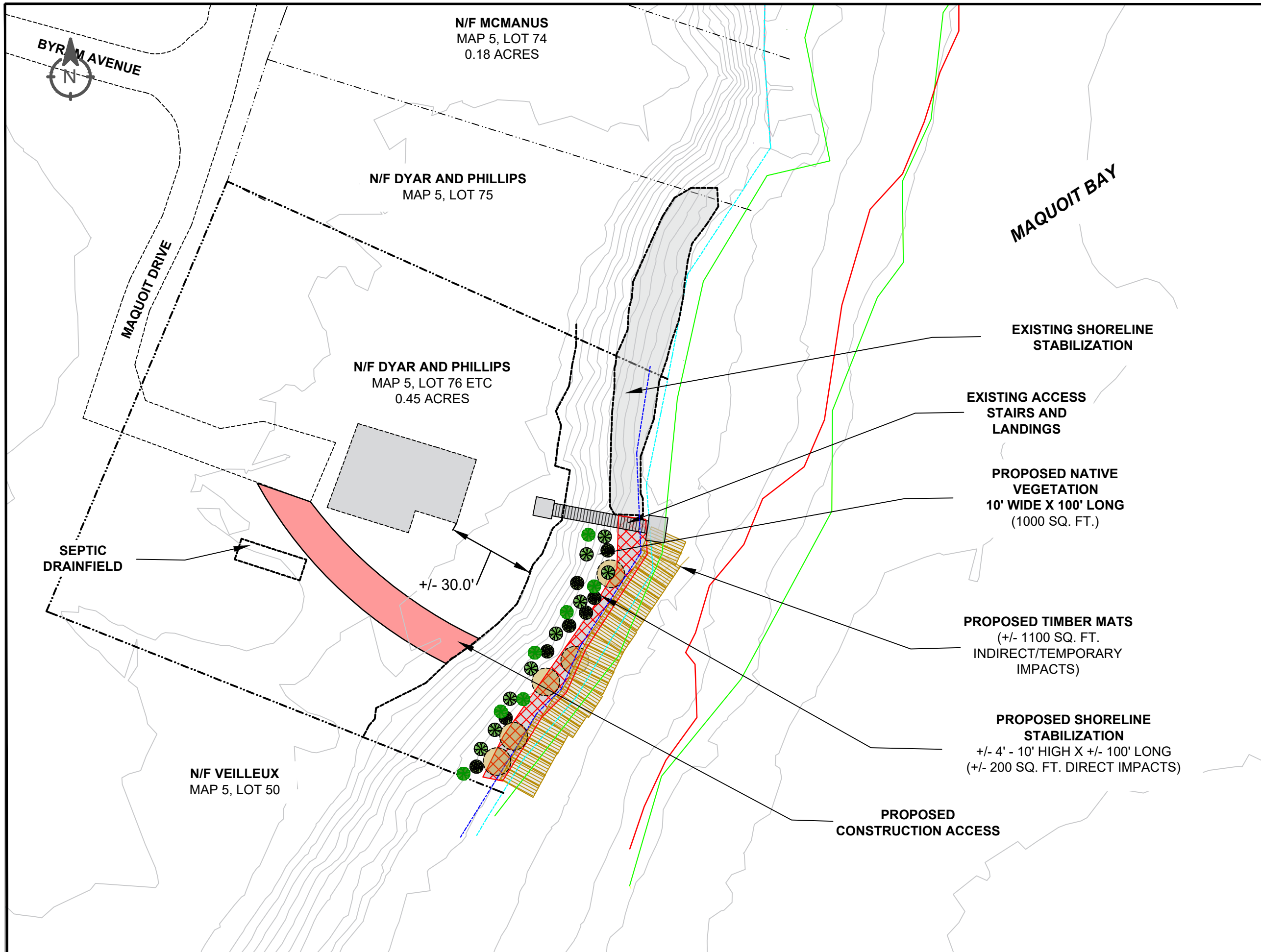
DRAWN BY: LCV **SHEET:** 1 OF 3

CHECKED BY: TAF **JOB NUMBER:** C231-010

DATE: 3/4/2024 **REV DATE:**



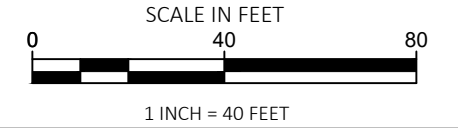
Lower Falls Landing
 106 Lafayette Street,
 Suite 2A
 Yarmouth, ME 04096



- LEGEND**
- PROPERTY LINE
 - HIGHEST ANNUAL TIDE (HAT)
 - MEAN HIGH WATER (MHW)
 - SIGNIFICANT WILDLIFE HABITAT
 - MARSH VEGETATION
 - TOP OF BANK
 - TREES TO BE REMOVED



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PROJECT:
 PROPOSED SHORELINE STABILIZATION FOR MELINDA DYAR AND WILLIAM PHILLIPS, 42 MAQUOIT DRIVE, FREEPORT, MAINE.

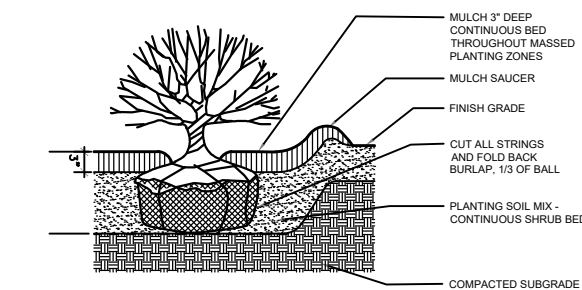
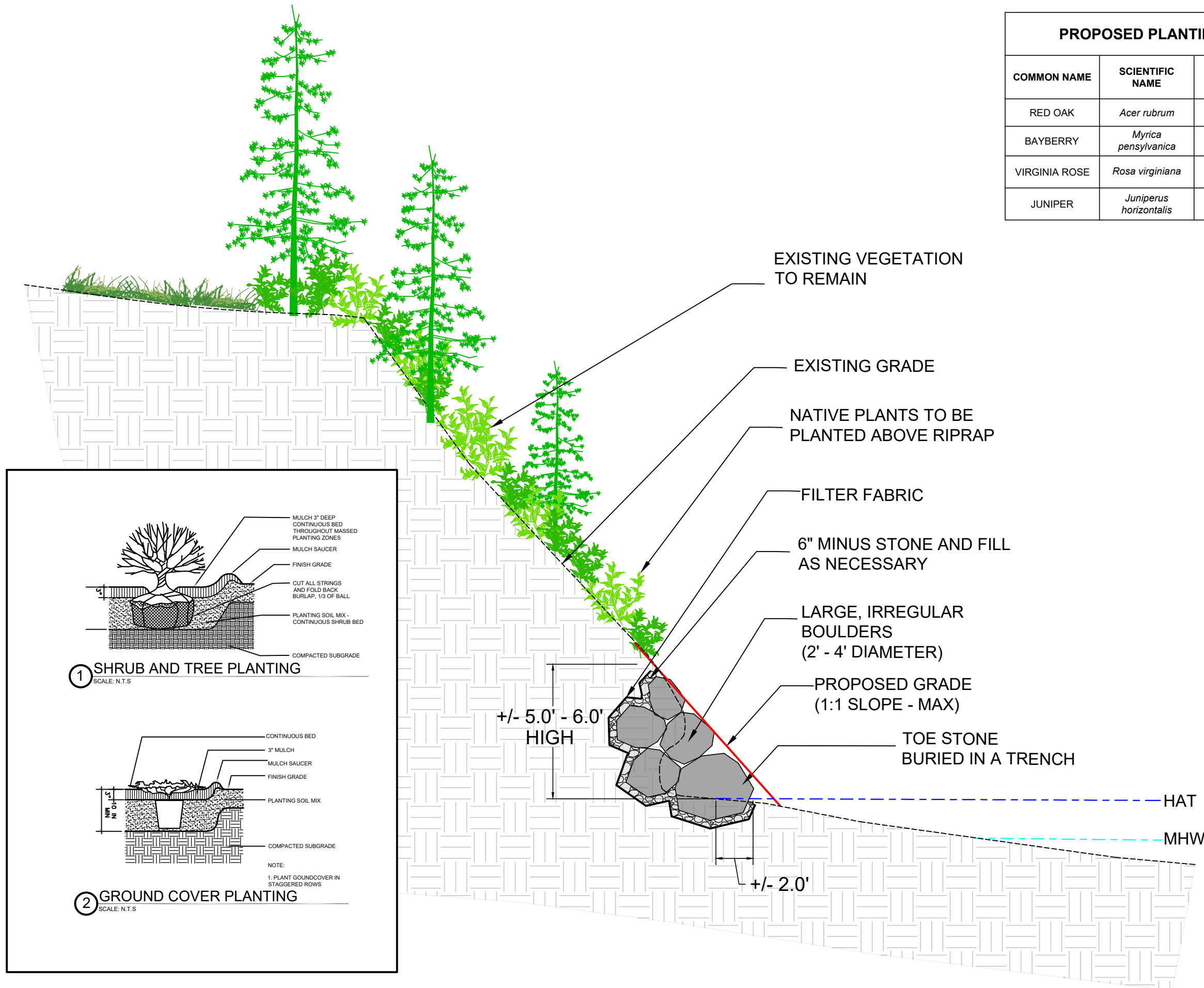
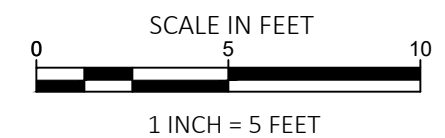
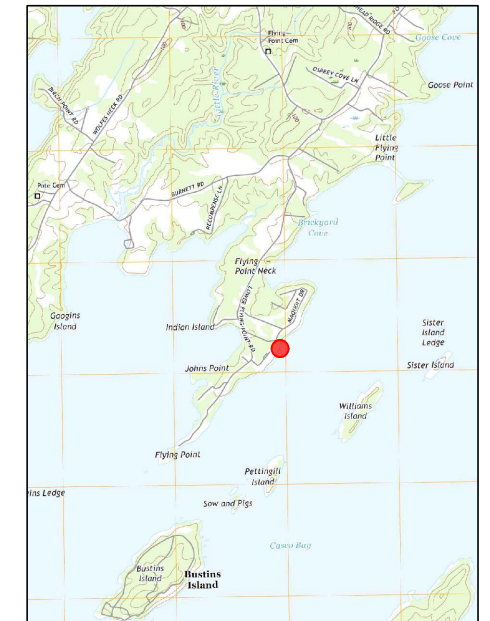
TITLE:
 OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

DRAWN BY: LCV	SHEET: 2 OF 3
CHECKED BY: TAF	JOB NUMBER: C231-010
DATE: 3/4/2024	REV DATE:

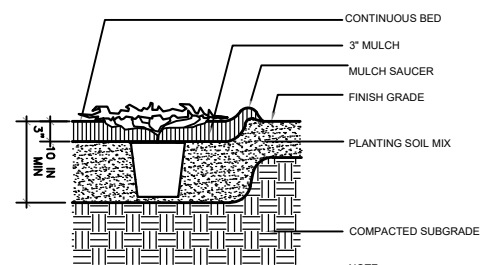
Lower Falls Landing
 106 Lafayette Street,
 Suite 2A
 Yarmouth, ME 04096

PROPOSED PLANTINGS		
COMMON NAME	SCIENTIFIC NAME	SPACING
RED OAK	<i>Acer rubrum</i>	2 - 3 O.C.
BAYBERRY	<i>Myrica pensylvanica</i>	2 - 3 O.C.
VIRGINIA ROSE	<i>Rosa virginiana</i>	2 - 3 O.C.
JUNIPER	<i>Juniperus horizontalis</i>	2 - 3 O.C.

- NOTES:
- 1) WHERE APPLICABLE, THE FIRST ROW OF RIPRAP WILL BE BURIED IN A TRENCH. BOTTOM STONE WILL BE SET TO A DETPH OF $\frac{1}{2}$ THE STONE'S DIAMETER.
 - 2) RIPRAP WILL CONSIST OF LARGE, IRREGULAR SHAPED ROCKS, FIT INTO PLACE AND/OR PINNED WITH REBAR. RIPRAP IS PLACED ON A SLOPE. SOME VARIATION IN SLOPE, HEIGHT, AND DISTANCE IS UNAVOIDABLE. STONE WILL VARY IN SIZE FROM 2' - 4'.
 - 3) CONTRACTOR WILL HAVE A MAINE DEP EROSION CONTROL CERTIFIED INDIVIDUAL ON-SITE DURING ALL SITE DISTURBANCE.
 - 4) EROSION CONTROLS WILL BE ESTABLISHED AS NEEDED AND WILL REMAIN IN PLACE UNTIL SITE IS STABILIZED.
 - 5) PLAN IS FOR PERMITTING PURPOSES ONLY.



1 SHRUB AND TREE PLANTING
SCALE: N.T.S.



2 GROUND COVER PLANTING
SCALE: N.T.S.

NOTE:
1. PLANT GROUND COVER IN STAGGERED ROWS

PROJECT:
PROPOSED SHORELINE STABILIZATION FOR MELINDA DYAR AND WILLIAM PHILLIPS, 42 MAQUOIT DRIVE, FREEPORT, MAINE.

TITLE:
SECTION VIEW OF PROPOSED STABILIZATION

DRAWN BY: LCV SHEET: 3 OF 3

CHECKED BY: TAF JOB NUMBER: C231-010

DATE: 3/5/2024 REV DATE:

Flycatcher
LAND • SCIENCE • PEOPLE

Lower Falls Landing
106 Lafayette Street,
Suite 2A
Yarmouth, ME 04096

Project Description

Introduction and Project Purpose. The Applicant owns an approximate 0.45-acre parcel of land located on Maquoit Drive and adjacent to Maquoit Bay in the Town of Freeport, Maine. The site is developed with a residential structure and associated development, including a set of stairs and landings that provide access to the intertidal zone. In addition, a portion of the shoreline is stabilized with riprap. The date of installation of the existing riprap is unknown. The shoreline is undergoing varying degrees of erosion and the residential structure is located thirty (30) feet from the top of the bank. The Applicant's project purpose is to stabilize the shoreline to protect the existing structures and limit the extent of future erosion. Flycatcher investigated the site and the surrounding area to determine the feasibility of stabilizing the shoreline to meet project goals while avoiding and minimizing impacts to the environment. Based on the Applicant's needs, the existing conditions of the site, and the outcome of our investigations, the following design criteria have been determined.

Project Description. In order to address the safety issue of ongoing erosion and protect the existing structures, the Applicant proposes to place irregular stones that measure approximately two (2) to four (4) feet in diameter along one hundred (100) feet of the Applicants' shoreline. The riprap will extend five to six (5-6) feet in height. As a result of the riprap below the HAT, there will be approximately two hundred (200) square feet of impacts to the coastal wetland.

In order to construct the riprap, the contractor will place filter fabric and six (6) inch minus stone in the eroded area. The bottom row of riprap will be buried in a trench and set to a depth of $\frac{1}{2}$ the stone's diameter or pinned to existing ledge and riprap will be stacked to the proposed height and constructed with a 1H: 1V slope. Riprap will tie into the existing riprap on the property and taper along the southerly property line. The installation of the riprap does not require additional upland development.

Revegetation. In order to install the riprap, the Applicant will need to remove the following vegetation as outlined in Table One. However, in order to provide additional bank stability, the Applicant proposes to install native vegetation.

Table 1. Overview of Proposed Vegetation to be Removed as part of the Proposed Shoreline Stabilization, 42 Maquoit Drive, Freeport, Maine.

Type of Vegetation	Quantity Removed
Trees and Saplings	(1) 7" DBH Red Oak (<i>Quercus rubra</i>) (2) 10" DBH Red Oak (<i>Quercus rubra</i>)
Woody Vegetation (under 3' in height)	4 woody shrubs
Ground Vegetation/Ground Cover	0 square feet

Native plants will be installed upon the completion of the construction of the riprap. The proposed revegetation plan will exceed the area and volume of vegetation removed.

Land Use Standards

Town of Freeport Shoreland Zoning Ordinance, Article III, Section 306: Land Use Standards

a. Preservation of Landscape: The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

Riprap will not be installed above the top of the natural bank. Wooden steps will traverse the slope to the top of the riprap. Hardscrabble steps (select riprap stones) will be used to create steps down to the shore as opposed to wooden steps. Once construction is complete, native vegetation will be planted in accordance with the Town of Freeport's Shoreland Zoning Ordinance. This includes Red Oak (*Quercus Rubra*), White Birch (*Betula papyrifera*), Bar Harbor Juniper (*Juniperus horizontalis*), and Northern Bayberry (*Myrica pensylvanica*) planted three (3) feet on center.

b. Relation of Proposed Buildings to the Environment: The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs. If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

The project does not involve the construction of additional buildings on the project site.

c. Vehicular Access: The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

The project does not involve additional vehicular access.

d. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior

circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

The project does not involve additional parking areas.

e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

The shoreline stabilization is being installed to alleviate erosion issues and ensure the stability of the bank.

f. Utilities: All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The project does not involve changes to the existing utilities on-site.

g. Advertising Features: The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

The project does not propose any advertising structure or features.

h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The proposed project will require a temporary laydown yard for equipment and stone mobilization. Timber mats will be used as applicable. No permanent "special features" are necessary.

i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded, and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

The project does not propose exterior lighting.

j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

The project will utilize the existing vehicle access which is sufficient for convenient and safe for emergency vehicle access.

k. Landscaping: Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

The shoreline stabilization will consist of installing approximately one hundred (100) linear feet of riprap and will require the removal of three (3) mature trees. Native plantings will be installed once construction is complete. The Applicant proposes to tie the riprap into existing riprap on the same property as the proposed riprap.

I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

(1)The project will not result in water pollution, erosion or sedimentation to surface waters;

The proposed project will stabilize an eroding shoreline with riprap and native plantings to improve the overall conditions of the site.

(2)The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

The project plans limited the amount of riprap below the Highest Annual Tide (HAT line). The substrates at the site consist primarily of sandy substrates and mixed coarse and fines and the riprap will not result in damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat.

(3) The project will conserve shoreland vegetation;

The project does not require upland vegetation to be removed and native plantings will be established once construction is complete.

(4) The project will conserve points of public access to waters;

The proposed project site does not contain points of public access to waters.

(5) The project will adequately provide for the disposal of all wastewater;

The proposed project does not propose changes to the existing wastewater disposal system.

(6) The project will protect archaeological and historic resources;

As part of the Army Corps of Engineers (ACOE) review, the Applicant has submitted project information to the Maine Historic Preservation Commission (MHPC) and the Historic Preservation Officers of the five Native American Tribes. A copy of the MHPC sign-off will be forwarded to the Town upon receipt.

(7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

The proposed project will not extend significantly into the intertidal zone, causing any significant obstruction to fishing grounds or navigation channels.

Chapter 65, Article III, Section 306(T) ; Shoreline Stabilization

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

The Applicant will not remove vegetation in excess of the standards of Section 306.N in order to stabilize the shoreline.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment access way must be restored.

A single twelve (12) feet wide access is proposed for the entire project group. The area will be restored and replanted as necessary to meet shoreland zoning standards.

(b) Revegetation must occur in accordance with Section 306.Q

The Applicant intends to plant native vegetation that includes Red Oak (*Quercus rubra*), White Birch (*Betula papyrifera*), Bar Harbor Juniper (*Juniperus horizontalis*), and Northern Bayberry (*Myrica pensylvanica*) three (3) feet on center.

Construction Plan

The site will be accessed via Maquoit Drive and all materials and equipment for the stabilization will be stockpiled in the upland within an existing developed area. The contractor will have a Maine DEP Erosion Control Certified Individual onsite during all construction activity and will work in sections each day to not expose large areas of soil. Work will be conducted at low tide or in the dry and the Applicant intends to construct the project during the winter. Construction equipment may operate within the coastal wetland and timber mats will be utilized in areas that have marsh vegetation. As a result of the timber mats within the wetland, there will be approximately one thousand one hundred (1,100) square feet of indirect and temporary impacts to the coastal wetland for the duration of construction.

In the area where the Applicant proposes to stabilize the shoreline, geotextile filter fabric and six (6) inch minus stone will be placed behind large, diameter irregular stones (approximately 2 – 6 feet). The toe riprap stone will be buried in a trench and set to a depth of $\frac{1}{2}$ the stone's diameter at the base of the slope and riprap will extend to approximately five (5) to six (6) feet in height and constructed with a maximum slope of 1H: 1V.

The installation of the riprap will require the removal of vegetation along a portion of the shoreline. In order to meet the minimum standards of Chapter 1000, Section 15(S), the Applicant proposes to revegetate the shoreline as close to the area of the proposed stabilization and the location of the proposed revegetation is shown on the project plans. The plants will be spaced approximately three (3) feet on center, depending on the size and type of plant and the revegetation area will encompass an area of one thousand (1,000) square feet. The revegetation may include the following native plant species: Creeping Juniper (*Juniperus horizontalis*), Northern Bayberry (*Myrica pensylvanica*), Virginia Rose (*Rosa virginiana*), and Red Oak (*Quercus rubra*). However, the final type of native plants will be determined upon local availability. The Applicant intends to install the native vegetation during the growing season at the completion of work. In addition, all disturbed areas as a result of the construction access will be seeded and hayed.

Erosion Control Plan

The Applicant will install erosion and sediment controls prior to the start of construction. Construction access will extend from the upland to the shore as shown on the project plans. Geotextile filter fabric and six inch minus stone will be installed as previously described. At the completion of construction, any areas of soil disturbance, including the construction access area, will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.

Deed

DLN: 1002240219355

**DEED OF SALE
BY PERSONAL REPRESENTATIVE (TESTATE)**


KNOW ALL PERSONS BY THESE PRESENTS THAT, **Joyce Clarkson-Veilleux**, with a current mailing address of P.O. Box F, Freeport, Maine 04032, being a duly appointed and acting Co-Personal Representative of the Estate of **Helen Clarkson**, deceased, as shown by the probate records of Cumberland County, Maine, Docket No.: 2022-1228, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's Will, by the powers conferred by law, and every other power, for consideration paid, GRANTS to **Melinda D. Dyar**, with a current mailing address of 161 Chestnut Street, Amherst, Massachusetts 01002 and **William S. Phillips**, with a current mailing address of 213 Rio Bravo Drive, Los Alamos, New Mexico 87547, as tenants-in-common, the real property located at 42 Maquoit Drive, in the Town of Freeport, County of Cumberland, State of Maine, and being more particularly described in Exhibit A incorporated herein.

Joyce E. Clarkson-Veilleux and **Bruce Clarkson** were appointed as the Co-Personal Representatives of the Estate of **Helen Clarkson** on August 30, 2022, and pursuant to the Will of **Helen Clarkson**, were issued Letters of Authority as Personal Representative allowing each to act independently of the other.

Reference is hereby made to a Warranty Deed by **Cornelia D. Pratt** to **Helen P. Clarkson** and **Vernon A. Clarkson** dated December 11, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4896, Page 198. **Vernon A. Clarkson** died on August 22, 1994 and **Helen P. Clarkson** was the sole surviving joint tenant. Reference is also made to Quitclaim Deeds conveyed in a boundary exchange recorded in the Cumberland County Registry of Deeds in Book 17601, Page 223 and in Book 17601, Page 225.

IN WITNESS WHEREOF, the said **Joyce Clarkson-Veilleux** has caused this instrument to be signed and sealed this 28 day of November 2022.

WITNESS:


**Joyce Clarkson-Veilleux, Co-Personal
Representative of the Estate of Helen P.
Clarkson**

STATE OF MAINE
CUMBERLAND COUNTY, ss.

November 28, 2022

Then personally appeared the above-named **Joyce Clarkson-Veilleux** and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before me,

Molly C. Litz
Notary Public/Attorney At Law
Molly C. Litz
Printed Name Maine Attorney
Commission Expiration Date: At Law

EXHIBIT A
(42 Maquoit Drive, Freeport)

Two certain lots or parcels of land with the buildings thereon situated in the Town of Freeport, County of Cumberland and State of Maine, being lots numbered fourteen (14) and fifteen (15) as shown on Plan of Lots of Flying Point, Plan No. One (1), made by E. A. Rand, surveyor, dated May 25, 1933, and recorded in Cumberland County Registry of Deeds.

Being part of the premises conveyed to Chester D. Swan by deed of Everett E. Byram, dated May 1st, 1933, and recorded in Cumberland County Registry of Deeds, Book 1420, Page 159.

Together with the fee so far as I have the right to convey the same of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan and subject to the right of all of said lot owners to make any customary use of said streets and ways.

Being the same premises described in Administrator's Deed from Estate of Alice Dunn to Albert Pratt dated December 16, 1949 and recorded in Cumberland County Registry of Deeds in Book 1972, Page 479.

ALSO, another certain lot or parcel of land situated in the Town of Freeport, County of Cumberland and State of Maine, being lot number Fifteen A (15A) as shown on Plan of Lots of Flying Point, made by E.A. Rand, surveyor, and recorded in Cumberland County Registry of Deeds.

Together with the fee, so far as I have the right to convey the same, of all the streets and ways shown on said Plan, in common with the owners of the other lots shown on said Plan, and subject to the rights of all said lot owners to make any customary use of said streets and ways.

Excepting so much land as was conveyed by boundary exchange deed by Quitclaim Deed without Covenant from Helen P. Clarkson to William P. Simpson dated February 25, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17601, Page 223; and also including so much as was acquired by boundary deed in a Quitclaim Deed without Covenant from William P. Simpson to Helen P. Clarkson dated April 26, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17601, Page 225, both deeds described as follows:

All that certain lot or parcel of land located on Maquoit Drive in the Town of Freeport, County of Cumberland and State of Maine, which lies adjacent to, and northeasterly of, the following described line:

Beginning at a 5/8" diameter iron rod set on the easterly side of said Maquoit Drive, which iron rod is labeled point "A" on a plan entitled "Boundary Survey at 42 Maquoit Drive, Freeport, Maine" dated September 7, 2001 by Mann Associates, Inc., recorded in the Cumberland County Registry of Deeds at Plan Book 201, Page 400.

Thence (from said point "A") said line extends North fifty-two degrees, seven minutes, fifty-two seconds West ($N 52^{\circ} 07' 52'' W$) to the easterly sideline of said Maquoit Drive and (from said point "A") South fifty-two degrees, seven minutes, fifty-two seconds East ($S 52^{\circ} 07' 52'' E$) one hundred eight and ninety-eight hundredths (108.98) feet to a 5/8" diameter iron rod set in top of the bank;

Thence continuing South fifty-two degrees, seven minutes, fifty-two seconds East ($S 52^{\circ} 07' 52'' E$) thirty-one and forty-seven hundredths (31.47) feet to a 5/8" diameter iron rod set near the shore of Maquoit Bay;

Thence continuing South fifty-two degrees, seven minutes, fifty-two seconds East ($S 52^{\circ} 07' 52'' E$) to the low water line of Maquoit Bay.