

**Town of Freeport
Planning Department**

Application for Review

Project Type: (check all applicable)

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

Name of Project: Russell - Maquoit Drive Shoreline Stabilization

Proposed Use of Property: Residential

1) Applicant Information:

Name: Jesse Russell Tel: 207-671-5598
(If a Company, provide name of person also)

Address: 106 Maquoit Drive, Freeport, ME 04032

Email: jesse.russell667@gmail.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: _____

4) Property Information:

Present Use of Property Residential

Location: Street Address 106 Maquoit Drive, Freeport, ME 04032

Assessor's Office Map: 5

Lot: 54

Size of Parcel (acres): 0.27 acres

Zoning District (s): MDR1 / SA

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: _____

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: Mike Morse, Agent / Environmental Consultant Tel: 207-558-0102

Address: Archipelago, 1 Dana Street, Portland, ME 04101

Email: mmorse@ArchipelagoNA.com

9) Billing Contact (If different than applicant information)

Name: Mike Morse / Archipelago Tel: 207-558-0102

Address: 1 Dana Street, Portland, ME 04101

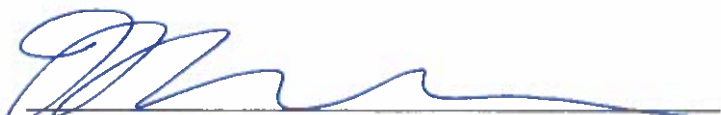
Email: mmorse@ArchipelagoNA.com

Application Fee: \$ _____ Abutter Fee: \$ _____

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.

2/20/2024
DATE


SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE



Archipelago

Law • Science • Policy

Michael Morse
Senior Environmental Consultant
MMorse@ArchipelagoNA.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

To whom it may concern:

Jesse R. Russell, owner of property located at 106 Maquoit Drive, Freeport, Maine, hereby authorizes Mike Morse and Archipelago to submit permit applications on his behalf to the State of Maine Department of Environmental Protection, U.S. Army Corps of Engineers, and Town of Freeport. Such permit applications are intended for the proposed shoreline stabilization project located at 106 Maquoit Drive, Freeport, Maine.

Signature: _____

Jesse R. Russell

Date: _____

10/5/2023

KNOW ALL MEN BY THESE PRESENTS,

That, we, **Jesse R. Russell** and **Evelyn Richards Russell**, both of 106 Maquoit Drive, Freeport, Maine 04032

for consideration paid, grant, release, bargain, sell and convey and forever Quitclaim unto

Jesse R. Russell, being unmarried; and **Leslie Eastman**, being unmarried, both of 106 Maquoit Drive, Freeport, Maine 04032, as joint tenants and not as tenants in common,

the land in Freeport, Cumberland County, State of Maine, and more particularly described as follows:

A certain lot or parcel of land, together with the buildings thereon, situated at Flying Point, in the Town of Freeport, Cumberland County, Maine being Lot Number 46 and the Northeasterly half of Lot 45, as shown on Plan of Flying Point made by E. A. Rand, Surveyor, dated May 25, 1933, and recorded in the Cumberland County Registry of Deeds at Plan Book 21, Page 45.

In Witness Whereof, the said Jesse R. Russell and Evelyn Richards Russell have hereunto set our hands and seals this the _____th day of June, in the year of our Lord two thousand fourteen.

Signed, Sealed and Delivered
in the presence of

Jill H. Blake
Jill H. Blake, Witness

Jesse R. Russell
Jesse R. Russell

Evelyn Richards Russell

STATE OF MAINE
Cumberland, ss.

June 23, 2014

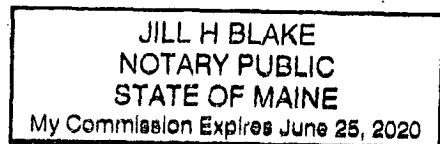
Then personally appeared the above named Jesse R. Russell and acknowledged the foregoing instrument to be his free act and deed,

Before me,

Jill H. Blake
Print: Jill H. Blake
Notary Public
Commission expires 06-25-2020



. John A. Mitchell, Attorney at law, P.O. box 367, Calais, Maine 04619, Bar No. 1526



MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS,

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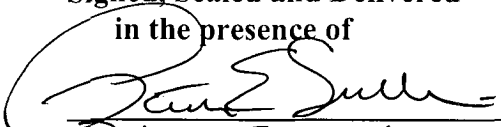
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Signed, Sealed and Delivered
in the presence of



Patricia E. Sullivan



Cynthia R. Wood

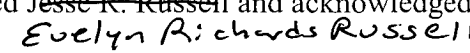
Jesse R. Russell



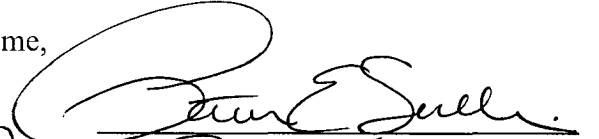
Evelyn Richards Russell

STATE OF MAINE ^(PES) Connecticut
Cumberland, ^(PES) ss. County of Windham

June 23, 2014

Then personally appeared the above named ~~Jesse R. Russell~~ and acknowledged the foregoing instrument to be his free act and deed, 

Before me,



Print: Patricia E. Sullivan

PATRICIA E SULLIVAN
NOTARY PUBLIC
State of Connecticut
My Commission Expires Oct. 31, 2017

Notary Public
Commission expires 10/31/2017

STATE OF MAINE ~~(PSS)~~ Connecticut
County of Windham SS.

June 23, 2014

Then personally appeared the above named Evelyn Richards Russell and
acknowledged the foregoing instrument to be her free act and deed,

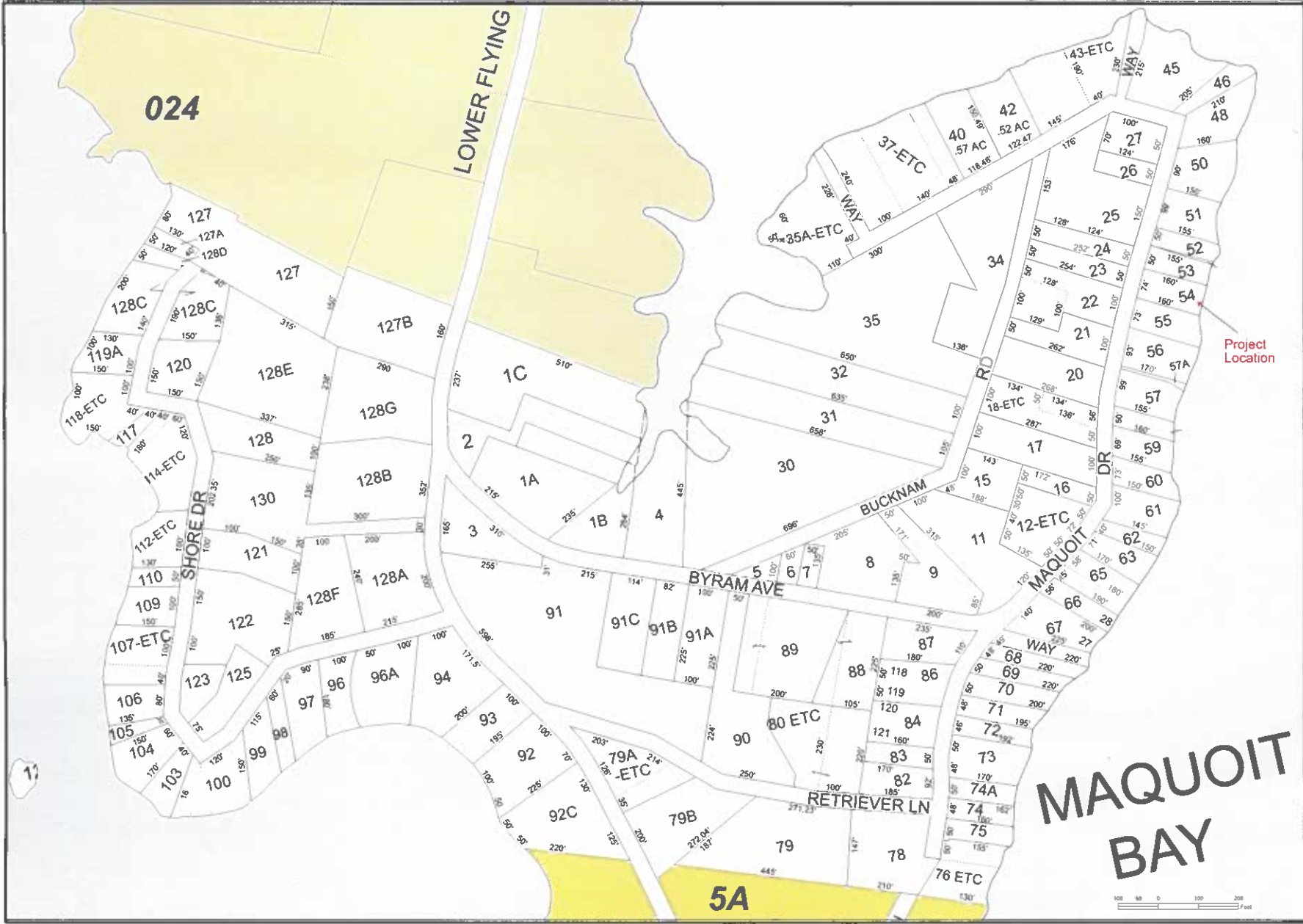
Before me,


Print: Patricia E Sullivan
Notary Public
Commission expires 10/31/2017

PATRICIA E SULLIVAN
NOTARY PUBLIC
State of Connecticut
My Commission Expires Oct. 31, 2017

SEAL

Received
Recorded Register of Deeds
Jan 29, 2015 11:27:49A
Cumberland County
Nancy A. Lane



PROPERTY MAPS
TOWN OF FREEPORT, MAINE



James H. Thomas
Assessor and Property
Administrator of Maine
Cumberland, Maine
jht@maine.gov

This map was prepared for the
purpose of Property
Assessment and should not
be used for any other purpose.
Revised in April 18

Scale = 100



2021
MAP: 005

0 50 100 200 Feet



Michael Morse
Principal
Senior Environmental Consultant
MMorse@ArchipelagoNA.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

Jesse Russell

Shoreline Stabilization
106 Maquoit Drive, Freeport, Maine
Project Review Board

Project Description

The proposed project is one of five contiguous properties located on Maquoit Drive that have been significantly impacted by shoreline erosion and that are proposed for shoreline stabilization. Each lot is required to obtain a separate permit from the Town of Freeport Project Review Board in order to conduct the work on their land. We respectfully request that each of these separate project applications be reviewed and approved concurrently by the Board.

The project proposes to install approximately 75 linear feet of riprap to provide shoreline stabilization where erosion is undermining the stability of the embankment. The applicant's home is located approximately 10 feet from a wooden retaining wall at the top of the slope and the home is at risk of being significantly damaged or destroyed if the slope fails. Erosion appears to be primarily a result of wave runup and storm surge battering the toe of the slope during abnormally significant storm events, such as was experienced in December 2022 as well as the recent storms in January 2024. The riprap will replace a wooden retaining wall that was previously located at the subject location and that failed during that storm. The Highest Annual Tide (HAT elevation 11.6' MLLW) line was identified on site as being seaward of the toe of the proposed riprap. Accordingly, the toe of the proposed riprap will be located entirely above the HAT line and therefore will not extend into the coastal wetland. No wetland impacts are proposed with this project. The proposed shoreline stabilization project is depicted on the attached plans.

Existing conditions: Above the eroded slope toe, the overall slope is characterized as steep but with a moderate catch of native and non-native vegetation - some non-native species are listed as invasive by the Department of Agriculture, Conservation and Forestry's Natural Areas Program. The vegetation includes several compromised trees, mostly near the toe at the northerly end of the lot, dense shrub canopy and other ground cover. There is an existing set of wooden stairs providing the applicants with beach access. In the section of property in front of the home, the slope also contains 3 wooden tiered walls with the first at the top of the embankment, one mid-slope, and the third, the lowest wall located just above the toe of slope-

the lowest wall nearest the shoreline was mostly destroyed by wave action during the December 2022 storm. The remaining walls are in various states of decay but are repaired and maintained by the owner. There is stone (most likely imported to the site) that was either washed out from behind the lower wooden retaining wall or otherwise that was old riprap placed along the base of the lower wall at some point in the distant past. This stone is comprised of a mix of loose larger and smaller stone, and it is strewn along the base of the slope, most of which is located above the HAT line. The now-exposed slope area exhibits significant active erosion.

Proposed conditions: The slope toe erosion, as well as the deterioration of the tiered walls, has increased the overall slope failure potential. The project calls for the removal of the lower wall or remains thereof and replace it with riprap. Riprap is expected to provide better protection to the shoreline compared to a vertical wall. The applicant proposes to install geotextile fabric covered with riprap within this area to a height of approximately 5' above the existing grade, and across the 75-foot width of the lot. Riprap will function to reduce the potential for slope failure into the adjacent coastal wetland without disturbing or otherwise destabilizing the slope above the toe area. Geotextile fabric will be keyed in at the top and bottom of the project area, and toe boulders will be keyed into the substrate. Toe boulders will consist of 3'- 4' boulders and the riprap will be approximately 2' blasted stone. Riprap will be constructed at a 1:1 slope (horizontal:vertical). All of the riprap placement will occur above the HAT and outside the coastal wetland.

Pursuant to the Town's Shoreland Zoning Ordinance, Section 305, the Project Review Board (PRB) shall be the reviewing authority for any proposed shoreline stabilization within the Shoreland Area.

Pursuant to Section 404 of the Ordinance, when administering permits, the Project Review Board shall approve an application for a permit, only upon finding that the use, activity, or structure complies with all requirements of this Ordinance and that it meets the following criteria:

- 1. Will maintain safe and healthful conditions;** The project will utilize inert materials and will be constructed in accordance with Best Management Practices to maintain safe and healthful conditions.
- 2. Will not result in water pollution, erosion, or sedimentation to surface waters;** Adequate erosion and sedimentation control practices will be utilized to prevent erosion or sedimentation, or other pollution from entering surface waters. The purpose of the proposed project is to stabilize the existing eroding embankment which is currently depositing sediments into the coastal wetland.

3. **Will adequately provide for the disposal of all wastewater;** N/A - the proposed shoreline stabilization project will not generate wastewater or otherwise require wastewater disposal.
4. **Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;** The project will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat. The project is located almost entirely outside the coastal wetland. The project is located near the coastal wetland and is intended to eliminate soil erosion into the coastal wetland, which can be detrimental to aquatic species in particular.
5. **Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;** The lot will remain primarily vegetated and undisturbed from the existing condition. There is a minimal amount of vegetation growing within the specific project area and therefore a minimal amount of vegetation will be removed for the project. Extensive vine growth (i.e. Virginia creeper, multi-flora rose) canopy overhangs much of the project area and will be pruned back to facilitate construction. Removal of vegetation for this project is an exempted activity in accordance with Section 306.P.2 of the Ordinance.
6. **Will protect archeological and historical resources as designated in the comprehensive plan;** The project does not impact any archeological or historic resources designated in the comprehensive plan. A request for project review was submitted to the Maine Historic Preservation Commission and Tribal Historic Preservation Officers. Responses from the MHPC and THPC confirm that there are no historic or archeological resources affected by the proposed project.
7. **Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;** N/A – the property is not located in the Marine Waterfront District.
8. **Will avoid problems associated with floodplain development and use;** The project proposes to install riprap to the toe of the eroding embankment and has no new impact to the floodplain. Should flood conditions occur, the project will reduce the likelihood of trees and other terrestrial borne debris from entering the coastal wetland, debris that could cause damage to other coastal structures or shoreline.
9. **Is in conformance with the provisions of Section 306, Land Use Standards.** Please see response to Section 306(T) review standards below. Other General Regulations within Section 306 either do not apply to the proposed project or are otherwise addressed and are satisfied, as described above.

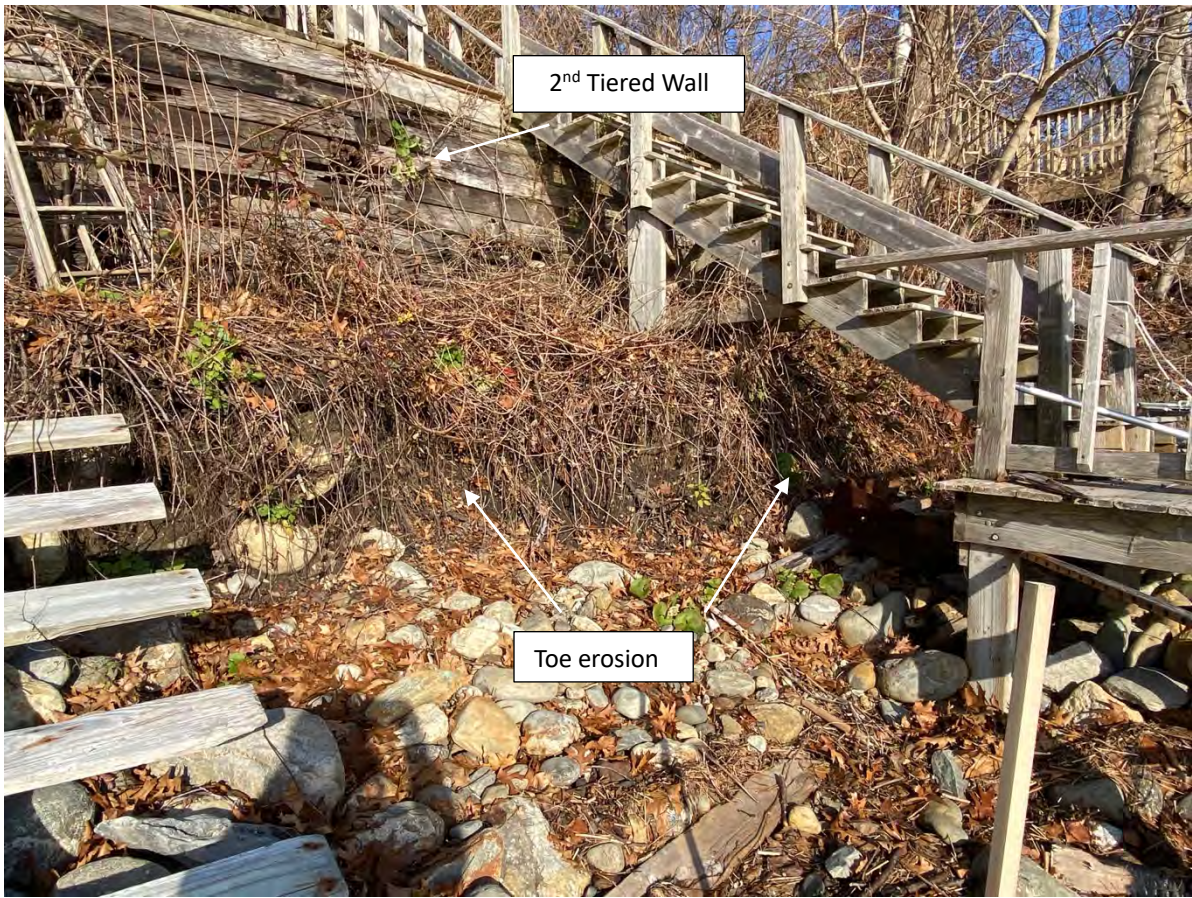
Under Section 306.T of the Shoreland Zoning Ordinance, vegetation may be removed in excess of the standards in Section 306.N in order to conduct shoreline stabilization of an eroding

shoreline, provided that a permit is obtained from the PRB and construction equipment must access the shoreline by barge when feasible.

Vegetation: Minimal vegetation is growing within the proposed project area and therefore a minimal amount of vegetation will be removed for the project. Extensive vine growth (i.e. Virginia creeper, multi-flora rose) canopy overhangs much of the project area and will be pruned back to facilitate construction. Two trees located near the northerly extent of and within the project area will be removed - 7" and 10" red oaks. Pursuant to Section 306.T of the Shoreland Ordinance, vegetation may be removed in excess of the standards in Section 306.N in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board.

Despite the removal of two trees for the project, new replacement trees cannot be planted within the proposed riprap, and the slope area above the project area where trees will be removed is well vegetated with trees, shrubs, and ground cover species. Replanting of replacement trees would require removal of other existing vegetation to facilitate replanting, which is counter to the intent of the ordinance. Accordingly, no vegetation replanting is proposed.

Access: Equipment and construction material access to the site will be via barge (hand tools and smaller equipment may access the site via an existing upland stairway) in compliance with Section 306.T of the Ordinance. Equipment will operate on crane mats to avoid impacts to coastal wetland. The barge will transport equipment and materials to a location in front of the abutter's property to the immediate south (Valicek). Construction mats that will be temporarily placed over coastal wetland during construction will cover approximately 600 square feet of coastal wetland. All construction mats will be removed immediately upon completion of the project.





7" Red Oak to be removed

10" Red Oak to be removed

HAT Line



Toe erosion under tree



Toe erosion hidden by overgrowth

Jesse Russell

106 Maquoit Drive
Freeport, Maine

Overhead Plan - Shoreline Stabilization
December 7, 2023

Maquoit Dr

Approx. Property Line

2 Red Oak
to be removed

106 Maquoit Dr

~75'

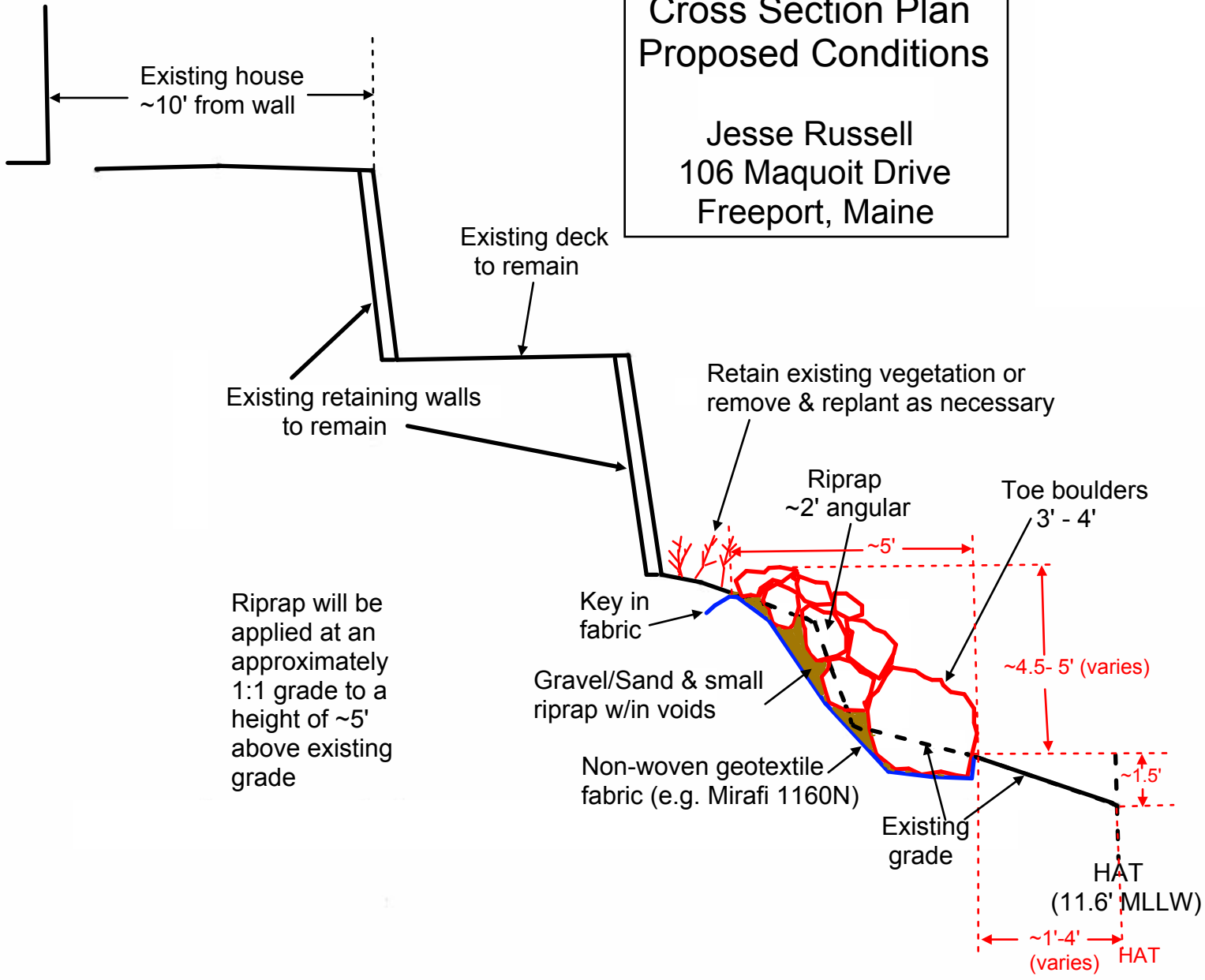
Approx.
HAT Line

Project Area



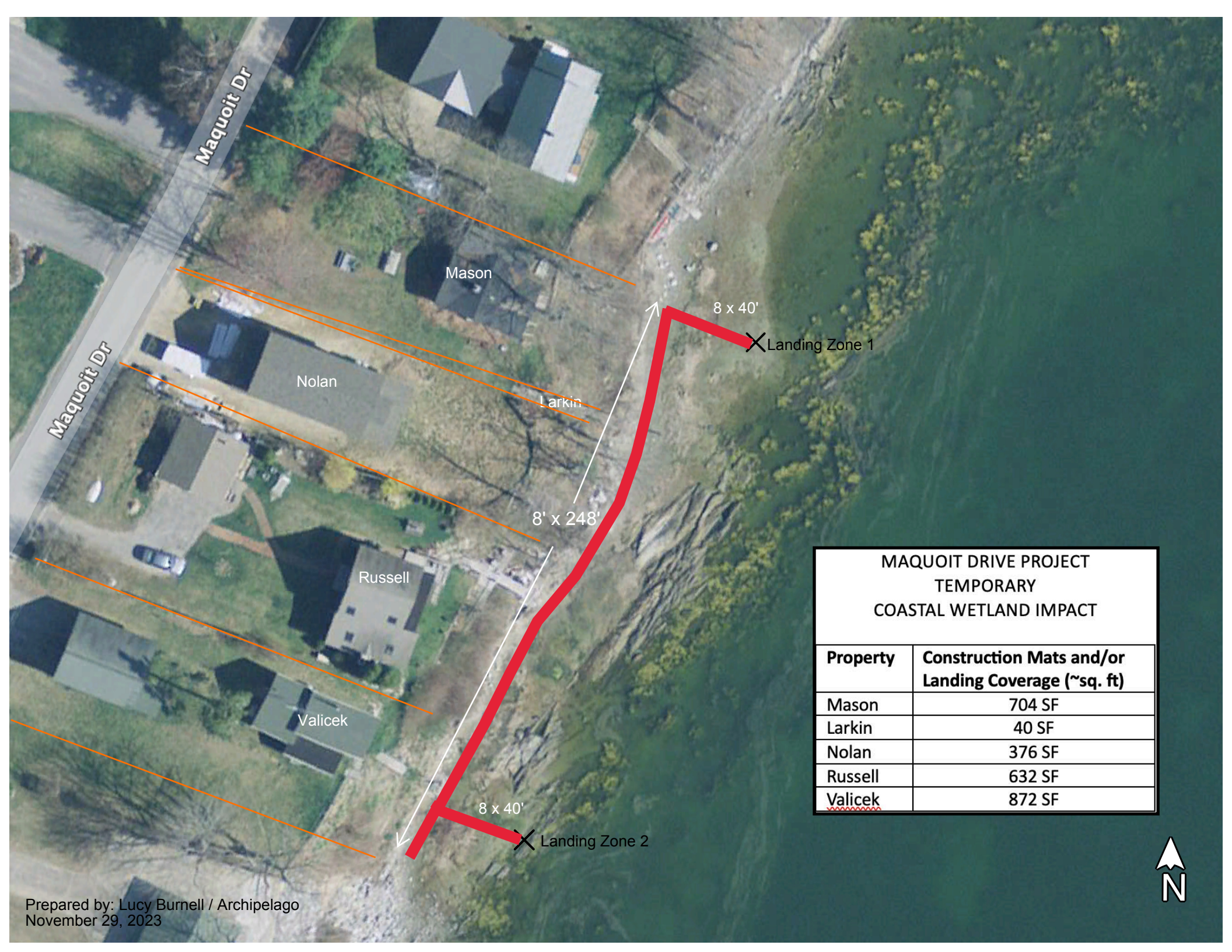
**Cross Section Plan
Proposed Conditions**

Jesse Russell
106 Maquoit Drive
Freeport, Maine



Design by: Coastal Maine Hardscape, LLC
 Drawn by: Mike Morse, Archipelago
 December 7, 2023

Scale: dimensions as noted



MAQUOIT DRIVE PROJECT TEMPORARY COASTAL WETLAND IMPACT	
Property	Construction Mats and/or Landing Coverage (~sq. ft)
Mason	704 SF
Larkin	40 SF
Nolan	376 SF
Russell	632 SF
Valicek	872 SF

