

TOWN OF YORK
BOARD OF SELECTMEN

Application for Piers, Wharfs,
Landings, Floats and Moored Floats

APPLICANTS: Steve and Pamela Maynard

AGENT: Sandra L. Guay, Esquire
Woodman Edmands Danylik
Austin Smith & Jacques, P.A.
234 Main Street, P.O. Box 468
Biddeford, Maine 04005

CONTRACTOR: Zachary Taylor
The Riverside Companies
195 West Road
Portsmouth, NH 03801



York Harbor Board
Application for Review of
Piers, Wharfs, Landings, Floats and Moored Floats
(please refer to most current revision to the Harbor Ordinance for definitions)

PART A

This application is submitted for: New Construction Changes to Existing

of a: Pier Wharf Landing Float Moored Float

1. Applicant(s) name Steve & Pamela Maynard c/o Sandra L. Guay, Esq.
2. Property owner(s) name Steve & Pamela Maynard
3. Applicants contact numbers (day) 207-284-4581 (evening) _____
4. Property address 12 Barrell Lane Ext.
5. Assessor's map # 57 (108), Lot # 49 (103), Lot size 0.52 acres

Applicant's Signature

Date: 9/25/2013

Property owner's Signature

Date: 9/25/2013

\$50.00 APPLICATION FEE (Checks
payable to: Town of York)

PART B

Please provide 8 (eight) copies of the following submittal data:

1. Proof of legal interest in the subject property.
2. A location map (use a portion of a USGS topo map or coastal chart).
3. A plan, certified by a professional engineer, that shows:
 - a. Identification of a fixed reference point on shore from which all seaward measurements are to be made. See Town of York Zoning Ordinance sect. 8.3.6.9
 - b. The location and dimensions of all the structures you propose.
 - c. Your property lines.
 - d. Shore frontage.
 - e. Ebb and flow tide direction.

- f. High water mark
- g. 0.0 mean low water mark.
- h. Low water mark
- i. Other structures in the area of the proposed project.
- j. Distances to: the navigable channel, any nearby navigation aids, and the opposite shore.
- k. North arrow.

4. A list of abutters within 150 feet (include abutters over water).

PART C

The Harbor Board reserves the right to request additional information to determine if the proposed project may be a hazard to navigation.

PART D

The Harbor Board has reviewed the above application and finds that the proposed project is is not a hazard to navigation. Other considerations leading to the Harbor Board's decision to approve deny the proposed project are explained in the attached copy of the Harbor Board's Finding of Facts. Any Harbor Board approval is conditioned upon all other Federal, State and Local approvals.

Harbor Board Co-Chairman _____

Harbor Board Co-Chairman _____

Harbor Board Members _____

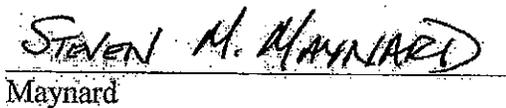
Date : _____

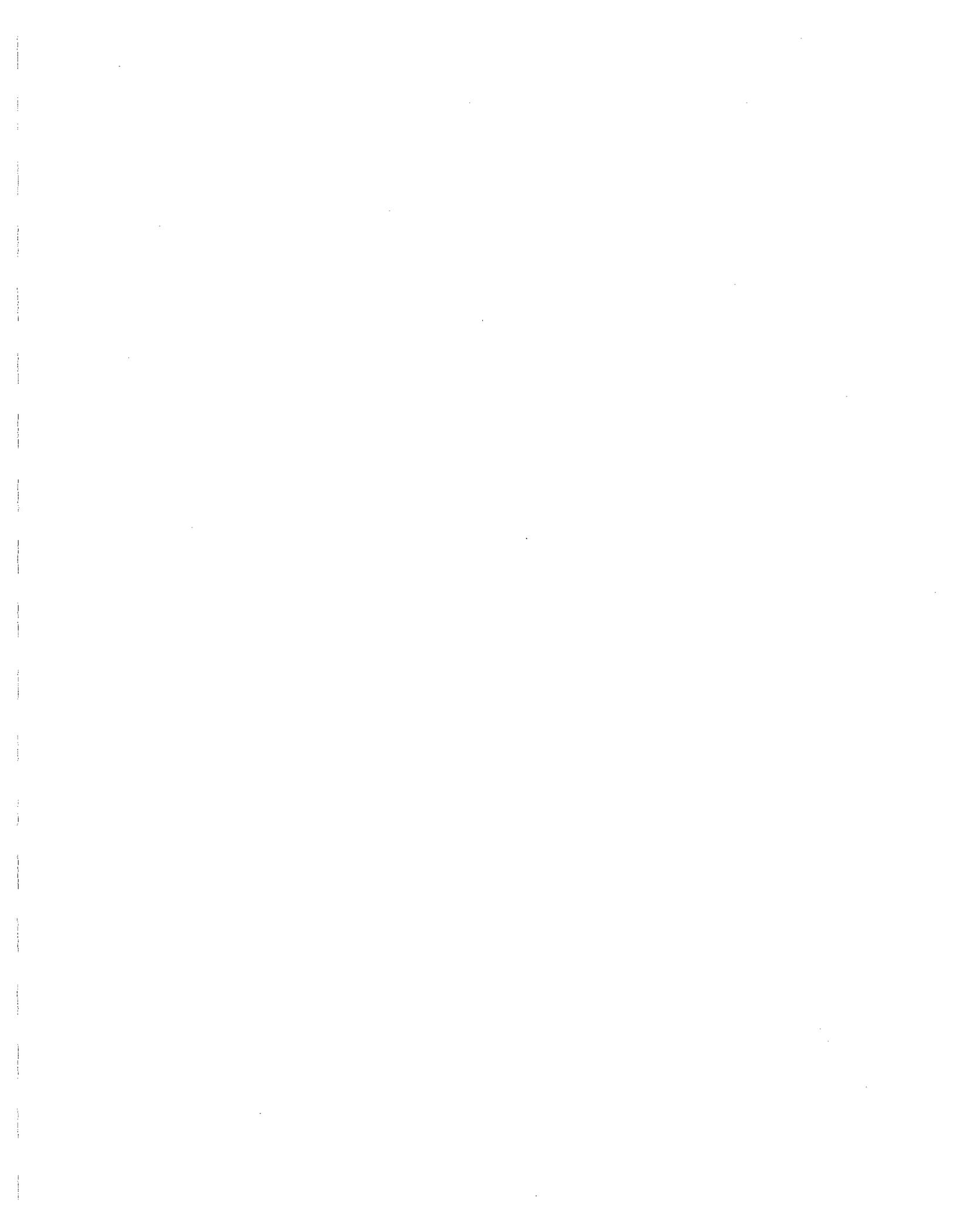
AUTHORIZATION

We hereby authorize our attorneys, Woodman Edmands Danyluk Austin Smith & Jacques, P.A., together with our contractor, Riverside & Pickering Marine, to sign any Town of York permit or appeal applications on our behalf concerning the construction of a pier and float at our property located at 12 Barrell Lane Ext., York, Maine. We further authorize them to appear on our behalf and to represent us before any department, board or committee of the Town, including, but not limited to, the York Harbor Board.

DATED: April 17, 2013


Steven Maynard


Maynard



York Board of Selectmen Application of Steve and Pamela Maynard

1. Deed
2. Location Map
3. Plans and Survey
4. Visual Impact Plan
5. Location Photographs
6. State of Maine Submerged Land Easement
7. Maine General Permit (ACOE)
8. DEP NRPA Permit
9. Abutter List
10. Additional Information Submitted to the Harbor Board
 - A. Letter to Harbor Board dated September 26, 2014
 - B. Alternative 40' Pier Option Plan
 - C. Letter to Harbor Board dated November 26, 2014
 - D. Photograph submitted at December 3, 2014 Harbor Board Meeting
 - E. DEP NRPA Permit with Corrected Order

1

DEED OF SALE BY PERSONAL REPRESENTATIVE

Know all by these present, that We, ANNE HEELAN, whose mailing address is 24 Winter Street, Portland, Maine 04102, and DAVID HEELAN, whose mailing address is 285 Brackett Street, Apt. 5, Portland, Maine 04102, duly appointed and acting as co-personal representatives of the ESTATE OF CONSTANCE R. HEELAN, deceased, as shown by the probate records of York County, Maine, Docket 2011-0685, and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, for consideration paid grant to STEVEN M. MAYNARD and PAMELA S. MAYNARD whose mailing address is 42 Main Street, East Hampton, Connecticut 06424, as Joint Tenants, the real property situated in the Town of York, County of York, State of Maine, described as follows:

SEE EXHIBIT A ATTACHED HERETO

The current property address is 12 Barrell Lane Ext, York, Tax Map 57 Lot 49.

Signed, sealed, witnessed this 21 day of September 2012.

Robin E. Estes
WITNESS

Anne Heelan
ANNE HEELAN
Co-Personal Representative
Duly authorized

Robin E. Estes
WITNESS

David Heelan
DAVID HEELAN
Co-Personal Representative
Duly authorized

STATE OF MAINE

County of York

September 21, 2012

Personally appeared the above named Anne Heelan and David Heelan and acknowledged the foregoing instrument to be their free act and deed in their said capacity.



Before me,

Robin E. Estes
Notary Public/Attorney at Law
Print Name:
Commission Expires:

MAINE R.E. TRANSFER TAX PAID

EXHIBIT A

Property Address: 12 Barrell Lane Ext, York, Maine

A certain lot or parcel of land with the buildings thereon situated in said York, at York Harbor, and lying on the Northeasterly side of the York River, known as the Eliza Ann Baker premises, bounded and described as follows, to wit:

Northerly by land now or formerly of Morgan Lamontagne; Easterly by land now or formerly of Morgan Lamontagne; Southeasterly by land now or formerly of Priscilla Brooks, formerly Outerbridge and Collins (by a division line surveyed by Albert Moulton, Jr., C.E. on July 1, 1936) and land now or formerly of Chauncey Williams; southwesterly by the York River. The above described parcel is subject to the easement of a Town Way along the River Bank. Also another certain lot or parcel of land situated in said York at York Harbor, adjacent to the above described parcel, bounded and described as follows, to wit:

BEGINNING at the Westerly corner of land formerly of the heirs of Sarah M. Varrell and now or formerly of Chauncey Williams, adjoining the first above described parcel on the Southeasterly side;

THENCE southeasterly or as the wall now stands fifty three and one-half (53 ½) feet;

THENCE south sixty degrees (60°) and fifteen minutes (15') West to the York River at low water mark;

THENCE Northwesterly by said York River to the Southeasterly side line of the above described parcel formerly of one Tucker;

THENCE Northeasterly by land formerly of said Tucker to the point of beginning.

Excepted herefrom is that portion of property conveyed to Duncan Hunter Mauran, as set forth on Plan depicting boundary line adjustment, which plan is dated May 17, 1970 and recorded in York County Registry of Deeds in Plan Book 49, Page 38, and also set forth in Deed recorded in said Registry at Book 1872, Page 763.

Being the same premises conveyed from Raymond V. Heelan, Jr. to Constance R. Heelan dated August 6, 2001 and recorded in the York County Registry of Deeds in Book 10909, Page 346.

End of Document

*Signature
Economic & Title Services, LLC
501 Bolingbroke St Ste 208
Bismarck, NH 05801
2/2/11*

2

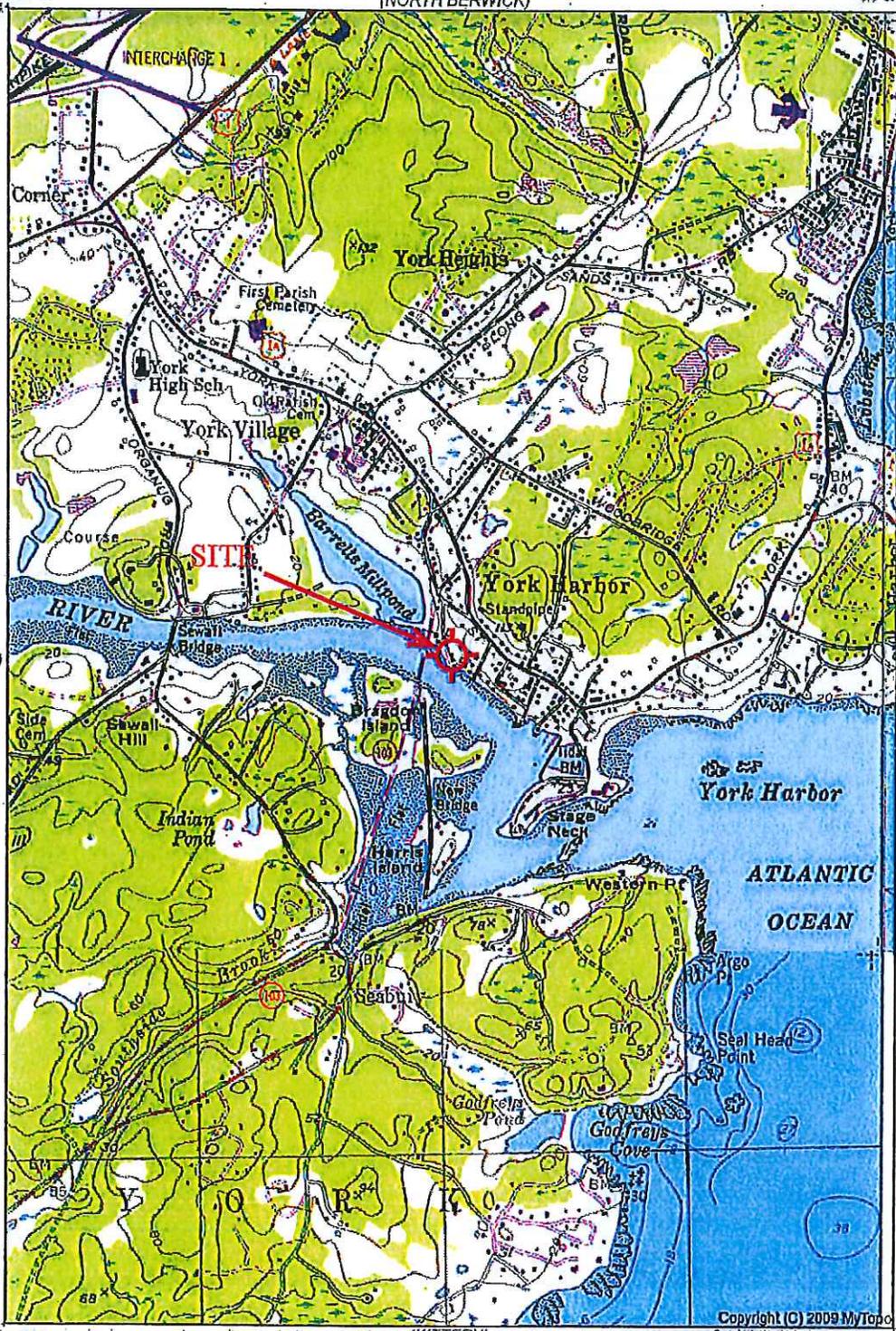
YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES (WELLS)

(SOMERSWORT)

070° 49' 08.05" W
043° 09' 23.88" N

(NORTH BERWICK)

070° 37' 25.68" W
043° 09' 23.88" N



(DOVER EAST)

(YORK BEACH)

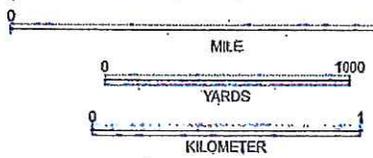
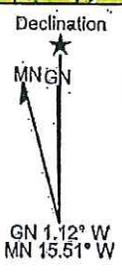
043° 05' 42.31" N
070° 40' 08.05" W

043° 05' 42.31" N

(KITTERY)
SCALE 1:24000

(PORTSMOUTH)

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps
North American 1983 Datum (NAD83)
Transverse Mercator Projection
To place on the predicted North American
1927 move the projection lines 10MIN and
41M E



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Site Map

For:

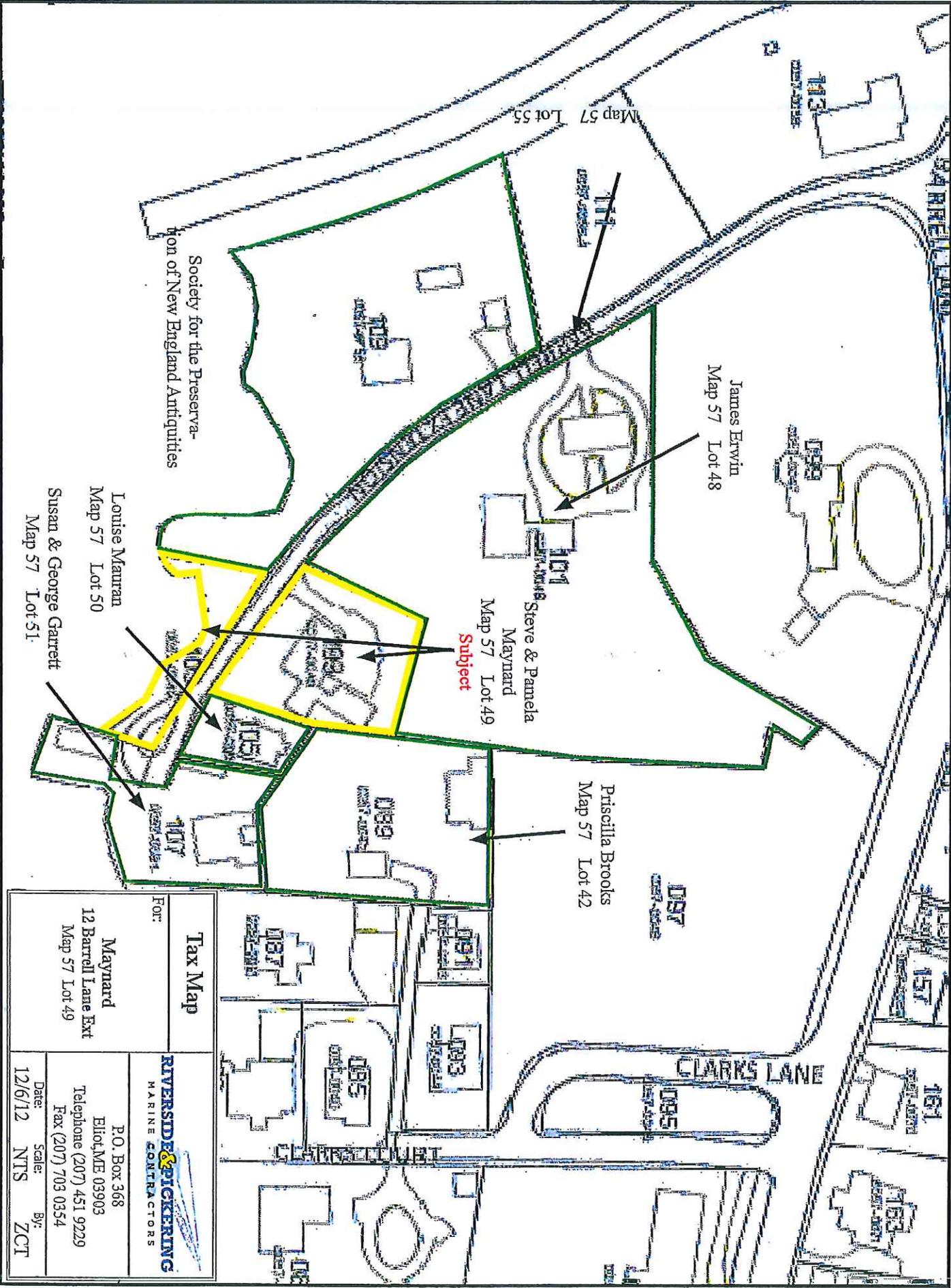
Maynard
12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

RIVERSIDE & PICKERING
MARINE CONTRACTORS

P.O. Box 368
Eliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

Date: 11/28/12 Scale: NTS By: ZCT

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Society for the Preservation of New England Antiquities

James Ervin
Map 57 Lot 48

Steve & Pamela
Maynard
Map 57 Lot 49
Subject

Priscilla Brooks
Map 57 Lot 42

Louise Mauran
Map 57 Lot 50

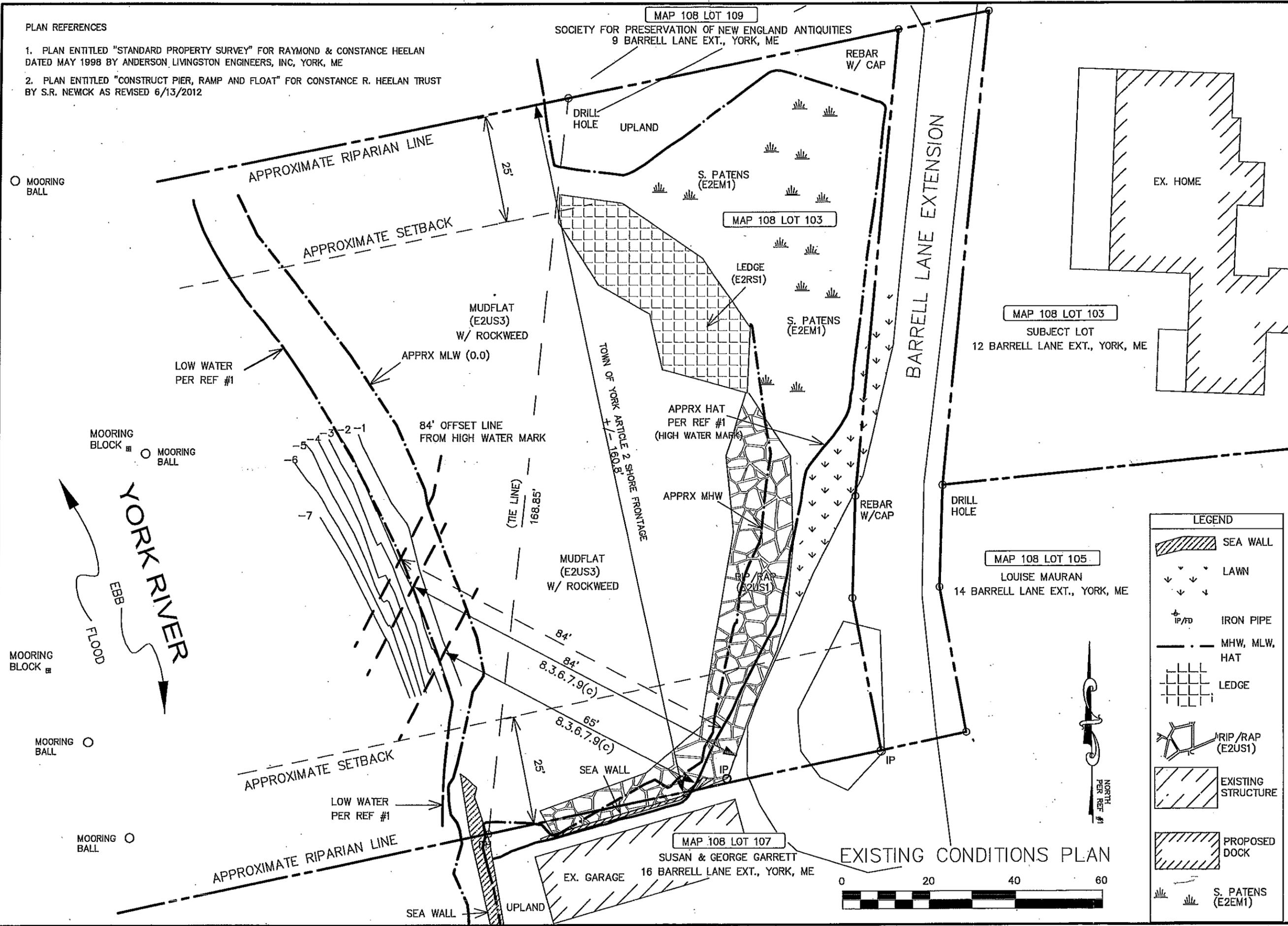
Susan & George Garrett
Map 57 Lot 51

Tax Map	
For: Maynard 12 Barrell Lane Ext Map 57 Lot 49	
P.O. Box 368 Billet, ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354	By: ZCT
Date: 12/6/12	Scale: NTS

3

PLAN REFERENCES

1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEELAN DATED MAY 1998 BY ANDERSON LIVINGSTON ENGINEERS, INC, YORK, ME
2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEELAN TRUST BY S.R. NEWICK AS REVISED 6/13/2012



Date: 12/12/2012		Drawn By: APF	Checked By: ZGT	Date:	Job Class:
Address: 12 BARRELL LANE EXTENSION		City: YORK, ME	Map & Lot #: MAP 108 LOT 103 (57-49)	Drawing Scale: 1"=20'	Title:
STEVE & PAMELA MAYNARD					
PROPOSED PIER					
RIVERSIDE PICKERING MARINE CONTRACTORS					
REVISIONS	Date	Description			
	12/19/12	ADD FILING LOCATIONS			
	8/7/13	REVISED TO INCL HAT OFFSET LINE & OTHER			
File #		564-12			
Sheet		1 of 3			

LEGEND

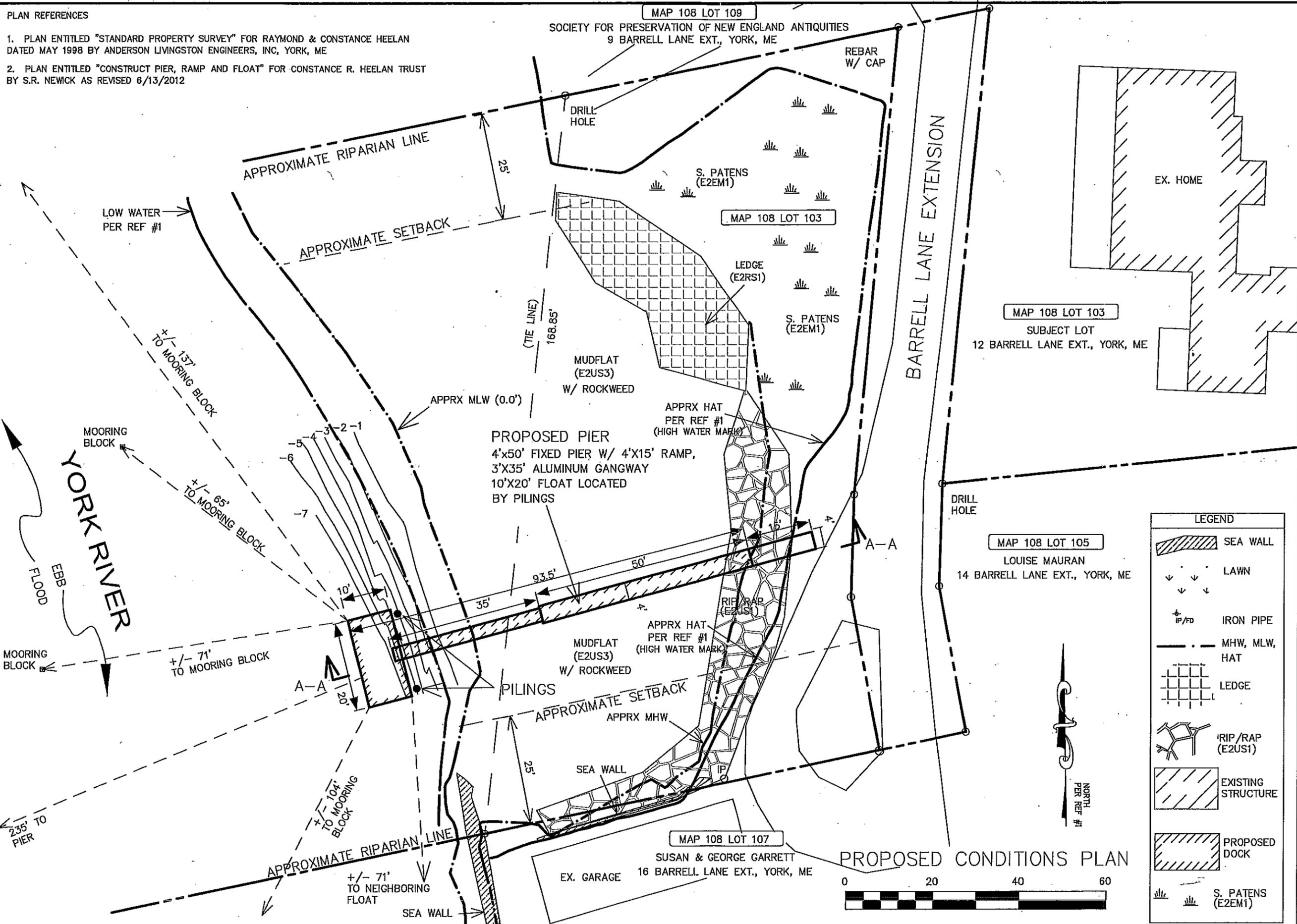
	SEA WALL
	LAWN
	IRON PIPE
	MHW, MLW, HAT
	LEDGE
	RIP/RAP (E2US1)
	EXISTING STRUCTURE
	PROPOSED DOCK
	S. PATENS (E2EM1)

EXISTING CONDITIONS PLAN

0 20 40 60

PLAN REFERENCES

1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEELAN DATED MAY 1998 BY ANDERSON LIVINGSTON ENGINEERS, INC, YORK, ME
2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEELAN TRUST BY S.R. NEWICK AS REVISED 6/13/2012

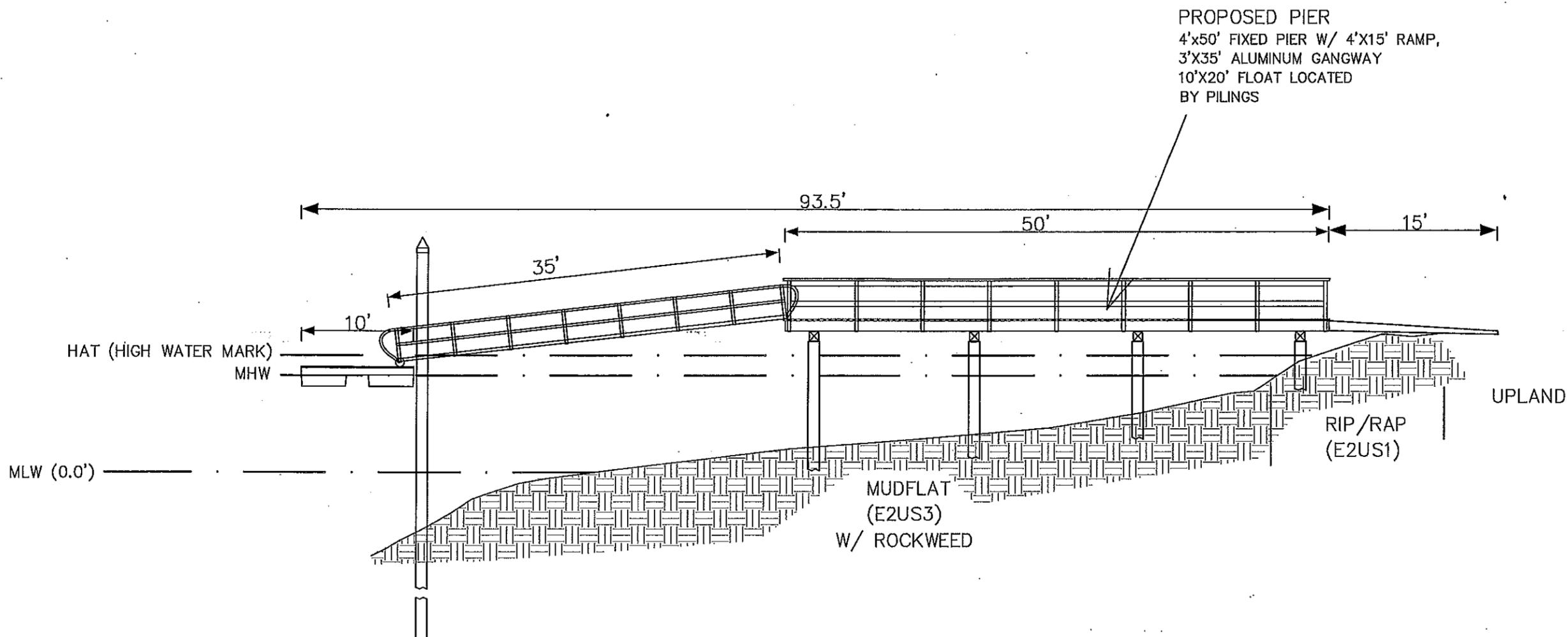


Date: 12/12/2012		Drawn By: APF		Checked By: ZCT	
Address: 12 BARRELL LANE EXTENSION YORK, ME		City: YORK, ME		State: ME	
Map & Lot #: MAP 108 LOT 103 (57-49)		Drawing Scale: 1"=20'		Title: PROPOSED PIER	
STEVE & PAMELA MAYNARD RIVERSIDE PICKERING MARINE CONTRACTORS					
REVISIONS Description Date		ADD PILING LOCATIONS 12/19/12 REVISED TO INCL HAT OFFSET LINE & OTHER 8/7/13			
File #:		564-12			
Sheet		2 of 3			

PROPOSED CONDITIONS PLAN

NOTES

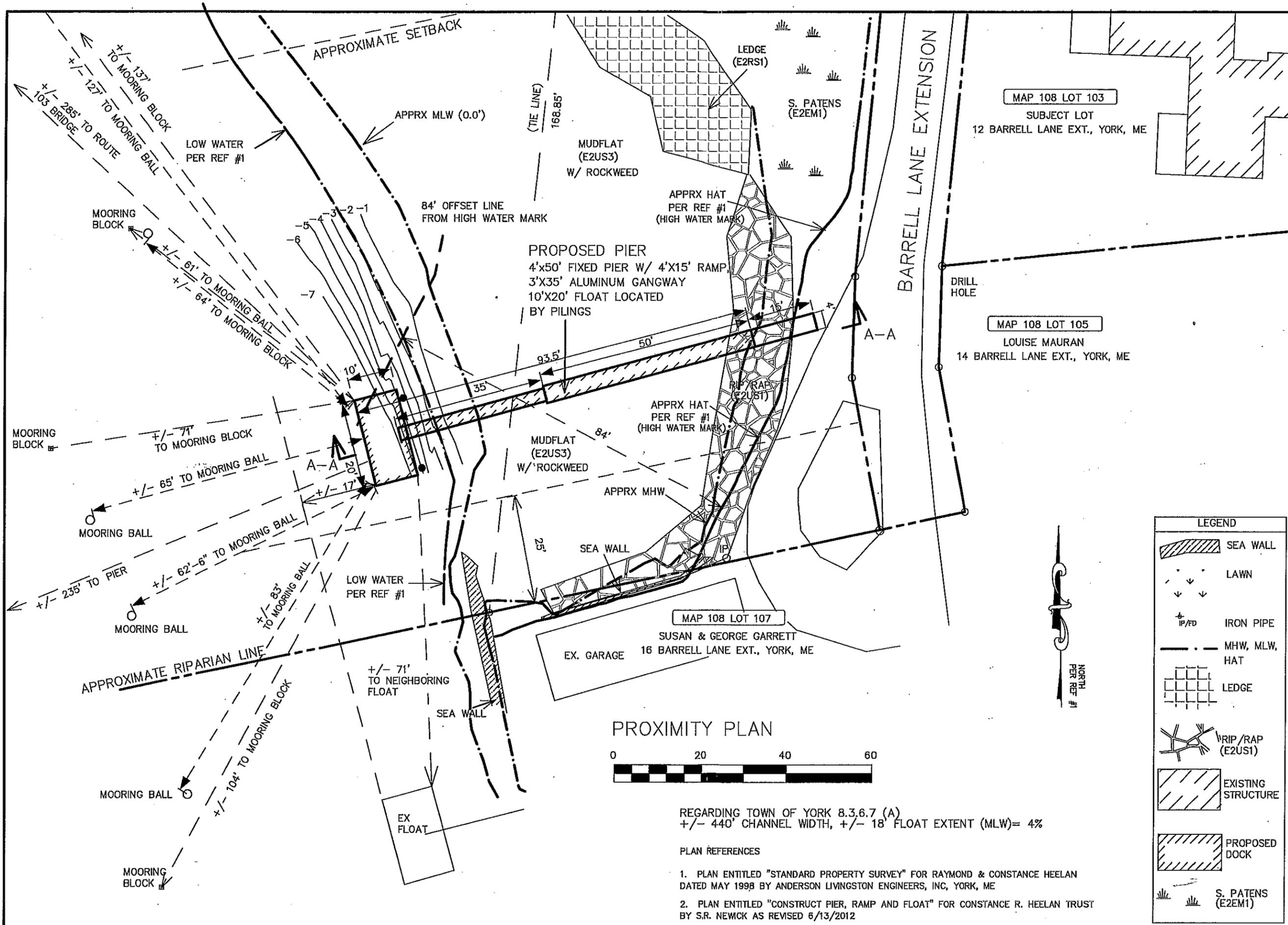
1. THE DOCKING STRUCTURE HAS BEEN DESIGNED TO ALLOW THE OWNER TO ACCESS THE WATER IN A SAFE AND ECOLOGICALLY SOUND MANNER. THE FIXED STRUCTURE IS DESIGNED TO REDUCE THE IMPACT OF SUN SHADING TO THE SALT MARSH THROUGH TWO SPECIFIC DESIGN FUNCTIONS; FIRST, THERE WILL BE A 1 TO 1 RATIO OF PIER WIDTH TO HEIGHT OF THE BOTTOM OF THE LONGITUDINAL SUPPORTS SUSTAINED WHERE THERE IS SALT MARSH BED BELOW THE STRUCTURE AND SECOND, THE DECKING WILL BE SPACED 3/4" APART.
2. THE FLOAT WILL BE LOCATED ENTIRELY BELOW MLW AND THUS WILL BE DRY AT PERIODS OF LOW WATER. FLOAT SKIDS AND STOPS WILL NOT BE REQUIRED. PILINGS WILL BE USED TO LOCATE THE SEASONAL RAMP AND FLOAT.



PROPOSED PIER
 4'x50' FIXED PIER W/ 4'x15' RAMP,
 3'x35' ALUMINUM GANGWAY
 10'x20' FLOAT LOCATED
 BY PILINGS

DOCK PROFILE A-A
 0 10 20 30

<p>STEVE & PAMELA MAYNARD PROPOSED PIER</p>		<p>Date: 12/12/2012 Drawn By: APF Checked By: ZCT</p>						
<p>12 BARRELL LANE EXTENSION City: YORK, ME</p>		<p>Approved: _____ Date: _____ Title: _____</p>						
<p>Map & Lot #: MAP 108 LOT 103 (57-49) Drawing Scale: 1"=10'</p>		<p>Job Name: _____</p>						
<p>RIVERSIDE PICKERING MARINE CONTRACTORS</p>								
<p>REVISIONS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Date</th> <th style="width: 90%;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">12/19/12</td> <td>ADD PILING LOCATIONS</td> </tr> <tr> <td style="text-align: center;">8/7/13</td> <td>REVISED TO INCL. HAT OFFSET LINE & OTHER</td> </tr> </tbody> </table>	Date	Description	12/19/12	ADD PILING LOCATIONS	8/7/13	REVISED TO INCL. HAT OFFSET LINE & OTHER	
Date	Description							
12/19/12	ADD PILING LOCATIONS							
8/7/13	REVISED TO INCL. HAT OFFSET LINE & OTHER							
<p>File #: 564-12</p>								
<p>Sheet 3 of 3</p>								



PROXIMITY PLAN



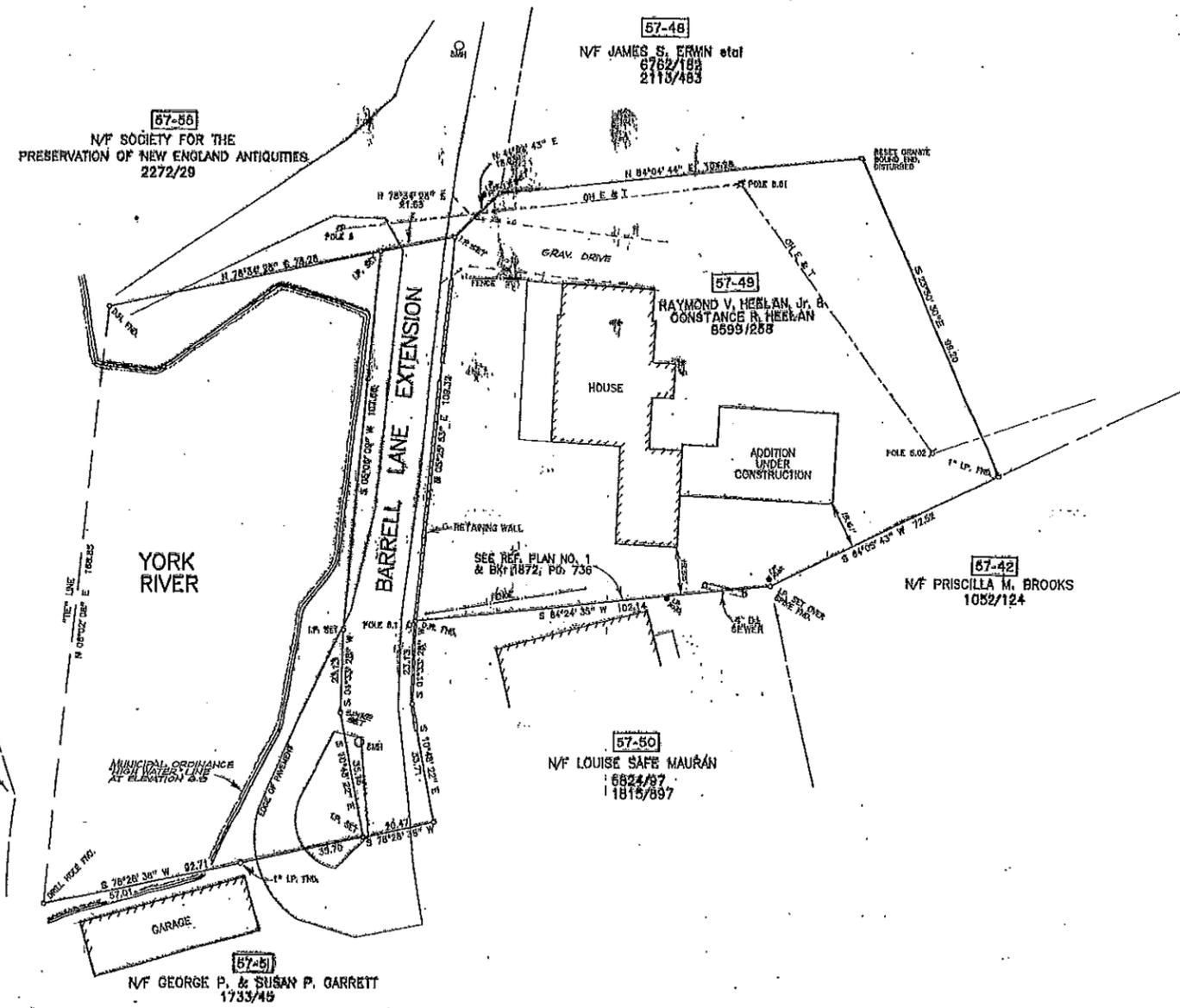
REGARDING TOWN OF YORK 8.3.6.7 (A)
 +/- 440' CHANNEL WIDTH, +/- 18' FLOAT EXTENT (MLW)= 4%

PLAN REFERENCES

1. PLAN ENTITLED "STANDARD PROPERTY SURVEY" FOR RAYMOND & CONSTANCE HEELAN DATED MAY 1998 BY ANDERSON LIVINGSTON ENGINEERS, INC, YORK, ME
2. PLAN ENTITLED "CONSTRUCT PIER, RAMP AND FLOAT" FOR CONSTANCE R. HEELAN TRUST BY S.R. NEWCK AS REVISED 6/13/2012

LEGEND	
	SEA WALL
	LAWN
	IRON PIPE
	MHW, MLW, HAT
	LEDGE
	RIP/RAP (E2US1)
	EXISTING STRUCTURE
	PROPOSED DOCK
	S. PATENS (E2EM1)

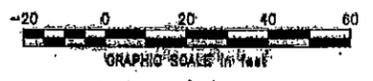
Date: 12/12/2012 Drawn By: APF Checked By: ZCT	
STEVE & PAMELA MAYNARD PROPOSED PIER	
Address: 12 BARRELL LANE EXTENSION, YORK, ME City: YORK, ME State: ME Zip: 04330	
Title: PROXIMITY PLAN Map & Lot #: MAP 108 LOT 103 (57-49) Drawing Scale: 1"=20' Job Name:	
RIVERSIDE PICKERING MARINE CONTRACTORS	
REVISIONS Description Date	ADD PILING LOCATIONS 12/19/12 REVISED TO INCL HAT 8/7/13 OFFSET LINE & OTHER
File #: 564-12	



- REFERENCE PLANS:
- 1 Plan Showing Property of Duncan Hunter Mauren... by Moulton Engineering Co., Inc., dated September 2, 1969. Recorded Y.O.R.D. Plan Book 49, Page 3B.
 - 2 Plan Showing Portion of Property of Eleanor O. LaMontagne... by Moulton Engineering Co., Inc., dated September 28, 1959. Recorded Y.O.R.D. Plan Book 29, Page 2.
 - 3 Plan Showing Property of Henrietta Dana Raymond; by Moulton Engineering Co., Inc., dated June 1968.

NOTES:
 Area to Ordinance High Water Line, including land, is 22,657 SQ. FT. more or less.

THIS PARCEL IS "SUBJECT TO THE EASEMENT OF A TOWN WAY ALONG THE RIVER BANK".



STANDARD BOUNDARY SURVEY
 FOR
**RAYMOND V. &
 CONSTANCE R. HEELAN**
 BARRELL LANE EXTENSION
 YORK, MAINE

	ANDERSON LIVINGSTON SURVEYORS, INC. Suite 401 Cottage Place 435 N. Main Street YORK, MAINE 04390
	Date: May 1988 REVISIONS: 1) CORRECTED LOW WATER LINE
OWNER: 	

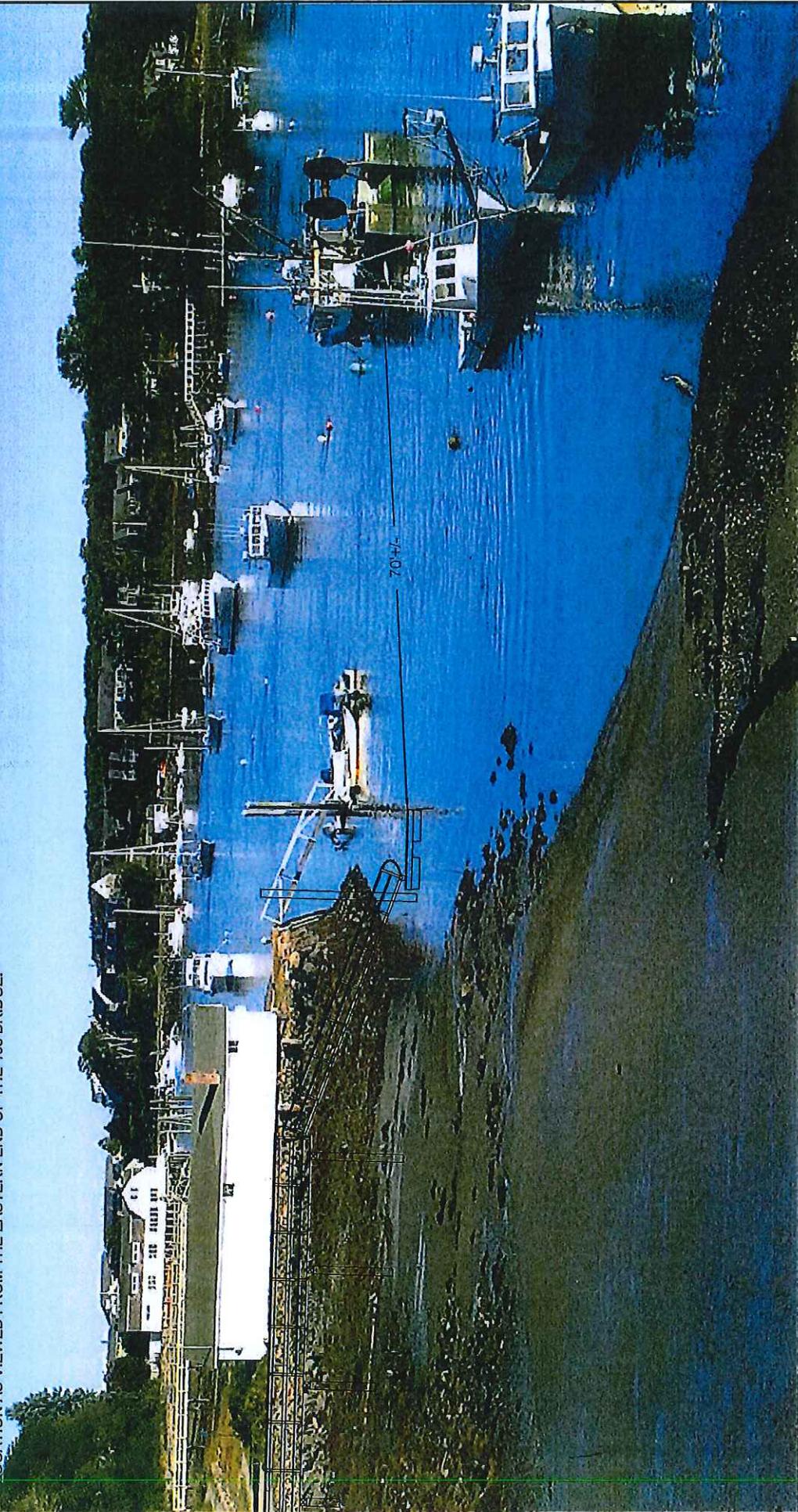
CERTIFICATION:
 This survey substantially conforms to the Maine Board of Registration for Land Surveyors Standards for a Category 1, Condition 1 boundary survey.

FILE NO: 6859
 PLAN NO: 1594,980501

4

NOTES:

- 1) PLAN NOT TO SCALE.
- 2) RENDERING OF POTENTIAL DOCK IS AN APPROXIMATION OF THE SIZE AND LOCATION AS VIEWED FROM THE EASTERN END OF THE 103 BRIDGE.



REVISIONS		
Date	Description	Approved

RIVERSIDE & PICKERING
MARINE CONTRACTORS

P.O. Box 368, Elliot, ME 03903
Office: (207) 451-9229 Fax: (207) 703-0354

Date: 9-24-13

Drawn By: ZCT

Checked By: _____

Address: 12 BARRELL LANE EXT City: YORK, ME

Map & Lot #: MAP 108 LOT 103 Drawing Scale: 1:20

Approved: _____ Date: _____

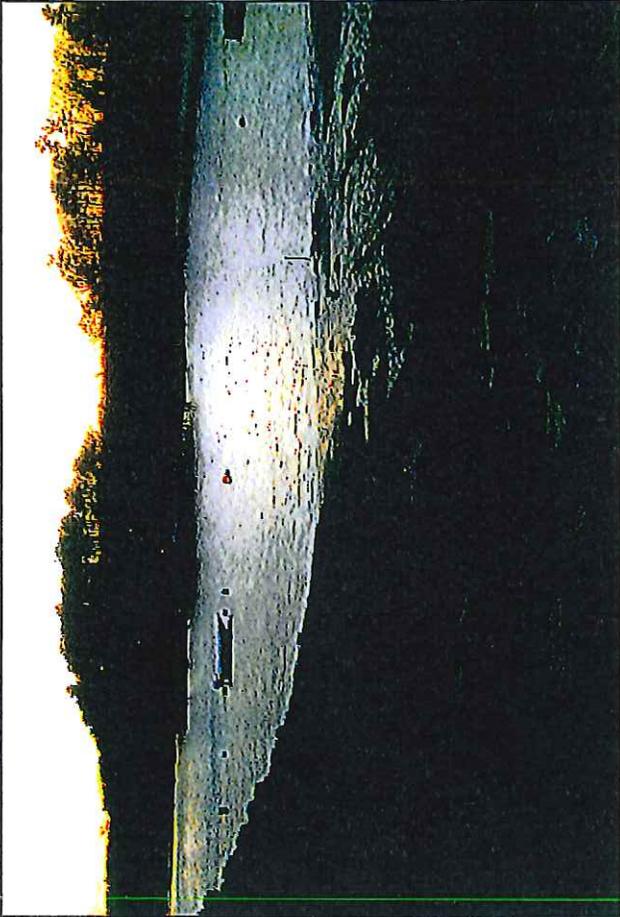
Title: _____ Job Class: _____

File #: 564-12

Sheet of _____

5

Maynard Photo Sheet #1

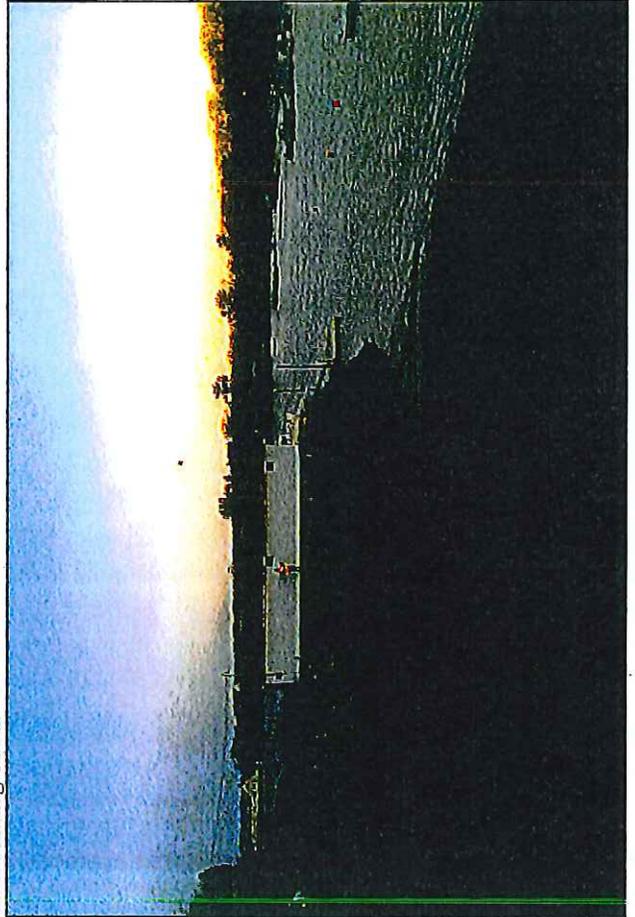


View looking West

Photo #1

View looking South

Photo #3



View looking East

Photo #2

*Photos taken at approximate 4:30PM on 11/26/12

For:

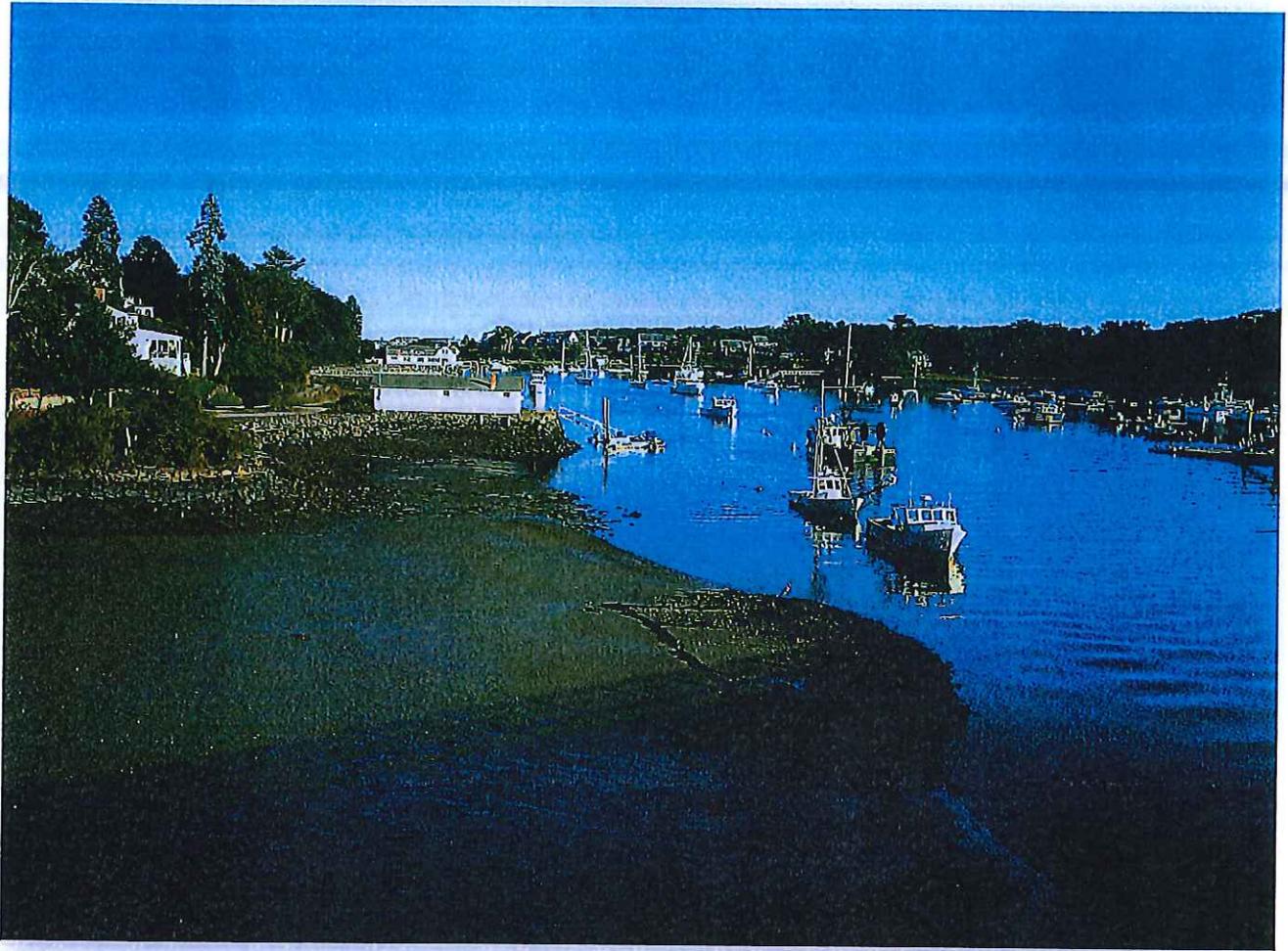
Maynard
12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

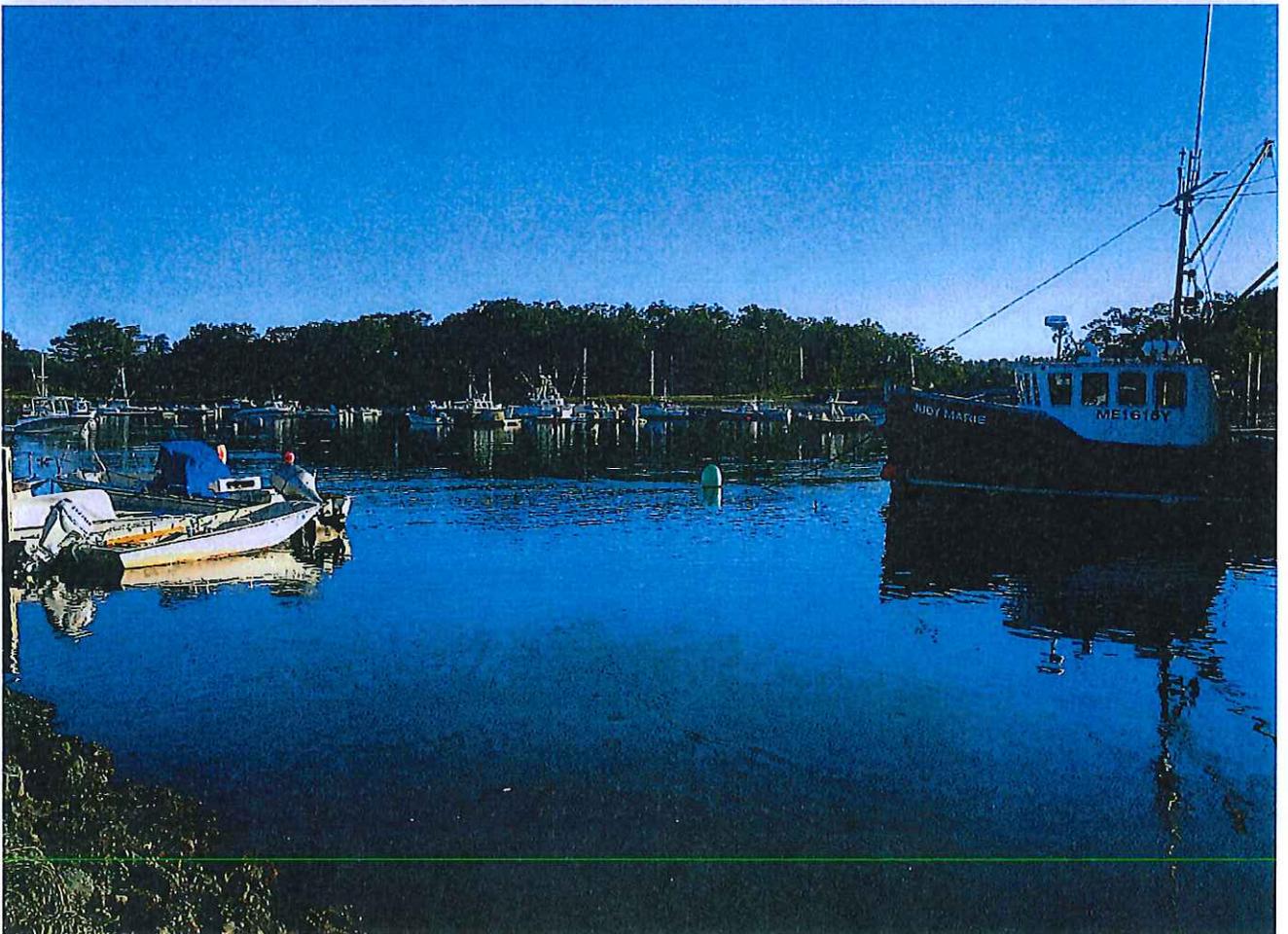
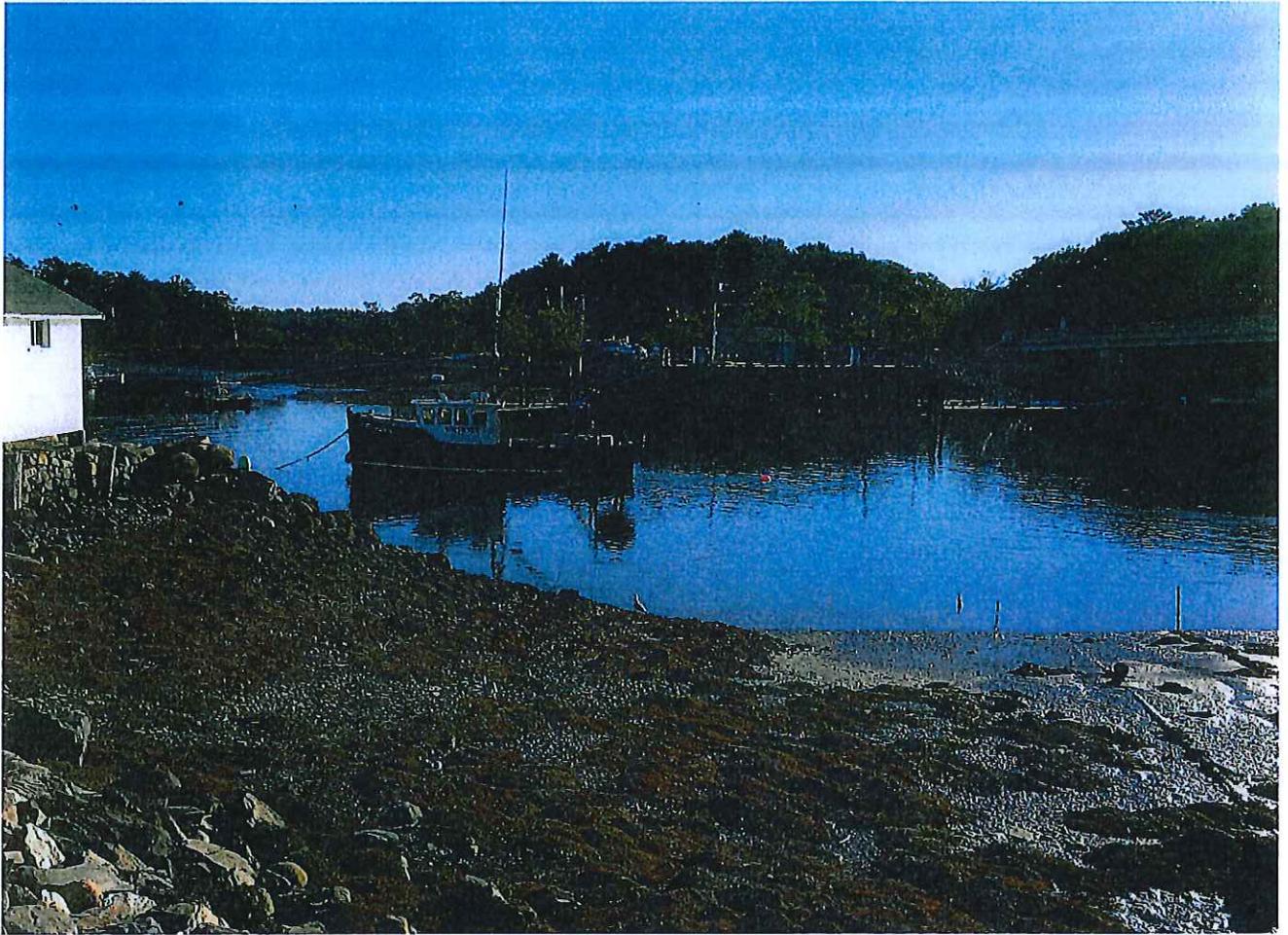
Photos Taken: 11/26/12

By: Z. Taylor



P.O. BOX 366, ELIOT, ME 03903
TELEPHONE (207) 451-9229 FAX (207) 703 0954





6

STATE OF MAINE
SUBMERGED LAND EASEMENT

No. 1538-E-42

This SUBMERGED LANDS EASEMENT (hereinafter Easement) conveys certain limited rights in the submerged lands held by the State of Maine in trust for the public. It is not an environmental permit for the use of these lands. Please read the easement carefully, as you must abide by its terms.

This Easement is granted by the Division of Parks and Public Lands (hereinafter Grantor), an agency of the State of Maine Department of Agriculture, Conservation and Forestry, by its Director acting pursuant to the provisions of Title 12 M.R.S.A. Sections 1801 & 1862, to **STEVEN M. AND PAMELA S. MAYNARD** (hereinafter Grantee) of **42 MAIN STREET, EAST HAMPTON, CONNECTICUT 06424**. Grantor hereby grants to Grantee, on the terms and conditions hereinafter set forth, an easement for use of the following described submerged land (hereinafter premises) situated in York County, Maine, to wit:

A certain parcel of public submerged land located in the York River, **Town of York, Maine**, totaling 285+/- square feet, abutting adjacent upland now owned by Steven M. Maynard and Pamela S. Maynard, as further described in Attachments A, B and C which are hereby incorporated into this Easement.

- 1. TERM:** Such easement shall hold for a term not to exceed 30 years commencing on March 7, 2013 and ending at midnight on December 31, 2042 and no longer.
- 2. USE:** Grantee is hereby authorized to use the premises for the purposes of a ramp, float and pilings for private recreational use as described in Department of Environmental Protection NRPA Application Number L-25858-4P-A-N and for no other purposes. No enlargement of structures or fixtures upon the premises shall be permitted without the prior written consent of the Grantor. No sand, gravel or other materials shall be removed from the premises and no materials may be deposited on the premises except as specifically authorized under this easement and applicable regulatory permits.
- 3. OTHER USES.** Grantor reserves the rights of the general public to transitory fishing, fowling, recreation, navigation, and other traditional uses of the premises, and the right of Grantor and its assigns to make other uses of the premises, including by way of example and without limitation, the right to permit pipes to be laid thereunder or telephone wires to be maintained thereover, as shall not unreasonably interfere with Grantee's use and enjoyment of the premises for the purposes stated in Paragraph 2 above.
- 4. FEES:** A registration and/or other fee, as established in the Submerged Act, Title 12 M.R.S.A. Section 1862, subsection 3, shall be paid upon commencement of the easement term and periodically throughout the term, as prescribed by that law and any amendments made thereto or replacement thereof.

5. AUTOMATIC CANCELLATIONS: In the event any regulatory agency of the United States or the State of Maine or any political subdivision thereof denies or disapproves any portion of any application by the Grantee for the use of the above described premises or any portion thereof, or that any court of competent jurisdiction invalidates any permit granted pursuant to such application, this easement shall be cancelled automatically as to the denied or disapproved use, and shall to that extent be null, void, and of no effect as of the date of such denial or disapproval.

6. ASSIGNMENT: The rights conveyed herein by the Grantor may be assigned by the Grantee upon written notification to the Grantor of the name and address of the new grantee. Such assignment shall only be permitted as part of the conveyance of the adjacent upland property to a new owner and is subject to the covenants and conditions of this instrument.

7. PROPERTY TAXES: Grantee shall pay all taxes, charges, assessments and other impositions levied upon the premises and the buildings, improvements, and fixtures thereon when due and payable.

8. INDEMNITY: Grantee agrees to defend or cause to be defended and to indemnify and hold the Grantor harmless against any and all claims, suits, causes of action, expenses and damages incurred by or brought against Grantor and arising or allegedly rising out of, in whole or part, the use or occupancy of the premises by Grantee, its invitees, contractors, agents and employees.

9. DEFAULT: If Grantee or its successor in interest shall fail to comply with any of the terms of this instrument, Grantor shall have the right at its option at any time thereafter to terminate this easement, re-enter and take possession of the premises after giving thirty (30) days advance notice in writing to Grantee or its successor in interest. If during said thirty (30) day period Grantee cures its default to the satisfaction of Grantor then termination shall automatically be vacated, otherwise the same shall remain in full force and effect. Such right of termination shall be in addition to any other legal or equitable rights or remedies which Grantor may have. If Grantor shall institute an action to enforce any provision of this easement, Grantor shall be entitled to recover reasonable attorney's fees.

10. MAINTENANCE: Grantee, at its sole cost and expense, shall at all times keep, or cause all improvements (regardless of ownership) to be kept, in as good condition and repair as originally constructed, except for reasonable use. Grantee shall not allow debris or refuse to accumulate on the premises. In addition to having the right to cancel this easement, Grantor shall have the right upon 30 days notice to remove such debris and refuse and collect the cost of such removal from the Grantee.

11. ABANDONMENT: Structures as described under section 2 of this easement shall be placed on the premises within two years of the issuance of this easement. Once installed, such structures shall be used and maintained for their intended purpose. Failure of the Grantee to install the structures within this time frame or to use and maintain the premises shall be deemed an abandonment. Upon determining that the premises or a portion thereof have been abandoned, the Grantor at its option may terminate this easement as to the entire premises, or as to such portion as has not been so used or maintained, in accordance with the default provisions of Section 9.

12. NOTICE: Any notice permitted or required hereunder shall be deemed to have been given when actually delivered or when deposited in the U.S. mail, first-class postage prepaid, addressed as follows:
To Grantor: Division of Parks and Public Lands, 22 State House Station, Augusta, Maine 04333, Attn:

Submerged Lands Program, and giving the easement number, or to such other address specified by Grantor by written notice hereunder. To Grantee: at the address hereinabove set forth for Grantee or at such other address as Grantee may have theretofore specified by written notice actually received by and placed of record with Grantor.

13. ADJUSTMENT OF TERMS: Grantor may adjust from time to time terms and conditions applicable to this easement, including the requirement of paying rent and/or fees, consistent with applicable law. Any such adjustment shall be effective following sixty (60) days written notice by Grantor to Grantee.

14. REVIEW OF USES: In accordance with Title 12 M.R.S.A. Section 1862, subsection 4, or other applicable law, Grantor shall review from time to time the purposes for which the land conveyed under this easement has actually been used, and in the event any such purpose is found to be inconsistent with the criteria set forth for under then applicable law for eligibility for an easement, the easement shall terminate on sixty (60) days written notice by Grantor to Grantee. If so authorized by Title 12 M.R.S.A. Section 1862, subsection 2 or other applicable law, Grantor may thereupon enter into a leasehold agreement with the holder of the easement.

15. MISCELLANEOUS: Grantee shall, in the use and occupancy of the premises, comply with the provisions of all applicable federal, State and local laws, regulations, ordinances and permits. No nuisance shall be permitted to exist on the premises. Grantor's agent shall be authorized to enter upon the premises and all improvements and structures thereon at any reasonable time to inspect the same and for the purpose of securing compliance with the terms and conditions hereof. Failure of either party to complain of any act or omission on the part of the other party, no matter how long the same shall continue, shall not constitute a waiver by said party of any of its rights hereunder.

16. EXTINGUISHMENT OF CONSTRUCTIVE EASEMENT. Grantee hereby relinquishes any and all rights to the premises, or any portion thereof that may have been formerly held by constructive easement under Title 12 M.R.S.A. Sections 1801 & 1862, or otherwise.

In witness whereof the Grantor has hereunto set its hand this 8th day of March, 2013.

Grantor: William Harris Director, Division of Parks and Public Lands
Department of Agriculture, Conservation & Forestry

Attested: Carol DiBello

**ATTACHMENT A
EASEMENT NO. 1538-E-42**

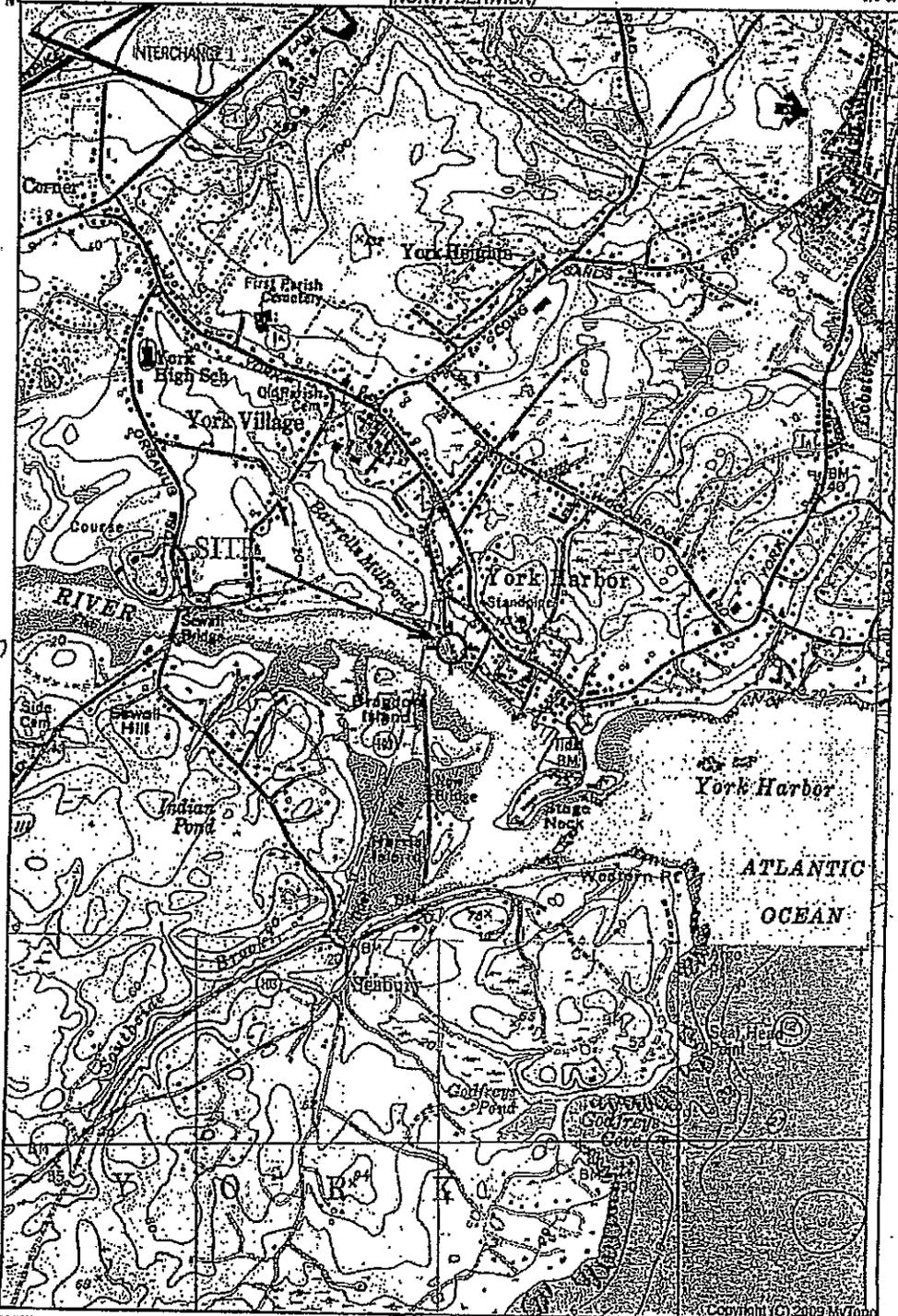
YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES (WELLS)

(SOMERSWORTH)

070° 40' 00.00" W
043° 07' 29.00" N

(NORTH BERWICK)

070° 37' 25.00" W
043° 07' 29.00" N



(DOVER EAST)

(YORK BEACH)

043° 07' 42.31" N
070° 40' 00.00" W

(KITTEERY)

043° 07' 42.31" N

(PORTSMOUTH)

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps

North American 1983 Datum (NAD83)
Transverse Mercator Projection

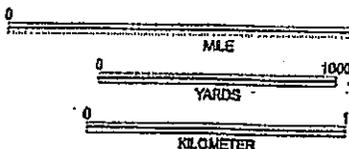
To place on the projected North American
1827 move the projection lines 10M N and
41M E

Declination

MGN

GN 1.12° W
MN 15.51° W

SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Site Map

For:

Maynard

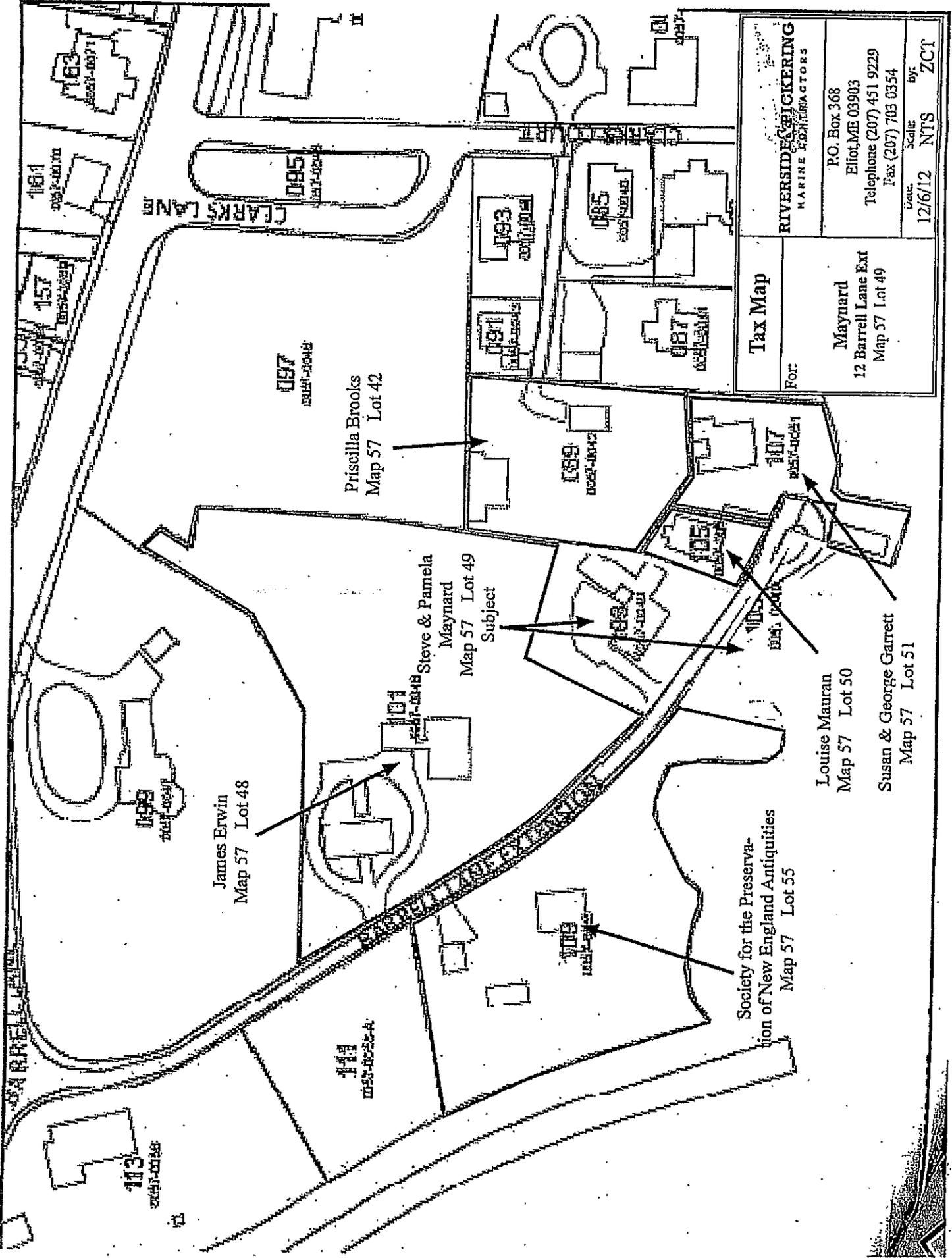
12 Barrell Lane Ext
York, ME 03909
Map 57 Lot 49

**RIVERSIDE PICKERING
MARINE CONTRACTORS**

P.O. Box 368
Elliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

Date:	Scale:	By:
11/28/12	NTS	ZCI

ATTACHMENT B
EASEMENT NO. 1538-E-42



Tax Map	RIVERSIDE ENGINEERING MARINE CONTRACTORS	
	P.O. Box 368 Ellettsville ME 03903 Telephone (207) 451 9229 Fax (207) 703 0354	Scale: NTS Date: 12/6/12 by: ZCT
For:	Maynard 12 Barrel Lane Ext Map 57 Lot 49	

James Erwin
Map 57 Lot 48

Steve & Pamela
Maynard
Map 57 Lot 49
Subject

Louise Mauran
Map 57 Lot 50

Susan & George Garret
Map 57 Lot 51

Society for the Preservation
of New England Antiquities
Map 57 Lot 55

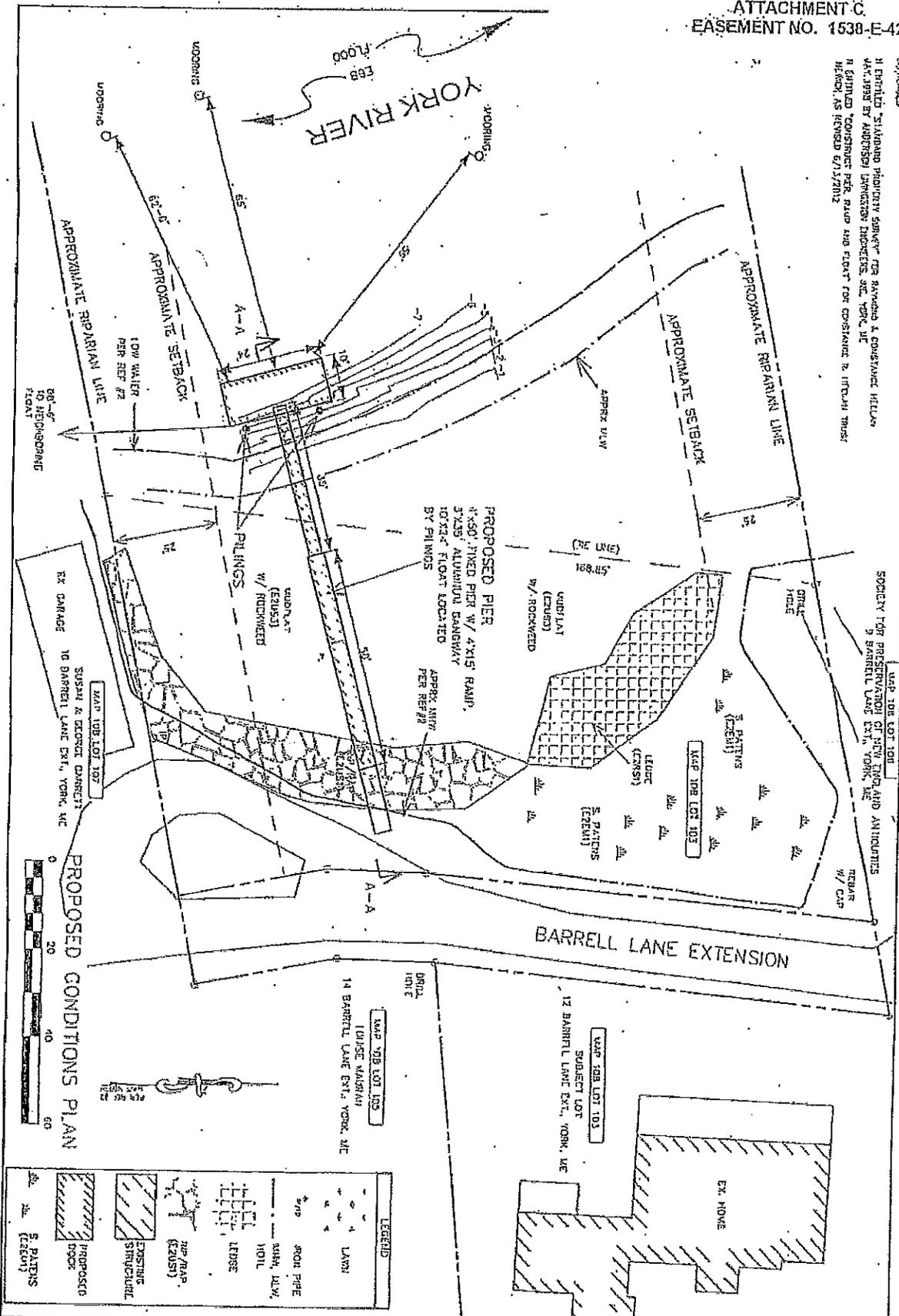
Priscilla Brooks
Map 57 Lot 42

CLARK'S LANE

BARRELL LANE

ATTACHMENT C
EASEMENT NO. 1538-E-42

NOTES:
1. EXISTING "STANDARD PROVISIONS" FOR RIVER AND COASTAL HILLS
APPLICABLE BY AMERICAN ENGINEERING SOCIETY, INC. 1978, INC.
2. SHOWN "CONDITIONS" PER PLAN AND EASEMENT FOR CONSTRUCTION IN FUTURE TRAIL
REWORK AS REVISED 6/1/2012



REVISIONS		DATE	DESCRIPTION
1	AS SHOWN		

STEVE & PAMELA MAYNARD PROPOSED PIER		Date: 12/12/2012 Drawn By: APF Checked By: JCT
Address: 12 BARRELL LANE EXTENSION CITY YORK, NY		Map No: 10B LOT 102 (57-49)
Scale: 1"=20'		Date: 12/12/12

RIVERSIDE & PICKERING
MARINE CONTRACTORS

7



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

REPLY TO
 ATTENTION OF

MAINE GENERAL PERMIT (GP)
AUTHORIZATION LETTER AND SCREENING SUMMARY

STEVE & PAMELA MAYNARD
 42 MAIN STREET
 EAST HAMPTON, CT 06424

CORPS PERMIT # NAE-2012-02674
 CORPS PGP ID# 12-355
 STATE ID# NRPA

DESCRIPTION OF WORK:

Construct and maintain a 50'x 4' pile and timber pier with a 35'x 3' ramp leading to a 10'x 24' float in the York River at York, Maine. This work is shown on the attached plans entitled "STEVE & PAMELA MAYNARD, PROPOSED PIER" in four sheets dated "12/12/2012".

LAT/LONG COORDINATES : 43.1352676° N -70.6471986° W USGS QUAD: YORK HARBOR, ME

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 enclosed Federal Permit, the Maine General Permit (GP). 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 Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP 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 41 of the GP (page 18) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 12, 2015. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 12, 2016.

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: X, LURC: _____, DMR LEASE: _____, NA: _____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 12/20/12 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: 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 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Jay L. Clement
 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

FR 2.7.7.12
 FRANK J. DEL GIUDICE DATE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION



US Army Corps
of Engineers
New England District

PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
GENERAL PERMIT
NO. NAE-2012-02674

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).
2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
3. The permittee understands and agrees that, if future operations by the United States 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 of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. Any float(s) that do not extend beyond mean low water shall be constructed in such a way as to keep them elevated above the tidal bottom. Techniques include but are not limited to float stops, skids, blocks, or other practicable means.
5. Seasonal coastal structures such as ramps and floats that are removed from the waterway for a portion of the year shall be stored in an upland location above mean high water and not on tidal marsh.
6. In order to minimize potential impacts to fisheries and essential fish habitat, the pile driving operations shall conform to the Category 1 provisions of the Maine General Permit (attached).

43.1352676; 70.6471986

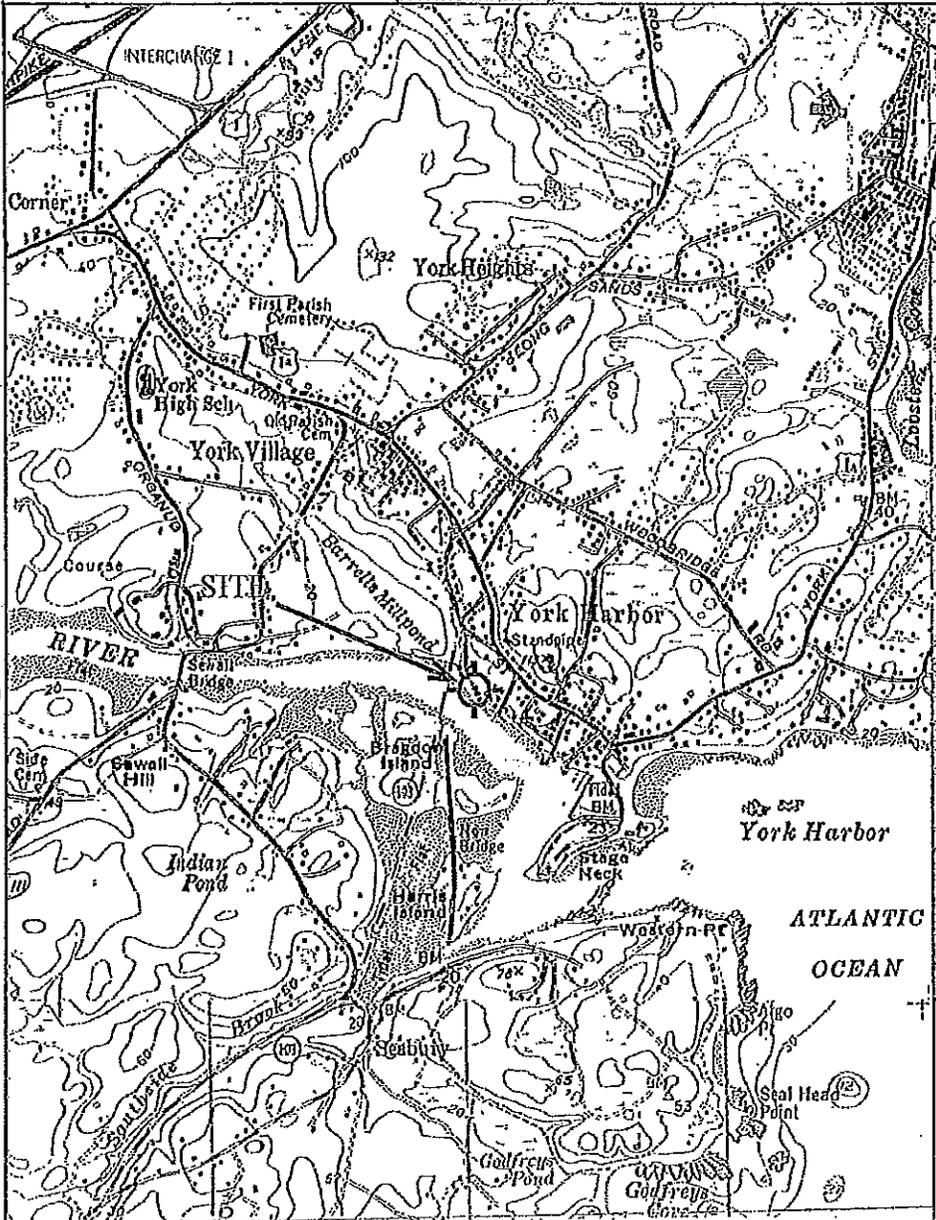
YORK HARBOR QUADRANGLE
NEW HAMPSHIRE
TOPOGRAPHIC SERIES (WELLS)

(SOMERSWORTH)

(NORTH BERWICK)

010° 42' 03.05" W
043° 05' 23.55" N

010° 37' 25.92" W
043° 05' 23.55" N



(DOVER EAST)

(YORK BEACH)

RIVERSIDE & PICKERING
MARINE CONTRACTORS

STEVE & PAMELA MAYNARD
PROPOSED PIER

Date 12/12/2012
Drawn By APF
Checked By ZCT

Address 12 BARRELL LANE EXT. ELY, CT 06024, VERMONT

Map Scale 1:24,000

013° 05' 42.31" W
070° 12' 03.05" W

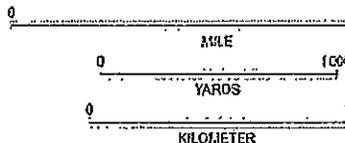
013° 05' 42.31" W

(PORTSMOUTH)

Declination

MN GN

(KITTEERY)
SCALE 1:24000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM 1929

Produced by MyTopo Terrain Navigator
Topography based on USGS 1:24,000
Maps

North America 1983 Datum (NAD83)
Transverse Mercator Projection

To place on the predicted North American
1927 merca projection lines 10M N and
41M E

GN 1.12° W
MN 15.51° W

Site Map

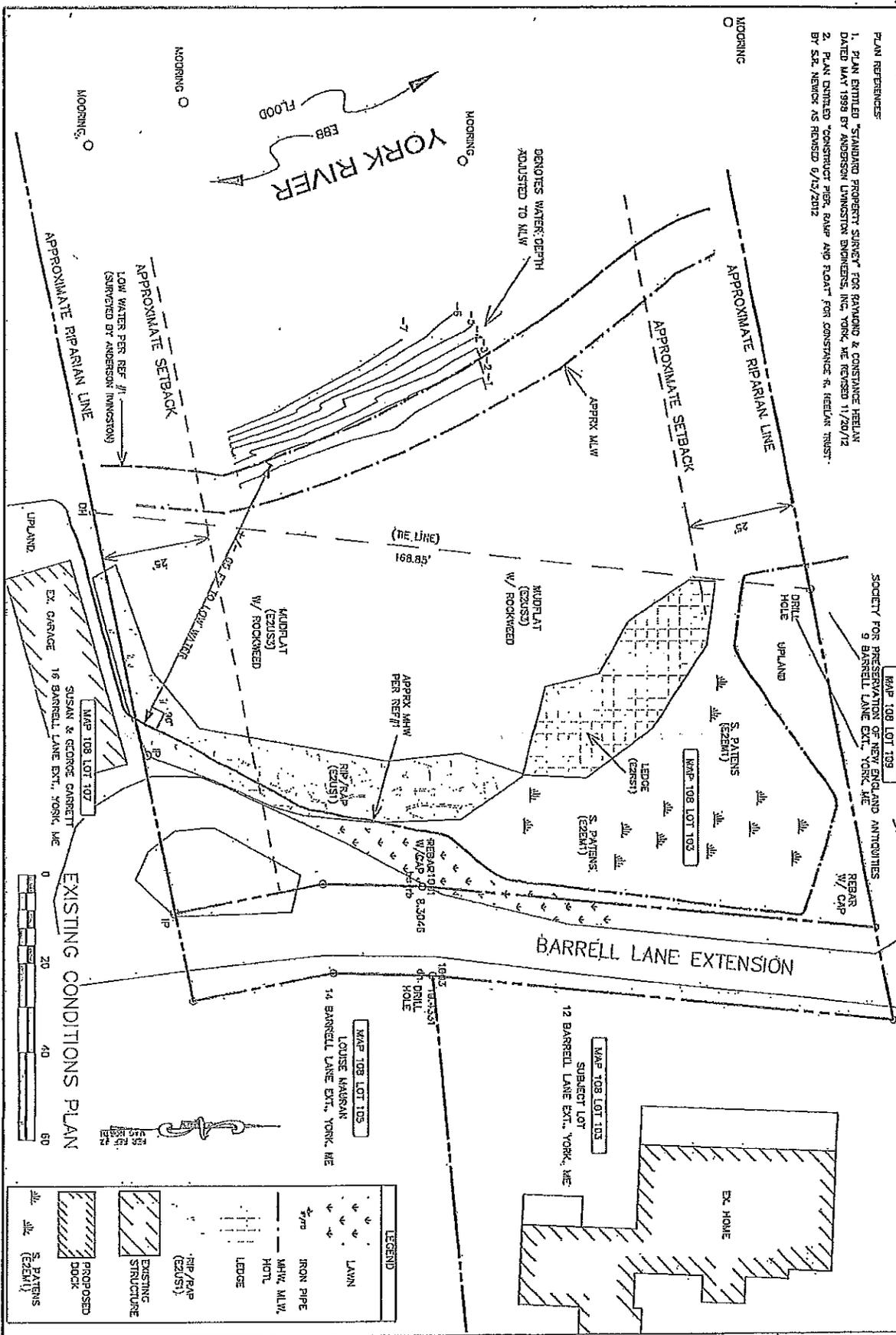
For:
Maynard
12 Barrell Lane Ext
York, ME 03909
Map 37 Lot 49

RIVERSIDE & PICKERING
MARINE CONTRACTORS

P.O. Box 368
Eliot, ME 03903
Telephone (207) 451 9229
Fax (207) 703 0354

Date: 11/28/12
Scale: NTS
By: ZCT

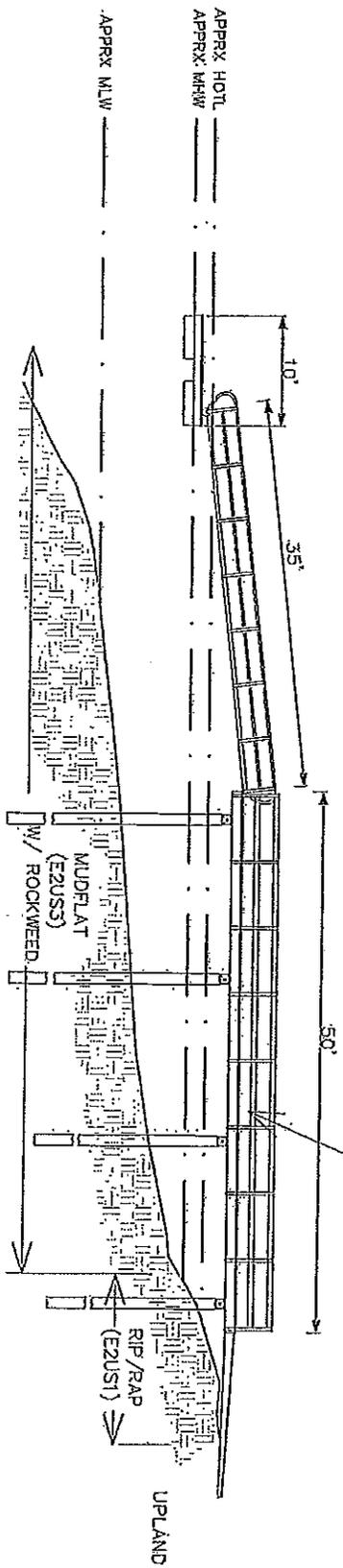
- PLAN REFERENCES
1. PLAN ENTITLED "STANDARD PROPERTY SURVEY FOR RAYMOND & CONSTANCE HELLAN DATED MAY 1989 BY ANDERSON LIVINGSTON ENGINEERS, INC. YORK, ME REVISED 11/28/12
 2. PLAN ENTITLED "CONSTRUCT PIER, RAFT AND FLOAT FOR CONSTANCE R. HELLAN TRUST" BY S.E. NEWICK AS REVISED 6/15/2012



<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Approved</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Approved				<p>STEVE & PAMELA MAYNARD PROPOSED PIER</p>		<p>Date: 12/12/2012</p>
No.	Description	Approved								
<p>RIVERSIDE & PICKERING MARINE CONTRACTORS</p>		<p>Address: 12 BARRÉLL LANE EXTENSION City: YORK, ME</p>		<p>Drawn By: APF</p>						
<p>Map & Lot #: MAP 103 LOT 103 (57-49) County: York State: ME Scale: 1"=20'</p>		<p>Sheet: 1 of 3</p>		<p>Checked By: ZCT</p>						

NOTES

1. THE DOCKING STRUCTURE HAS BEEN DESIGNED TO ALLOW THE OWNER TO ACCESS THE WATER IN A SAFE AND ECOLOGICALLY SOUND MANNER. THE OWNER IS LOOKING FOR DEEP WATER ACCESS AND ANCHORAGE OF A 32' SAILBOAT. THE DOCK AS DESIGNED WILL BE ABLE TO PROVIDE SUFFICIENT WATER FOR SUCH VESSEL WHILE MINIMIZING THE LENGTH OF THE STRUCTURE NECESSARY TO DO SO. THERE IS AN EXISTING MOORING FIELD IN FRONT OF THE SUBJECT PARCEL AS WELL AS A DOCK DOWNSTREAM. THE PROPOSED FLOAT WILL BE GREATER THAN 50 FT AWAY FROM ALL MOORINGS AND FLOATS AND THEREFOR SHOULD NOT POSE ANY HAZARD TO NAVIGATION.
- IT SHOULD ALSO BE NOTED THAT THE PROPOSED FLOAT WILL BE LESS INTRUSIVE INTO THE NAVIGABLE CHANNEL THAN THE ADJACENT FLOAT WHICH IS LOCATED ONLY 45 FT +/- AWAY FROM THE NEAREST MOORING.
2. THE FLOAT WILL BE LOCATED ENTIRELY BELOW MLW AND THUS WILL BE DRY AT PERIODS OF LOW WATER.
3. THE PROPOSED STRUCTURE IS COMPARABLE IN SIZE AND SCOPE TO OTHER RESIDENTIAL DOCKS IN THIS AREA OF YORK RIVER AND WILL HAVE NO NEGATIVE IMPACTS TO EITHER AESTHETICS OR NAVIGATION.



DOCK PROFILE A-A

PROPOSED PIER
 4x50' FIXED PIER W/ 4X15' RAMP,
 3X35' ALUMINUM GANGWAY
 10'X24' FLOAT LOCATED
 BY PILINGS.

REVISIONS			STEVE & PAMELA MAYNARD		Date: 12/12/12
Rev #	Description	Approved	PROPOSED PIER		Drawn By: APF
					Checked By: ZCF
RIVERSIDE & PICKERING MARINE CONTRACTORS			Address: 12 BARRELL LAKE EXTENSION City: YORK, ME		
			Voc & Lot #: MAP 103 LOT 103 (67-19) Neighb Sides: AS NOTED		

Sheet 3 of 3

8



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

April 2013

Steve and Pamela Maynard
42 Main Street
East Hampton, CT 06424

RE: Natural Resources Protection Act Application, York,
DEP #L-25858-4P-A-N/L-25858-TW-B-N

Dear Mr. and Mrs. Maynard:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 822-6300 or at robert.green@maine.gov

Sincerely,

Robert L. Green, Jr., Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANGO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

STEVE AND PAMELA MAYNARD) NATURAL RESOURCES PROTECTION ACT
York, York County) COASTAL WETLAND ALTERATION
PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-25858-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-25858-TW-B-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of STEVE AND PAMELA MAYNARD with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicants propose to construct a four-foot wide by 15-foot long landing and a four-foot wide by 50-foot long pile-supported pier with a three-foot wide by 35-foot long ramp, and a 10-foot wide by 24-foot long float. The pier will be constructed out of pressure-treated dimensional lumber and will be supported on four sets of cross-braced timbers, which will be driven into the substrate. The ramp and float will be constructed off-site and brought to the site by boat. The end of the float will extend approximately 115 feet beyond the mean high tide line and 25 feet beyond the mean low tide line, providing full-tide access at the float. The applicants propose to keep the ramp and float in place year round.

The project is shown on a plan sheet entitled, "Steve and Pamela Maynard, Proposed Pier," prepared by Riverside & Pickering Marine Contractors and dated December 12, 2012. The project site is located on the west side of Barrell Lane Extension in the Town of York.

B. Current Use of the Site: The upland portion of the site is highly developed with homes and lawn. The land slopes gradually down to a riprap rap slope that lines the coastal wetland. Piers are located on either side of the project site, including the Town of York's pier across the river from the project site.

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

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicants 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 applicants also submitted several photographs of the proposed project site.

The proposed project is located in the York River, 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. The surrounding area is developed with residential structures with piers. The proposed project will be similar in size and design to existing nearby structures and will be compatible with the existing character of the shoreline in the project vicinity.

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 and 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) 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:

Soil disturbance will be limited to the installation of pilings, which is not expected to be 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 site of the proposed project is a moderate to low energy shore. The upland includes a 0.52-acre lot with 215 feet of water frontage that is developed with a house. The supratidal zone is heavily developed with a roadway that runs parallel to the shoreline and within 50 feet of the highest annual tide line. The intertidal zone is approximately 50 to 75 feet wide. The intertidal is composed of mudflats and a riprap slope along the shoreline. Rockweed is found in abundance on hard substrate.

Department staff reviewed a Geographic Information System (GIS) database that contains information provided by both the Department of Marine Resources (DMR) and the Department of Inland Fisheries and Wildlife (MDIFW). The GIS database indicates that tidal wading bird and waterfowl habitat (TWWH), defined as a Significant Wildlife Habitat in the Natural Resources Protection Act (NRPA), is found within the project site.

MDIFW reviewed the proposed project and stated that there are no Essential Wildlife Habitats at the project site. MDIFW commented that given the small size of the habitat, the lack of natural buffer, the existence of other private piers, and a nearby bridge crossing, the proposed project is not expected to result in a significant adverse impact to waterfowl and wading birds that use this habitat.

The DMR stated that the proposed project should not cause any significant adverse impact to marine resources.

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 applicants propose to use lumber treated with chlorinated 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.

Provided that CCA-treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicants propose to directly alter eight square feet of coastal wetland to construct the pier and to indirectly alter approximately 545 square feet of coastal wetland as a result of shading impacts from the pier, ramp, and float.

The Wetland Protection Rules interpret and elaborate on the 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 an NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. **Avoidance.** No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. The applicants submitted an alternatives analysis for the proposed project completed by Zachary Taylor of Riverside and Pickering Marine Contractors and dated December 13, 2012. The applicants investigated the availability of a mooring from the York Harbor Master, and learned that there is a multi-year waiting list for new boats. The Town pier is located across the river from the project site; however, mooring at the dock is time-restricted given the volume of users. The applicants chose the alternative to build a pier to provide immediate access to the water.

B. **Minimal Alteration.** 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 applicants own a 35-foot sailboat that requires six feet of draft. The proposed pier is the minimum size necessary to provide sufficient draft during periods of low tide when the sailboat is moored at the end of the float.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values since the project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicants have 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.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

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.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- 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.
- 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 Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of STEVE AND PAMELA MAYNARD to construct a landing and a pile-supported pier with a seasonal ramp and float, as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

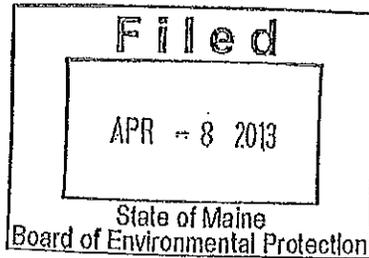
1. Standard Conditions of Approval, a copy attached.
2. The applicants shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The 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.

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 8th DAY OF April, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Karlens for
For: Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

RLG/L25858ANBN/ATS#75629&75756



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 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.

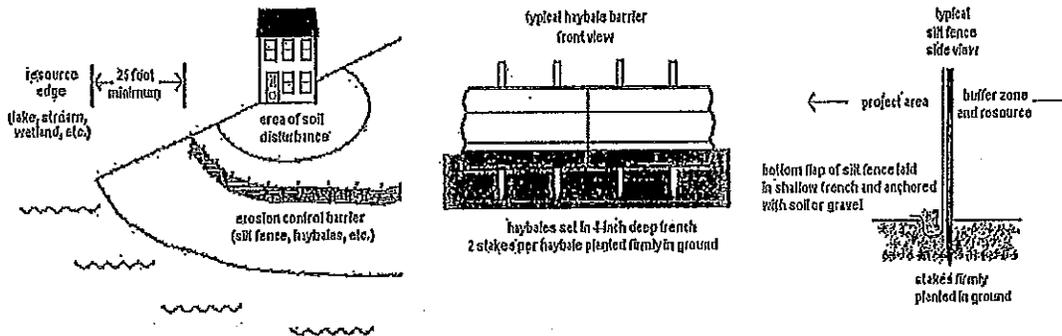


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

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LIST OF ABUTTERS
12 Barrell Lane, Ext.
Map 57, Lot 49

Map	Lot	Owner	Mailing Address
57	42	Dovecoat, LLC	9 Clark's Lane York Harbor, ME 03909
57	43	Roberta Gray, Trustee Roberta Gray Rev. Trust	P.O. Box 1108 York Harbor, ME 03911
57	44	Ann Hollingsworth, Trustee	P.O. Box 43 York Harbor, ME 03911
57	46	Town of York	186 York Street York, ME 03909
57	48	Michael & Marion Mariner	P.O. Box 159 York Harbor, ME 03902
57	50	Louise Mauran	120 Congdon Street Providence, RI 02906
57	51	Susan & George Garrett	2600 Barracks Road, Apt. 111 Charlottesville, VA 22901
57	55	Society for Preservation of New England Antiquities	5 Portland Street S. Berwick, ME 03908