

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday October 24, 2023
TIME: 6:00 P.M.

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

- 1) ROLL CALL
 - a) Quorum, Alternate Members, Conflicts of Interest
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) PUBLIC HEARING - None
- 7) NEW BUSINESS
 - a) 1 Harold L. Dow Hwy. (Map 17, Lot 20), PID # 017-020-000: Site Plan Amendment/Review and Shoreland Zoning Permit Application – Upgrades to Approved Natural Gas Regulator Station
 - b) 293 River Road (Map 18 / Lot 12), PID #018-012-000: PB 23-19, Site Plan Review and Shoreland Zone Permit Application Residential Pier
- 8) OLD BUSINESS
- 9) REVIEW AND APPROVE MINUTES
 - a) Minutes – *If available*
- 10) OTHER BUSINESS / CORRESPONDENCE
 - a) Ordinance Subcommittee
 - b) Discussion of Proposed Ordinance Amendments (June 2024)
- 11) SET AGENDA AND DATE FOR NEXT MEETING
 - a) November 14, 2023
- 12) ADJOURN

NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

1. Go to www.eliotme.org
2. Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
3. Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 6:00pm
(Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

- a) Please call **1-646-558-8656**
 1. When prompted enter meeting number ID: **810 5755 7277**
 2. When prompted to enter Attendee ID
 3. When prompted enter meeting password: **256368**

Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at a time to allow for input. Please remember to state your name and address for the record.

- b) Press *9 to raise your virtual hand to speak



Christine Bennett, Planning Board Chair

PB23-19: 293 River Rd. (Map 18, Lot 12): Shoreland Zoning Permit Application – Residential Pier, Gangway, Floats, and Stairway



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Kenneth A. Wood, P.E., Applicant’s Representative
 Shelly Bishop, Code Enforcement Officer
 Kim Tackett, Land Use Administrative Assistant
 Date: October 19, 2023 (report date)
 October 24, 2023 (meeting date)
 Re: PB23-19: 293 River Rd. (Map 18, Lot 12): Shoreland Zoning Permit Application – Residential Pier, Gangway, Floats, and Stairway

Application Details/Checklist	
✓ Address:	293 River Rd.
✓ Map/Lot:	18/12
✓ PB Case#:	23-19
✓ Zoning:	Suburban
✓ Shoreland Zoning:	Resource Protection, Limited Residential
✓ Owner Name:	293 River Road, LLC
✓ Applicant/Agent Name:	239 River Road, LLC Agent: Attar Engineering, Inc.
✓ Application Received by Staff:	August 3, 2023
✓ Application Fee Paid and Date:	\$225 (\$50 – shoreland pier; \$175 – public hearing) August 3, 2023
Application Sent to Staff Reviewers:	Not yet sent
Application Heard by PB	October 24, 2023 (scheduled)
Found Complete by PB	TBD
Site Walk	TBD
Site Walk Notice Publication	TBD
Public Hearing	TBD
✓ Public Hearing Publication	TBD
✓ Reason for PB Review:	Shoreland, Permanent Residential Pier (SPR use)

Overview

Applicant is seeking review and approval of a proposed residential pier system at 293 River Rd. (Map 18, Lot 12), which would consist of a permanent pier, seasonal gangway, seasonal main float, and seasonal landing float. Existing railroad-tie stairs to the water would be removed and replaced with a new 4-ft.-wide granite staircase with railings and landing.

The parcel is located on River Rd. as it approaches the river, just southeast of Newson Ln., a private right-of-way. Tax records show the parcel is 5.25 acres with an existing residential camp, garage, and shed. The quitclaim deed (in packet) describes the existing buildings as being “a summer cottage, a 2 car garage, and a studio apartment”. The application includes a land division plan showing a lot split

PB23-19: 293 River Rd. (Map 18, Lot 12): Shoreland Zoning Permit Application – Residential Pier, Gangway, Floats, and Stairway

separating out a 2.1-acre parcel (labeled Lot #2). The remaining land, labeled Lot #1 (listed as 4 +/- acres) has the camp and accessory structures, which are proposed to be removed, and would have the pier.

The pier will be on 10"x10" pilings, with 20 verticle piles and 8 batter piles. The site plan and profile shows the floats sitting on the riverbed at average low tide.

Dimensions of proposed pier system components

- Access stairway to beach: 4' x 46'
- Permanent fixed pier: 6' x 100'
- Seasonal gangway: 3' x 40'
- Seasonal main float: 10' x 24'
- Seasonal landing float (perpendicular): 8' x 24'

Uses

Permanent residential piers and other structures and uses extending over or below the normal high-water line or within a wetland are SPR uses in the shoreland zone.

Type of review needed

Initial/sketch plan review. Ask questions of the applicant, seek more information as needed, provide comments on Code compliance. If warranted, consider application completeness determination and the setting of a public hearing. Consider whether to hold a site walk.

Status of other agency reviews

- MaineDEP NRPA permits L-30237-4P-A-N and L-30237-TW-B-N – coastal wetland alteration, significant wildlife habitat, water quality certification – **approved 7/6/23, in packet**
- US Army Corps General Permit Self-Verification Form (unsigned) and email from applicant to US Army Corps clarifying general permit conditions – **in packet**

Section 44-35(c) review

Section 44-35(c) has standards for 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. The following table reviews the application under this section. Paragraph numbers under 44-35(c) are in parentheses. For brevity, some standards are summarized.

44-35(c) para. #	Summary of paragraph	Evaluation of application
(1)	No more than one pier/dock/wharf/similar structure per lot given the amount of shoreline frontage (150 ft. for the Suburban district)	Met. Only 1 pier structure proposed. Shoreline frontage after lot split is >450 ft.

PB23-19: 293 River Rd. (Map 18, Lot 12): Shoreland Zoning Permit Application – Residential Pier, Gangway, Floats, and Stairway

(2)	Developed on appropriate soils so as to control erosion	Met. Ref. NRPA approval, Finding #3.
(3)	Location shall not interfere with beach areas	Met.
(4)	Minimize adverse effects on fisheries	No (or minimal) adverse effects are apparent. Ref. NRPA approval, finding #4: “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)	N/A – pertains to nontidal waters	N/A
(6)	No new structure on/over/abutting a pier/wharf/dock/etc. unless it requires direct access to the water	Met. No such structure proposed.
(7)	N/A – pertains to nontidal waters	N/A
(8)	No existing structure on/over/abutting a pier/wharf/dock/etc. may be converted to a residential dwelling unit	N/A
(9)	Structures built on on/over/abutting a pier/wharf/dock/etc. may not exceed 20 ft. in height above pier/wharf/dock/etc.	N/A
(10a)	Residential piers shall not extend beyond the mean low water mark and are limited to a maximum width of 6 ft.	Partially met, appears to be partially not met. Pier will be 6 ft. wide. Plan & profile shows fixed pier extending beyond low tide. For reference, see NRPA approval Finding #4 regarding Maine Dept. of Inland Fisheries and Wildlife (MDIFW) comments to shorten the pier “to a similar length to the piers located immediately upriver...The applicant responded to MDIFW’s comments and stated that the pier length allows for all-tide access at low tide, which is required for use of the pier system without the threat of damage to the applicant’s boat.” PB and applicant should discuss this further.
(10b)	Pier (+ temporary float) length restricted to 200 ft. (measured from NHWL), or a length that will provide 6 ft. of water depth for outermost float at mean low water (MLW), whichever is shorter; shall not extend more than halfway to mean low water deep channel centerline	Appears to be met. Total length is 150 ft. to out to outer edge of main float and less than 200 ft. along total longitudinal length along pier, gangway, main float, and landing float.
(10c)	N/A – pertains to LC and GD districts	N/A
(11)	No structure (including temporary ramps/floats and pilings) shall extend more than halfway to the deep channel centerline at mean low water	Appears to be met.
(12)	25 ft. setbacks from riparian lines for neighboring properties (with lesser setback allowed with mutual agreement with neighbor)	Visually appears to be met. Riparian and setback lines are not shown on the plans but a visual scan makes clear the 25 ft. setback would be met.
(13)	Temporary/seasonal floats which sit on the bottom at low tide must be built per DEP guidelines to minimize harm to marsh grass/marine life living in the mud	Appears to be met. Float will sit at the bottom at low tide. Skids and minimal impacts noted in DEP approved permit. See further discussion below.
(14)	Required reflectors on piers and floats: 3+ in. diameter, not more than 12 in. from each corner. At least 1 per 20 ft. on each side of piers >40 ft.	Appears not to be met. It is recommended that a note be added to the plans demonstrating compliance with this provision.

PB23-19: 293 River Rd. (Map 18, Lot 12): Shoreland Zoning Permit Application – Residential Pier, Gangway, Floats, and Stairway

Stairways

The stairway is proposed to be located on a bluff indicated as highly unstable by the Maine Geological Survey (<https://www.maine.gov/dacf/mgs/pubs/digital/bluffs.htm>).

44-35(b)(6) check for stairways to access the shoreline in areas of steep slopes or unstable soils

44-35(b)(6) standard	Evaluation of application
Max. 4 ft. in width	Met. Stairway proposed to be 4 ft. wide.
Structure does not extend below or over the normal high-water line, unless permitted by DEP	Met. Stairway is not shown on the plans as extending below the highest annual tide (HAT) line and in any case has DEP approval.
Applicant demonstrates that no reasonable access alternative exists on the property	Met. See NRPA approval Finding #6.

Shoreline vegetation

Per NRPA approval Finding #3, “No tree or other vegetation removal is proposed for the construction of the pier system.”

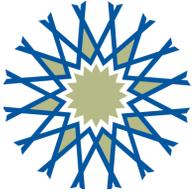
Recommendation

Discuss potential noncompliance with 44-35(c)(10a) and (14) with applicant. If these matters can be resolved by the review meeting, consider a completeness determination and submitting of a public hearing. Otherwise, continue review to a future meeting or consider holding a site walk.

* * *

Respectfully submitted,

Jeff Brubaker, AICP
Town Planner



ATTAR

ENGINEERING, INC

CIVIL ♦ STRUCTURAL ♦ MARINE

Mr. Jeffery Brubaker, AICP, Town Planner
Town of Eliot, Maine
1333 State Road
Eliot, Maine 03903

August 3rd, 2023
Project No. C306-22

**RE: Site Plan Review and Shoreland Zone Permit Applications
Residential Pier (Tax Map 18, Lot 12)
293 River Road, Eliot, Maine**

Dear Mr. Brubaker:

On behalf of 293 River Road, LLC, I have enclosed a Site Plan Review and Shoreland Zone Permit Application with supporting documents for your review and consideration.

The 4 acre parcel is located in the Suburban District/ Resource Protection zoning district. It is located in a flood hazard zone.

The owner is proposing the construction of a 100' long fixed pier which will have a 40' gangway, a 10' x 24' float and an 8' x 24' landing float. There will be 20 vertical piles and 8 batter piles. The project requires Site Plan approval from the Eliot Planning Board, we have already received approval from MDEP and have attached the NRPA Permit.

We look forward to discussing this project with the Planning Board at their next available meeting. Please contact me for any additional information or clarifications required.

Sincerely;

Kenneth A. Wood, P.E.
President

Case No. _____

Site review? Yes No

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF ELIOT PLANNING BOARD**

Step 1. (Fill in all blocks below - See the Planning Assistant if you don't understand.)

Tax Map 18 Lot# 12 Lot Size 4 Acres Zoning District: SD/RP

Your Name Peter Paul Your mailing address 291 Harold Dow Highway

City/Town Eliot State: ME Zip: 03903 Telephone: 207-252-1396

Who owns the property now? 293 River Road, LLC

Address (Location) of the property 293 River Road

Property located in a flood zone? Yes No
(If yes, please complete the attached Flood Hazard Development Application and return it with your completed application)

Step 2 (establish your legal interest in the property)

Attach a copy of the Purchase and Sales Agreement, Deed, Tax records, Signed Lease, or other documents to the satisfaction of the Planning Assistant. If you are representing a corporation, provide documentation that you have authority to speak for the corporation.

Step 3 (Go to the Zoning Ordinance Section 45-290, Table of Land uses)

What SPECIFIC land use are you applying for? Permanent Residential Pier
(You MUST make this selection from Section 45-290 of the Zoning Ordinance)

Having entered the SPECIFIC land use above now provide a more detailed description of what you want to do:

Construct a 100' long fixed pier which will have a 40' gangway, a 10' x 24' float and an 8' x 24' landing float.
There will be 20 vertical piles and 8 batter piles.

Case No. _____
Site review? Yes No

Step 4 Attach ten (10) copies of a sketch plan, showing in approximate dimensions the following:

- All zoning districts
- The location of all existing and/or proposed buildings
- The setbacks of all existing and proposed structures or uses.

- The location of proposed signs, their size, and direction of illumination.

- The location of all existing and/or proposed entrances and exits.

- All existing and/or proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)

- Plans of buildings, sewage disposal facilities, and location of water supply.

Step 5 Sign the application (both owner and applicant must sign and date the application) and submit fee with preliminary plans (\$100 per acre for first 5 acres and \$50 per acre after five plus \$150 for advertising and public hearing fees)

Applicant  Date 8/05/2023
Property Owner  Date 8/3/2023

Step 6 Application received by Planning Assistant

Date received by the PA _____ PA initials _____

Step 7 The Planning Assistant will review the application and if complete, will place your application on a future Planning Board agenda

Step 8 The applicant or representative of the applicant must attend the Planning Board meeting

PART 1 - THE PROCEDURE

Case No. _____

Site review? Yes No

(STEP 1) Meet with the Planning Assistant to assure that Site Review is required. Obtain application forms and assemble data for submission.

(STEP 2) Sketch Plan Stage Application submission. Include 10 copies of the sketch plan, survey map, location map, and affidavit of ownership or legal interest. (Section 33-63)

(STEP 3) Applicant attends first meeting with Planning Board, describes project, and answers questions (*Board may review checklist for the Site Plan at this time or act on waivers requested for submission of data*)

(STEP 4) Board sets up site visit with applicant (Section 33-64).

(STEP 5) Board visits site with applicant.

(STEP 6) Applicant attends succeeding meetings. Board does preliminary review of the Ordinance requirements for applicability to the Site Plan. Board and notifies applicant of changes required to Sketch Plan after site inspection (Section 33-103).

(STEP 7) Applicant revises the "Sketch Plan" as needed, submits the Site Plan, and pays non-refundable fees prior to the second Planning Board meeting. (Sections 33-126 & 33-128).

(STEP 8) Site Plan Stage Applicant attends succeeding meetings with Planning Board and discusses Site Plan (Section 33-129) until Board votes to accept the Site Plan (Section 33-126) *Board schedules public hearing for future meeting when all requirements have been or will be met.*

(STEP 9) Board conducts Public Hearing (Section 33-130).

(STEP 10) Approval stage Board approves / approves with conditions / disapproves applicants application within 30 days of the close of the final Public Hearing or 75 days from date Board accepted completed application and Site Plan (Section 33-131). If more than one public hearing is held, the 30-day period begins after the last public hearing.

(STEP 11) Board issues a Notice of Decision, which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131). The Notice of decision and signing of the final plan is for documentation purposes and does not determine the beginning of the appeal period.

(STEP 12) Appeal Period A 30-day appeal period begins from the date the Board makes a decision on the application. (Section 45-50) The applicant may begin work on the project during this period, but does so at his or her own risk.

PART 2

Case No. _____

Site review? Yes No

DETAILED ORDINANCE REFERENCES FOR EACH SITE REVIEW EVENT

1. Submit application. (Section 33-63) Include 10 copies of all submissions that show:

- Sketch Plan- (See Section 33-105) showing:
 - All zoning districts
 - Existing and proposed structures
 - Existing and proposed parking areas (parking is permitted in the front, rear and side of the premises, so long as it does not violate setback requirements.)
 - Existing and proposed Streets and entrances
 - Existing and proposed setbacks
 - Other site dimensions and area
 - Site and public improvements and facilities
 - Areas of excavation and grading
 - Any other site changes
 - Location Map-This is to be submitted along with or as part of the Sketch Plan (See Section 33-104) and includes:
 - Scale of 500 ft to the inch
 - Show all area within 2000 ft of property lines
 - All surrounding existing streets within 500 ft
 - Abutters lots and names within 500 ft of property boundary
 - Zoning districts within 500 ft
 - Outline of proposed development showing internal streets and entrances

2. Site inspection (Section 33-64) The Board and Applicant conduct site inspection. Applicant shall stake the lot corners, the location of all proposed structures, parking and the centerlines of all proposed streets and entrances in development. Verify that parking meets applicable setbacks

3. Board notifies applicant of changes required to Sketch Plan after site inspection such as contour interval, street classification, etc. (Section 33-103) and determines:

If other Local, State or Federal agencies or officers (Section 33-102) should review Sketch Plan.

If applicable, MaineDOT driveway permit is **required** prior to local approval for anyone installing, physically changing or changing the use of a driveway on state highway.

If review by Eliot Fire Chief ____, Police Chief ____, or Road Commissioner ____ is required.

Case No. _____

Site review? Yes No

4. Applicant converts Sketch Plan into a "Site Plan" (Sections 33-126). The following requirements are considered by the Planning Board

Chapter 33 required information

4.1. Applicant shall provide one original and 10 copies of Site Plan drawn at a scale not smaller than 1-inch equals 20 feet showing the following information:

- 4.1.1. Development name, owner, developer, designer name and address and names and addresses of all abutters and abutters land use.
- 4.1.2. Certified perimeter survey showing a north arrow, graphic scale, corners of parcel, total acreage, etc. This means a survey of the property using the standards of practice established by the State of Maine Board of Licensure for Professional Land surveyors, MRSA Chapter 121.
- 4.1.3. Temporary markers.
- 4.1.4. Contour lines at 5-ft intervals or as Board decides.
- 4.1.5. A list of the provisions of Chapter 45 (Zoning) which are applicable to this area and identification of any zoning district boundaries affecting the development.
- 4.1.6. Storm water Drainage Plan. (50 year storm)
- 4.1.7. Required bridges or culverts.
- 4.1.8. Location of natural features or site elements to be preserved.
- 4.1.9. Soil Erosion and Sediment Control Plan.
- 4.1.10. High Intensity Soils Report.
- 4.1.11. Locations of sewers, water mains, culverts and drains.
- 4.1.12. Water supply information.
- 4.1.13. Sewerage System Plan.
- 4.1.14. Septic System Survey.
- 4.1.15. Estimated progress schedule.
- 4.1.16. Construction drawings for CEO which show floor areas, ground coverage, location of all structures, setbacks, lighting, signs, incineration devices, noise generating machinery likely to generate appreciable noise beyond the lot lines, waste materials, curbs, sidewalks, driveways, fences, retaining walls, etc.
- 4.1.17. Telecommunication tower details as required.

4.2. Additional requirements made by Board (Section 33-126).

Other Chapter 33 Site Review Ordinance Requirements.

- 4.4. Traffic data if applicable (Section 33-153)
- 4.5. Campground requirements if applicable (33-172)
- 4.6. Commercial Industrial requirements if applicable
 - 4.6.1. Landscaping (Section 33-175)

Case No. _____

Site review? Yes No

- 4.6.2. Vibration (33-176)
- 4.6.3. Site Improvements (33-177)
- 4.6.4. Electromagnetic Interference (33-178)
- 4.6.5. Parking and Loading Areas (33-179, 45-487, 45-495)
- 4.6.6. Glare (33-180)

- 4.7. Motel requirements if applicable (Section 33-182)
- 4.8. Multi-family dwelling requirements if applicable (Section 33-183)

Chapter 35 Post-Construction Stormwater Management

Disturbance of more than one acre of land or less than one acre if the development is part of a larger common plan for development must comply with Chapter 35 Post – Construction Stormwater Management.

Chapter 45 Zoning Ordinance Requirements. compliance includes the following Article VIII Performance Standards:

- 4.9. Dimensional Standards (Section 45-405)
- 4.10. Traffic (Section 45-406)
- 4.11. Noise (Section 45-407)
- 4.12. Dust, Fumes, Vapors and Gases (Section 45-408)
- 4.13. Odor (Section 45-409)
- 4.14. Glare (Section 45-410)
- 4.15. Storm-water run-off for a 50 year storm. (Section 45-411)
- 4.16. Erosion Control (Section 45-412)
- 4.18. Preservation of Landscape (Section 45-413)
- 4.19. Relation of Buildings to Environment (Section 45-414)
- 4.20. Soil Suitability for Construction (Section 45-415)
- 4.21. Sanitary Standards for Sewage (Section 45-416)
- 4.22. Buffers and Screening (Section 45-417)
- 4.23. Explosive Materials (Section 45-418)
- 4.24. Water Quality (Section 45-419)
- 4.25. Refuse Disposal (Section 45-421)

- 4.26. Specific Activities (Article IX) which include:
 - 4.26.1. Accessory Use or Structure (Section 45-452)
 - 4.26.2. Home Occupation (Section 45-455)
 - 4.26.3. Mobile Homes (Section 45-457)
 - 4.26.4. Off-street Parking and Loading (Article X)
 - 4.26.5. Signs (Article XI)

- 4.27. In addition the Board may make other conditions for approval that will insure such compliance and would mitigate any adverse affects on adjoining or neighboring properties which might otherwise result from any proposed use (Section 33-131).

Case No. _____

Site review? Yes No

5. Board discussion of Site Plan (Section 33-126).

5.1. Board discusses Site Plan with applicant.

6. Public Hearing (Section 33-129 & 130).

6.1. Conducted within 30 days of Boards acceptance of Site Plan.

6.2. Three notices posted 10 days prior to the Public Hearing.

6.3. Notices advertised in two newspapers 10 days prior to Public Hearing.

6.4. Other Towns notified 10 days prior to if within 500 feet of applicant's lot.

6.5. Abutters notified 10 days prior to by certified mail, return receipt requested. \$150.00 paid by applicant to cover the cost of advertising and abutter notification (Sec. 1-25)

6.6. Selectmen, CEO, and Board of Appeals shall be notified 10 days prior to the Public Hearing.

7. Board approves / approves with conditions / disapproves applicants Application within 30 days of Public Hearing or 75 days from date Board accepted completed Application and Site Plan (Section 33-131).

Note: Computation of time shall be in accordance with Section 1-2 as follows:
"In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation."

8. Notice of Decision issued which contains findings certifying compliance with ordinance, reasons for conditional approval or reasons for disapproval (Section 33-131).

293 River Road LLC.
Peter Paul
291 Harold L. Dow Highway
Eliot, ME 03903

February 1st, 2023
Project No.: C306-22

Town of Eliot, ME
Jeffrey Brubaker, Town Planner
1333 State Road
Eliot, ME 03903

Maine Dept. of Environmental Protection
Alison Sirois
312 Canco Road
Portland, ME 04103

Dear Mr. Brubaker & Miss Sirois:

Please be informed that Kenneth A. Wood, P.E. and other assigned staff at Attar Engineering, Inc. will be acting as my agents for the applications and permitting of my project at 293 River Road in Eliot, Maine.

Please contact me if I can provide any additional information.

Sincerely,



Peter Paul

cc: Kenneth A. Wood, P.E Attar Engineering, Inc.

QUITCLAIM DEED

NOW COME Henry M. Ogilby, Anne P. Ogilby, Grace P. Ogilby and Henry M. Ogilby, Jr. of Belmont, ma, and for consideration, RELEASE to 293 River Road LLC, a Maine limited liability company with a place of business at 291 Harold Dow Highway, Eliot, ME 03903, the following land located in Eliot, County of York and State of Maine, being bounded and described as follows:

Town of Eliot Tax Map 18, Lot 12. The subject land is bounded by River Road, lot No. 11, the Piscataqua River and Lots No. 13, 14 and 15 on said Tax Map 18. This land is conveyed together with all buildings now situated on said lot, being a summer cottage, a 2 car garage, and a studio apartment, and with all other rights and appurtenances belonging to said property, including any rights along the river frontage extending to low water mark of the Piscataqua River.

This property was formerly known as #39 River Road, Eliot, Maine, and is now known as 293 River Road, Eliot, Maine, and excludes from this conveyance the transfers by Lydia P. Ogilby to Henry Ogilby and Anne Ogilby as recorded in York County Registry of Deeds at the following Book and Page numbers: Book 4568, Page 230 (1987); and Book 4575, Page 216 (1987):

These premises were conveyed to Grantor(s) Henry M. Ogilby and Anne P. Ogilby and Grace P. Ogilby and Henry M. Ogilby, Jr. by virtue of the following five deeds:

1. A Warranty deed from Lydia P. Ogilby dated 12/28/1995 and recorded at the York County Registry of Deeds in Book 7675, Page 37;
2. A Warranty deed from Lydia P. Ogilby dated 01/05/1996 and recorded at the York County Registry of Deeds in Book 7689, Page 37;
3. A Warranty deed from Lydia P. Ogilby dated 01/23/1997 and recorded at the York County Registry of Deeds in Book 8260, Page 317;
4. A Warranty deed from Lydia P. Ogilby dated 02/02/1998 and recorded at the York County Registry of Deeds in Book 8660, Page 309; and
5. A Warranty deed from Lydia P. Ogilby dated 06/24/1999 and recorded at the York County Registry of Deeds in Book 9643, Page 127.

Maine R.E. Transfer Tax Paid

Executed this 11 day of OCTOBER, 2022.

Henry M. Ogilby
Henry M. Ogilby

State of NH
County of Rockingham

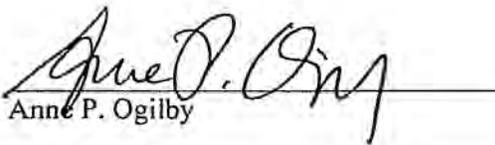
October 11, 2022, 2022

Then personally appeared before me on this 11 day of October, 2022, the said Henry M. Ogilby and acknowledged the foregoing to be his/her/their voluntary act and deed.



[Signature]
Notary Public/Justice of the Peace
Commission expiration:

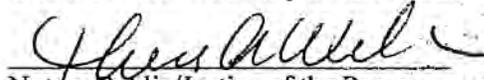
Executed this 28th day of September, 2022.

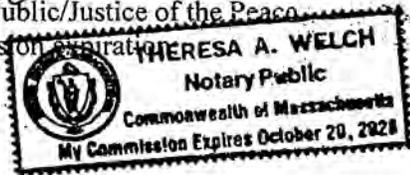

Anne P. Ogilby

State of MASS
County of SUFFOLK

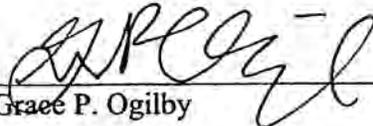
September 28, 2022

Then personally appeared before me on this 28th day of September, 2022, the said Anne P. Ogilby and acknowledged the foregoing to be his/her/their voluntary act and deed.


Notary Public/Justice of the Peace
Commission Expires



Executed this 3rd day of October, 2022.



Grace P. Ogilby

State of Massachusetts
County of Suffolk

October 3rd, 2022

Then personally appeared before me on this 3^d day of October, 2022, the said Grace P. Ogilby and acknowledged the foregoing to be his/her/their voluntary act and deed.



Notary Public/Justice of the Peace
Commission expiration: 06/01/2029

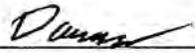


Executed this 3rd day of October, 2022.


Henry M. Ogilby, Jr.

State of California
County of San Francisco October 3, 2022

Then personally appeared before me on this 3 day of October, 2022, the said Henry M. Ogilby, Jr. and acknowledged the foregoing to be his/her/their voluntary act and deed.


Notary Public/Justice of the Peace
Commission expiration:





101 feet Abutters List Report

Eliot, ME
January 31, 2023

Subject Property:

Parcel Number: 018-012-000
CAMA Number: 018-012-000
Property Address: 293 RIVER RD

Mailing Address: OGILBY, HENRY M ET AL
88 TAYLOR RD
BELMONT, MA 02178

Abutters:

Parcel Number: 018-004-000
CAMA Number: 018-004-000
Property Address: 306 RIVER RD

Mailing Address: VORCE, RAMONA LS
306 RIVER RD
ELIOT, ME 03903

Parcel Number: 018-005-000
CAMA Number: 018-005-000
Property Address: RIVER RD

Mailing Address: OGILBY, HENRY M
88 TAYLOR RD
BELMONT, MA 02178

Parcel Number: 018-006-000
CAMA Number: 018-006-000
Property Address: 282 RIVER RD

Mailing Address: WATERS, KERRY I WATERS, THOMAS J
282 RIVER RD
ELIOT, ME 03903

Parcel Number: 018-011-000
CAMA Number: 018-011-000
Property Address: 279 RIVER RD

Mailing Address: LALTOO, ROBERT C/O GES
7601 EAST TREASURE DRIVE PH 220
NORTH BAY VILLAGE, FL 33141

Parcel Number: 018-013-000
CAMA Number: 018-013-000
Property Address: 297 RIVER RD

Mailing Address: CHASE, DAVID Z THOMAS, AMY L
297 RIVER RD
ELIOT, ME 03903

Parcel Number: 018-014-000
CAMA Number: 018-014-000
Property Address: 315 RIVER RD

Mailing Address: YOUNG, MICHAEL S
315 RIVER RD
ELIOT, ME 03903

Parcel Number: 018-015-000
CAMA Number: 018-015-000
Property Address: NEWSON LN

Mailing Address: NEWSON LN MASTERCARD
NEWSON LN
ELIOT, ME 03903

Parcel Number: 018-015-000
CAMA Number: 018-015-000-001
Property Address: 15 NEWSON LN #1

Mailing Address: OVEN, BENJAMIN MORIARTY OVEN,
ELLEN MARIE
15 NEWSON LN #1
ELIOT, ME 03903

Parcel Number: 018-015-000
CAMA Number: 018-015-000-002
Property Address: 19 NEWSON LN #2

Mailing Address: WELSH, MEGAN
19 NEWSON LN #2
ELIOT, ME 03903

Parcel Number: 018-015-000
CAMA Number: 018-015-000-003
Property Address: 21 NEWSON LN #3

Mailing Address: NEWSON, DAVID W
21 NEWSON LN
ELIOT, ME 03903



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

FOR OFFICE USE ONLY:
 PERMIT NO.: _____
 ISSUE DATE: _____
 FEE AMOUNT: _____

TOWN OF ELIOT
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. APPLICANT 293 River Road, LLC	2. APPLICANT'S ADDRESS 291 Harold Dow Highway, Eliot ME	3. APPLICANT'S TEL. # 207-252-1396
4. PROPERTY OWNER Same as owner(above)	5. OWNER'S ADDRESS	6. OWNER'S TEL. #
7. CONTRACTOR Same as owner	8. CONTRACTOR'S ADDRESS	9. CONTRACTOR'S TEL. #
10. LOCATION/ADDRESS OF PROPERTY 293 River Road	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED TM 18 Lot 12 1905	12. ZONING DISTRICT Suburban
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). To construct a residential fixed pier with floats and replace an existing stairway		

14. PROPOSED USE OF PROJECT Ocean access	15. ESTIMATED COST OF CONSTRUCTION \$65,000.00
---	---

SHORELAND AND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 174,240	17. FRONTAGE ON ROAD (FT.) 235.64
18. SO. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 3.5%	19. ELEVATION ABOVE 100 YR. FLOOD 1' (Pier is at elevation 10.0')
20. FRONTAGE ON WATERBODY (FT.) 465.15' (Tie line)	21. HEIGHT OF PROPOSED STRUCTURE Varies
22. EXISTING USE OF PROPERTY Residential	23. PROPOSED USE OF PROPERTY Residential

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: <u> N/A </u> SQ. FT. B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: <u> N/A </u> SQ. FT. C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: <u> N/A </u> SQ. FT. D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: <u> N/A </u> CUBIC FT. B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: <u> N/A </u> CUBIC FT. C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: <u> N/A </u> CUBIC FT. D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:
--	--

$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <u>N/A</u> %	$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$ <u>N/A</u> %
--	--

NOTE: IT IS IMPERATIVE THAT EACH MUNICIPALITY DEFINE WHAT CONSTITUTES A STRUCTURE, FLOOR AREA, AND VOLUME AND APPLY THOSE DEFINITIONS UNIFORMLY WHEN CALCULATING EXISTING AND PROPOSED SO. FT. AND CU. FT.

SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

See attached plan set

SCALE: _____ = _____ FT.

FRONT OR REAR ELEVATION

SIDE ELEVATION

See attached plan set

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING
AND PROPOSED STRUCTURES WITH DIMENSIONS

ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW APPROVAL
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,
Natural Resources Protection Act) (NRPA Attached)
- ARMY CORPS OF ENGINEERS PERMIT
(e.g. Sec. 404 of Clean Waters Act) (Self Verification Notification)

OTHERS:

---- _____
---- _____
---- _____
---- _____

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE <u>TOWN OF ELIOT</u> SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.	
 _____ APPLICANT'S SIGNATURE	<u>8/3/2023</u> _____ DATE
 _____ AGENT'S SIGNATURE (if applicable)	<u>8/3/2023</u> _____ DATE

APPROVAL OR DENIAL OF APPLICATION

MAP ____ LOT #

(For Office Use Only)

THIS APPLICATION IS: ____ APPROVED ____ DENIED

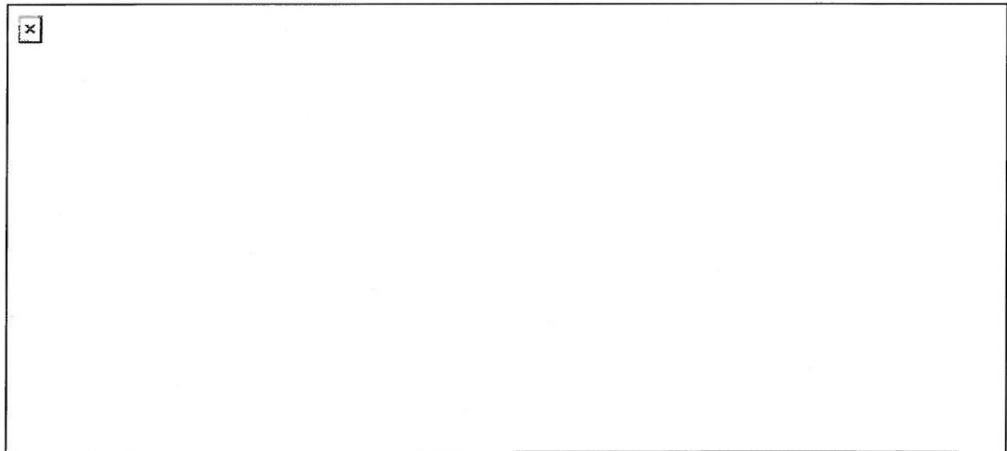
IF DENIED, REASON FOR DENIAL:

IF APPROVED, THE FOLLOWING CONDITIONS ARE PRESCRIBED:

NOTE: IN APPROVING A SHORELAND ZONING PERMIT, THE PROPOSED USE SHALL COMPLY WITH THE PURPOSES AND REQUIREMENTS OF THE SHORELAND ZONING ORDINANCE FOR THE TOWN OF ELIOT.

CODE ENFORCEMENT OFFICER

DATE



NOTE: THIS CHECKLIST IS INTENDED TO ASSIST THE CEO IN TRACKING A SHORELAND ZONING PERMIT THROUGH THE REVIEW PROCESS

SHORELAND ZONING PERMIT CHECKLIST

CHECKOFF FOR ALL STRUCTURES:

- COMPLETE SHORELAND ZONING PERMIT APPLICATION
- PAY APPROPRIATE FEE
- LOT AREA
- % OF LOT COVERED BY NON-VEGETATED SURFACES
- HEIGHT OF STRUCTURE
- SETBACK FROM HIGH WATER LINE
- ELEVATION SETBACK FROM SIDE AND REAR LOT LINES
- % INCREASE OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK
- N/A COPY OF INTERIOR AND EXTERIOR PLUMBING PERMITS
- COPY OF DEED
- ELEVATION OF LOWEST FLOOR TO 100 YEAR FLOOD ELEVATION
- COPY OF ADDITIONAL PERMIT(S) AS REQUIRED
(See Page 5 of Application Form)
- SOIL EROSION CONTROL PLAN PROVIDED

CHECKOFF FOR FURTHER REVIEW:

- COPY OF FILE TO BOARD OF APPEALS IF VARIANCE OR SPECIAL EXCEPTION IS REQUIRED
- COPY OF FILE TO PLANNING BOARD IF PLANNING BOARD REVIEW IS REQUIRED

CHECK OFF FOR SITE VISITS BY CEO:

- PRIOR TO CLEARING AND EXCAVATION
- PRIOR TO FOUNDATION POUR
- PRIOR TO FINAL LANDSCAPING
- PRIOR TO OCCUPANCY

NOTE: WHERE THE SHORELAND ZONING ORDINANCE REQUIRES A VARIANCE, A CONDITIONAL USE, OR SPECIAL EXCEPTION BY THE BOARD OF APPEALS OR THE PLANNING BOARD, THEN THIS SPECIAL PERMIT SHALL BE COMPLETED BY THE APPROPRIATE BOARD AND ATTACHED TO THE SHORELAND PERMIT APPLICATION.

Appendix 2



DEPARTMENT ORDER

IN THE MATTER OF

293 RIVER ROAD, LLC) NATURAL RESOURCES PROTECTION ACT
Eliot, York County) COASTAL WETLAND ALTERATION
RESIDENTIAL PIER SYSTEM) SIGNIFICANT WILDLIFE HABITAT
L-30237-4P-A-N (approval)) WATER QUALITY CERTIFICATION
L-30237-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 293 RIVER ROAD, LLC (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a residential pier system consisting of a six-foot wide by 100-foot long permanent pile-supported pier, a three-foot wide by 40-foot long seasonal ramp, and two seasonal floats with skids positioned in a “T” shape. One eight-foot wide by 24-foot long seasonal float will be positioned perpendicular to shore and the other 10-foot wide by 24-foot long seasonal float will be positioned parallel to shore. Additionally, the applicant proposes to remove an existing deteriorated stairway and construct a four-foot wide stairway in the same footprint. The pier system will be supported by 28, 18-inch diameter piles, and eight 12-inch diameter piles. The proposed pier system will result in approximately 56 square feet of direct impact to the coastal wetland due to pilings and 1,152 square feet of indirect impacts due to shading from the pier, ramp, and floats. The proposed project is located in mapped Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated as Significant Wildlife Habitat under the Natural Resources Protection Act. The proposed project is shown on a set of plans, the first of which is titled “Residential Pier, Access Improvements and Clearing Plan,” prepared by Attar Engineering, Inc. and dated December 5, 2022, with the most recent revised plan titled “Plan & Profile Dock & Pier #1,” dated April 27, 2023. The project site is located at 293 River Road in the Town of Eliot.

B. Current Use of the Site: The site of the proposed project is located on a 4.0-acre parcel of land, which is developed with two seasonal camps, outbuildings, and an access stair to the resource. The parcel is identified as Lot #12 on Map #18 of the Town of Eliot’s tax maps.

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 of the proposed project site and surroundings.

The proposed project is located on the Piscataqua River, which is a scenic resource visited by the public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. Given the existing piers on abutting properties, the proposed pier will not substantially alter the visual aesthetic of the riverbank from the river.

Existing vegetated buffers will remain along the shorefront and will provide a visual buffer from the resource. The proposed pier system is of similar in size, scale, and design as abutting pier systems. The pier system has an overall length of 150 feet, which is 50 feet less than the 200-foot maximum length allowed by Eliot's Shoreland Zoning Ordinance. There are several other residential piers along the same shoreline, including a large multi-user Riverview Estates pier system just south of the site.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. 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) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

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

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 tree or other vegetation removal is proposed for the construction of the pier system. Construction of the pier system will be performed by barge. The existing stairs will be removed, and the new stairs installed from upland area. The seasonal floats will be constructed off-site and installed by barge. Pilings will be driven using a vibratory or drop-hammer method. The proposed project will be performed in accordance with the Department's *Maine Erosion and Sediment Control Best Management Practices*, dated October 2016. Based upon these construction methods, the applicant anticipates that soil disturbance associated with project construction will be minimal.

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 project site consists of mature trees, lawn, and vegetation with two seasonal camps and outbuildings in upland area. Upland then transitions to salt marsh vegetation, then to cobble beach and mudflat in the intertidal. This site drains during low tide, leaving a large expanse of mudflat between the riverbank and the navigable channel.

According to the Department's Geographic Information System (GIS) database, there is mapped TWWH, which is designated as Significant Wildlife Habitat under the NRPA, located within the project site.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and recommended that the structure be shortened to a similar length to the piers located immediately upriver. They also recommended three-quarter inch board spacing to reduce shading impacts to saltmarsh vegetation, and that the barge not be allowed to ground out during low tide. MDIFW also recommended that no construction occurs between July 15-October 1, which is a critical time for migrating shorebirds, but further clarified that the timing window was optional and stated that a reduced overall footprint would be more beneficial to the habitat than the timing work window.

The applicant responded to MDIFW's comments and stated that the pier length allows for all-tide access at low tide, which is required for use of the pier system without the threat of damage to the applicant's boat. The applicant also commented that construction may occur during the work window due to scheduling needs of the contractor. The applicant

agreed to construct the deck with three-quarter inch spacing to allow light penetration to saltmarsh vegetation below.

In its review, the Department of Marine Resources (DMR) stated that the project as proposed may have some impact on marine resources and habitat due to concerns regarding the float impacts to intertidal substrates during low tide. DMR further recommended the floats be constructed with skids to minimize impacts to the soft-bottom sediments and that the ramp and float be removed seasonally and stored upland and out of the resource.

The applicant responded to DMR's comments and confirmed that the floats would be equipped with skids, stating that the manufacturer automatically installs skids on floats if they will be in a location that regularly has two-foot or less water depths at low tide; the applicant's floats will be in a location with 18-inch water depths at mean low water. The applicant also stated that the ramp will be stored on the fixed dock and the floats will be stored seasonally in the upland area.

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 NRPA, in 38 M.R.S. §480-D(5), requires the applicants to demonstrate that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

As discussed in Finding 3, the applicant proposes to use erosion and sediment control during construction to minimize impacts to water quality from siltation. 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.

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

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The proposed project will result in approximately 56 square feet of direct impact to the coastal wetland from pilings and 1,152 square feet of indirect impacts to the coastal wetland due to shading from the pier, ramp, and float.

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 wetland 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 Kenneth Wood and dated May 22, 2023. The purpose of this project is to provide readily available safe all-tide access to the resource for recreational use. The applicant considered not building a new pier system; however, there is no access to and from its property by boat, therefore this alternative would not meet the project purpose. The applicant considered using a public boat launch 2.7 miles away from the site, but it is typically crowded, charges a fee for launching, and has a difficult ramp due to a shallow depth and extreme currents. The applicant considered constructing a temporary pier but found that it would not be safe or practical due to the soft substrate of the riverbed and the structural limitations of a temporary structure to secure two vessels in a river with nine-knot currents. The applicant also considered reducing the length of the pier. However, the proposed 150-foot long pier system is necessary to maintain adequate water depths at all tides for the applicant's vessel without the threat of damage or resting on the flats. Finally, the applicant chose the location of the pier based on the location of the existing stairway, eliminating the need for vegetation removal in the upland area. 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 pier system will be constructed in a location with the shortest distance to the deepest area of the river adjacent to the property, resulting in minimal wetland impacts. The applicant also will build the ten-foot tall permanent pier structure with three-quarter inch spacing for the decking to allow light penetration to saltmarsh vegetation below. Additionally, the size of the pier has been minimized to the greatest extent for all-tide access. 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. 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.

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.
- 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 293 RIVER ROAD, LLC to construct a pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

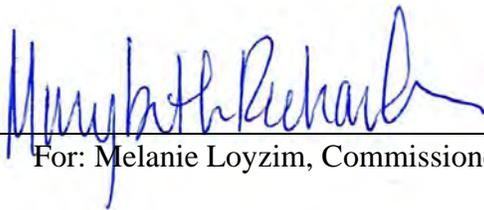
1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity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

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 6th DAY OF JULY 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

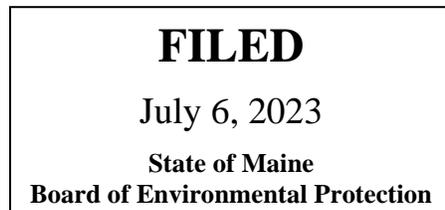
BY: _____



For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

PCS/L30237ANBN/ATS#90663&90891





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.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) 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. § 3451\(4\)](#)) or a general permit for an offshore wind energy demonstration project ([38 M.R.S. § 480-HH\(1\)](#)) or a general permit for a tidal energy demonstration project ([38 M.R.S. § 636-A](#)) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant 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.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in [Chapter 2 § 24](#).

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, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be 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 the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
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. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee 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 acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

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. § 346\(1\)](#); 06-096 C.M.R. ch. 2; [5 M.R.S. § 11001](#); and 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. 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. § 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 Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. 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.

Sammie Goddard

From: Ken Wood
Sent: Thursday, August 3, 2023 9:13 AM
To: Sammie Goddard
Subject: FW: Proposed Residential Dock - 293 River Rd - ELIOT
Attachments: P. Paul Pier 20230614.pdf; 293 RIVER ROAD FOR DISTR-TITLE D+ SIZE.pdf; 293 River Road LLC L30237ANBN.pdf

From: Ken Wood
Sent: Monday, July 10, 2023 10:49 AM
To: Shawn.B.Mahaney@usace.army.mil
Subject: Proposed Residential Dock - 293 River Rd - ELIOT

Good Morning Shawn – I hope things are well – busy I’m sure. I’ve enclosed pals for a proposed residential pier for 293 River Rd, Eliot, ME on the Piscataqua River. I’ve also enclosed the MDEP NRPA Permit we recently received.

I reviewed the General permit requirements; Section V. 3 of the Maine General Permit notes that “New.. structures for navigational access in waters of the U.S. including but not limited to pile supported.. piers” is allowed and the General Permits For The State of Maine table on pg. 28, No. 3 notes this also applies to pile-supported piers in navigable waters. With the Pre-Construction Notification (PCN).

Just wanted to ensure that my assumptions above are correct and that the general permit conditions apply with submittal of the PCN?

Best & Thank You, Shawn.

Ken

Kenneth A. Wood, P.E.

President

ATTAR
ENGINEERING, INC.

CIVIL ♦ STRUCTURAL ♦ MARINE

1284 State Road
Eliot, ME 03903
Phone: (207) 439-6023
Fax: (207) 439-2128

www.attarengineering.com



Section VI: Self-Verification Notification Form
(for all tidal and non-tidal projects in Maine subject to Corps jurisdiction)

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

At least two weeks before work commences, complete all fields (write “none” if applicable) below or use the fillable form found at www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ The two-week lead time is not required for emergency situations. **Send this form, an Official Species List, and project plans to the following email address: cenae-r-me@usace.army.mil**

Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

State Permit #: _____
Date of State Permit: _____
State Project Manager: _____

Permittee: _____
Address, City, State, Zip: _____
Email, Phone: _____

Agent: _____
Address, City, State, Zip: _____
Email, Phone: _____

Contractor: _____
Address, City, State, Zip: _____
Email, Phone: _____

Project Name: _____
Address, City, State, Zip: _____
Lat °N, Long °W: _____ Tax Map/Lot: _____
Waterway Name: _____
Description of Work: _____

Proposed Starting Date: _____ Proposed Finish Date: _____
Area of wetland impact (SF): Permanent: _____ Temporary: _____
Area of waterway impact (SF): Permanent: _____ Temporary: _____

Work will be done under the following Section V General Permits (circle all that apply):
I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Have MHPC and all five federally-recognized tribes in Maine been notified of the proposed work? _____ Yes _____ No

Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Maine General Permit.

Permittee Signature: _____ Date: _____

USER NOTE: All Self-Verification and Pre-Construction Notification activities shall comply with all applicable terms (pages 1 - 4), General Conditions (pages 5 - 19), and additional terms below.

<p>B. NAVIGABLE WATERS</p>	<p>Navigable Waters of the U.S. are defined as those waters that are subject to the ebb and flow of the tide in addition to the non-tidal portions of the following federally-designated waters in Maine (the Kennebec River to Moosehead Lake, the Penobscot River to the confluence of the East and West Branch at Medway and, Lake Umbagog within the State of Maine) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water mark (MHW) in tidal waters and the ordinary high water mark (OHWM) in non-tidal portions of the federally-designated navigable rivers. For the purposes of these GPs, fill placed in the area between the mean high water mark (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands to tidal waters are also reviewed in this Navigable Waters section.</p> <p>Activities not meeting the Self-Verification terms below require Pre-Construction Notification and activities not meeting the Pre-Construction Notification terms below require an application for an Individual Permit.</p>
<p>GENERAL PERMIT #</p> <p>I. Repair, Replacement, and Maintenance of Authorized Structures and Fills</p> <p><i>*See GC 25 for pile driving and removal conditions.</i></p>	<p style="text-align: center;">SELF-VERIFICATION</p> <p>Repair, replacement, or maintenance of previously authorized, currently serviceable structures or fills, provided:</p> <ul style="list-style-type: none"> • Conditions of the original authorization apply. • No expansion or change in use. Shall be rebuilt in same footprint, however minor deviations in design allowed. • The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided that work is commenced, or is under contract to commence, within two years of the date of their destruction or damage. • In-water work is conducted "in-the-dry" (see GC 24). • No impacts to special aquatic sites (SAS) (incl. submerged aquatic vegetation, SAV), impacts to natural rocky habitat ≤100 SF, and impacts to intertidal area ≤1,000 SF • Slope stabilization is ≤500 LF in total length as measured below the plane of the HTL and is ≤200 LF in total length as measured below the plane of the MHW or OHWM. Vertical structures are ≤200 LF in total length as measured below the plane of the MHW or OHWM and are ≤18 inches waterward of existing face. • Dam and flood control, or levee work does not alter water levels or flood elevations. • Discharge of accumulated bottom sediments from or through a dam is not more than <i>de minimus</i>. • Tide gate work has a Corps-approved operation and maintenance plan and no effect to hydraulic regime, or tide gates that solely convey stormwater and/or Maine National Pollutant Discharge Elimination System-permitted discharges. <p style="text-align: center;">PRE-CONSTRUCTION NOTIFICATION</p> <p>Repair, replacement, or maintenance of previously authorized structures or fills not eligible for SV, provided:</p> <ul style="list-style-type: none"> • ≤0.5 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts. • Temporary and/or permanent fill or excavation in SAV <1,000 SF • Permanent fill or excavation in other SAS <4,300 SF

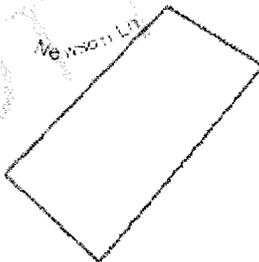
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

York County, Maine



Local office

Maine Ecological Services Field Office

☎ (207) 469-7300

📅 (207) 902-1588

MAILING ADDRESS

P. O. Box A
East Orland, ME 04431

PHYSICAL ADDRESS

306 Hatchery Road
East Orland, ME 04431

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered

Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2083	Endangered

Insects

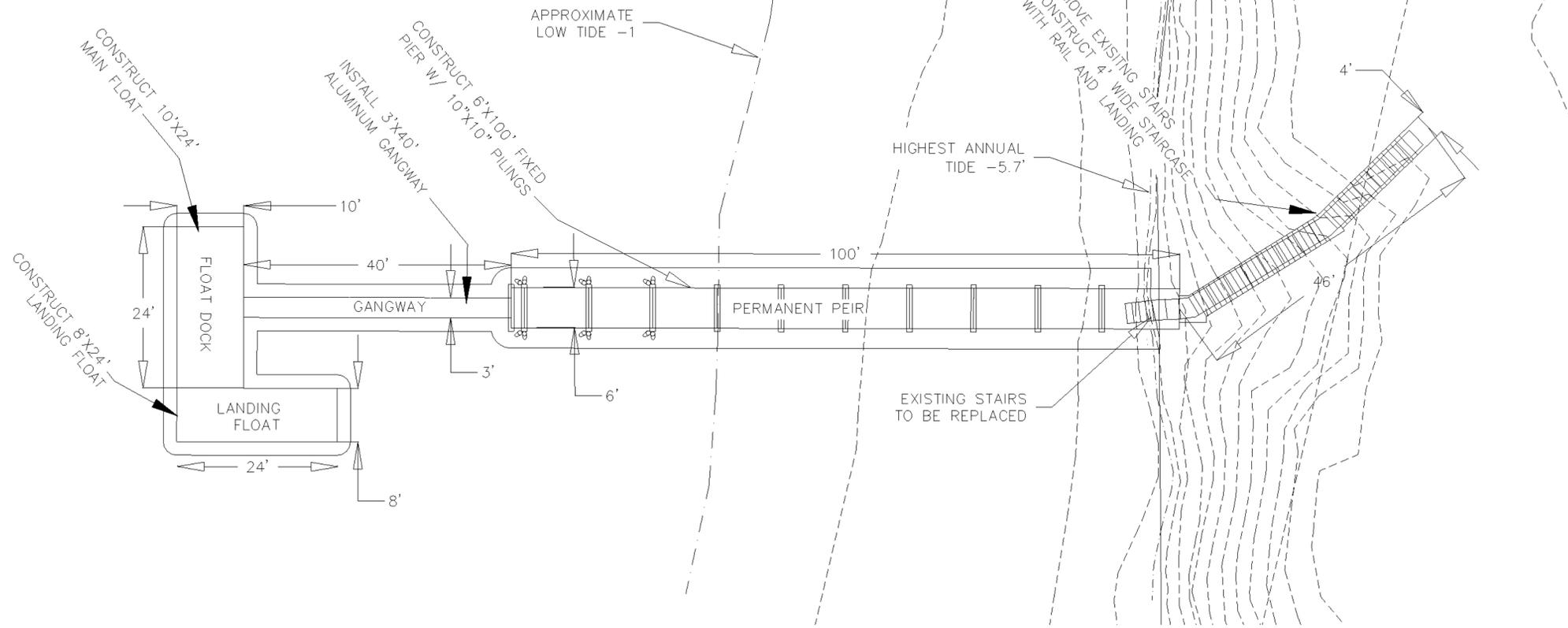
NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

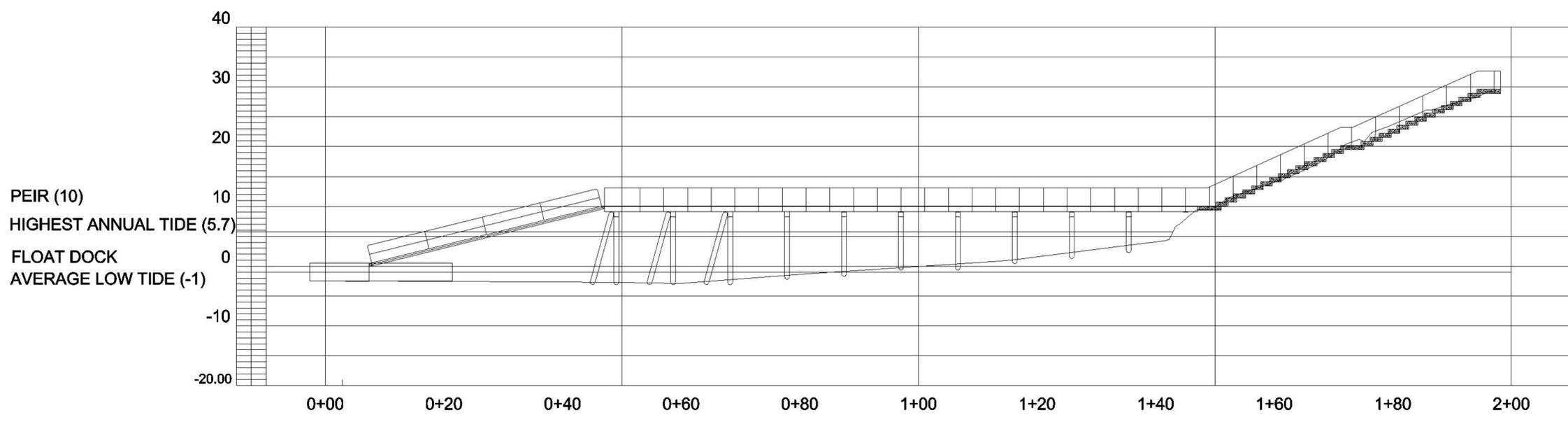
There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.



- GENERAL NOTES:
- EXISTING RAILROAD TIE STAIRS TO BE REMOVED AND REPLACED WITH NATURAL CUT GRANITE STAIRS WITH RAILINGS, FOLLOWING THE PATH AND APPROXIMATE GRADE OF THE ORIGINAL STAIRS, TO THE EXTENT POSSIBLE.
 - STABILIZE AND SEED ALL DISTURBED AREAS.
 - FOLLOW THE "MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES" MANUAL. DURING CONSTRUCTION ALL SOIL DISTURBANCE SHALL BE KEPT TO THE MINIMUM FOR INSTALLATION OF STAIRS AND DOCK LANDING.
 - WORK RELATED TO THE INSTALLATION OF PILING, THE PIER AND FLOATS SHALL BE ACCOMPLISHED FROM BARGE AND WORK BOAT, WITH PORTIONS ASSEMBLED OFF SITE.
 - TOTAL AREAS OF IMPACT:

STAIRS-ONSHORE	188 S.F.
PIER-TIDAL & SUBMERGED	600 S.F.
FLOAT DOCK SUBMERGED	432 S.F.
SHADED AREA (APPROX.)	2,100S.F.



TAX MAP 18, LOT 12

PLAN & PROFILE
DOCK & PEIR #1
293 RIVER ROAD, ELIOT, YORK COUNTY, MAINE

FOR:
293 RIVER ROAD LLC
291 HAROLD DOW HIGHWAY
ELIOT, MAINE, 03903

ATTAR ENGINEERING, INC.
CIVIL ♦ STRUCTURAL ♦ MARINE ♦ SURVEYING
1284 STATE ROAD - ELIOT, MAINE 03903
PHONE: (207)439-6023 FAX: (207)439-2128



NO.	DESCRIPTION	DATE
A	Pier spacing & number	06/14/23
REVISIONS		

SCALE: 1" = 10'
DATE: 4/27/23
APPROVED BY:
DRAWN BY: CBW
REVISION DATE: A: 6/14/23

JOB NO: C386-22 FILE: 293 RIVER ROAD 050223.DWG SHEET: 1 OF 2

