

ARTICLE XIII FLOAT, WHARF & DOCK PERMITS

Project: Residential Dock with Shoreline Stabilization

Applicants: Adam & Ana Dierkhising

Permit Application

Tuesday, December 21, 2021

The applicants are requesting consideration at a regular meeting of the Coastal Waters Commission.

Applicants: *Ana Lorenz and Adam Dierkhising*

Location: *34 Castle Rd Map 1 Lot 16A*

1. The project is in keeping with the neighborhood. There are many similar docks on Castle Rd. The property has ~720' feet of water frontage and faces Spar Cove and Staples Point.
2. The length does not exceed 125' from the highest annual tide water mark .
3. The project does not unreasonably interfere with traditional public access and does not interfere with ingress and egress or riparian owners. Project does not pose hazard to navigational channels.
4. The project does not encroach into existing mooring areas.
5. The dock will be constructed with piles and helix anchors
6. Eelgrass is not visible in the vicinity.
7. The dock shall not significantly impact fisheries or shellfish harvesting.
8. Identification will be on all ramps (vinyl) and floats (branded).

How and where will the permanent and/or temporary structure be stored in the winter months?

*The float will be stored upland on the property.*

When will the structure be built? *Summer 2022*

Will neighbors be allowed access? *Informally*

Who will build, store and maintain the float? *Falls Point Marine*

Are there future plans for expansion? *No*

Have there been any objections from neighbors? *Not as of the time of submission.*

## APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

<b>1. Name of Applicant:</b> Adam & Ana Dierkhising		<b>5. Name of Agent:</b> Falls Point Marine, Inc.	
<b>2. Applicant's Mailing Address:</b> 1041 Lake street San Francisco, CA 94118		<b>6. Agent's Mailing Address:</b> PO Box 61 So Freeport Me 04078	
<b>3. Applicant's Daytime Phone #:</b> 414.264.6997		<b>7. Agent's Daytime Phone #:</b> 207-865-4567	
<b>4. Applicant's Email Address (Required from either applicant or agent):</b> adamdirkinsf@gmail.com		<b>8. Agent's Email Address:</b> info@fallspoint.com	
<b>9. Location of Activity:</b> (Nearest Road, Street, Rt.#) 34 Castle Rd		<b>10. Town:</b> So Freeport	<b>11. County:</b> Cumberland
<b>12. Type of Resource:</b> (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		<b>13. Name of Resource:</b> Harraseeket River, Casco Bay
	<b>14. Amount of Impact:</b> (Sq.Ft.)		<b>Fill:</b> Dredging/Veg Removal/Other:
<b>15. Type of Wetland:</b> (Check all that apply)	<b>FOR FRESHWATER WETLANDS</b>		
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft.
<b>16. Proposed Start Date and Brief Activity Description:</b> Summer 2022, building residential dock			
<b>17. Size of Lot or Parcel &amp; UTM Locations:</b>		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 3 acres UTM Northing: _____ UTM Easting: _____	
<b>18. Title, Right or Interest:</b> <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
<b>19. Deed Reference Numbers:</b> Book#: 37632 Page: 1		<b>20. Map and Lot Numbers:</b> Map #: 1 Lot #: 16A	
<b>21. DEP Staff Previously Contacted:</b>		<b>22. Part of a larger project:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>23. Resubmission of Application?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>25. Previous Wetland Alteration:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>24. Written Notice of Violation?:</b> <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<b>26. Detailed Directions to the Project Site:</b> From the Big Indian on Route 1 in Freeport take South Freeport Rd 2 miles to Main Street South Freeport. Take Right onto Main Street and follow .2 miles to Riverview Road. Take Riverview Road and follow to end - #6 destination on right.	
<b>27. TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
<b>28. FEES Amount Enclosed:</b> 547.			

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

**IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.**

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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

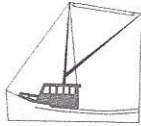
Falls Point Marine

Date: 12/27/21

SIGNATURE OF AGENT/APPLICANT

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

**(pink)**

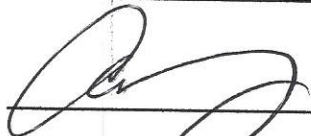



**FallsPoint Marine**  
Waterfront Resources for Casco Bay & Beyond

To Whom It May Concern,

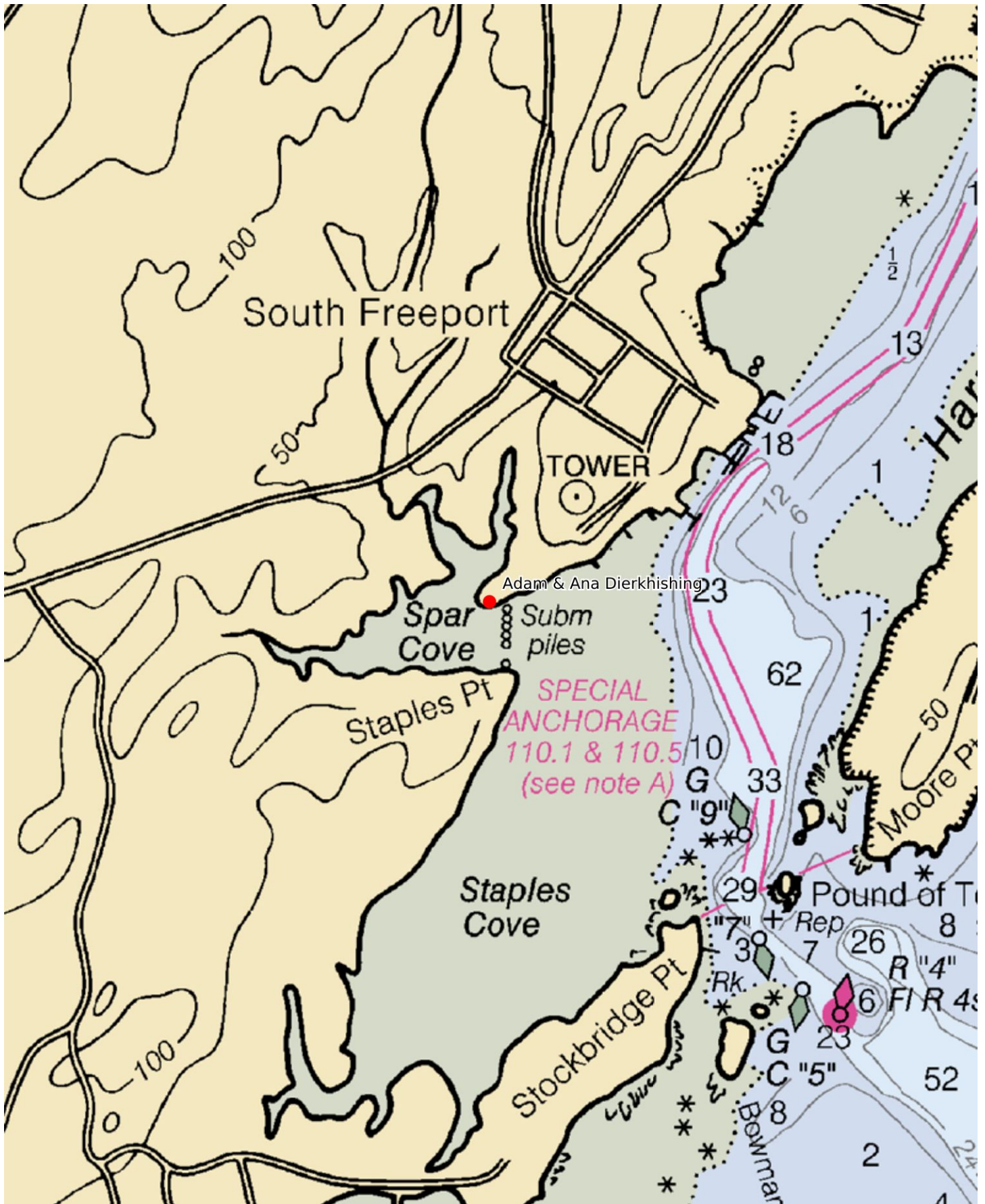
Either Kathleen Keegan and/or Carter Becker of Falls Point Marine, Inc. are authorized to apply for and obtain such permits as necessary from all permitting authorities (local, state and federal) related to the planning and construction of a permanent dock at 34 Castle Rd Freeport Me Tax Map 1 Lot 16A.

Print Name: Ana T.L. Dierckhising + Adam F. Dierckhising

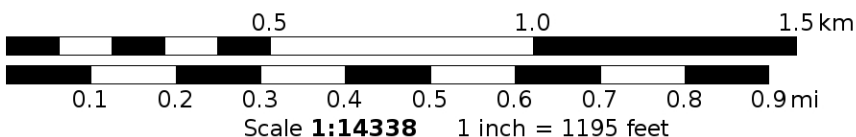
Signed:  

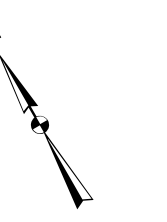
Mailing Address 1041 LAKE STREET  
SAN FRANCISCO, CA. 94118

Email ana@anahd.com | ADAMDIERCKINSF@GMAIL.COM



Mercator Projection  
 WGS84  
 UTM Zone 19T  

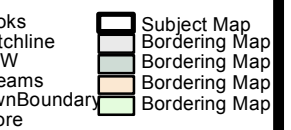





James H. Thomas  
gisSolutions of Maine  
Cumberland, Maine  
jht@maine.rr.com

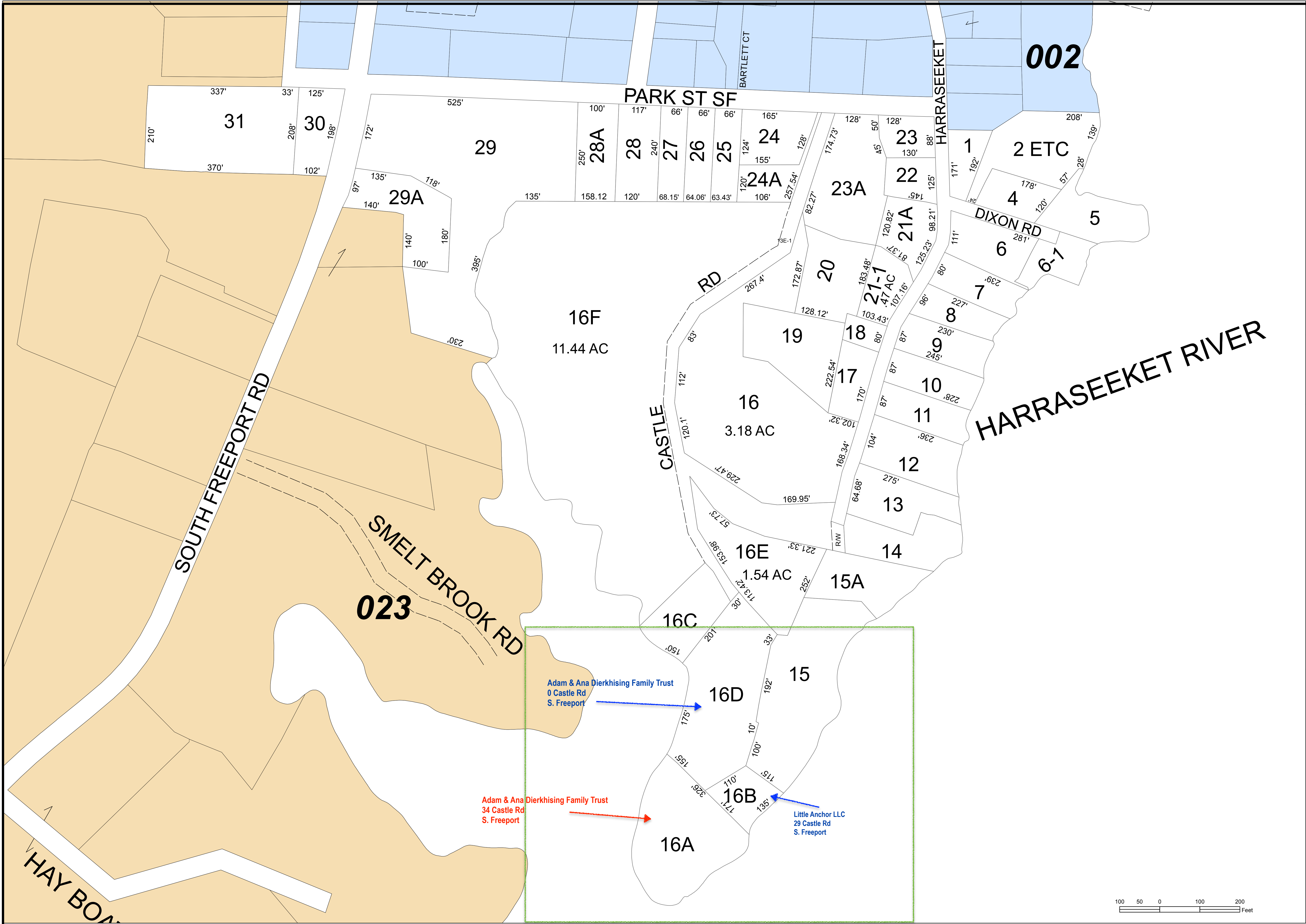
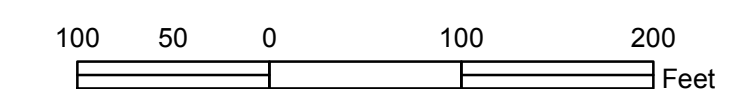
These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.  
Revised to April 1st

Scale: = 100



2020

MAP: 001



002

2 ETC

023

Adam & Ana Dierkhising Family Trust  
0 Castle Rd  
S. Freeport

Adam & Ana Dierkhising Family Trust  
34 Castle Rd  
S. Freeport

Little Anchor LLC  
29 Castle Rd  
S. Freeport

HAY BOARDS RD

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## Public Notice

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**Ana and Adam Dierkhising of 1041 Lake Street, San Francisco, CA** are intending to file a Natural Resources Protection Act permit application with the Maine DEP pursuant to the provisions of 38 M.R.S. §§ 480-A thru 480-BB on or about December 25th, 2021. The application is for a dock at the following location: 34 Castle Rd in Freeport. Request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. The application will be filed for public inspection at the DEP's office in Portland during normal working hours. A copy of the application may also be seen at the municipal offices in Freeport, Maine. Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103.

Times Record. 12/23/2021

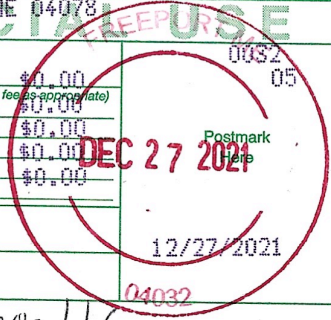
7020 1290 0001 3607 7052

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

South Freeport, ME 04078

Certified Mail Fee	\$3.75	
Postage	\$0.58	
<b>Total Postage and Fees</b>	<b>\$4.33</b>	
Extra Services & Fees (check box, add fees as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	



Sent To Little Anchor LLC  
 Street and Apt. No., or PO Box No. 29 Castle Rd POB 774  
 City, State, ZIP+4® S. Freeport, Me 04078





12/03/21

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

Dear Sir/Madam,

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding an application for a new wharf. The applicant is Adam & Ana Dierkhising, the location of the project is 34 Castle Rd South Freeport, ME, Maine Tax Map 1 Lot 16A.

Enclosed you will find a map and a drawing of the project.

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

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

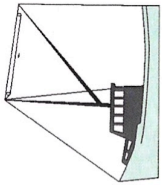
Sincerely,

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

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

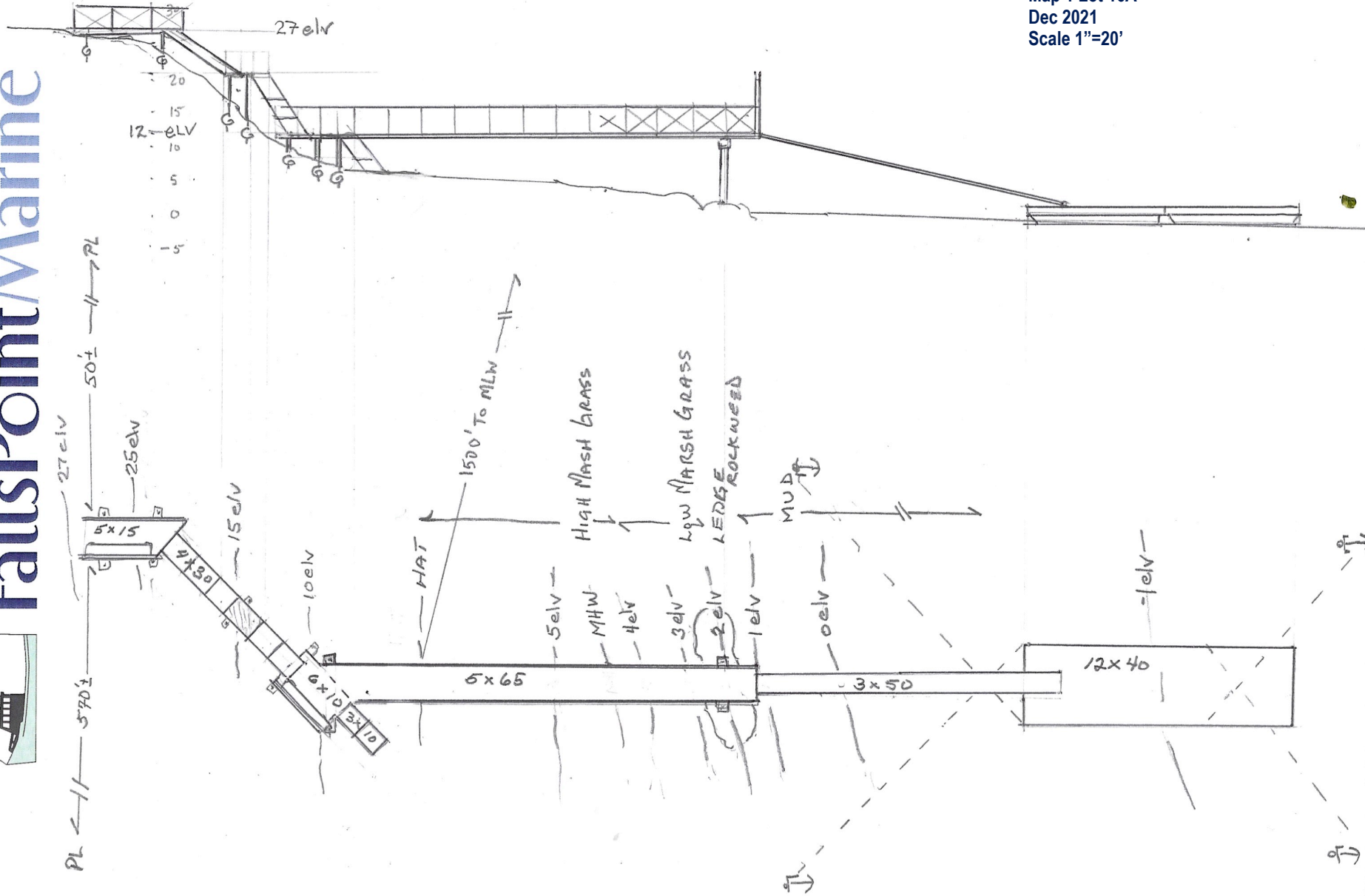
**Adam & Ana Dierkhising**  
**34 Castle Rd**  
**South Freeport, ME**





# FallsPointMarine

Ana/Adam Dierkhising  
 34 Castle Rd  
 South Freeport, Me 04078  
 Map 1 Lot 16A  
 Dec 2021  
 Scale 1"=20'





ABUTTER NOTIFICATION FOR  
WHARF OUT APPLICATION  
VIA CERTIFIED MAIL  
12/21/2021

RE: Wharfing Out Application, submitted to the Coastal Waters Commission, Freeport  
34 Castle Road  
South Freeport, Maine 04078  
Tax Map 1 Lot 16A

This letter is to inform you that a permit application has filed with the Town of Freeport for a wharfing out permit for a shore access stair and seasonal dock. As an abutter to the referenced property, you are hereby notified that a copy of the application can be viewed at the Town offices, 30 Main Street in Freeport, Maine.

Map 1 Lot 16D  
Adam & Ana Dierkhising Family Trust  
0 Castle Rd South Freeport, ME 04078

Mblu 1/ 16/ B/ 0  
Little Anchor LLC  
29 Castle Rd South Freeport, ME 04078

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

#### **Attachment 1, Activity Description**

The project proposes to construct a residential dock at 34 Castle Road in South Freeport on the Harraseeket River in Spar Cove and across from Staples Point. The applicants have an extended family and plan to use the dock for safe water access for all sizes of watercraft from small paddle to larger sail and power boats. The dock system begins at the top of bank. The stairs are 4' wide and descend 30' to a fixed pier. This fixed pier head is 5'x65' and is supported by helix anchors at the inshore end and one timber pile bent offshore which is pinned to ledge. The elevation of the walking surface is 12'. There is a short toe of bank shore access step/stair.

For the seasonal portion, the gangway is 3'x50' and the float is 12'x40'.

A gallows frame for seasonal service of the gangway will be added at the outer end of the fixed section. The gangway will be stored on the pier head in the winter. The floats will be stored upland and out of the marine resource for the winter months. The proposed dock is 640' from the North boundary and 80' from the Northeast boundary. The property surrounds the point in a horseshoe shape.

Direct Impact: 12 ft<sup>2</sup>

(10) Inner helix screw anchors

(2) Outer bent (2) 10" timbers

Indirect Impact: 1030 ft<sup>2</sup>

Shore Stair 3x10', Main stair 4x30', Upper landing 5x15'  
= 225 ft<sup>2</sup> total stair system

Pierhead 5x35' = 175 ft<sup>2</sup>

Gangway 3x50' = 150 ft<sup>2</sup>

Float 12x40' = 480 ft<sup>2</sup>

#### **Attachment 2, Alternatives Analysis / Avoidance and Minimization**

Several alternatives were considered in determining the need, placement and design of the proposed structures. Among the factors considered were shoreline characteristics, vegetation, tidal access, identified natural resources and proximity to existing public and private facilities.

The project purpose is to avoid the marsh and provide safe upland water access. The project's minimal approach preserves a significant amount of existing vegetation.

Alternative 1: Do Nothing

The property maintains over ~720' of shoreline which wraps around the point. The do nothing approach would not satisfy the purpose of safe water access nor would it preserve the shoreline from further erosion. If continued as is, family and friends would walk a variety of different ways down the embankment, thus causing further erosion of the steep embankment.

There are two Marinas in South Freeport available for larger boat owners. These marinas do not provide any kayak or small boat access and their parking is limited at best. Their typical function is to cater to larger yacht owners.

Alternative 2: The design as proposed will preserve the shore from further erosion or degradation. The placement of the dock system was chosen as it provides a minimal permanent impact structure with just enough sufficient, reasonable access throughout the tidal cycle. The stair and pier will eliminate the need to transit the embankment or the marsh in order to access the water.

The applicants will have access to water for ~half of the tide cycle, as do the majority of the docks in the Harraseeket River. The location is safely tucked around the corner and inside old walkway pilings, away from commercial activity and the navigable channel so as not to interfere with the normal private and commercial activities of the river. Staples Cove is commonly used by Freeport residents with similar waterfront activities making the project in keeping with the surrounding character.

Attachment 3: See attached CalTopo Map

Attachment 4: See photos

Attachment 5: See attached plan drawing

Attachment 6: Additional plans, n/a

Attachment 7: Construction Plan: Dock

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

- ° 55' of stairs - aluminum frame, wood decking and helix anchors
- ° 5'x65' permanent pier head - aluminum frame on 1 structural outer timber bent
- ° 3'x50' seasonal gangway - aluminum frame, wood decking
- ° 12'x40' seasonal float - wood construction with rotomold flotation, skids
- ° The 4 point anchoring system will be set at 45° angles from the float
  - 2 buried anchors out with 1/2" x ~65' 1/2" chain
  - 2 pins with 3/8" x ~65' chain

The pier head and the gangway will be fabricated off site. The timber bents will be constructed of 10"x10" marine grade 2.5 CCA PT timbers pinned to ledge. The float will be built with marine grade lumber and polyethylene molded flotation and skids. The float fasteners are 1/2" galvanized steel. The bent fasteners are 3/4"-1" galvanized steel. The fixed pier head will terminate with a wood gallows frame for seasonal service and gangway storage inside the pier handrails.

☐ **Attachment 8, Erosion Control Plan.**

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

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

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



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



**THIS IS AN APPLICATION FOR A.....**

- Commercial wharf  
If yes, indicate type of commercial activity: \_\_\_\_\_  
License number: \_\_\_\_\_  
Number of fishermen using this wharf: \_\_\_\_\_
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: \_\_\_\_\_



**TELL US ABOUT YOUR BOAT....**

My boat(s) requires a draft of 1 feet.  
My boat(s) is 14 feet long.



**TELL US ABOUT YOUR PROJECT SITE....** For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: \_\_\_\_\_



**SCENIC CONSIDERATIONS...**Please complete Appendix A of the NRPA application.



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in Freeport, Porters Landing approximately 1.5 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in Freeport approximately .15 miles from the project location.  
(distance) (town)

I have inquired about slip or mooring availability at the nearest marina or public facility.

Yes, a slip or mooring is available.  No, a slip or mooring is not available.

Approximate expected time on waiting list: \_\_\_\_\_

I have contacted the local Harbor Master.

**Kayak and small boat access**



Name: \_\_\_\_\_ Phone: \_\_\_\_\_

I currently use the following for my boat:  Mooring  Marina

**Currently kayaks and small boats are dragged up the shore to the upland for storage**



**TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...**

**MATERIALS:**

- The structure will be supported by pilings.  
\_\_\_\_\_ **2** pilings of **10"** inches in diameter
- The structure will be supported by stacked, flow-through granite cribs.  
\_\_\_\_\_ blocks, measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet
- The structure will be supported by solid fill.  
\_\_\_\_\_ square feet of solid fill
- Other: \_\_\_\_\_

**DIMENSIONS:**

Length of fixed section: \_\_\_\_\_ **65** feet  
 Width of fixed section: \_\_\_\_\_ **5** feet  
 Length of ramp: \_\_\_\_\_ **50** feet  
 Dimensions of float: \_\_\_\_\_ **12** feet wide by \_\_\_\_\_ **40** feet long  
 Distance the structure will extend below mean low water (MLW): \_\_\_\_\_ **0** feet  
 Depth of water at the fixed end of the structure: \_\_\_\_\_ **4.5@MHW** feet  
 Depth of water at the float at low tide: \_\_\_\_\_ **0** feet  
 Depth of water at the float at high tide: \_\_\_\_\_ **6** feet  
 Dimensions of any proposed buildings (e.g. bait shed):  
 \_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

**ACCESS:**

During construction, my project site will be accessed via:

- Land
- Beach/intertidal area
- Water/barge

**APPENDIX A: MDEP VISUAL EVALUATION  
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Adam & Ana Dierkhising Phone: 414.264.6997  
 Application Type: Tier 3 NRPA  
 Activity Type: (brief activity description) Residential Dock  
 Activity Location: Town: South Freeport County: USA  
 GIS Coordinates, if known: 43° 48.966 N, 70° 6.870 W  
 Date of Survey: 11/29/21 Observer: Becker, Keegan Phone: 207.865.4567

**Distance Between the Proposed Visibility  
Activity and Resource (in Miles)**

- |  | 0-1/4                               | 1/4-1                                   | 1+                                  |
|--|-------------------------------------|---|-------------------------------------|
| 1. Would the activity be visible from:   |                                     |   |                                     |
| A. A National Natural Landmark or other outstanding natural feature?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| C. A state or federal trail?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| D. A public site or structure listed on the National Register of Historic Places?  | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| E. A National or State Park?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| F. 1) A municipal park or public open space?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| 2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| 3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/>            |
| 2. What is the closest estimated distance to a similar activity?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/>            |
| 3. What is the closest distance to a public facility intended for a similar use?   | <input type="checkbox"/>            | <input type="checkbox"/>                | <input checked="" type="checkbox"/> |
| 4. Is the visibility of the activity seasonal?<br>(i.e., screened by summer foliage, but visible during other seasons)                   |                                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No         |
| 5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?  |                                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No         |

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: [www.nature.nps.gov/nnl/Registry/USA\\_map/states/Maine/maine.htm](http://www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm) . In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

*(pink)*

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:  
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Adam & Ana Dierkhising PHONE: 414.264.6997

APPLICATION TYPE: NRPA Tier 3 Coastal Dock

ACTIVITY LOCATION: TOWN: South Freeport COUNTY: Cumberland

ACTIVITY DESCRIPTION:  fill  pier  lobster pound  shoreline stabilization  
 dredge  other: \_\_\_\_\_

DATE OF SURVEY: 11/29/21 OBSERVER: Becker, Keegan

TIME OF SURVEY: 12:30 p.m. TIDE AT SURVEY: 1.1ft

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
Intertidal area: 12 ft2 Subtidal area: \_\_\_\_\_

SIZE OF INDIRECT IMPACT, if known (square feet): \_\_\_\_\_  
Intertidal area: 1150 ft2 Subtidal area: \_\_\_\_\_

HABITAT TYPES PRESENT (check all that apply):  
 sand beach  boulder/cobble beach  sand flat  mixed coarse & fines  salt marsh  
 ledge  rocky shore  mudflat (sediment depth, if known: \_\_\_\_\_)

ENERGY:  protected  semi-protected  partially exposed  exposed

DRAINAGE:  drains completely  standing water  pools  stream or channel

SLOPE:  >20%  10-20%  5-10%  0-5%  variable

SHORELINE CHARACTER:  
 bluff/bank (height from spring high tide: \_\_\_\_\_)  beach  rocky  vegetated

FRESHWATER SOURCES:  stream  river  wetland  stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION?  yes  no

PREVIOUS ALTERATIONS?  yes  no

CURRENT USE OF SITE AND ADJACENT UPLAND:  
 undeveloped  residential  commercial  degraded  recreational

**PLEASE SUBMIT THE FOLLOWING:**  
 Photographs  Overhead drawing (pink)

**WARRANTY DEED**DLN: 1002040126792

**Elyse S. End**, of 34 Castle Road, South Freeport, ME 04078 for consideration paid, GRANT to **Adam F. Dierkhising and Ana T. L. Dierkhising, as Trustees of The Adam and Ana Dierkhising Family Trust Under Revocable Trust Agreement dated October 24, 2006**, of 1041 Lake St., San Francisco, CA 94118, as **Joint Tenants**, with WARRANTY COVENANTS, the real estate described as follows:

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

Beginning at an iron pipe driven in the ground on or near the top of the bank adjoining the waters of Casco Bay at a point two hundred eighty-five (285) feet, more or less, westerly along the top of the bank from another iron pipe marking the southwesterly corner of a parcel of land conveyed by Eleanor Houston Smith to Robert W. Saunders by warranty deed dated September 27, 1958 and recorded in Cumberland County Registry of Deeds in Book 2440, Page 184; thence north eighteen (18) degrees east one hundred eighty-seven and thirty-six one hundredths (187.36) feet more or less, to an iron pipe driven in the ground at a pine tree on or near the top of the bank adjoining the waters of Spar Cove, so-called; thence continuing the same course eighty-seven and ninety-nine one hundredths (87.99) feet, more or less, to an iron pipe driven in the ground at the approximate high water mark on the shore of Spar Cove; thence southwesterly, southerly, southeasterly and easterly following the approximate high water mark of Spar Cove and Casco Bay to an iron pipe driven into the piling of an old weir; thence northeasterly fifty-one and twenty-nine one hundredths (51.29) feet, more or less, to the top of the bank and the point of beginning.

Together with all right, title and interest in the flats abutting the premises and in the old weir.

Meaning and intending to convey and hereby conveying the parcel of land commonly referred to as "The Point" and being the most westerly lot delineated on an unrecorded Plan of Land of Casco Castle, South Freeport, dated October, 1959, drawn by Carl E. Emery, and being a portion of the premises conveyed by Chauncey L. Fish to Eleanor Houston Smith by warranty deed dated September 22, 1956 and recorded in Cumberland County Registry of Deeds in Book 2281, Page 481.

Excepting and reserving to Eleanor Houston Smith, her heirs and assigns forever, an easement or right of way ten (10) feet in width and running in a southwesterly direction from the right of way leading to the above described premises along the easterly boundary line of said premises to the shore, for future residents of Casco Castle Property and their house guests only for use for bathing and access to boats, landing of boats, and hauling in of boats, but not for the storage of boats, together with the use of the shore within said right of way for the purposes herein mentioned.

Also granting and conveying to the Grantees herein, their heirs and assigns forever, an easement or right of way in common with Eleanor Houston Smith, her heirs and assigns forever, from the above described premises to Park Street, so-called, a public way in said South Freeport, over land of the Grantor along the course delineated on said Plan of Land at Casco Castle, which course may be altered by the Grantor prior to May 31, 1965, when said right to alter shall terminate. Said easement or right of way shall be for the purpose of travel by vehicles and/or pedestrians and for utility lines as hereinafter set forth. Said easement or right of way shall be twenty (20) feet in width from the above described premises to the point where said easement connects with said thirty (30) foot right of way leading to Park Street as delineated on said unrecorded Plan of Land at Casco Castle, and said easement or right of way shall be thirty (30) feet in width from that point of connection to Park Street. Together with an easement five (5) feet in width on each side of said twenty (20) foot right of way or easement for the purpose of depositing snow and ice cleared from said right of way, for drainage of said right of way, and for the purpose of erecting, constructing, maintaining, replacing and repairing utility lines for the transmission of water, sewer, electricity and telephone service, together with the right to cut, clear and remove any and all standing trees, bushes and undergrowth located with said right of way.

Also granting and conveying to the Grantees herein, their heirs and assigns forever, an easement or right of way in common with the Grantor herein, her heirs and assigns forever, thirty (30) feet in width extending from the southerly end of Harraseeket Avenue, so-called, over the route set forth in the warranty deed from Eleanor Houston Smith to Melvin C. Mead, et. al., dated November 19, 1958 and recorded in said Registry of Deeds in Book 2446, Page 408, and from the point of termination mentioned therein the said easement shall cross other land of Eleanor Houston Smith to join the easement or right of way set forth in the preceding paragraph, for the purpose of pedestrian travel only by the Grantees herein and their house guests and further for the purpose of erecting, constructing, maintaining, replacing and repairing utility lines for the transmission of water, sewer, electricity and telephone service

This conveyance is made subject to the following express conditions and restrictions:

- (a.) No industrial, agricultural, or commercial activity shall be conducted on said premises;
- (b.) No dwelling house costing less than Eight Thousand Dollars (\$8,000.00) at the time of construction shall be erected on the premises;
- (c.) No mobile or trailer home shall be placed upon the premises;
- (d.) No multiple dwelling units shall be erected upon the premises;
- (e.) Not more than two (2) single family dwelling units shall be erected upon the premises

Also a certain lot or parcel of land situated at South Freeport in the Town of Freeport, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron pipe driven in the ground at the northwesterly corner of a parcel of land conveyed by Eleanor Houston Smith to Carl O. Bradford, et al, by deed dated April 26, 1966 and

recorded in the Cumberland County Registry of Deeds Book 2955, Page 203; thence North 18° East along land of Widgery Thomas, Jr., the same as was conveyed to him by Eleanor Houston Smith by warranty deed dated April 9, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2888, Page 360, sixty-seven and thirty-six hundredths (67.36) feet to an iron pipe driven in the ground at a pine tree on or near the top of the bank adjoining the waters of Spar Cove, so-called; thence continuing the same course along said Grantee's land eighty-seven and ninety-nine hundredths (87.99) feet to an iron pipe driven in the ground at the approximate high water mark on the shore of Spar Cove; thence northeasterly following the approximate high water mark of Spar Cove one hundred seventy-five (175) feet more or less, to the northwesterly corner of land described in deed from Eleanor Houston Smith to Miriam C. Schneider, dated October 8, 1968; thence South 89° 49' East along said Schneider land through two iron pipes two hundred and seven tenths (200.7) feet, more or less, to an iron pipe on the westerly side of the thirty (30) foot right of way leading to Park Street; thence continuing the same course thirty (30) feet to the easterly side of said right of way; thence South 9° 41' West one hundred twenty-five (125) feet, more or less, to an iron pipe and land described in deed from Eleanor Houston Smith to John Fairfield and Phyllis E. Fairfield, dated October 8, 1968; thence northwesterly along said Fairfield land thirty (30) feet, more or less to an iron pipe set in the ground at a corner in said Fairfield line; thence South 62° 52' West along a picket fence and said Fairfield land one hundred fifty-three and seven tenths (153.7) feet to a point; thence South 61° 23' West along said picket fence and said Fairfield land forty-eight (48) feet to a iron pipe; thence South 24° 21' East ten (10) feet along said Fairfield land to an iron pipe; thence South 68° 31' West one hundred (100) feet to the northeasterly corner of the parcel conveyed to Carl O. Bradford, et al, as aforesaid; thence North 84° 24' 30" West one hundred nine and ninety-four hundredths (109.94) feet along said Bradford land to the point of beginning.

Together with all the Grantor's right, title and interest in and to the flats and shore situated between the above described parcel of land and the low water mark of Spar Cove.

This conveyance is made subject to a right of way twenty (20) feet in width along the southeasterly and southerly sideline of said parcel from the point of beginning of the parcel herein described to the thirty (30) foot right of way leading to Park Street, as delineated on the unrecorded Plan of Land at Casco Castle.

Also subject to an easement five (5) feet in width on each side of said twenty (20) foot right of way for the purpose of depositing snow and ice cleared from said right of way, for drainage of said right of way and or the further purpose of erecting constructing, maintaining, replacing and repairing utility lines for the transmission of water, sewer, electricity and telephone service, together with the right to cut, clear and remove any and all standing trees, bushes and undergrowth located within said right of way.

Also granting and conveying to the Grantees herein, their heirs and assigns forever, in common with Eleanor Houston Smith, her heirs and assigns forever, an easement or right of way for the purpose of travel by vehicle and/or pedestrians and for the further purpose of constructing, erecting, maintaining, repairing and replacing utility lines for the transmission of water, sewer, electricity and telephone service, thirty (30) feet in width extending from a public way in South Freeport known as Park Street over the course as now travelled to the Northeast corner of the above described parcel of land.

The above described parcel of land is conveyed subject to the following restrictions:

- (a.) No industrial, agricultural, or commercial activity shall be conducted on said premises;
- (b.) No dwelling house costing less than \$8,000.00 at the time of construction shall be erected on the premises;
- (c.) No mobile or trailer home shall be placed upon the premises;
- (d.) No multiple dwelling units shall be erected upon the premises;
- (e.) Not more than two (2) single family dwelling units shall be erected on the premises.

Being the same premises conveyed to Elyse S. End by deed from William T. End dated August 17, 1987, recorded in Cumberland County Registry of Deeds Book 7932, Page 308.

WITNESS my hand and seal this 19<sup>th</sup> day of December, 2020.

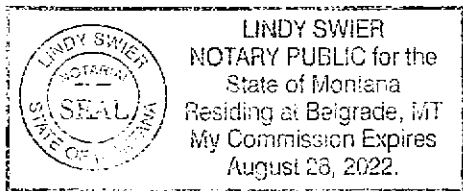
Elyse S. End  
**Elyse S. End**

STATE OF Montana  
 COUNTY OF Gallatin

December 19, 2020

Personally appeared the above-named **Elyse S. End** and acknowledged the foregoing to be her free act and deed,

Before me, Lindy Swier



Lindy Swier  
 Notary Public