

April 1, 2024

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

RE: Site Plan Review Application for Shoreline Stabilization on behalf of Geraldine M. Kerr located at 54 Maquoit Drive, Freeport, Maine.

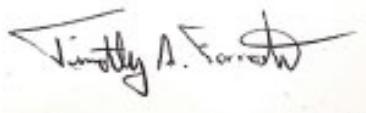
Dear Ms. Pelletier,

On behalf of Geraldine M. Kerr (Applicant), Flycatcher, LLC (Flycatcher) requests the Town of Freeport's Project Review Board consider a Site Plan Review application to stabilize the shoreline at 54 Maquoit Drive in Freeport, Maine. This project is being proposed concurrently with abutting properties, which have been filed for review in separate applications (see Craig). The proposed stabilization consists of the placement of irregular stones that are two (2) to four (4) feet in diameter along approximately twenty (20) feet of the Applicant's shoreline. The riprap will vary in height depending on the extent of erosion and the Applicant proposes approximately forty (40) 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 installed.

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> N/A	<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> N/A	<input type="checkbox"/>	
<i>Large trees</i>	<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> see proposed vegetation buffer on project plans	<input type="checkbox"/>	

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 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 04096

Email: corey@linkelconstruction.com

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

Name: _____ Tel: _____

Address: _____

Email: _____

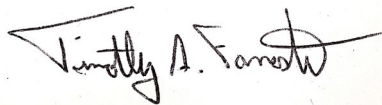
Application Fee: \$ 165 **Abutter Fee:** \$ 10

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 30, 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:

54 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.

Robert D. B. Kerr, Jr.

201-657-2725 Mobile
bkerr@swishdata.com

Print Name

Title

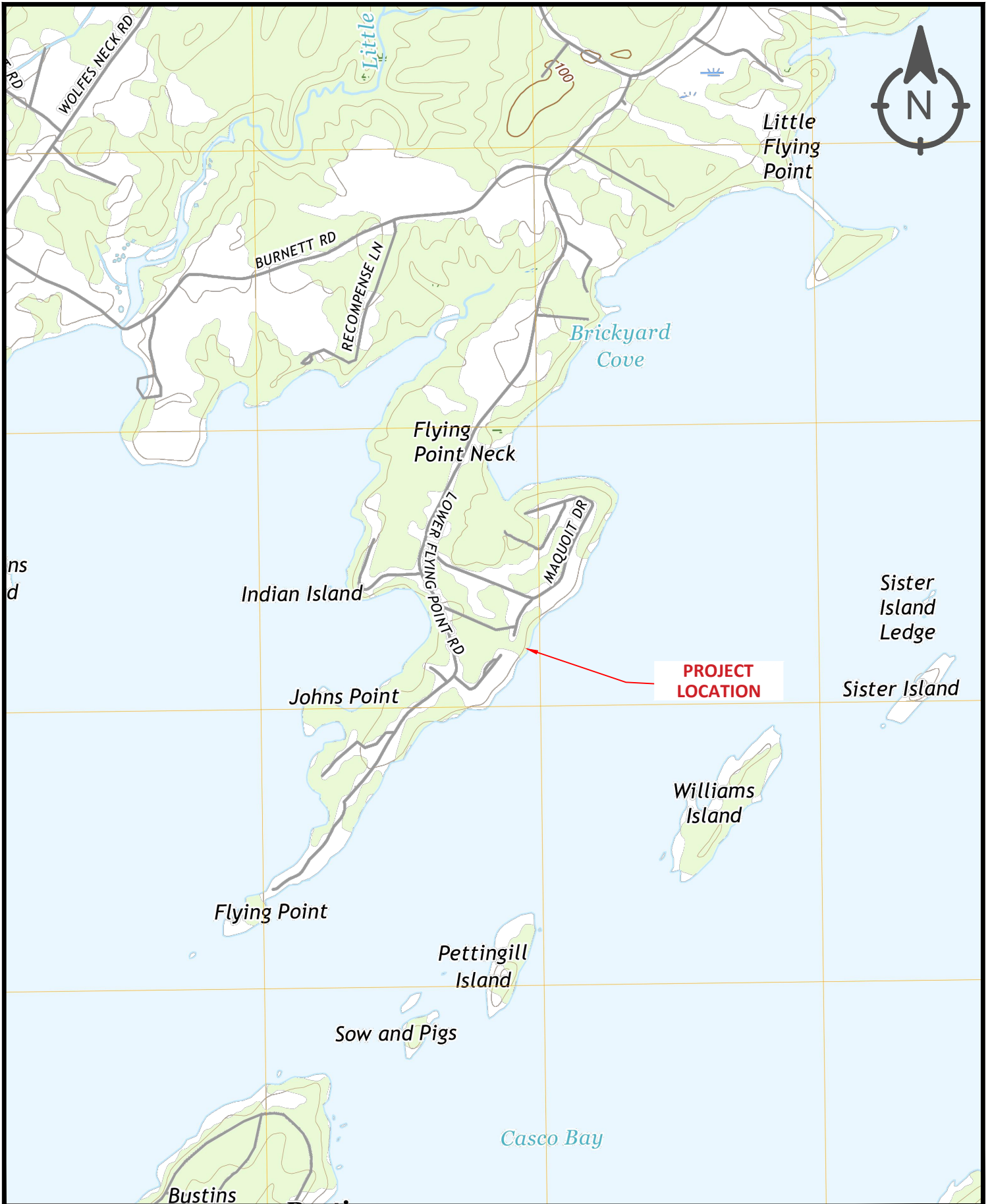
Phone or Email

02/21/2024

Signature

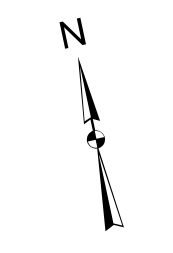
Date

Location Map



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

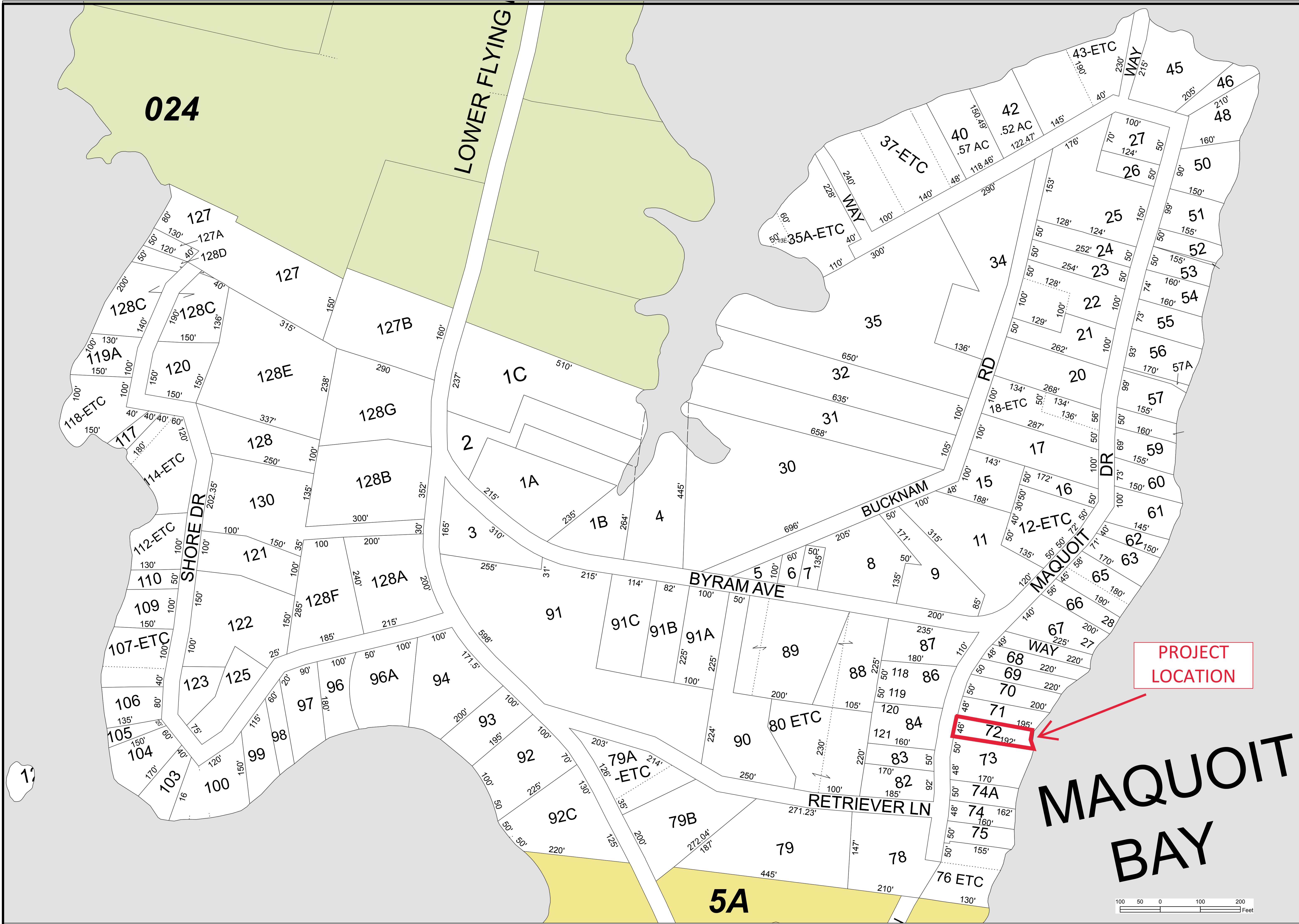
PROJECT LOCATION
54 MAQUOIT DRIVE
FREEPORT, MAINE
43.818927, -70.057197



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

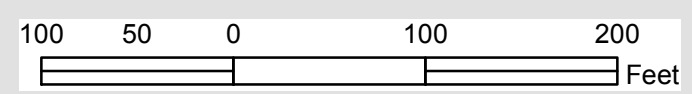
These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.
Revised to April 1st

Scale: = 100



PROJECT LOCATION

MAQUOIT BAY



Photographs

The following photographs are taken from the site of the project and represent the existing conditions of the project located at 54 Maquoit Drive, Freeport, Maine. All photographs were taken on January 31, 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 2023.



Photograph Two. Proposed area of riprap including existing stone wall and wooden access stairs to the right. One of the trees pictured will need to be removed to install the riprap.



Photograph Three. View of upland construction access.

Project Description

Introduction and Project Purpose. The Applicant owns an approximate 0.21-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 wooden access stairs that provide access to the intertidal zone, and a stacked stone wall that was constructed as part of the adjacent parcels shoreline stabilization effort. The shoreline is undergoing varying degrees of erosion and the residential structure is located twenty-seven (27) 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 twenty (20) feet of the shoreline and will extend approximately ten (10) feet in height and two (2) feet below the Highest Annual Tide (HAT) line. As a result of the riprap below the HAT, there will be approximately forty (40) 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. The riprap will tie into the existing stacked stone retaining wall to the north and a proposed riprap system to the south that is being proposed concurrently with this application (see Craig). A portion of the Applicants driveway and upland will be used for construction access. Timber mats will be installed within the area. It is not expected that significant impacts to the existing vegetation will occur within the proposed construction access way. The installation of the riprap does not require additional upland development.

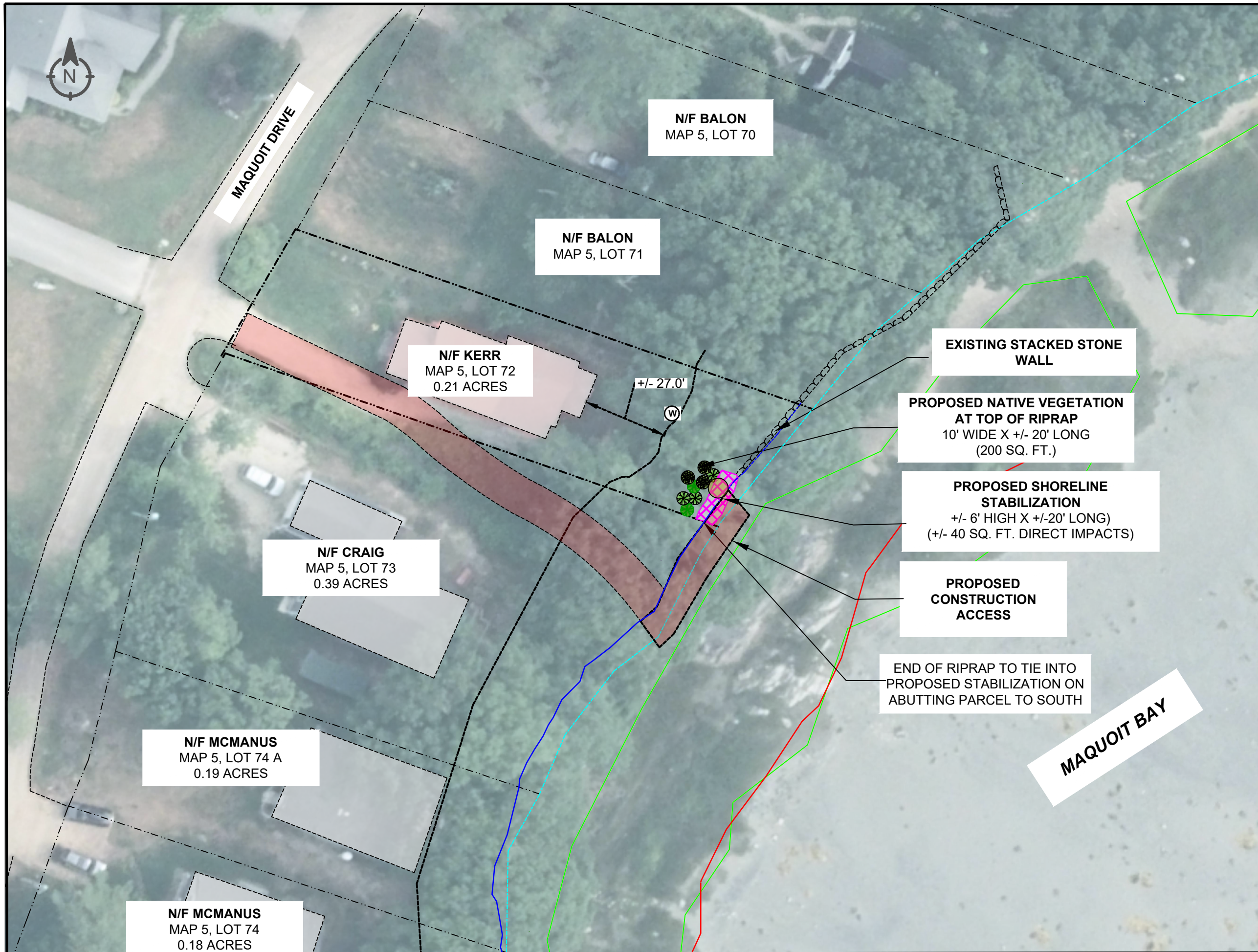
Revegetation. In order to install the riprap, the Applicant will need to remove the following vegetation as outlined in Table One However, in order to provide additional bank stability, the Applicant proposes to install native vegetation.

Table 1. Overview of Proposed Vegetation to be Removed as part of the Proposed Shoreline Stabilization, 54 Maquoit Drive, Freeport, Maine.

<i>Type of Vegetation</i>	<i>Quantity Removed</i>
Trees and Saplings	1 Red Oak (<i>Quercus rubra</i>)
Woody Vegetation (under 3' in height)	40 square feet
Ground Vegetation/Ground Cover	0 square feet

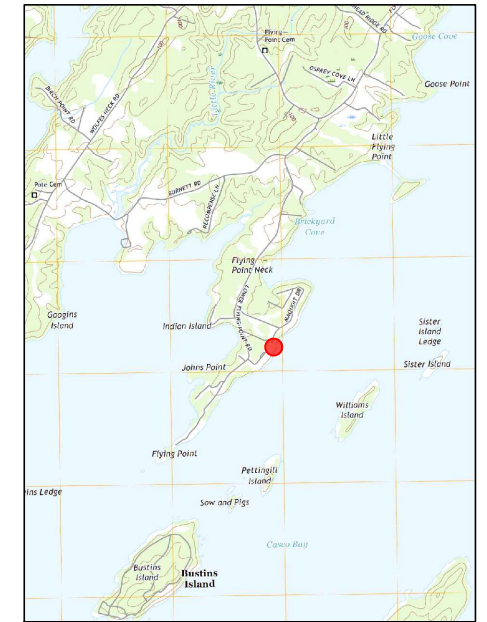
Native plants will be installed upon the completion of the construction of the riprap.

Project Plans

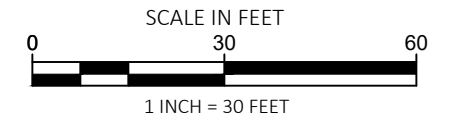


LEGEND

	PROPERTY LINE
	HIGHEST ANNUAL TIDE (HAT)
	MEAN HIGH WATER (MHW)
	SIGNIFICANT WILDLIFE HABITAT
	MARSH VEGETATION
	TOP OF BANK
	TREE 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 MULTIPLE SOURCES INCLUDING PLAN TITLED, "BOUNDARY SURVEY PLAN OF LAND OF MARIANNE MCGETTIGAN," PREPARED BY SITELINES, PA AND DATED APRIL 27, 2009.
 - 5) PLAN IS FOR PERMITTING PURPOSES.

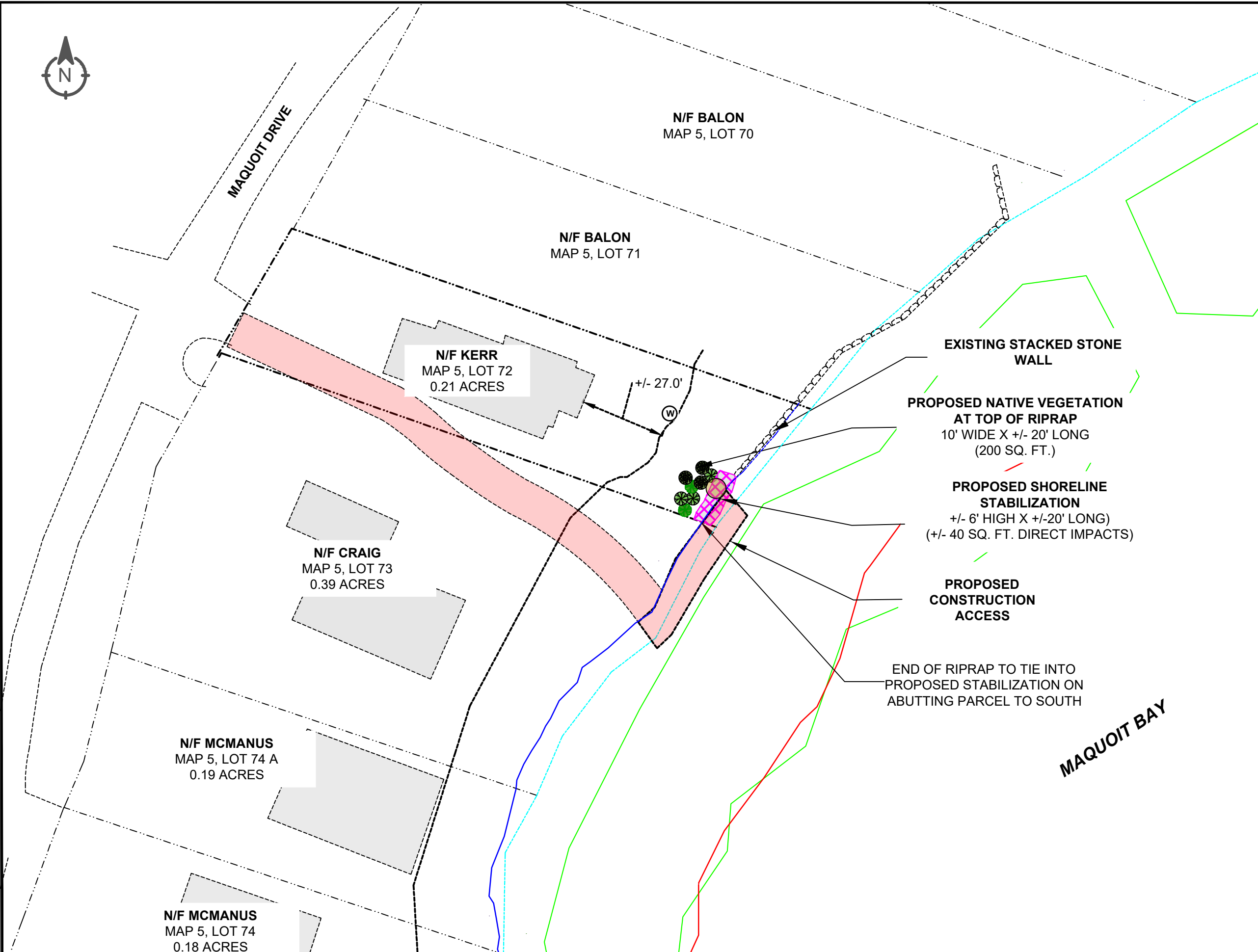


PROJECT:
PROPOSED SHORELINE STABILIZATION FOR GERALDINE KERR, 54 MAQUOIT DRIVE, FREEPORT, MAINE.

TITLE:
OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

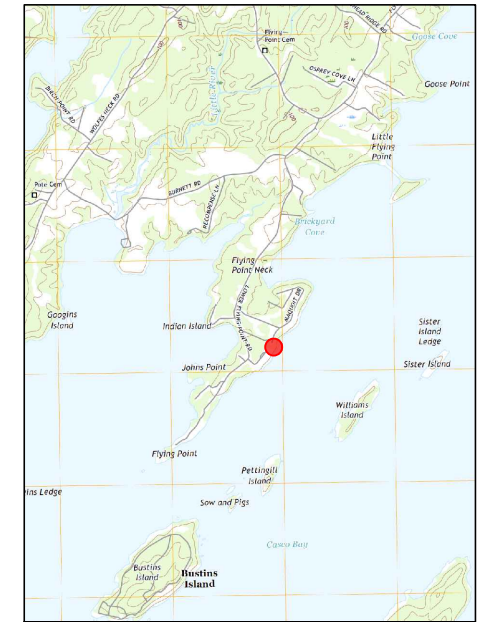
DRAWN BY: LCV	SHEET: 1 OF 3
CHECKED BY: TAF	JOB NUMBER: C231-014
DATE: 3/6/2024	REV DATE:

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



LEGEND

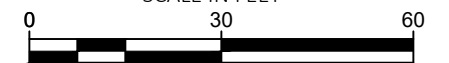
- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- SIGNIFICANT WILDLIFE HABITAT
- MARSH VEGETATION
- TOP OF BANK
- TREE TO BE REMOVED



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.
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- 5) PLAN IS FOR PERMITTING PURPOSES.

SCALE IN FEET



1 INCH = 30 FEET

PROJECT:
PROPOSED SHORELINE STABILIZATION FOR GERALDINE KERR, 54 MAQUOIT DRIVE, FREEPORT, MAINE.

TITLE:
OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

DRAWN BY: LCV **SHEET:** 2 OF 3

CHECKED BY: TAF **JOB NUMBER:** C231-014

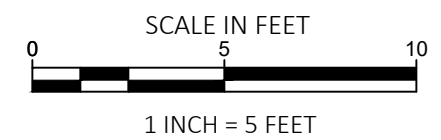
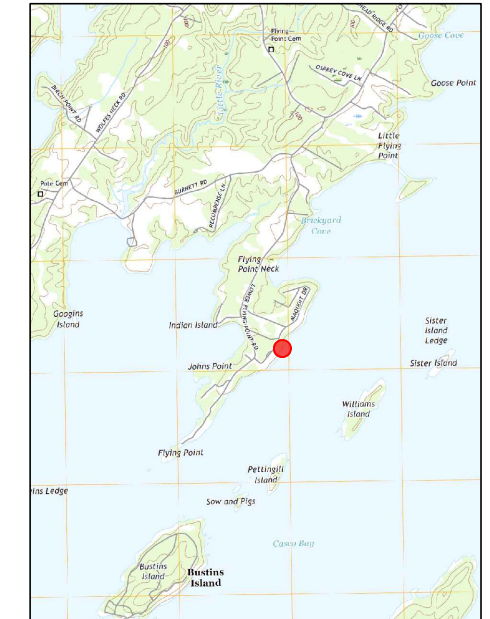
DATE: 3/6/2024 **REV DATE:**



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.



PROJECT:
 PROPOSED SHORELINE STABILIZATION FOR
 GERALDINE KERR, 54 MAQUOIT DRIVE,
 FREEPORT, MAINE.

TITLE:
 SECTION VIEW OF PROPOSED
 STABILIZATION

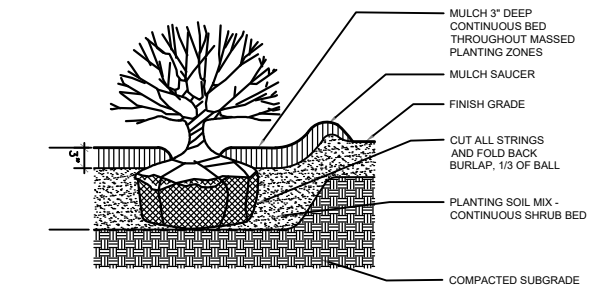
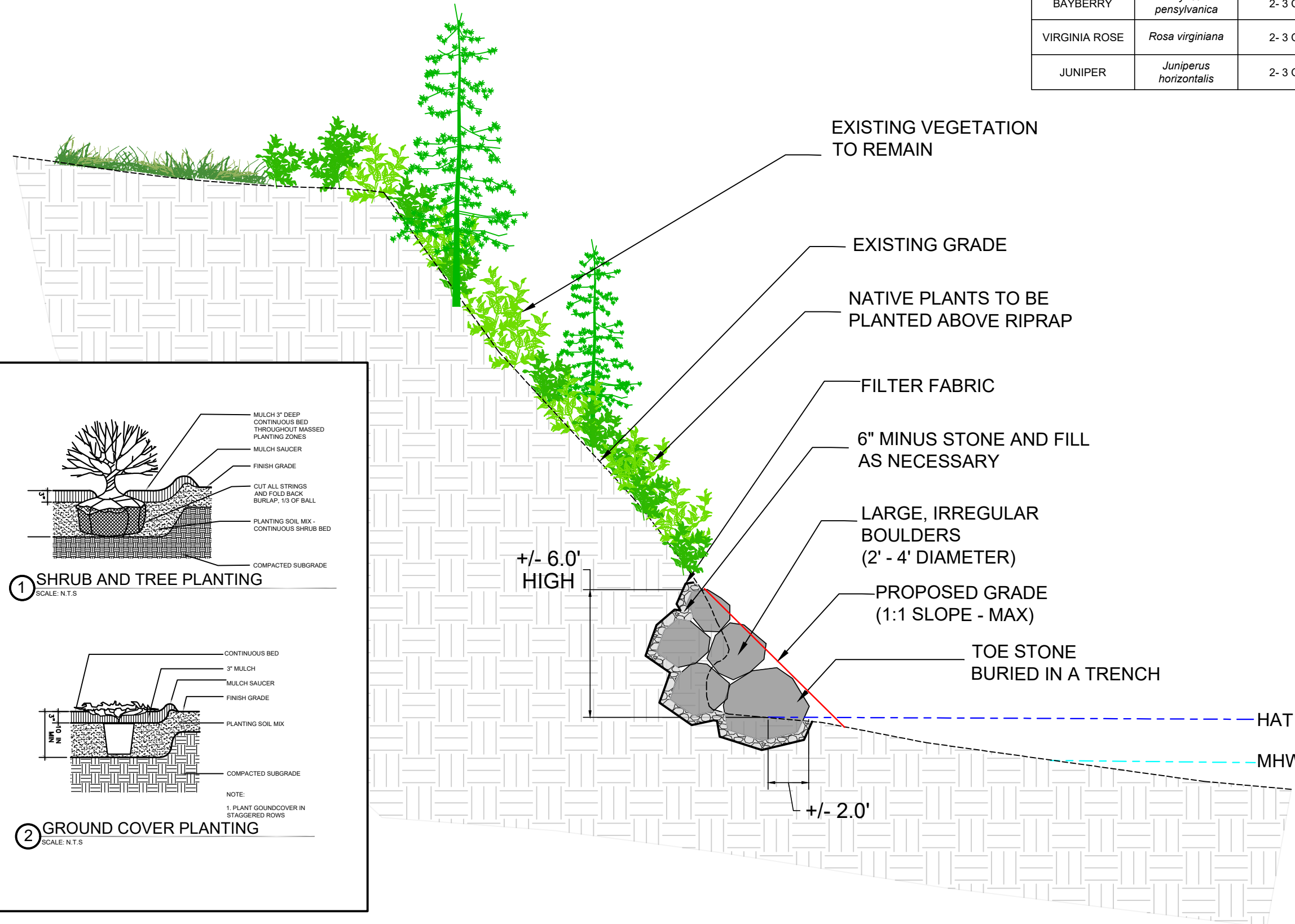
DRAWN BY: LCV SHEET: 3 OF 3

CHECKED BY: TAF JOB NUMBER:
 C231-014

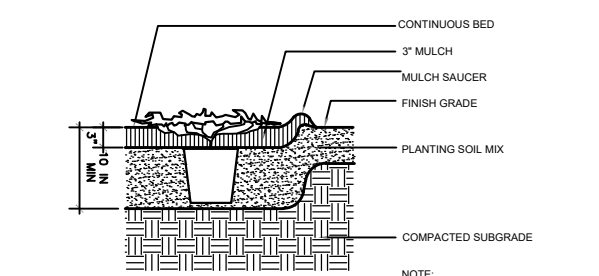
DATE: 3/7/2024 REV DATE:

Flycatcher
 LAND • SCIENCE • PEOPLE

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



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

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 maintain vegetative cover. No alterations to surface waters or an increase rate of runoff are expected.

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 twenty (20) linear feet of shoreline and will require the removal of one (1) tree. Native plantings will be installed once construction is complete. The Applicant tied the riprap into an adjacent riprap system to the north and south the riprap will connect with an abutting proposed riprap system that is under review with the town.

l. 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 limit the amount of riprap below the Highest Annual Tide (HAT line). The substrates at the site consist primarily of 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 requires one mature tree and approximately forty (40) square feet of woody vegetation to be removed; however, a native vegetation buffer will be established in the area above the riprap once construction is completed.

(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 accessway must be restored.

Construction access will extend from within the subject parcel and an abutting parcel for all proposed projects. The access will be no wider than twelve (12) feet. the access way will be restored upon completion of the project.

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

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

The Applicant intends to plant native vegetation that includes Red Oak (*Quercus rubra*), 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. 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 summer. Construction equipment may operate within the coastal wetland.

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 – 4 feet). The toe riprap stone will be pinned to ledge (or 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 six (6) feet in height and constructed with a maximum slope of 1H: 1V.

As noted in Table One, 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 approximately two hundred (200) 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

WARRANTY DEED
Maine Statutory Short Form

Know All Persons By These Presents,

That Geraldine M. Kerr, Trustee, or her successors in trust, under Kerr Living Trust, dated December 26, 1997, and any amendments thereto

of Long Valley, County of Morris, State of New Jersey,

for consideration of One Dollar paid, grant to Geraldine M. Kerr

of Long Valley, County of Morris, State of New Jersey,

whose mailing address is 6 Deer Path, Long Valley, New Jersey 07853
with *Warranty Covenants*, the land in Freeport, County of Cumberland,

State of Maine, described as follows: See attached Warranty Deed from Geraldine M. Kerr to Geraldine M. Kerr, Trustee, or her successors in trust, under Kerr Living Trust, dated December 26, 1997, and any amendments thereto dated March 7, 1998 and recorded April 21, 1998 in the Cumberland County Registry of Deeds, Book 13753 page 158 for description of property known as 54 Maquoit Drive.

WITNESS my hands and seals this 26th day of the month of October, 2006

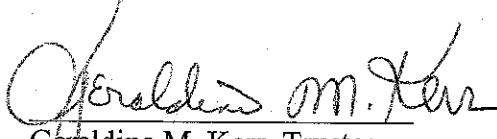
*Signed Sealed and Delivered
In presence of*



Arthur R. Sypek, Jr.



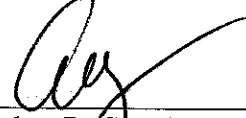
Caren Schmidt



Geraldine M. Kerr, Trustee, or
Her successors in trust, under Kerr
Living Trust, dated 12/26/97

State of New Jersey, County of Mercer ss. October 26, 2006

Then personally appeared the above named Geraldine M. Kerr
and acknowledged in the foregoing instrument to be her fee act and deed.

Before me, 

Arthur R. Sypek, Jr. Esquire
Attorney at Law in the State of New Jersey

EXHIBIT A

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

Being lot numbered twenty-one (21) as shown on plan of lots of Flying Point, plan number one, 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 to which reference is hereby made for a more particular description.

Being the same premises conveyed to the Grantors herein by deed of Lawrence Staples and Jeannine Staples dated November 13, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4340, Page 335.

Received
Recorded Register of Deeds
Nov 01:2006 08:40:43A
Cumberland County
John B O'Brien