

Town of Long Island
Site Plan Review Application
Revised 7-8-2008

For Office Use Only Application No ____ Fee Rec'd _____

PROJECT NAME The Satchel Group, LLC Dock

Notes: Application fee must accompany this application. If you need more room for any information please reference the item number and use the back of these sheets.

APPLICANT INFORMATION

1. Property Owner The Satchel Group, LLC
Address 46 Foreside Road
Cumberland, ME 04110

Telephone (401) 924 - 0750
Email Address gbyers@yahoo.com; caitlin.h.connor@gmail.com

2. Applicant Caitlin and Matthew Byers c/o The Satchel Group, LLC
Address 46 Foreside Road
Cumberland, ME 04110

Telephone (401) 924 - 0750
Email Address gbyers@yahoo.com; caitlin.h.connor@gmail.com

3. Applicant's Authorized Agent Atlantic Environmental, LLC c/o Tim Forrester
Address 135 River Road
Woolwich, ME 04579

Telephone (207) 837 - 2199
Email Address tim@atlanticenviromaine.com

4. Land Surveyor/Engineer Preparing Plan
Name N/A
Registration # _____
Address _____

Telephone (____) _____ - _____
Email Address _____

5. Person to which all correspondence regarding this application should be sent
Name Atlantic Environmental, LLC c/o Tim Forrester
Address 135 River Road
Woolwich, ME 04579

Telephone (207) 837 - 2199
Email Address tim@atlanticenviromaine.com

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6. What legal interest does the applicant have in this project (ownership, option, purchase and sale contract, etc.)?
Ownership

7. What interest does the applicant have in any abutting property?
None

LAND INFORMATION

8. Location of Property (Street Location) 262 Island Avenue
(from County Registry of Deeds) Book 36564 Page 66
(from Tax Maps) ID 203

9. Current zoning of property Island Business

10. Is any portion of the property in the shoreland zoning district? Yes No

11. Total Acreage of Parcel 0.27 acres

12. Acreage devoted to this project 0.27 acres - Dock is associated with use of entire parcel

13. Has this parcel been part of a prior approved subdivision? Yes No

14. Or other subdivision within the past 5 years? Yes No

15. Identify existing use(s) of parcel (woodlot, unimproved acreage, etc)
Commercial Use

16. Does the parcel include or abut any wetlands? Yes No

17. Is any portion of the property within a special flood hazard zone as identified by the Federal Emergency

Management Agency? Yes No

If yes identify zone V2

18. List below the names and mailing addresses of abutting property owners and owners across the road:

Name	Address
<u>*See attached list of abutters</u>	<u></u>
<u></u>	<u></u>
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GENERAL INFORMATION

19. Please describe the proposed project:

The Applicant proposes to construct a dock consisting of a 6' x 100' pier that will begin in the upland and extend in a northerly direction. The pier will connect to a 3' x 50' ramp and (2), 12' x 24' floats. The dock will support the Byers & Sons Long Island Bakehouse and will provide access to and from the store for guests as well as mainland access for the Applicant. In addition to providing berthing for the business' patrons and the owners personal use, the dock shall be used to deliver supplies, merchandise, and/or equipment associated with the current use of the property.

20. Anticipated length of construction period: 1 month

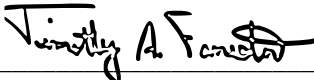
21. Does this project require extension of public infrastructure? Yes No
 roads storm drainage sidewalks power lines
 fire protection equipment/access other

22. Estimated cost for infrastructure improvements \$ 200,000

23. Does the applicant intend to request waivers of any of the site plan review submission requirements?
 Yes No

If yes, list them and state reasons for the request :

To the best of my knowledge, the above stated information is true and correct.



signature of applicant

4/12/2023

date



135 River Road • Woolwich, ME 04579
207-837-2199 • tim@atlanticenviromaine.com
www.atlanticenviromaine.com

May 12, 2022

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the permitting work to be carried out at 262 Island Ave in Long Island, ME. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

Catlin Byers
Print Name

Signature

Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester, Owner

LIST OF ABUTTERS

Name	Map, Block, Lot	Address	City, State/County	Zip Code
Ramesses II, LLC c/o Richard Chadbourne	Map 1, Lot 202	284 Island Avenue	Long Island, ME	04050
Weston and Camille Wolfertz	Map 1, Lot 204	9 Beach Avenue	Long Island, ME	04050
Weston and Camille Wolfertz	Map 1, Lot 279	9 Beach Avenue	Long Island, ME	04050
Roman Catholic Bishop of Portland	Map 1, Lot 311	510 Ocean Avenue	Portland, ME	04101
Edward and Jeanie McAleney	Map 1, Lot 313	3 Garfield Street	Long Island, ME	04050

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 0.27-acre parcel of land located on Island Avenue and adjacent to Casco Bay in the Town of Long Island, Maine (see **Exhibit 3.0**). The site is developed with the Byers & Sons Long Island Bakehouse general store and bakery and includes a building and associated development. There is vehicular access to the site; however, given the location on an island, there is no direct access to the site from the water. In order to safely and reasonably access the site for commercial uses, the Applicant proposes to construct a permanent pier with a seasonal ramp and two floats.

Atlantic Environmental, LLC (AE) investigated the site and the surrounding area to determine the feasibility of accessing the resource and constructing a dock that will accommodate the Applicant's watercraft and 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.

In order to reach navigable waters on an all-tide basis and to accommodate visitors to the bakery from Casco Bay, the Applicant proposes to construct a six (6) foot wide by one hundred (100) foot long pier that will begin in the upland and extend in a northerly direction. The pier will be supported with two (2) granite block cribs that each measure twelve (12) feet wide by twelve (12) feet long. As a result of the crib supports, there will be approximately ninety-six (96) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by fifty (50) foot long ramp and two (2), twelve (12) foot wide by twenty-four (24) long floats. The float will be secured in place with two (2), twelve (12) inch round pilings on the inboard side and a three (3) pile dolphin on the outboard end. As a result of the float pilings, there will be approximately five (5) square feet of direct impacts for a total of one

hundred and one (101) square feet of direct impacts to the coastal wetland. A portion of the ramp and the floats will be located over eelgrass and the Applicant proposes to compensate for those impacts utilizing the In Lieu Fee Compensation Program. During the off-season, the ramp will be stored on the pier and the floats will be hauled off-site and stored in an upland location.

The proposed dock does not require the removal of any vegetation.

EXHIBIT 2.0: LAND USE STANDARDS

Town of Long Island

Land Use Ordinance

Section 4.15 Land Use Standards

C. Piers, Docks, Wharves, Bridges, and Other structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization.

(1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

The Applicant proposes one dock on their lot.

(2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

The dock will be located over upland, exposed and rockweed covered ledge and eelgrass. With the exception of setting granite on ledge, the project does not involve excavation; however, if there are any areas of soil disturbance in the upland, they will be stabilized with vegetation and mulch in accordance with the Maine Department of Environmental Protection's permanent soil stabilization best management practices. As a result, the Applicant does not anticipate any adverse causes of erosion or sediment.

(3) The location shall not interfere with existing developed or natural beach areas.

The proposed location of the dock is not located over a developed or natural beach area.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

The majority of the dock will be located over ledge. In addition, all seasonal structures (ramp and float) will be located outside of the coastal wetland during the off-season. The Applicant proposes to store the ramp on the pier and the floats will be stored off-site in an upland location. The project was reviewed by the US Fish and Wildlife Service (USFWS), the Department of Marine Resources (DMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW). No fisheries concerns were raised by the reviewing agencies. However, given the eelgrass bed located at the project site, the Applicant intends to make a payment to the In-Lieu Fee program of the Maine Natural Resource Conservation Program to compensate for the proposed structures that are located over the eelgrass.

(5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

The proposed dock is the necessary length to reach navigable waters for the project purposes. The Applicant considered a longer structure; however, it was determined the proposed structure will be consistent with the existing character and uses of the area. There are similar structures in the surrounding area that are visible from the project site.

(6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

The Applicant does not propose to construct a new structure on, over, or abutting the proposed dock.

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

The proposed dock is located on tidal waters.

(8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

There are no existing structures at the site of the proposed dock that extend beyond the normal high-water line.

(9) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

The Applicant does not propose to construct a structure on, over, or abutting the proposed dock.

(10) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

The Applicant does not propose shoreline stabilization.

(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 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Article 4.15(S).

Town of Long Island

Land Use Ordinance

Section 10.5 CRITERIA AND STANDARDS

The following criteria and standards are to be used by the Planning Board in reviewing applications for Site Plan Review and shall serve as minimum requirements for approval of a Site Plan. In all instances, the burden of proof shall be on the applicant to demonstrate compliance with each standard.

A. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and by 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 and existing visual environment of the skyline of the ridge. Preserving existing vegetation, requiring buffering landscaping and the creative siting or location of buildings or structures will be considered as potential methods of preserving scenic vistas.

The Applicant does not propose to remove any trees. Soil disturbance will occur within the upland at the beginning of the pier where the stringers will be buried to grade. A 4' wide walking path will extend across the lawn from the start of the pier to the sidewalk. That path will be constructed with erosion control mulch as a base. No grade changes are proposed. A path to the shore is common and will not have a negative impact on the landscape.

B. Relation of Proposed Buildings to the Environment: Proposed structures shall be located to the greatest practical extent so that they relate harmoniously to the site, the terrain and to existing buildings in the vicinity with visual relationships to any proposed buildings or activities. Special attention shall be given to the scale of proposed buildings or structures, the massing of proposed buildings or structures, and such natural features as the slopes, orientation, soil types, and drainage courses or the site and adjacent properties.

The proposed structure (pier) will begin on existing lawn, approximately 20' landward from the Highest Annual Tide (HAT) . The terrain slopes naturally to the northwest and the pier will follow that grade. Docks are common along the shore and this dock will be in proportion to other docks in the area.

C. Vehicular Access: The proposed location of vehicular access points to a property shall be designed to minimize adverse impacts on existing vehicular and pedestrian traffic patterns. Proposed site layout shall give special consideration to the location, number, and control of access points, the adequacy and safety of adjacent streets, traffic flow, sight distances, turning lanes, pedestrian-vehicle contacts, and existing or proposed traffic controls.

No Vehicular Access is proposed as part of the dock project. The pier will be accessed via a 4' wide path that extends from the beginning of the pier and ends at the road. The dock will not impact traffic, signage, etc.

D. Parking and Circulation: The layout and design of proposed vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall be designed to provide appropriate general interior circulation, to separate pedestrian and vehicular traffic, to provide appropriate service access to

loading areas, and provide for arrangements and use of parking areas that minimize adverse impacts on adjacent properties, adjacent public streets and pedestrian ways.

No Parking is proposed in relation to the dock. A 4' wide path will lead from the start of the pier to the street. It is not expected that the path will interfere with traffic or pedestrians along the road.

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 and shall be held to a zero percent or less off-site increase after development. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five (25) year storm frequency.

The area of the proposed dock consists of existing lawn. The path will be made of erosion control mulch and will not impact existing drainage. The pier will have minimal soil disturbance, a granite footer will be installed to accept the glue-laminated beams. Any areas of exposed soils will be mulched, seeded and returned to lawn area.

F. Utilities: Adequate provisions shall be made to demonstrate that the project and site will be adequately served with systems for the supply of water and wastewater disposal. When feasible utilities, including electric, telephone, and other utility lines shall be installed underground. Utility installations that are installed above ground shall be installed and located so as to minimize visual or other adverse impacts on neighboring properties and the site.

The dock does not require water or sewer and no changes to the existing water and sewer system are proposed. The parcel is served by an overboard discharge system (OBD), and is limited to 20 individuals in the building. The dock will not change the standards of the OBD.

G. Advertising Features: The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures, or features, shall not detract from the design of proposed buildings and structures and shall not unduly interfere with the uses, aesthetics or enjoyment of surrounding properties.

No exterior signs for advertising are proposed. Two (2), 5"x 24" signs will be placed at the beginning and end of the pier stating, "Access for Patrons of the Long Island Bakehouse only". Lighting is not proposed for the signs.

H. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures or similar accessory areas and structures shall be subject to setbacks, screen plantings or other screening methods as are reasonably necessary to protect the scenic, visual and aesthetic rights and resources enjoyed by adjacent properties and to prevent such activities from creating conditions that are inconsistent with existing visual features in the neighborhood of the site.

The proposed dock is consistent with other docks in the surrounding area. The dock will exceed setback requirements and will not have a negative impact on the character and use of the surrounding area.

I. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impacts on neighboring properties. Adverse impacts from proposed lighting is to be judged in terms of hazards to people and vehicular traffic and damage to the value on adjacent properties. Lighting should be shielded from public ways and waterways except for necessary security. Lighting shall be directed and shielded to minimize glare, stray lighting or reflection on adjacent properties, public ways, the traveling public and waterways.

The applicant proposes to light the walkway and pier with solar dock lights. The lights along the walkway will be mounted on 4x4 posts no more than 2' above grade. Along the pier, lights will be mounted on the vertical blasters as necessary. The lighting will broadcast downward to illuminate the path and pier deck only. Therefore, glare, stray lighting or reflection will not be an issue.

J. Emergency Vehicle Access: Adequate provisions shall be included in the site plan to provide and maintain convenient and safe emergency vehicle access to all buildings and structures at all times. The Town's public safety officials (fire, rescue and law enforcement) shall provide the Planning Board with assistance in making such determinations.

The path will not block or hinder emergency access. The pier is 6' wide and provides adequate access for emergency personnel.

K. Landscaping/Buffering: Adequate landscaping and vegetative buffering shall be provided to define, buffer and screen off-street parking areas from the public right-of-way and abutting properties, to enhance the siting of building(s) and improvements, and to minimize the potentially adverse impacts of light, noise, congestion or other impacts from the proposed uses on existing neighboring land areas. Applicants are directed that particular attention must be paid to the use of planting to break up parking areas. Landscaping and vegetative buffering shall be included as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping and vegetative buffering designs should include creative use of trees, bushes, shrubs, ground cover, plants and the use of grading, fencing and building materials to result in buffering measures that protect the public and adjacent properties from potentially adverse visual and noise impacts.

A fence exists along the southern property boundary along with existing plantings. To the north, the path and pier are screened by the building. The path and pier will not have a negative impact on abutting parcels as they are secondary to the building which dominates the landscape.

L. Environmental Considerations: The site plan shall be designed in accordance with applicable federal, state and town regulations designed to protect the natural environment.

The project has been reviewed and approved by the U.S. Army Corps of Engineers, Maine Department of Environmental Protection, US Fish and Wildlife, National Marine Fisheries, NOAA, Maine Department of Inland Fisheries and Wildlife, and the Maine Department of Marine Resources. Steps were taken to avoid and minimize impacts to all identified natural resources.

1. Applicants shall make adequate provisions to control and contain noise, vibrations, smoke, heat, glare, fumes, dust, toxic emissions, odors or electromagnetic interference that may be generated by proposed uses or activities on the site; such impacts shall not be readily detectable at any point along the lot lines of a site or produce a public nuisance or hazard.

It is not anticipated that the proposed path and dock will generate noise, vibrations, smoke, heat, glare, fumes, dust, toxic emissions, odors or electromagnetic interference.

2. Applicants shall demonstrate that any proposed storage and use of hazardous materials on the site will comply with applicable local, state and federal standards.

No storage or use of hazardous materials are associated with the project.

M. Adequacy of Subsurface Wastewater Disposal (SSWD) system: Based on information provided by the applicant or their representative to the Town and reviewed by the Town Licensed Plumbing Inspector (LPI), the Planning Board will make a finding that the existing or proposed Subsurface Wastewater Disposal system is adequate to meet the cumulative proposed use(s). The LPI shall assist the Planning Board in making this determination and shall provide written documentation to the Planning Board to allow it to determine the adequacy of the Subsurface Wastewater Disposal system. In the event that alterations to the existing Subsurface Wastewater Disposal system or a new system is required, the Planning Board shall require as a specific condition of approval that the necessary alterations/installation is completed to the LPI's satisfaction before an Occupancy Permit is issued.

The site is serviced by an OBD. That system is restricted to a specific number of persons utilizing the building at a given time. The addition of a dock will not alter those standards. As shown on the plans, the dock will not impact the location or function of the OBD.

N. Conservation, Erosion and Sediment Control: The following measures shall be included as part of any Site Plan Review and approval where the Planning Board deems such criteria necessary:

1. The removal or stripping of vegetation, re-grading or other development shall be completed in such a way as to minimize erosion and with the applicant using all appropriate erosion and soil conservation control measures.

No stripping of vegetation or grade changes are proposed.

2. Proposed developments shall preserve as reasonably practical all salient existing natural features at the site. Applicants shall keep cut-fill operations to a minimum and ensure that development and construction activities are consistent with the site topography so as to minimize erosion potential and adequately control the volume and velocity of surface water runoff from the construction activities or proposed development.

The proposed path and pier will be built over existing lawn areas. No cut/fill is proposed. No changes in surface water runoff are proposed.

3. Whenever feasible, naturally occurring vegetation on the site shall be preserved, protected and augmented.

Only existing lawn areas will be altered by the installation of the path and dock construction. The planting of native shrubs (bayberry, etc.) may be installed as necessary upon completion of the project.

4. Disturbed soils shall be stabilized as quickly as practicable.

The contractor will have a Maine Certified individual in erosion and sedimentation control onsite during construction to install and monitor sedimentation and erosion control devices as necessary until the site is stabilized. It is not anticipated that significant soil disturbance will occur during the construction of the dock.

5. Temporary vegetation or mulching shall be used to protect exposed soil areas during development.

It is not anticipated that significant soil disturbance will occur during the construction of the dock resulting in exposed soils.

6. Planting and installation of permanent (final) vegetation and mechanical erosion control measures are to be installed as soon as practical on the site.

The dock will be located over lawn. Plantings are not being removed; therefore, no plantings are required. However, the applicant may choose to install additional shrubs to direct foot traffic and maintain an esthetically pleasing look to the site.

7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other accepted soils conservation and erosion control methods.

The contractor will have a Maine Certified individual in erosion and sedimentation control onsite during construction to install and monitor sedimentation and erosion control devices as necessary until the site is stabilized. It is not anticipated that significant soil disturbance will occur during the construction of the dock.

8. Whenever erosion and sedimentation results from development, stripping vegetation, re-grading or other development activities, it is the responsibility of the applicant or his or her developer to remove it from all adjoining properties and surfaces, drainage systems and watercourses and to repair any damage to adjacent properties, including public ways. The Applicant or his or her developer shall be solely responsible for the costs of such remedial actions and such actions shall be completed as quickly as possible.

Measurable erosion and/or sedimentation is not anticipated by the installation of the dock. However, if there is any need to make repairs as a result of the construction of the proposed structures, the owners/contractors will maintain, repair any and all impacts to adjacent properties and public ways.

9. When development activity requires and applicant to impact, change or cross a communal stream, watercourse, swale, floodway or right-of-way, it is the responsibility the applicant or his or her contractor to return such areas to their original or equal condition after such activity is completed. The Applicant or his or her developer shall be solely responsible for the costs of restoring such areas to the area's condition before such construction activity and such redial and restorative actions shall be completed as quickly as possible.

No streams, or freshwater wetlands are located within the project site.

10. Maintenance of drainage facilities or watercourses originating and existing completely on private property shall be the sole responsibility of the owner up to the point of open discharge at the property line or to the point of joining a communal watercourse within the property.

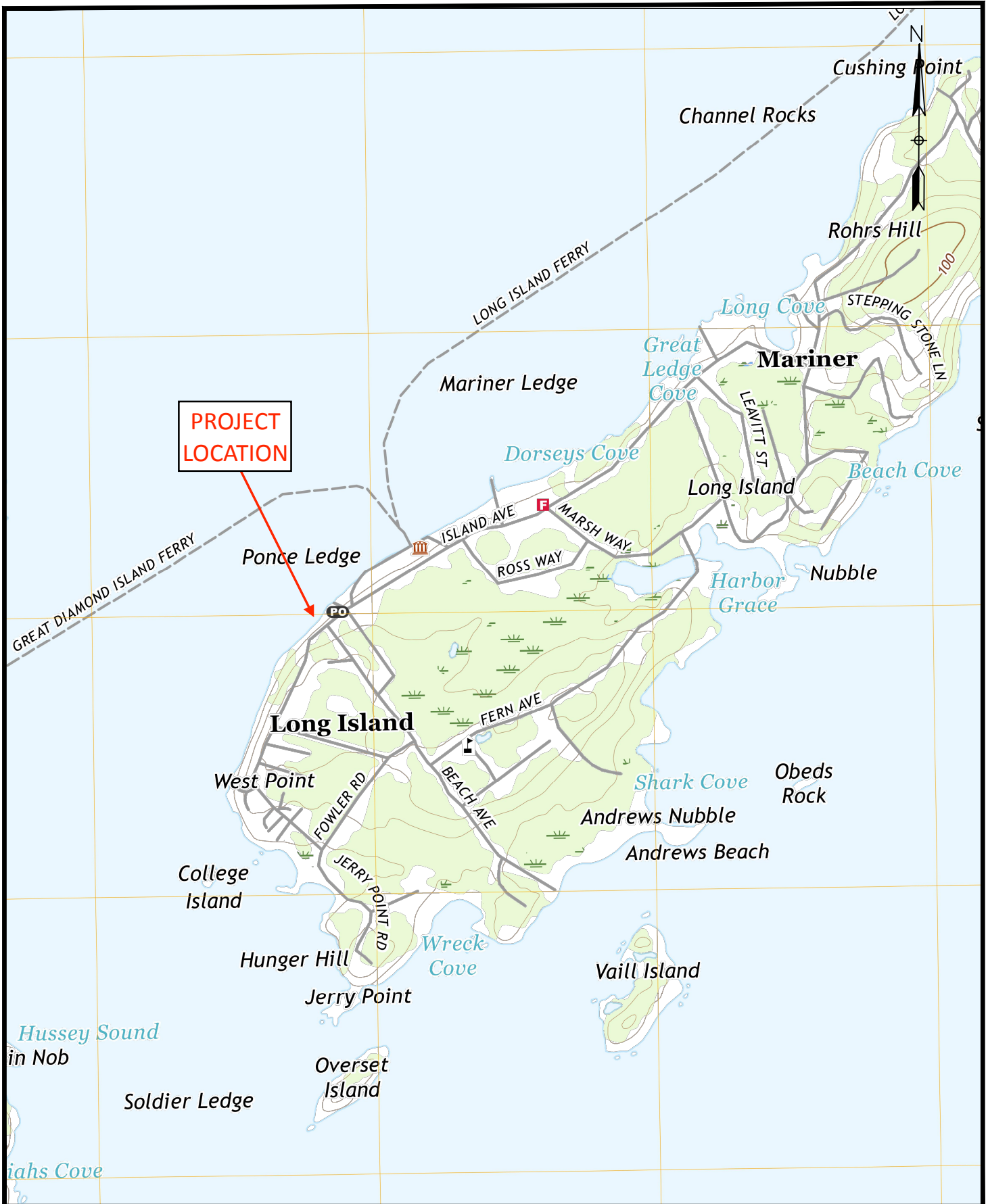
No drainage facilities or watercourses exist within the project area.

O. In completing Site Plan Review the Planning Board, where applicable, shall also apply the Performance Standards set forth in Article 3, 4, 7, and 12. The following performance standards, though not exclusive, are particularly relevant to the Site Plan Review process: Off-street Parking, Off Loading Access to Property, Buffer Zones and Signs.

No off-street parking, off loading, buffer zones or signs are proposed. Access to the dock will be via a walking path. The only proposed signs will be on the dock stating "Access for Patrons of the Long Island Bakehouse only". No buffer zones beyond ordinary setbacks are proposed.

P. Any person aggrieved by a final decision of the Planning Board on an application For Site Plan Review may appeal the decision to the Superior Court according to the timing, procedures and requirements of Rule 80B of the Maine Rules of Civil Procedure.

EXHIBIT 3.0: LOCATION MAP



	<p>ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com</p>	<p>Date: 7/12/2022 Revised: Project: Byers, Long Island</p>	<p>PROJECT LOCATION 262 Island Avenue Long Island, Maine 04050 43.688661, -70.168922</p>	<p>Sheet 1 of 1</p>
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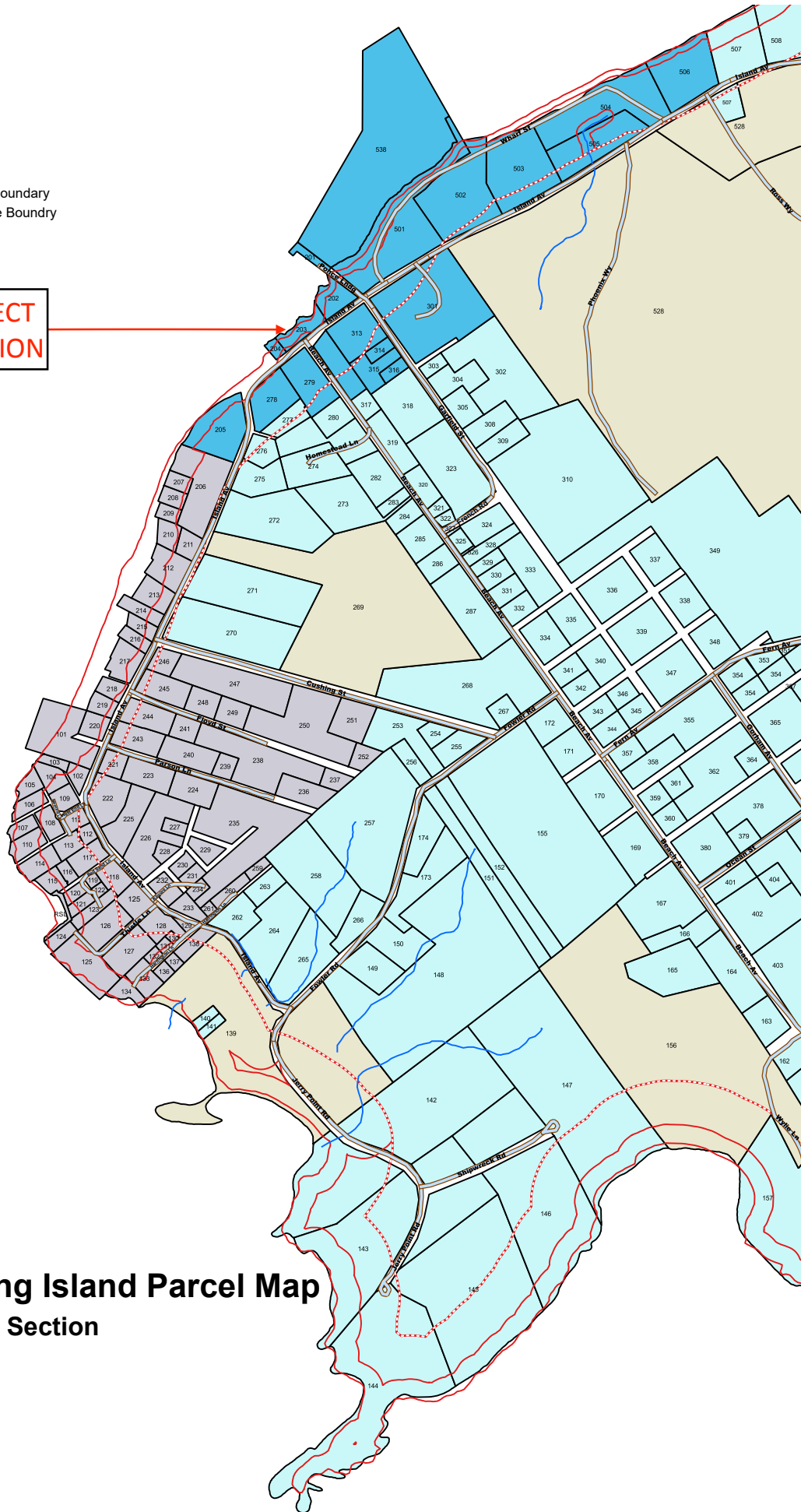
Legend

- 911 Roads
- Tributary Streams
- 250' Shoreland Zone Boundary
- 75'-25' Shoreland Zone Boundary

Zones

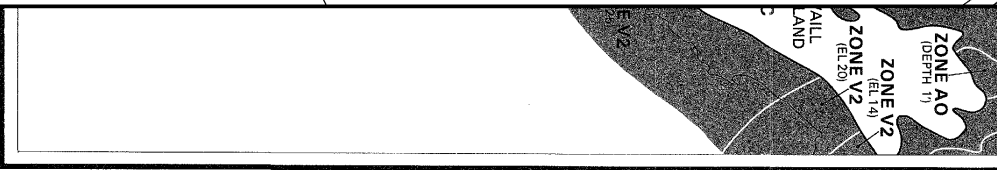
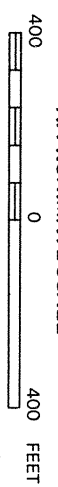
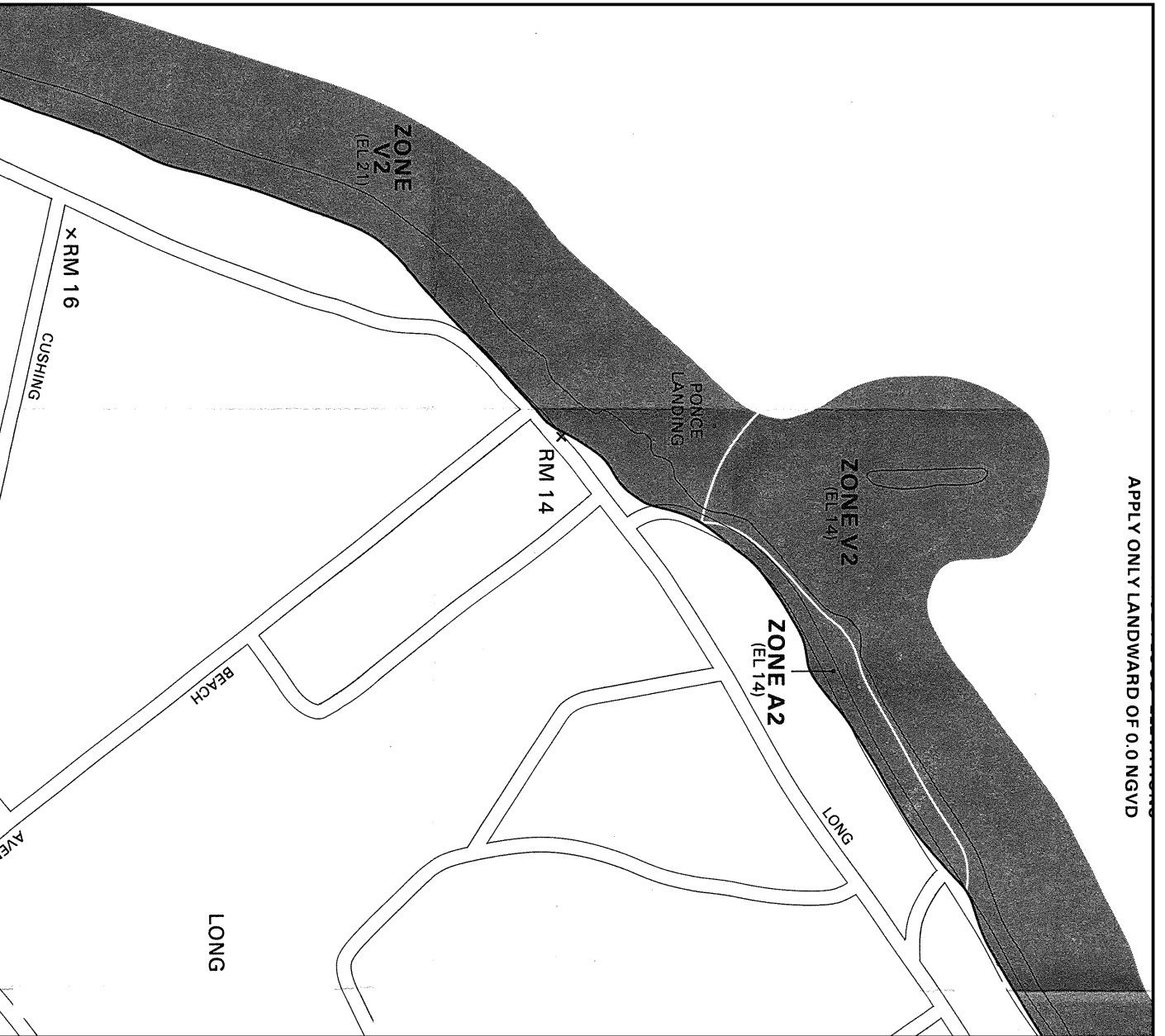
- IB
- IR1
- IR2
- R-OS
- RPZ
- RRZD


PROJECT LOCATION



2018-2019 Long Island Parcel Map
Map 1 - West End Section

APPLY ONLY LANDWARD OF 0.0 NGVD



	
FIRM FLOOD INSURANCE RATE MAP	
NATIONAL FLOOD INSURANCE PROGRAM CITY OF PORTLAND, MAINE CUMBERLAND COUNTY	
PANEL 9 OF 17 <small>(SEE MAP INDEX FOR PANELS NOT PRINTED)</small>	
COMMUNITY PANEL NUMBER 230051 0009 B	EFFECTIVE DATE: JULY 17, 1986
Federal Emergency Management Agency	

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://mnc.fema.gov>.

EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the proposed dock located at 262 Island Avenue in the Town of Long Island, ME.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Google Earth. Date: May 4, 2018.



Photograph Two. Overview of project site showing upland, rockweed ledge, and eelgrass within subtidal. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



Photograph Three. Additional overview of project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



Photograph Four. View of eelgrass located within the subtidal area at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



Photograph Five. Additional view of eelgrass at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



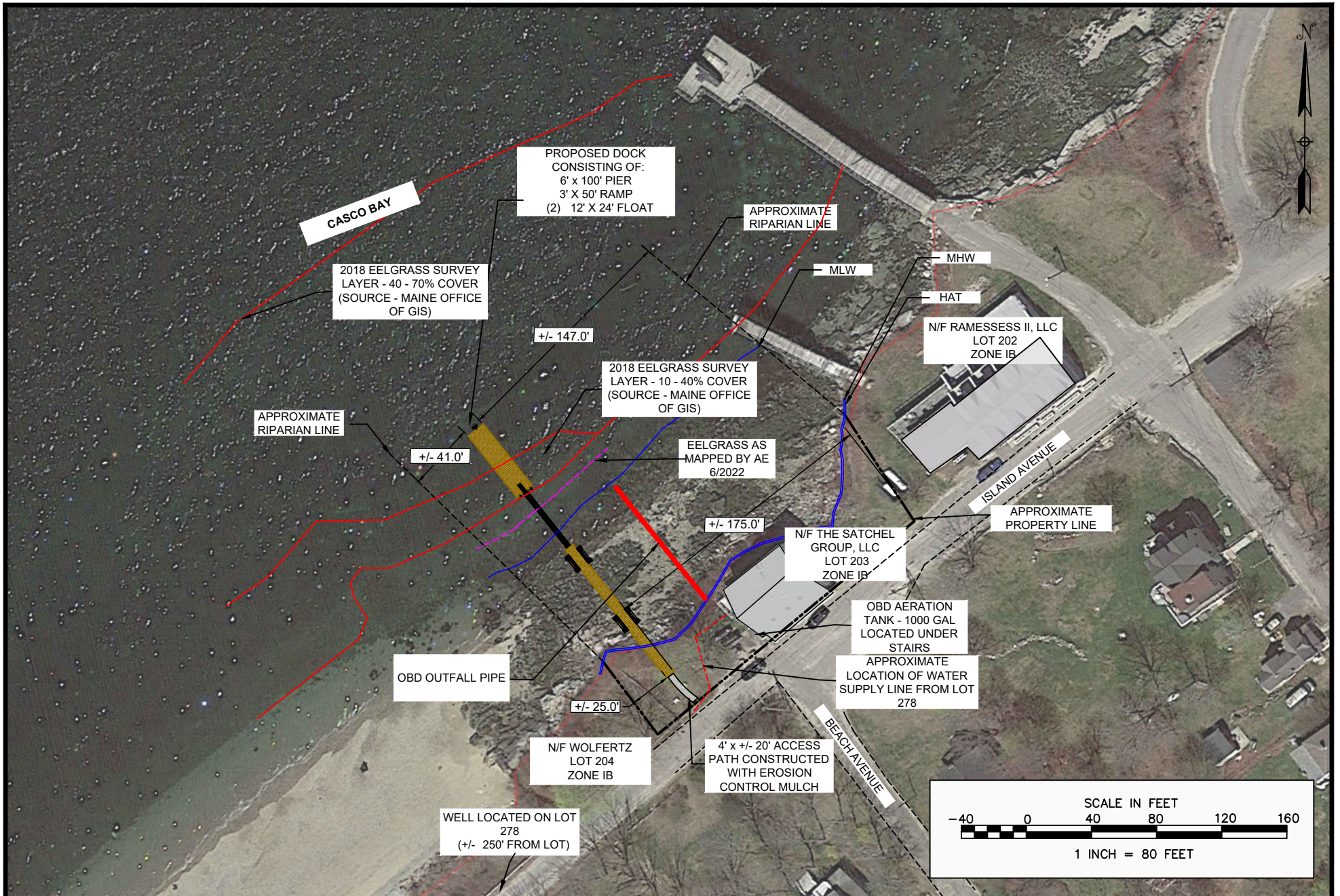
Photograph Six. View of proposed location for dock. Note rockweed that dock will need to span. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



Photograph Seven. View of eelgrass within subtidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



Photograph Seven. Additional view of eelgrass within subtidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: June 29, 2022.



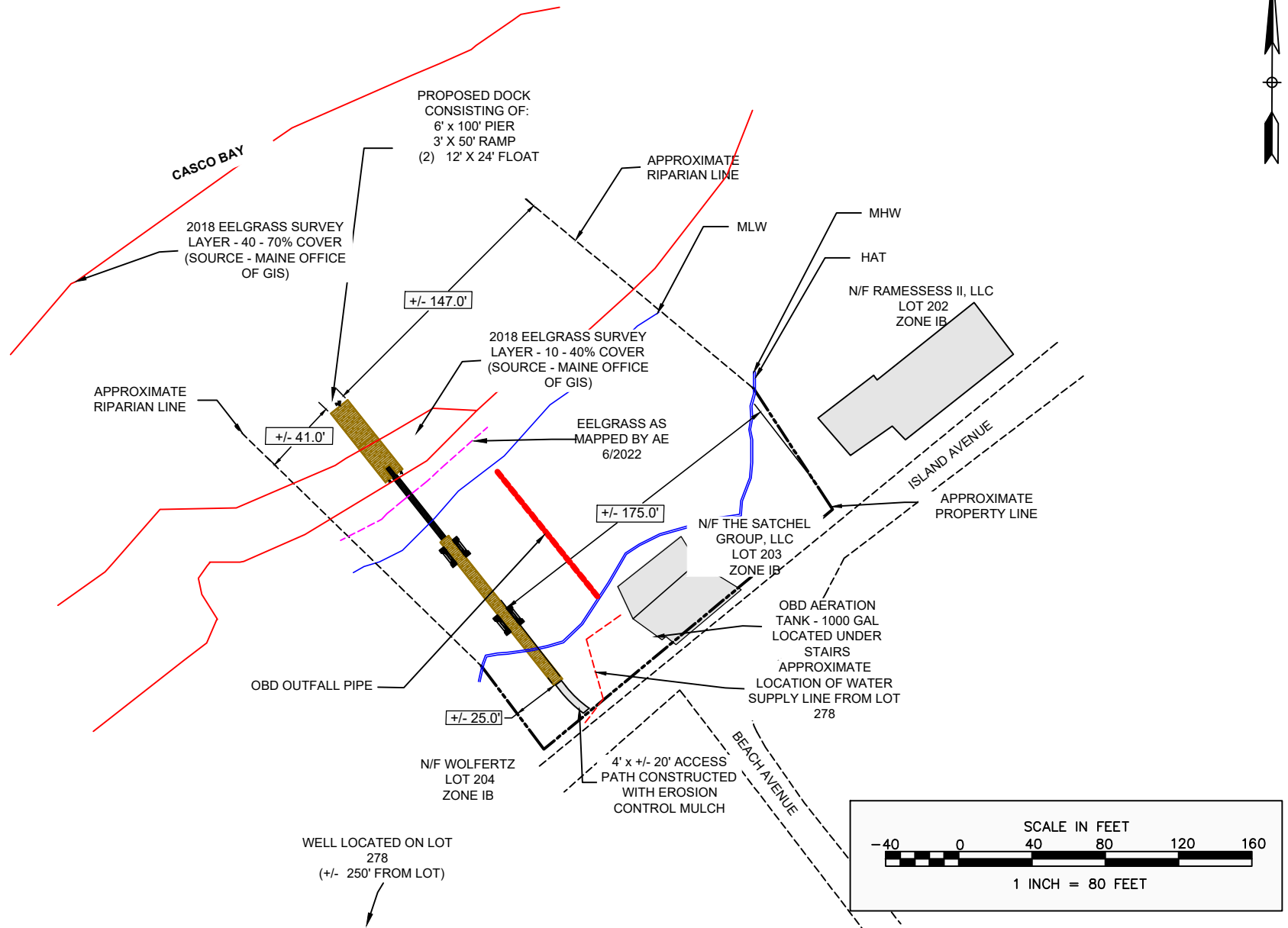
ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

Date: 7/12/2022
 Revised: 5/26/2023
 Project: Byers, Long Island
 Drafted By: TAF/LCV

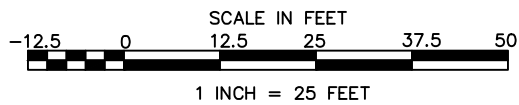
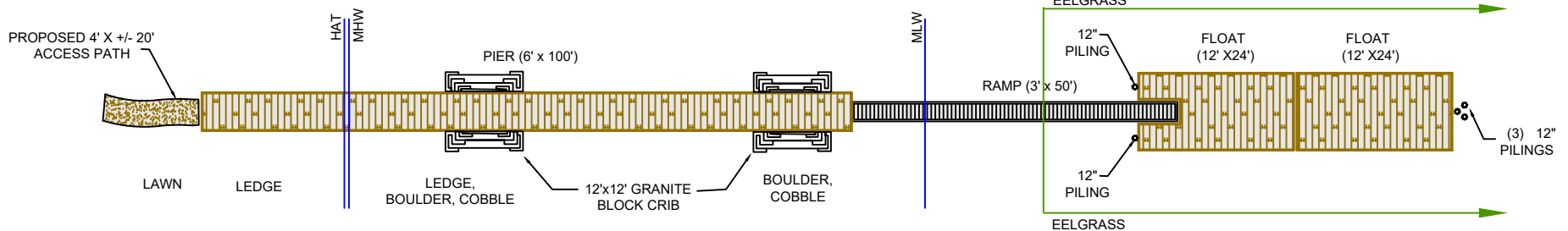
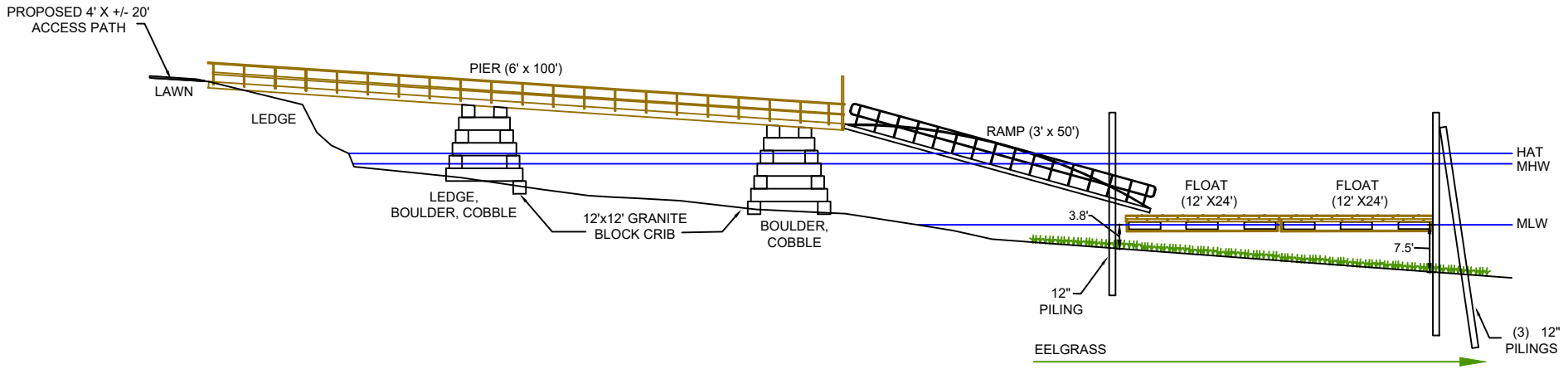
Plan View of the Proposed Dock for The Satchel Group, LLC located at 262 Island Avenue in Long Island, Maine.

Sheet
 1
 of
 3

FOR PERMITTING PURPOSES ONLY



- NOTES:
- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
 - 2) DURING THE OFF-SEASON, THE RAMP WILL BE STORED ON THE PIER AND THE FLOATS WILL BE HAULED OFF-SITE AND STORED IN AN UPLAND LOCATION.
 - 3) FLOATS WILL BE SECURED IN PILINGS DRIVEN TO REFUSAL.



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Plan View and Cross Section View of the Proposed Dock for The Satchel Group, LLC located at 262 Island Avenue in Long Island, Maine.

FOR PERMITTING PURPOSES

Sheet
 3
 of
 3

EXHIBIT 6.0: CONSTRUCTION PLAN

The pier will be supported with granite block cribs as described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The ramp and float will be constructed off-site and set in place once the pier is constructed.

All materials will be transported to the site from the water and construction access will take place by barge. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the dock. The construction of the dock should take approximately two (2) to three (3) weeks.

EXHIBIT 7.0: EROSION CONTROL PLAN

The site will be accessed from the water. The intertidal at the site consists of boulders/cobbles/mixed coarse and fines and the construction of the dock will not result in measurable erosion or sedimentation to this area. At the completion of construction, any areas of soil disturbance 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.

MAINE REAL ESTATE TAX-Paid

DLN# 1002040091667

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that McCalmon Enterprises, Inc., of Long Island, Maine ("Grantor"), for full value and consideration paid by The Satchel Group, LLC, having a mailing address of 46 Foreside Road, Cumberland, ME 04110 ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto The Satchel Group, LLC, its successors and assigns forever, **WITH WARRANTY COVENANTS**, certain real estate commonly known as 262 Island Avenue, in the Town of Long Island, County of Cumberland, State of Maine, more fully described in Schedule A annexed hereto and incorporated by reference herein.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor by Warranty Deed from Robert E. Jones dated February 21, 2001 and recorded in the Cumberland Registry of Deeds at **Book 16036 Page 337**.

Said premises are also conveyed together with all easements and rights appurtenant of whatever nature relating to the premises now owned by Grantor and now affixed to or located upon said premises.

TO HAVE AND TO HOLD with all the privileges and appurtenances thereof to Grantee, its successors and assigns, for its and their use and behoof forever.

2nd IN WITNESS WHEREOF the Grantor has caused this instrument to be executed this day of April, 2020.

McCalmon Enterprises, Inc., Grantor

Car A. Pates
Witness

William D. McCalmon
By: William D. McCalmon, President

STATE OF MAINE
Cumberland, ss.

April 2nd 2020

William D. McCalmon personally appeared in his capacity as President of McCalmon Enterprises, Inc., and acknowledged the foregoing instrument to be his free act and deed in such capacity and the free act and deed of McCalmon Enterprises, Inc.

Before me,

Kim A. MacVane
Notary Public/Attorney at Law



EXHIBIT A

The Land referred to herein below is situated in the County of Cumberland, State of Maine, and is described as follows:

A certain lot or parcel of land with the buildings thereon located on Long Island (formerly a part of Portland), County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the shore in the ledge near high water sixty-seven (67) feet in an easterly direction from an iron bolt in the ledge, which iron bolt is the northerly corner of land now or formerly of Benjamin Cushing;

thence southerly to the northerly line of Island Avenue;

thence easterly along the northerly line of said Island Avenue for a distance of sixty-five (65) feet to the easterly line of said property;

thence northerly along said line to the seashore;

thence westerly by the seashore to the point of beginning; together with all the flats fronting the same thereunto pertaining

Also another certain lot or parcel of land situated on Long Island (formerly a part of Portland) together with the buildings thereon, and bounded and described as follows:

Beginning at a point where the westerly side line of a lot of land conveyed by Mary F. Hughey to John F. Hughey on September 29, 1890, and recorded in the Cumberland County Registry of Deeds in Book 572, Page 349, and now or formerly owned by Casco Loan and Building Association, on which lot was formerly located "Temperance Hall", so called; intersects the northerly sideline of Island Avenue;

thence in a westerly direction along said northerly sideline of Island Avenue seventy-five (75) feet, more or less, to land now or formerly of Daniel Bowen et al;

thence in a northerly direction along the easterly sideline of said Daniel Bowen et al fifty (50) feet, more or less, to the seashore;

thence in an easterly direction along the seashore seventy five (75) feet, more or less, to the aforesaid land now or formerly of Casco Loan and Building Association;

Exhibit A CONTINUED (pg. 2)

thence in a southerly direction along the westerly side line of said land now or formerly of Casco Loan and Building Association fifty (50) feet, more or less, to the point of beginning.

Also a certain lot of land on the northerly side of Long Island (formerly part of Portland) bounded and described as follows, viz:

Beginning on the northerly side of Island Avenue, in a line produced which is drawn parallel to and ten (10) feet distant westerly from the line which was the westerly side of The Temperance Hall, so-called, and running northerly, keeping said distance of ten (10) feet from said line which was said westerly side of said Hall, to the seashore;

thence easterly by said seashore to the westerly side line of the first lot of land described in the mortgage given by John F. Hughey to Casco Loan and Building Association, dated September 23, 1892, and recorded in said Registry in Book 585, Page 399;

thence southerly by said lot as mortgaged, to said Island Avenue;
thence westerly by said Island Avenue to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises as conveyed to the grantor herein by deed of Alice M. Jones as Personal Representative of the Estate of Edgar E. Clarke, dated May 8, 1987 and recorded in the Cumberland County Registry of Deeds in Book 7864, Page 101. Further reference should be made to deed of Alice M. Jones, individually and as Personal Representative of the Estate of Edgar E. Clarke dated April 13, 1994 and recorded in said Registry of Deeds in Book 11432, Page 212.

Together with the right and easement to draw water from a well and pumphouse located on land now or formerly of Alice M. And John W. Jones, Jr. situated on the northerly side of Island Avenue on Long Island (formerly a part of Portland), County of Cumberland and State of Maine, together with the right of use the existing water pipe lines and appurtenant apparatus for transporting said water to land of the said grantee.

Also conveying the right and easement to enter onto land now or formerly of Alice and John W. Jones, Jr. for the purpose of repairing, replacing and maintaining the well, pumphouse, water pipes and appurtenant apparatus.



REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY

Caitlin & Mathew Byers
The Satchel Group, LLC
46 Foreside Road
Cumberland, Maine 04110

CORPS PERMIT # NAE-2022-1795
CORPS GP# 3
STATE ID# L-29976-4P-A-N

DESCRIPTION OF WORK:

The project involves the installation and maintenance of a 100 ft. by 6 ft. crib supported pier connected to a 50 ft. by 3 ft. ramp connected to (2) - 12 ft. by 24 ft. floats below the mean high tide of Casco Bay located at 262 Island Ave in Long Island, Maine. The float will be secured by (5) -12" float guide piles and the pier will be support by (2) - 12' by 12' granite block cribs. The structure will extend a maximum of about 165' beyond the MHW. This work is shown on the attached four sheets titled "Byers, Long Island", dated "7/12/2022".

See GENERAL & SPECIAL CONDITIONS attached

LAT/LONG COORDINATES: 43.688661° N -70.168922° W USGS QUAD: PORTLAND EAST, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permits (GPs) which can be found at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Special Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation. Please review the GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR:___, TIER 1:___, TIER 2 :___, TIER 3:___, INDIV _X_ LURC: ___ DMR LEASE: ___ NA: ___

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 04 AUG 2022 LEVEL OF REVIEW: SELF-VERIFICATION:___ PRE-CONSTRUCTION NOTIFICATION: _X_ AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 _X_, 404 _____, 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA_NO ___, USF&WS_NO ___, NMFS_NO ___

If you have any questions on this matter, please contact my staff at 978-318-8486 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Digitally signed by Amanda L. T. Sayles
Date: 2022.11.21 15:29:54 -05'00'

AMANDA L. T. SAYLES
PROJECT MANAGER

Digitally signed by Frank J Del Giudice
Date: 2022.11.22 08:02:18 -05'00'

FRANK J. DEL GIUDICE
CHIEF, PERMITS & ENFORCEMENT BRANCH
REGULATORY DIVISION



**US Army Corps
of Engineers**®
New England District

**PLEASE NOTE THE FOLLOWING GENERAL AND SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
MAINE GENERAL PERMIT 3
PERMIT NO. NAE-2022-01795**

GENERAL CONDITIONS

11. Navigation. a. There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. b. Work in, over, under, or within a distance of three times the authorized depth of an FNP shall specifically comply with GC 10. c. Any safety lights and/or signals prescribed by the U.S. Coast Guard, State of Maine or municipality, through regulations or otherwise, shall be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S. d. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

31. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of a structure that is waterward of the mean high water mark or the ordinary high water mark, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable

33. Permit(s)/Authorization Letter On-Site. The permittee shall ensure that a copy of the terms and conditions of these GPs and any accompanying authorization letter with attached plans are at the site of the work authorized by these GPs whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are fully aware of the accompanying terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means all terms and conditions of the GPs, the GPs, and the authorization letter (including its drawings, plans, appendices and other attachments) and subsequent permit modifications as applicable. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

34. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. To facilitate these inspections, the permittee shall complete and return to the Corps the Work-Start Notification Form and the Compliance Certification Form when either is provided with an authorization letter. These forms are attached after the plans.

Special Conditions:

1. The (2) – 12' by 12' cribs shall be constructed in the dry to protect against listed species.
2. In water work shall not occur from March 15 to June 30, of any calendar year, to protect sensitive life history stage winter flounder EFH.
3. Compensatory mitigation to offset impacts to submerged aquatic vegetation shall consist of payment of \$8,808.24 to the Maine Natural Resource Conservation Program. The attached completed In-Lieu-Fee (ILF) Project Data Worksheet shall be mailed with a cashier's check or bank draft made out to "Treasurer, State of Maine", with the permit number clearly noted on the check (NAE-2022-01795). The check and worksheet shall be mailed to Maine Department of Environmental Protection, Attention: ILF Program Administrator, 17 State House Station, Augusta, Maine 04333. This authorization is not valid until the permittee provides the Corps with a copy of the check with the permit number noted on the check. The ILF amount is only valid for a period of one year from the date on the authorization letter. After that time, the project shall be reevaluated and a new amount determined.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

SACHEL GROUP, LLC) NATURAL RESOURCES PROTECTION ACT
Long Island, Cumberland County) COASTAL WETLAND ALTERATION
COMMERCIAL PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-29976-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-29976-TW-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310, 315 and 335 of Department rules, the Department of Environmental Protection (Department) has considered the application of SACHEL GROUP, LLC (applicant) with the supportive data, agency review comments, public comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a six-foot wide by 100-foot long permanent pier structure that will be supported by two granite block cribs, each crib will measure 12 foot square. The pier will include a three-foot wide by 50-foot long seasonal ramp and two 12-foot wide by 24-foot long seasonal floats. Two 12-inch pilings will be driven on the shoreward end of the floats and a three-pile dolphin on the seaward end to secure the floats in place. The proposed project will result in 101 square feet of direct impacts from the five piles and two crib structures. Total indirect impacts from the pier, ramp and floats will be approximately 1,038 square feet, 625 square feet of which will be over eelgrass habitat. The site is also located in mapped Tidal Waterfowl and Waterbird Habitat (TWWH) which is designated Significant Wildlife Habitat pursuant to the Natural Resources Protection Act (NRPA). The proposed project is shown on a plan, the most recent version of which is titled “Plan View of Proposed Dock for the Satchel Group, LLC at 262 Island Avenue, Long Island, Maine,” prepared by Atlantic Environmental LLC, July 12, 2022. The project site is located at 262 Island Avenue in the Town of Long Island, an island located in Casco Bay.

B. Current Use of the Site: The project site is a 0.27-acre parcel of land that is developed with a general store and bakery, called Byer & Sons Long Island Bakehouse, with associated infrastructure. The parcel is identified as Lot 203 on Map 1 of the Town of Long Island’s tax maps.

C. Public Comment: The Department received public comments from abutters regarding concerns over use of the new pier system for a commercial fueling station and jet ski rental business specifically stating objections to storing, mooring, or renting from the structure because of the noise and increase in traffic. The applicant provided an updated Alternatives Analysis dated December 21, 2022, that stated a fuel station and jet

ski rental business was not a proposed use of the pier system. Concerns related to impacts to the existing septic system from an increase in patrons and use of the fuel tank for commercial purposes do not relate to a specific NRPA standard applicable to the application currently under review, therefore, are not considered relevant to the Department's processing of the current NRPA application.

D. Title, Right and Interest: Public comments from abutters also included concerns about setback from property lines for the proposed pier system and the future ability for abutters to wharf out from the adjacent parcel. The applicant provided a deed that documented ownership of 175 feet of shorefront. The applicant also proposes to maintain a 25-foot setback in the upland area, increasing to 41-foot setback in intertidal and subtidal waters. Based on the deed, plans and information submitted by the applicant, the Department finds that the applicant has sufficient title, right and interest for the proposed project.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs, including an aerial photograph, of the proposed project site and surroundings.

The proposed project is located on Long Island located in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This area experiences recreational and commercial marine use. The applicant has minimized the pier system by shortening the length of the pier and designing it smaller in size compared to other nearby commercial pier systems. The applicant will further reduce the visibility from the scenic resource by removing the ramp and floats from the resource during the winter season.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application, the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

No trees or other vegetation will be cut for construction of the pier system. All materials will be transported to the site and constructed by barge; work will be performed from the water. Piles will be driven to refusal and installation of the granite block cribs using equipment located on the barge. The ramp and floats will be constructed off site and set in place once the pier is constructed. These construction methods are not expected to create a significant source of sediment.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The shoreline at the project location is rocky ledge shore grading to mixed coarse and fine sediments. A significant band of eelgrass extends along this stretch of shore which was last mapped by DMR in 2018 and more recently by the Department in 2022. Shellfish harvest is prohibited in this location. Scallops are known to exist in the project vicinity but not within the project footprint. The proposed pier dimensions place the floats within the mapped eelgrass resource.

According to the Department's Geographic Information System (GIS) database there is mapped Essential Wildlife Habitats located at the site. The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the project and in an email dated January 4, 2023, stated that proposed pier would be within mapped Tidal Waterfowl Wading Bird Habitat and recommended using light penetrating decking or ¾-inch board spacing for the entirety of the pier to minimize shading impacts to vegetation. The applicant stated that alternatives for the float design were considered, however, all coastal floats built to withstand exposure to wind and waves are built with float drums, and four-inch by six-inch stringers and blocking. If deck board spacing was widened, it would make no difference because the framing and float drums under the floats would block any light

penetration from deck spacing. Additional discussion regarding deck spacing for the entire structure is addressed by later in this section.

In its review, dated November 28, 2022, the Department of Marine Resources (DMR) stated that the project as proposed could negatively impact the eelgrass resource. The DMR recommended that the applicant explore a design where the floats sit in greater than five feet of water depth during lower tides and/or design floats that allow sun light penetration to minimize shading of the eelgrass during the growing season. DMR also stated that boat traffic into and away from the pier system, especially during lower tides, may damage the eelgrass and bisect the bed into two sections but that the seasonality of the floats will offset those impacts.

The applicant stated that the majority of the float footprint has a depth deeper than four feet at Mean Low Water (MLW). The applicant anticipates that all larger boats that tie up will keep the keel and prop seaward facing in deeper waters, which will place those features of the boat in water greater than four feet deep at MLW, with the remaining use from shallow draft boats and skiffs. The applicant looked at several alternatives to the proposed design to alleviate eelgrass impacts, which are discussed further in Section 6. In response to DMR and IFW comments regarding deck spacing, the applicant stated that the bottom stringers of the permanent pier will be approximately 12 feet above the rockweed ledge intertidal area, which is twice the 1:1 height vs width recommendation generally appropriate for light penetration. Deck spacing does not take into consideration that sun not only would need to be directly overhead but that pier orientation, tide cycle, cloud cover, daylight hours and the angle of incidence of the sun during the growing season are all variables. The applicant further stated that based on those variables, this project does not warrant a change in design. The applicant considers $\frac{3}{4}$ -inch gaps in the decking a safety hazard for dropping items between cracks and increases tripping hazards for customers which is a liability.

The Department considered the comments of MDIFW and DMR in respect to potential eelgrass impacts, along with the applicant's statements, and agrees that in this specific instance, the recommendation to incorporate $\frac{3}{4}$ -inch spacing between the boards in the portion of the project over the mapped eelgrass bed is not practicable therefore, the applicant has agreed to mitigate impacts to eelgrass by compensation discussed further in Section 6.

The DMR stated no impact on traditional fishing, recreation, or riparian access is expected from the proposed project.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 101 square feet of coastal wetland, five square feet of which will be in eelgrass habitat, from the installation of five piles and two crib structures, and to indirectly impact approximately 1,038 square feet, 625 square feet of which will be over eelgrass, as a result of shading to construct the proposed pier system. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal resource alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. A pier is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicant submitted an alternatives analysis for the proposed project completed by Atlantic Resource LLC dated July 14, 2022, with an update to that analysis provided on December 21, 2022. The purpose of the pier system is to provide safe, all-tide access for guests doing business at the store and for recreation use of the coastal resource. The applicant considered several alternatives for the proposed project, including not constructing the pier system; however, island guests arriving by boat would not have safe, readily available access to the store and bakery because the shorefront has limited docking options. Additionally, the applicant does not currently have access to the resource for

recreational boating. The applicant also considered a temporary dock and replacing the granite cribs with pilings to avoid additional direct impacts to the resource; however, due to the length of permanent pier structure, size, and number of floats necessary to provide all-tide access to navigable waters and given the exposure to wind and waves at this location, these alternatives would not be practicable or hold up to use and conditions over time. The applicant also considered the use of public and private facilities. Ponces Landing, a Town-owned pier which is within a quarter mile, was recently inspected by GEI Consultant and in a report dated November 29, 2022, was recommended for replacement due to its poor, unsafe conditions. Mariners Landing, another facility, is located significantly further away, has docking time restrictions which would not allow the applicant readily available access to the resource or accommodate customers of the store and bakery arriving by boat, which is a significant part of the patronage of the store.

The applicant considered specific alternatives to avoid (and minimize) eelgrass impacts. These alternatives included extending the permanent pier structure further to place the floats in deeper water beyond eelgrass. However, this would require a third pier section and a third crib that would impact the subtidal area and increase direct impacts to existing eelgrass. This alternative would also extend the end of the system further seaward than adjacent structures, would likely impact navigation, would not get the floats entirely beyond the eelgrass, and would add a tremendous cost to the project. Another alternative to extend the length of the seasonal ramp was considered, but the 50-foot long ramp is already considered longer than average and further extending the ramp would not avoid indirect shading impacts. The applicant also considered rotating the floats 90 degrees, however doing so would limit access and the number of boats, creating space for two instead of four boats and prop scar in the eelgrass bed would be increased due to boats coming closer to shore in shallower water.

Based on these considerations, the applicant stated there is no other practicable alternative to the proposed project that would accomplish the project purpose and avoid impacts to the coastal wetland.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant determined that the length of the proposed pier to be the minimum necessary to meet the overall purpose of the project and to minimize additional impacts to the existing eelgrass bed. The applicant stated that the length of the pier system relative to the depth of water at MLW minimizes impacts to eelgrass and the proposal to use piles to secure the floats, instead of chains and moorings, will further reduce direct impacts to eelgrass. In addition, the ramp and floats will be removed for part of the year. During the off-season, the ramp will be stored on the pier and the float will be stored in an upland location on the applicant's lot. The applicant stated that the proposed project minimizes coastal wetland impacts to the greatest practicable extent.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. However, due to the five square feet of direct and 620 square feet of indirect impacts to eelgrass habitat, the US Army Corp of Engineer (ACE) (NAE-2022-01795) will require compensation for the proposed project and the applicant suggested that an In-Lieu Fee would satisfy the need of both the Department and ACE.

In order to mitigate for impacts to the eelgrass bed, the applicant proposes to make a contribution into the In-Lieu Fee program of the Maine Natural Resource Conservation Program in the amount of \$8,808.24. Prior to the start of construction, the applicant must submit a payment in the amount of \$8,808.24, payable to "Treasurer, State of Maine," and directed to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project \provided that prior to project construction, the applicant submits the In-Lieu Fee payment as described above.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or

adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that prior to construction the applicant makes a contribution to the In-Lieu Fee program as described in Finding 6.

- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that CCA-treated lumber is cured as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of SATCHEL GROUP LLC to construct a commercial pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.
5. Prior to the start of construction, the applicant shall submit a payment in the amount of \$8,808.24, payable to "Treasurer, State of Maine", to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333. A copy of this Order shall be included or referenced with payment submittal.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 11th DAY OF APRIL, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AJS/L29976ANBN/89831, 90843

FILED
April 11th, 2023
State of Maine
Board of Environmental Protection



Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.



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SEP 14 2022

W67-22

September 7, 2022

Ms. Claudette Coyne
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

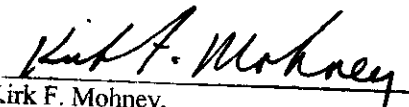
RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA)
Application for the construction of a dock located on Hope Island in Chebeague Island, Maine (Tax
Map 109, Lot 2).

Dear Ms. Coyne,

On behalf of FLS Business Center, LLC (Applicant), AE has applied for a NRPA permit requesting approval to construct a dock located on Hope Island in Chebeague Island, Maine. The dock will consist of a 6' x 30' pier, a 4' x 50' ramp, and a 16' x 40' floats. The dock will provide access to Casco Bay and adjacent waters. Please find a copy of a Location Map and Photographs for your review.

If you have any questions or concerns with this project, please feel free to contact me directly at (207) 837 - 2199 or by e-mail at tim@atlanticenviromaine.com. Thank you in advance for your timely comments.

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.


Kirk F. Mohney,
State Historic Preservation Officer
Maine Historic Preservation Commission

9/28/22
Date

Sincerely,
Atlantic Environmental LLC.

Tim Forrester, Owner

Cc: Kendyl Reis, Aroostook Band of Micmacs
Donald Soctomah, Passamaquoddy Tribe of Indians, PPR
Isaac St. John, Houlton Band of Maliseet Indians
Chris Sockalexis, Penobscot Nation
Donald Soctomah, Passamaquoddy Tribe of Indians, IPR