

**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: Valicek - Maquoit Drive Shoreline Stabilization

Proposed Use of Property: Residential

1) Applicant Information:

Name: Randy and Amelia Valicek Tel: 207-869-5197
(If a Company, provide name of person also)

Address: 102 Maquoit Drive, Freeport, ME 04032

Email: rvalicek@comcast.net

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 102 Maquoit Drive, Freeport, ME 04032

Assessor's Office Map: 5

Lot: 55

Size of Parcel (acres): 0.28 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

Michael Morse
Senior Environmental Consultant
MMorse@ArchipelagoNA.com

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

To whom it may concern:

Randy M. Valicek and Amelia K. Vazquez-Valicek, owners of property located at 102 Maquoit Drive, Freeport, Maine, hereby authorize Mike Morse and Archipelago to submit permit applications on their 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 102 Maquoit Drive, Freeport, Maine.

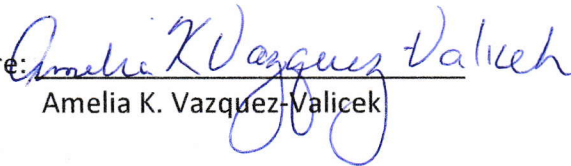
Signature:


Randy M. Valicek

Date:

10/5/23

Signature:


Amelia K. Vazquez-Valicek

Date:

10/5/23

**WARRANTY DEED
Joint Tenancy
Maine Statutory Short Form**

Know All by these Presents,

That I, Jeffrey E. Ladner, of Burlington, Vermont, for consideration paid, grant
to:

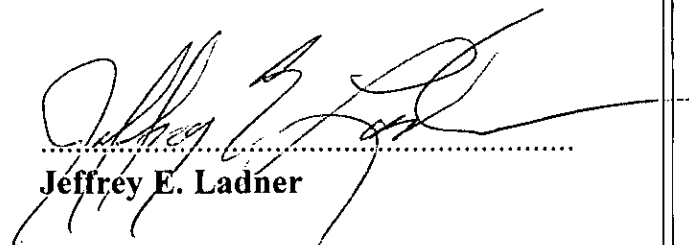
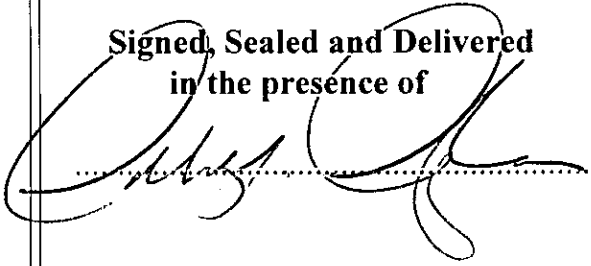
Randy M. Valicek and Amelia K. Vazquez-Valicek

of North Stonington, Connecticut, whose mailing address is: 119-G Reutemann Road,
North Stonington, Connecticut 06359, with **warranty covenants**, as **joint tenants** the land
in Freeport, County of Cumberland, and State of Maine, described as follows:

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

Witness my hand and seal this 23rd day of September, 2011.

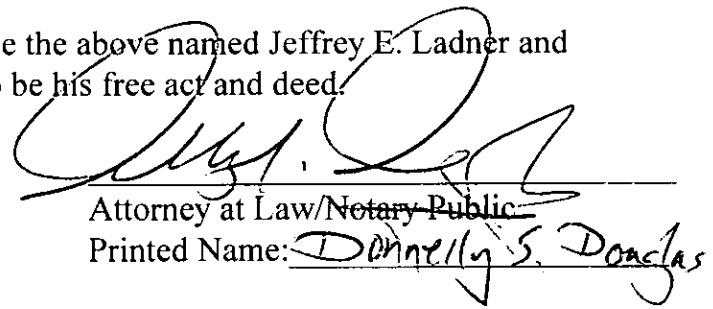
**Signed, Sealed and Delivered
in the presence of**


Jeffrey E. Ladner

**State of Maine,
County of Cumberland ss.**

September 23, 2011

Then personally appeared before me the above named Jeffrey E. Ladner and
acknowledged the foregoing instrument to be his free act and deed.


Attorney at Law/Notary Public
Printed Name: Donnelly S. Douglas

MAINE REAL ESTATE TAX PAID

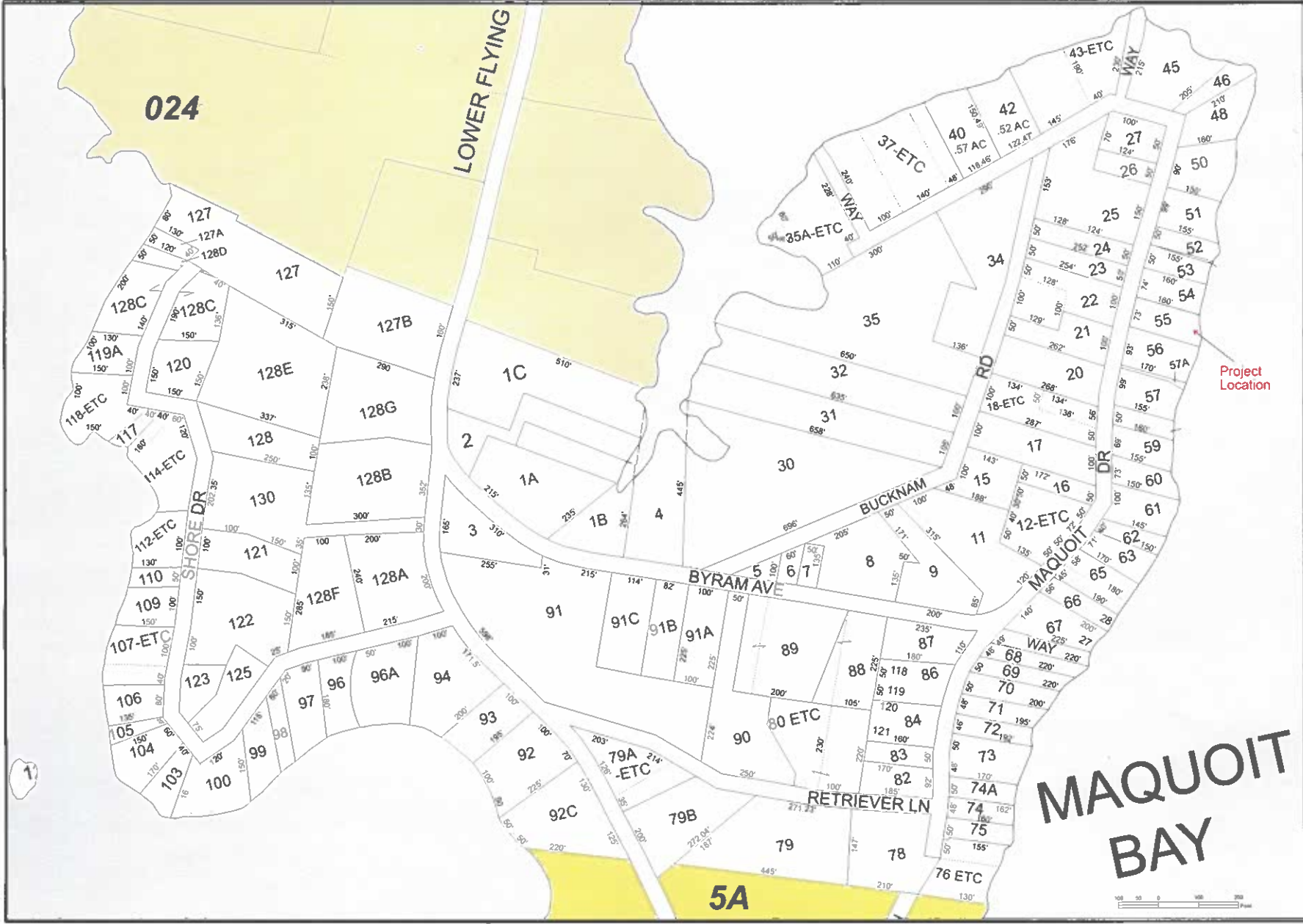
EXHIBIT A
102 Maquoit Drive, Freeport, Maine

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 consisting of ½ of Lot 45 as shown on plan of lots of Flying Point in the Town of Freeport, County of Cumberland, and State of Maine, which plan was 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; meaning and intending to convey the ½ of lot number 45 which is located next adjoining to Lot 44 on said plan. The said ½ lot of Lot 45 herein conveyed has a width of twenty-five (25) feet on the ocean front and extends back of uniform width of twenty-five (25) feet to the road. Together with the fee, so far as the Grantor has the right to convey the same, all of the streets and ways shown on said plan, and subject to the right of said lot owners to make any customary use of said streets and ways.

Also another certain lot or parcel of land, with the buildings thereon, situated in said Freeport, being Lot No. 44 as shown on plan of lots of Flying Point, made by E.A. Rand, Surveyor, dated May 25, 1933, and duly recorded in the Cumberland County Registry of Deeds in Plan Book 21, Page 45. Together with the fee so far as the Grantor has the right to convey the same of all the streets and ways shown on said plan, in common with 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 conveyed to the Grantor by warranty deed from Norman A. Petley Charitable Remainder Annuity trust, a Florida trust created under instrument dated May 9, 1997, said deed dated September 5, 1997 and recorded in the Cumberland County Registry of Deeds in Bok 13306, Page 306.

Received
Recorded Register of Deeds
Sep 23, 2011 02:27:11P
Cumberland County
Pamela E. Lovley



PROPERTY MAPS
TOWN OF FREEPORT, MAINE



James H. Thomas
Associates, Inc.
Professional Land
Surveyors
Cumberland, Maine
jht@maine.com

This map is prepared to be used for the purpose of Property Assessments and should not be used for other purposes.
Revised in April 1st

Scale = 100



2021
MAP: 005



Michael Morse
Principal
Senior Environmental Consultant
MMorse@ArchipelagoNA.com

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

Randy and Amelia Valicek
Shoreline Stabilization
102 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 and to replace an access stairway that was partially destroyed by a storm. The applicant's home is located approximately 5 feet or less from the top of the slope and is at risk of being significantly damaged or destroyed if the slope fails.

The erosion and stairway damage are primarily a result of wave runup and storm surge 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/stone cribbing that was previously located at the subject location and that failed as a result of these storms. The Highest Annual Tide line (HAT elevation 11.6' MLLW) was located 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 permanent wetland impacts are proposed with this project. The proposed shoreline stabilization location is depicted on the attached plans.

Existing conditions: The overall slope is characterized as steep (~56% grade) 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 primarily vines with other ground cover. An existing set of wooden stairs provides the applicants with beach access. The December 2022 winter storm washed out an approximately 7' long grass footpath and surrounding soil that provided access to a wooden

landing below, and ultimately access to the shoreline. The storm also destroyed a retaining wall spanning the width of the property along the toe of the slope.

Proposed conditions: The slope toe erosion has increased the overall slope failure potential. The project calls for the removal of the remains of the lowest retaining wall and replacing it with riprap. The applicants propose 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 +/-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.

Riprap will be located over a non-vegetated area partially covered in stone and washed-up debris, and otherwise over bare eroding soil, all of which is located entirely outside of the coastal wetland.

The stairway access structure will be reconstructed using a combination of gravel fill and stone steps within the area that eroded away during the storm and a pressure treated, post-supported wood structure to reconnect the base of the steps and the landing to restore safe shoreline access. The horizontal dimensions of the stairway access replacement are approximately 4' x 7'. Per Section 306.B, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils.

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 entirely outside of 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 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. 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. Other than very sparse pioneer species that may begin to establish within the eroded area, vegetation removal will not exceed the ordinance standards. Primarily, the vine growth will be pruned back and not removed to facilitate construction of the project.

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) consistent with Section 306.T of the Ordinance. Equipment will operate on construction mats to avoid permanent impacts to coastal wetland. The barge will transport equipment and materials to a location in front of the applicant's property. Construction mats that will be temporarily placed over coastal wetland during construction will cover approximately 920 square feet of coastal wetland. Construction mats will be applied in the barge landing area and laterally along the base of the slope to be stabilized. All construction mats will be removed immediately upon completion of the project.







Retaining wall and stairs before 2022 storms

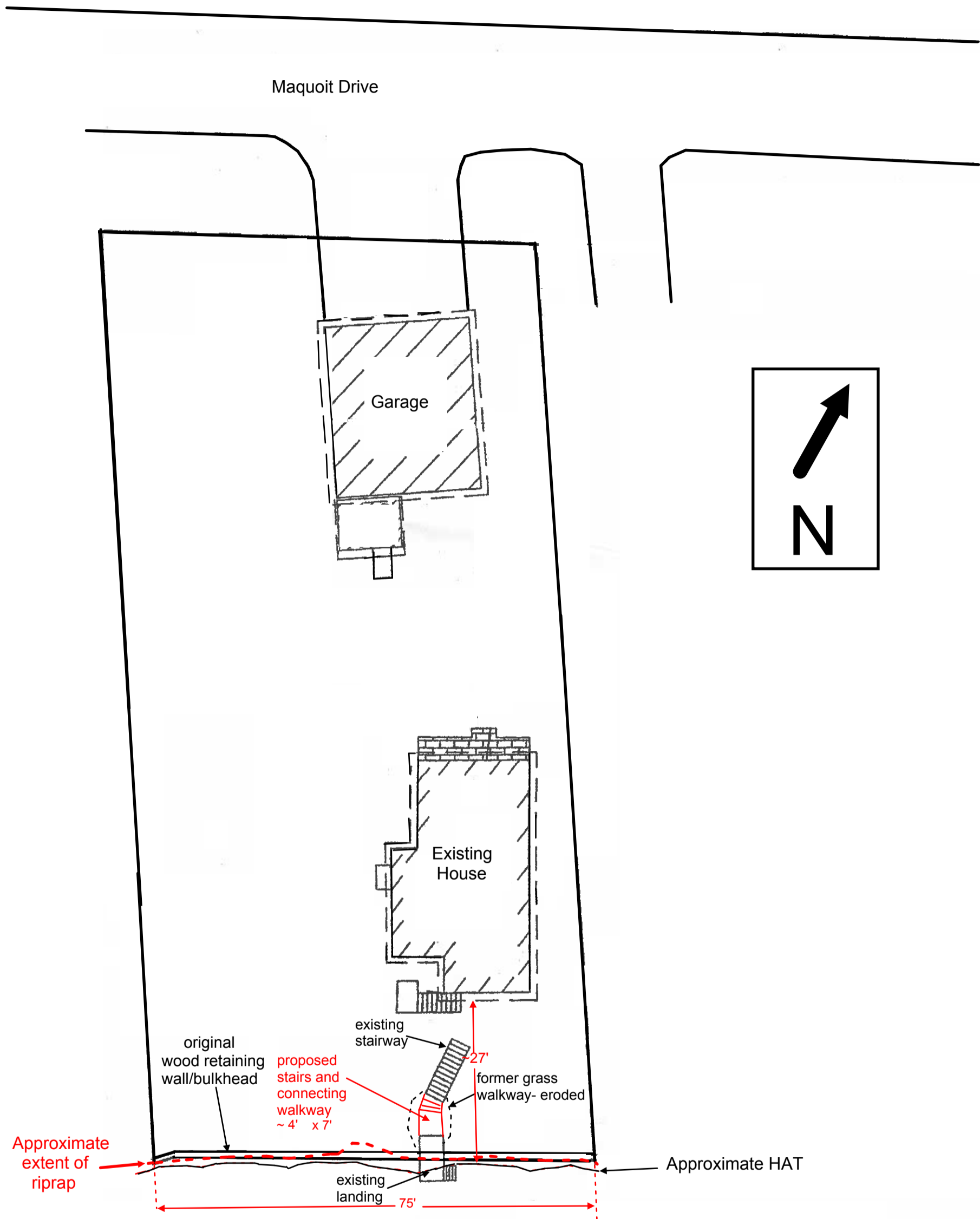


Retaining wall and landing post 2022 storms





Grass walkway
before 2022 storms



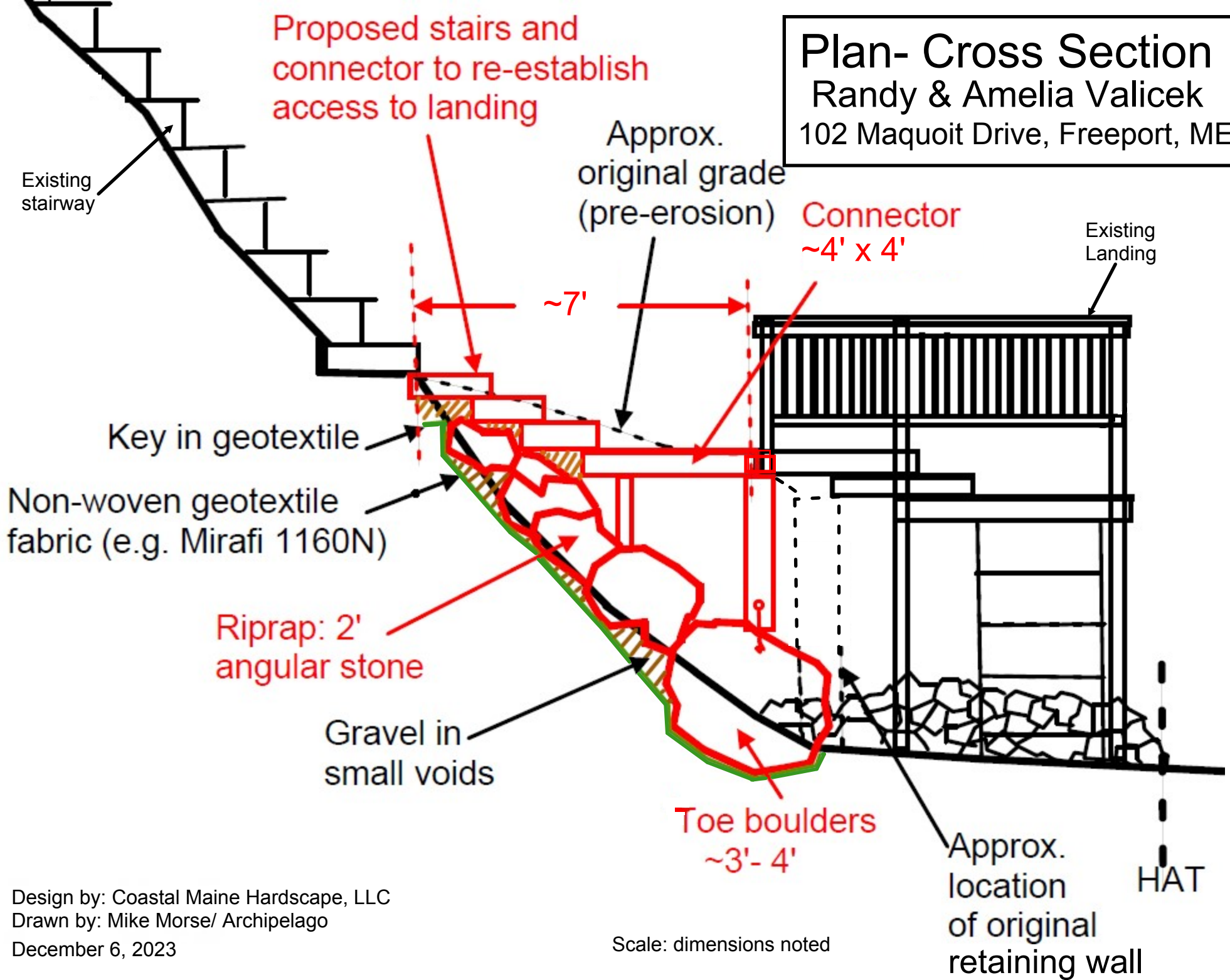
Overhead Plan
 Shoreline Stabilization &
 Access Reconstruction

Randy & Amelia Valicek
 102 Maquoit Drive, Freeport

November 30, 2023

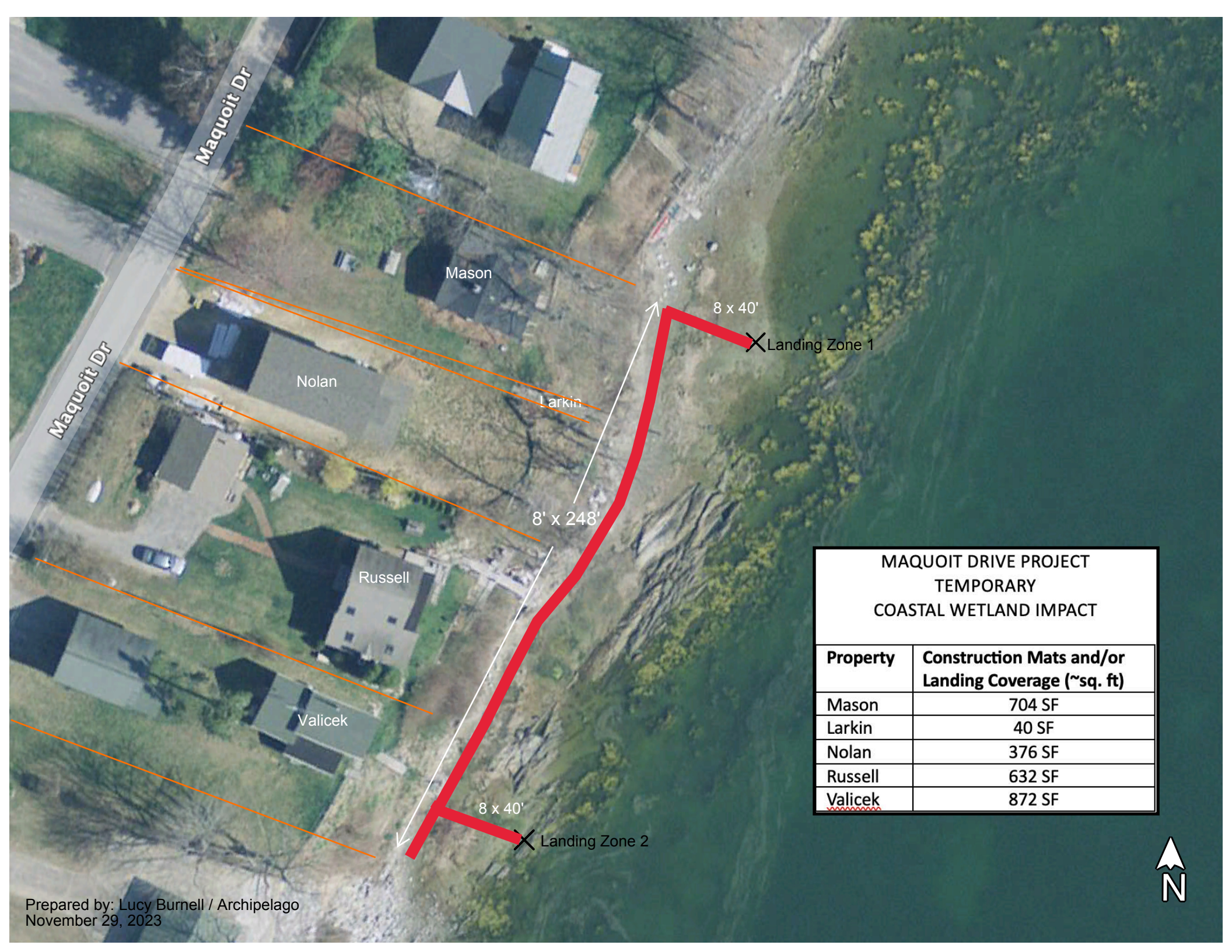
Maquoit Bay

Plan- Cross Section
Randy & Amelia Valicek
102 Maquoit Drive, Freeport, ME



Design by: Coastal Maine Hardscape, LLC
Drawn by: Mike Morse/ Archipelago
December 6, 2023

Scale: dimensions 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

