



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

September 27, 2023

Mr. Bill Longley, CEO
Town of Cumberland
290 Tuttle Road
Cumberland, Maine
04021

Re: Dock and Shoreline Stabilization Application on behalf of James Byrnes, 307 Foreside Road, Cumberland, Maine.

Dear Bill,

On behalf of James Byrnes, Atlantic Environmental, LLC (AE) is pleased to submit a Shoreland Zoning Application and a Building Permit Application to the Town of Cumberland to stabilize a section of shoreline and build a new dock to replace the existing dock. Approvals have been issued by the U.S. Army Corps of Engineers (ACOE) and to the Maine Department of Environmental Protection (MDEP). Copies of those approvals are included in the attached application materials.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 - 837 - 2199 or by email at tim@atlanticenviromaine.com.

Sincerely,
Atlantic Environmental LLC.

A handwritten signature in black ink that reads 'Timothy A. Forrester'. The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

Timothy A. Forrester, Owner

FOR OFFICE USE ONLY:

PERMIT NO.: _____

ISSUE DATE: _____

FEE AMOUNT: _____

**Town of Cumberland
Shoreland Zoning Permit Application**

GENERAL INFORMATION

1. APPLICANT Atlantic Environmental, LLC. Tim Forrester	2. APPLICANT ADDRESS 135 River Road Woolwich Maine 04579	3. APPLICANT PHONE NUMBER 207-837-2199
4. PROPERTY OWNER Jim & Alison Byrnes	5. PROPERTY OWNER ADDRESS 307 Foreside Rd. Cumberland, ME	6. PROPERTY OWNER PHONE NUMBER 678-207-9462
7. CONTRACTOR: Custom Floats & Linkel Construction	8. CONTRACTOR'S ADDRESS: 11 Wallace Ave. So. Portland 286 Augusta rd. Topsham	9. CONTRACTOR'S PHONE NUMBER: 888-844-9666 725-1438
10. LOCATION / ADDRESS OF PROPERTY 307 Foreside rd.	11. TAX MAP & LOT NUMBER, AND DATE LOT WAS CREATED Map R2- Lot18	12. ZONING DISTRICT LDR
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). The applicant proposes to stabilize the shoreline with rip-rap and replace the existing (failed) dock with a new dock.		
14. PROPOSED USE OF PROJECT		15. ESTIMATED COST OF CONSTRUCTION

SHORELAND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 2.4 acres	17. FRONTAGE ON ROAD (FT.) +/- 340'
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES rip-rap and steps above HAT = 956 sq.ft.	19. ELEVATION ABOVE 100 YEAR FLOOD NA
20. FRONTAGE ON WATERBODY (FT.) +/- 350 ft.	21. HEIGHT OF PROPOSED STRUCTURE pier = 16' NGVD
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 from the high water mark.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89 (SQ. FT.) NA	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89 (CU. FT.) NA
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT (SQ. FT.) NA	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT (CU. FT.) NA
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (SQ. FT.) NA	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (CU. FT.) NA
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89 (% INCREASE = (B+C)/Ax100) NA	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89 (%) (% INCREASE = (B+C)/Ax100) NA

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; 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 MEASURE TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING, AND AFTER CONSTRUCTION. (See attached guidelines.)

NORTH

S e e A t t a c h e d p l a n s

Scale: _____ inches = _____ feet.

EXTERIOR ELEVATIONS

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

FRONT OR REAR ELEVATION

SIDE ELEVATION

Scale: _____ inches = _____ feet.

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
- ☒ D.E.P. PERMIT (Site Location, Natural Resource Protection Act)
- ☒ ARMY CORPS OF ENGINEERS PERMIT (e.g. Sec. 404 of Clean Waters Act)
- ☐ ARMY CORPS OF ENGINEERS PERMIT (e.g. Sec. 404 of Clean Waters Act)

OTHERS:

<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____

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 **CUMBERLAND** SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.

APPLICANT'S SIGNATURE

Tim Forrester

AGENT'S SIGNATURE (if applicable)

DATE

September 27, 2023

DATE

* If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

APPROVAL OR DENIAL OF APPLICATION
(For Office Use Only)

THIS APPLICATION IS:

MAP _____ LOT _____

☐ APPROVED

☐ DENIED

IF APPROVED, THE FOLOWING CONDITIONS ARE PRESCRIBED:

IF DENIED, REASON FOR DENIAL:

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 CUMBERLAND.

CODE ENFORCEMENT OFFICER

DATE

* This permit will expire one year fom the date of issuance, if no substantial start is made in construction.

INSPECTION CHECKLIST:

☐ Prior to Clearing and Excavation

☐ Prior to Foundation Pour

☐ Prior to Final Landscaping

☐ Prior to Occupancy

Permit # _____

Fee Amount _____

Town of Cumberland, Maine Building Permit Application Tax Map/Lot No.: _____
MINIMUM PERMIT FEE \$50.00 (See back for info) Zoning/Overlay District _____
DATE RECEIVED _____ PERMIT # _____

Applicant Name: Atlantic Environmental, LLC. Tim Forrester Phone #: 207-837-2199

Mailing Address: 135 River Road, Woolwich, ME

Email Address: tim@atlanticenviromaine.com

Owner's Name: Jim & Alison Byrnes Phone #: 678-207-9462

Mailing Address: 307 Foreside rd. Cumberland

Contractor Name: Custom Float & Linkel Construction Phone #: 888-844-9666, 725-1438

Mailing Address: 11 Wallace Ave. So. Portland. 286 Augusta rd. Topsham

Property Location: 307 Foreside Rd. Cumberland

Lot Dimensions: 350 x 350 Area: 2.4 acres Number of dwelling units: 1

Plumbing: Sewer Permit Issued?: yes ☐ no ☐ n/a ☒ Septic Permit Issued?: yes ☐ no ☐ n/a ☒

Street Opening?: yes ☐ no ☒ n/a Private way?: yes ☐ no ☐ n/a ☒ Driveway Entrance?: yes ☐ no ☐ n/a ☒

Plans Filed: Scaled Plot Plan?; - yes ☐ no ☒ n/a Full Construction Drawings?: yes ☐ no ☒ n/a

Area of Land to be Disturbed if over 1 acre: NA Amount of soil disturbed (square feet): 956

Amount of Excavation and/or fill if over 1,000 cubic yards: _____

Description of Proposed Construction: rip-rap shoreline, build new dock to replace existing (damaged) dock.

Setback Info: Front Yard: >100' Side Yard #1: >140' Side Yard #2: 198' Rear Yard: NA

Building Info: Length: _____ ft. Width: _____ ft. Height: _____ ft. Area: 956 sq. ft.

Shoreland Overlay District: yes ☒ no ☐ Resource Protection District: yes ☐ no ☐ Floodplain Permit: _____

Notice of Intent (DEP) ME Const. General Permit _____

Estimated Cost of Construction: \$160,000 Permit Fee: \$ _____

Owner/Agent signature: _____ Date signed: 9/27/23

Office use only: TYPE OF CONSTRUCTION: _____ USE GROUP _____

CONDITIONS OF APPROVAL: _____

_____ Date Permit Issued: _____

CODE ENFORCEMENT OFFICER

BUILDING INSPECTIONS MONDAY THROUGH THURSDAY – 829-2207

[Type here]

[Type here]

rvsd 8/20

Building Permit Application Checklist

All building plans must meet or exceed Maine Uniform Building and Energy Codes (MUBEC), IRC-2015, IBC-2015 & IEBC-2015 as adopted by the State of Maine.

All building permits (EXCEPT for sheds and decks) are a MINIMUM \$50.00 fee.

Sheds & Decks are a MINIMUM \$25.00 fee (Up to 400 sq. ft. then \$.10 per additional sf)

New Home applications needed:

- **Growth Permit \$100.00**
- **Building Permit Application and Fee** (Finished Areas \$.40 per sf – Unfinished areas \$.20 per sf)
- **Septic/Sewer Permit** - 3 SIGNED COPIES OF HHE-200 Fee (non-engineered complete system is \$390.00) **or** Sewer connection permit (\$50.00) & user unit fee (Varies)
- **Deed** for the Property
- **One (1) copy of full size construction plans, one (1) 11x17 size plans & (1) electronic set of plans**
- **Plans must include:** 4 elevations, framing cross-section (including sizes of structural members), foundation plan, floor plan (each room use labeled), structural steel, ridges, beams involving LVL's, or Paralam's, (stamped by engineer), plot plan; lot size and accurate locations of all existing and proposed structures with set-backs (per scale noted on plot plan), and drainage. **Please be aware that structurally complicated buildings must be reviewed by an Engineer.**

Impact Fee: Will be applied to all new homes & all additions to homes that are less than 5 years old - \$1.40 per sq. ft. minus first 1,000 sf. for original structure

Renovations/Solar Arrays: Minimum fee of \$50.00 or \$14.00 per \$1,000 of renovation cost

New Construction/Additions Residential: Minimum fee of \$50.00 **OR** Finished areas at \$.40 per sf. **AND** Unfinished areas AT \$.20 / per sf. whichever is greater.

COMMERCIAL New Construction/Additions: Minimum fee of \$100.00 **OR** finished areas at \$.50 per sf. **AND** unfinished areas at \$.20 per sf.

- **Floor plans** showing existing structure and proposed changes
- **Framing cross sections** (including sizes of structural members)
- **Plot Plan;** lot size and accurate locations of all existing and proposed structures with set-backs (PER SCALE ON PLOT PLAN), and drainage.
- **BUILDING PERMIT APPLICATION and FEE**

COMMERCIAL Renovations/Solar Arrays: \$14.00 per \$1,000.00 of renovation cost

Demolition Permits: \$50.00 (10-day waiting period)

Shoreland Permits: The Shoreland Overlay District (SOD) is generally 250 feet from rivers, streams or saltwater bodies and their associated wetlands where shown on the official Zoning Map, also 75 feet from certain streams - See Zoning Ordinance. All requests for Building Permits in the SOD require a Shoreland Zoning Permit (Fee \$150.00) prior to or with issuance of the Building Permit.

Maine Construction General Permit: Effective 2-17-03 a "NOTICE OF INTENT" may be required if your construction will result in disturbance of greater than or equal to one acre. (To be filed with the DEP)



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

April 26, 2023

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to natural resource permitting project(s) at my property located at 307 Foreside Road in Cumberland, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

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

JAMES A. BYRNES

Print Name

[Handwritten Signature]

Signature

APRIL 26, 2023

Date

Sincerely,
Atlantic Environmental LLC.

[Handwritten Signature: Timothy A. Forrester]

Timothy A. Forrester, Owner

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns a parcel of land that is approximately 2.4 acres and is located adjacent to Casco Bay in the Town of Cumberland, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. The Applicant had an existing recreational dock that was dilapidated and eventually destroyed in the December 2022 storm. The history of the dock is unknown, and the Applicant intends to remove this dock in its entirety. However, in order to safely and reasonably access the adjacent coastal waters for recreational water pursuits, the Applicant proposes to construct a new dock in the same location. In addition, a portion of shoreline is exhibiting erosion and the Applicant proposes to stabilize this area with riprap.

Atlantic Environmental, LLC (AE) investigated the site and the surrounding area to determine the feasibility of accessing the resource and constructing a dock that will accommodate the Applicant's watercraft and stabilizing a portion of the shoreline to meet project goals while avoiding and minimizing impacts to the environment. Based on the Applicant's needs, the existing conditions of the site and the outcome of our investigations, the following design criteria have been determined.

DOCK PROJECT DESCRIPTION

In order to reach navigable waters on a partial-tide basis, the Applicant proposes to construct a dock consisting of a series of landings and stairs that connect to a pier, a seasonal ramp, and a seasonal float. The first landing will begin at the top of the bank, extend in an easterly direction, and will measure four (4) feet wide by six (6) feet long. The landing will connect to a four (4) foot wide by twelve (12) foot long set of steps and two (2) additional sets of four (4) feet wide by six (6) feet long landings and two (2) additional sets of four (4) feet wide by twelve (12) feet long steps. The third set of steps will connect to a six (6) foot wide by seventy-two (72) foot long pier that will be supported with a total of sixteen (16), eight (8) inches by eight (8) inch pilings and helix anchors that will be installed as described in **Exhibit 6.0**. As a result of the pilings, there will be approximately sixteen (16) square feet of direct impacts to the coastal wetland. The pier will be constructed with a set of four (4) feet wide by eight (8) feet long intertidal access steps. As a result of the lower step, there will be approximately four (4) square feet of direct impacts for a total of twenty (20) square feet of direct impacts. The pier will

connect to a three (3) foot wide by forty (40) foot long ramp and a twelve (12) foot wide by twenty-four (24) foot long float. The float will be constructed with float skids that run the length of the float to elevate it off the substrates at low tide and it will be secured in place with float tiebacks to the pier on the inboard side and tiebacks and helix anchors on the outboard side. The ramp will be stored on the pier in the off-season and the float will be hauled off-site and stored in an upland location. The proposed dock does not require additional upland development or trees to be cut.

SHORELINE STABILIZATION PROJECT DESCRIPTION

There is demonstrated erosion along a portion of the Applicant's shoreline and in order to address the safety issue of ongoing erosion and protect the existing structures, the Applicant proposes to place irregular stones that measure approximately two (2) to four (4) feet in diameter along approximately one hundred and eighty-five (185) feet of the shoreline. The lower portion of the bank will be graded to achieve to 1H: 1V slope and filter fabric and six (6) inch minus stone will be placed along the slope. The bottom row of riprap will be buried in a trench and the riprap will extend approximately 2.5 feet below the HAT. As a result of the riprap below the HAT, there will be approximately four hundred and sixty-two (462) square feet of direct impacts for a total of four hundred and eighty-two (482) square feet for the project. Native plantings will be placed at the top of the bank as further described in **Exhibit 6.0**.

EXHIBIT 2.0: PROJECT STANDARDS

Town of Cumberland

Chapter 226-25: Piers, Wharves, Docks, Bridges, Floats and Other Structures

Section D: Approval Standards and Criteria

The following standards shall apply to all piers, docks, wharves, floats, bridges, and other structures and uses extending over or beyond the normal high-water line of a water body, submerged lands, or wetland:

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

Access to the shore for construction equipment will be temporary. Filter fabric will be installed and topped with 6" minus crushed stone. Equipment operating along the shore will be over crane mats. Access site will be restored and vegetated upon completion. The dock will have stairs for access from the upland.

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

The proposed dock will be elevated to provide for the public rights to fish, fowl, and navigate within the intertidal area of the project site.

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

The project was reviewed by the Department of Environmental Protection and the Army Corps of Engineers and, as part of that review, the project was reviewed by the Department of Marine Resources, the Maine Department of Inland Fisheries and Wildlife, US Fish and Wildlife Service, and the National Marine Fisheries Service. The Applicant has agreed to the recommendations of these agencies in order to minimize potential impacts on fisheries and habitat which includes a reduction in the original float size. The ramp and float will be in place on a seasonal basis and stored outside of the coastal wetland in the off-season. In addition, the float will be constructed with float skids to elevate the float off the substrates. The rip-rap will be installed partly in upland and just below the HAT. It is not expected that rip-rap will have any impact on fisheries.

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

The purpose of the proposed dock is to provide reasonable and safe access to Casco Bay for recreational purposes. The surrounding area is developed with residential structures and the area is utilized for recreational boating. The proposed dock is consistent with those uses. Other sites in the area have rip-rap banks as well.

- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure

extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

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

(6) New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Code Enforcement Officer that a temporary pier or dock is not feasible and a permit has been obtained from the Department of Environmental Protection pursuant to the Natural Resources Protection Act. [Amended 5-14-2018]

The proposed dock is located on tidal waters and has received approval from the Maine Department of Environmental Protection.

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

The Applicant does not propose to convert any structures on, over, or abutting the proposed dock to a residential dwelling unit.

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

The Applicant does not propose any structures on, over, or abutting the proposed dock

(9) Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling, and navigation. This may require accommodations such as steps or pier elevation to allow passage over or beneath a structure.

The Applicant has designed the dock to allow for passage beneath the pier for fishing, fowling, and navigating within the intertidal area.

(10) Where the applicant has applied for "group dock" and the waterfront structure proposed will serve more than one property, the property owners shall submit to the Town a proposed easement deed demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town.

The proposed dock will provide access for one residence.

(11) Storage of floats, ramps, and pier accessories is prohibited within the intertidal zone.

The Applicant proposes to store the ramp on the pier during the off-season and haul the float off-site to an upland storage location.

(12) Storage of floats, ramps, and pier accessories must comply with all federal, state, and local shoreland zoning rules and regulations.

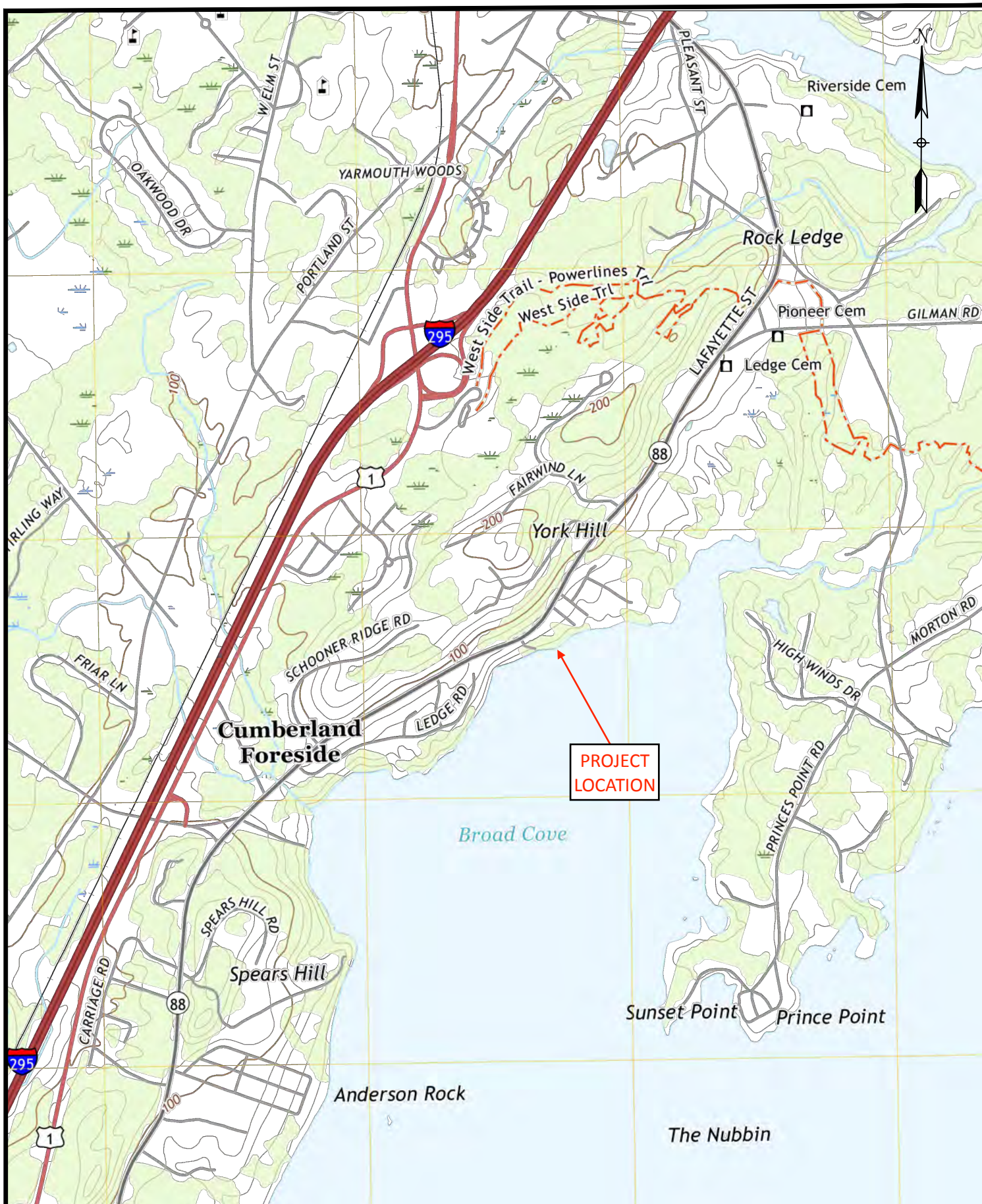
The Applicant proposes to store the float in an upland location off-site to comply with federal, state, and local rules and regulations.

(13) Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and to promote safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation.

The Applicant does not propose lighting on the proposed dock.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

The Applicant has included permits from the DEP and ACOE.



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

Date: 5/1/2023
 Revised:
 Project: Byrnes, Cumberland

PROJECT LOCATION
 307 Foreside Road
 Cumberland, ME 04021
 43.774842, -70.184119

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EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the dock and shoreline stabilization located at 307 Foreside Road in the Town of Cumberland, ME.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project.
Source: Google Earth. Date: September 8, 2022.



Photograph Two. Facing northerly – view of existing dock that was destroyed. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 10, 2023.



Photograph Three. Facing southerly – view of marsh vegetation and abutting structures. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 1, 2023.



Photograph Four. View of shoreline showing area of erosion and upper intertidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 1, 2023.



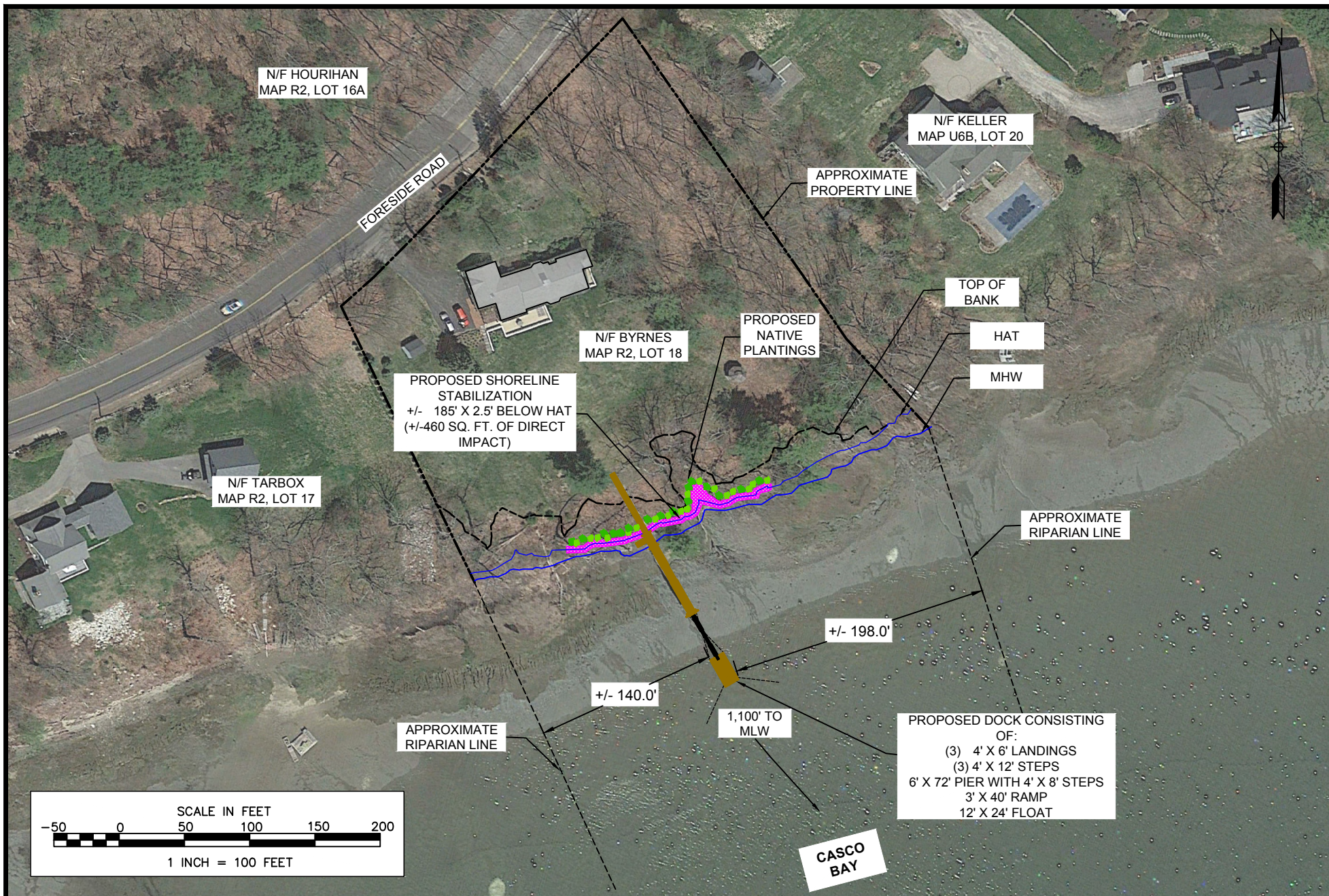
Photograph Five. Overview of intertidal area in location of proposed dock. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 1, 2023.



Photograph Six. View of existing structures that will be removed. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 1, 2023.



Photograph Seven. View of intertidal at project site near location of proposed float. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 1, 2023.



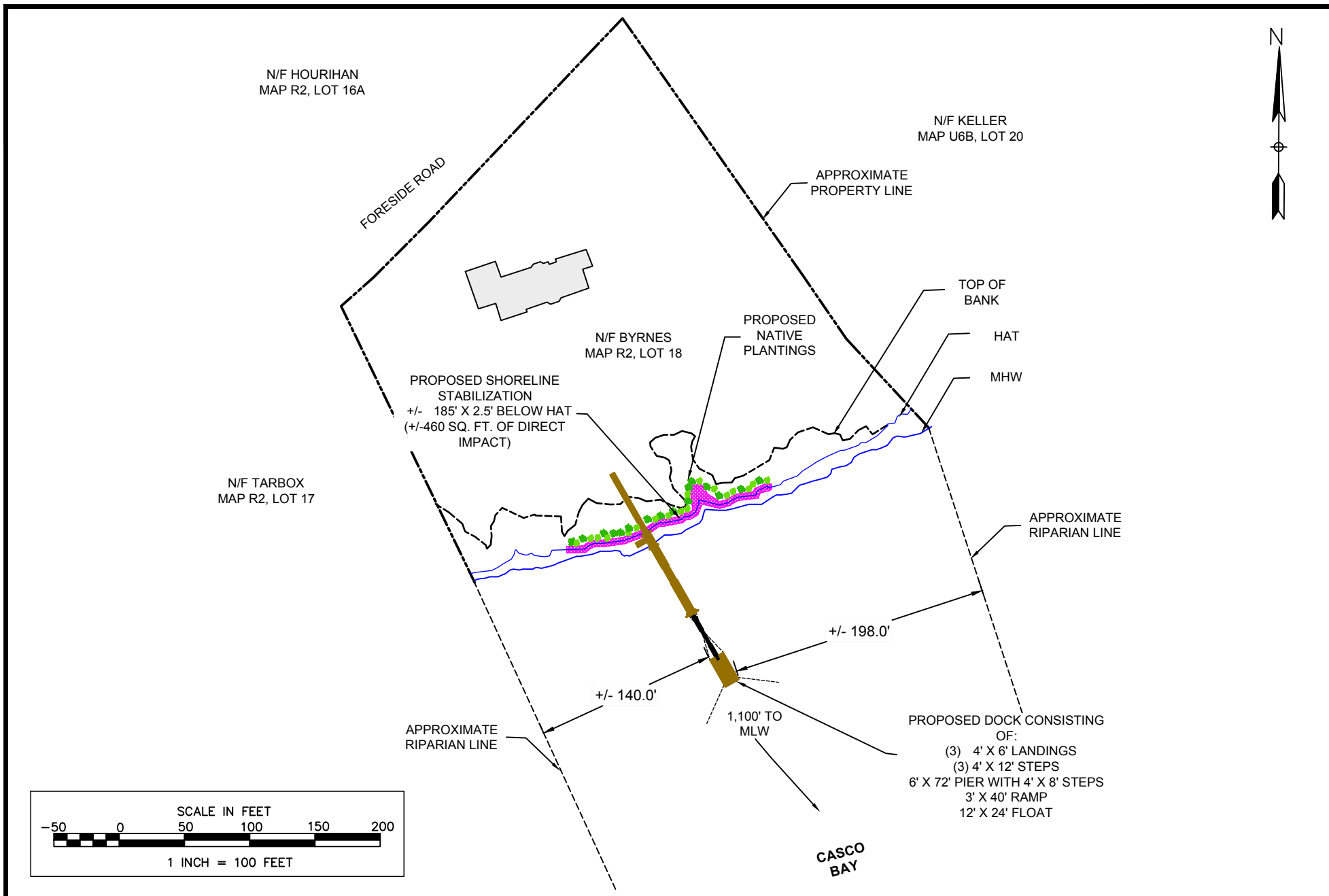
ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 4/28/2023
Revised:
Project: Byrnes, Yarmouth
Drafted By: TAF/LCV

Plan View of the Proposed Dock and Shoreline Stabilization for Jim and Alison Byrnes located at 307 Foreside Road in Yarmouth, Maine.

FOR PERMITTING PURPOSES

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of
4



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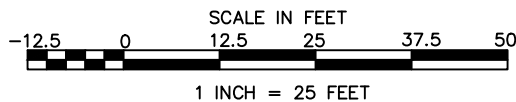
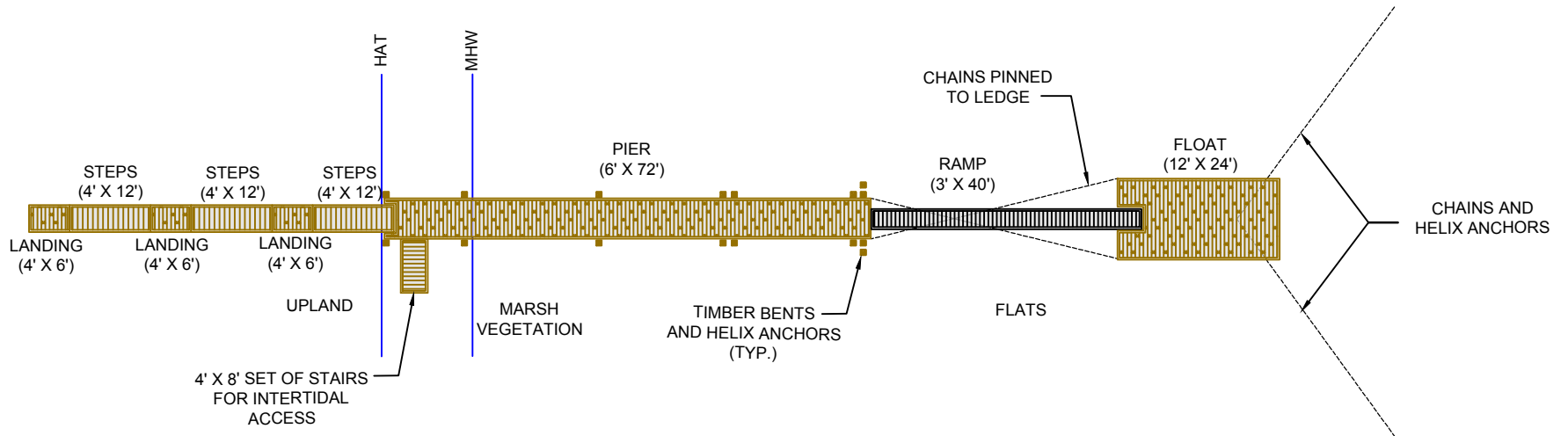
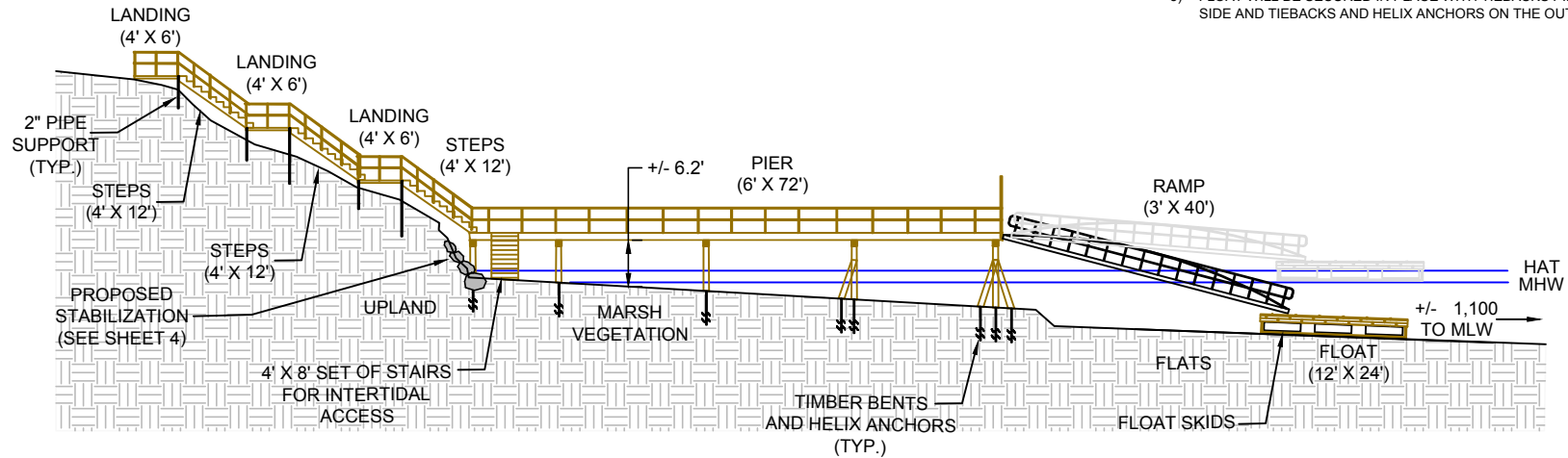
Plan View of the Proposed Dock and Shoreline Stabilization for Jim and Alison
Byrnes located at 307 Foreside Road in Yarmouth, Maine.

FOR PERMITTING PURPOSES

Sheet
2
of
4

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) STAIRS WILL BE SUPPORTED WITH 2" PIPE SUPPORTS.
- 3) PIER WILL BE SUPPORTED WITH (16) 8" X 8" PILINGS AND HELIX ANCHORS.
- 4) RAMP WILL BE STORED ON THE PIER AND THE FLOAT WILL BE HAULED OFF-SITE AND STORED IN AN UPLAND LOCATION.
- 5) FLOAT WILL BE SECURED IN PLACE WITH TIEBACKS PINNED TO PIER ON THE INBOARD SIDE AND TIEBACKS AND HELIX ANCHORS ON THE OUTBOARD SIDE.



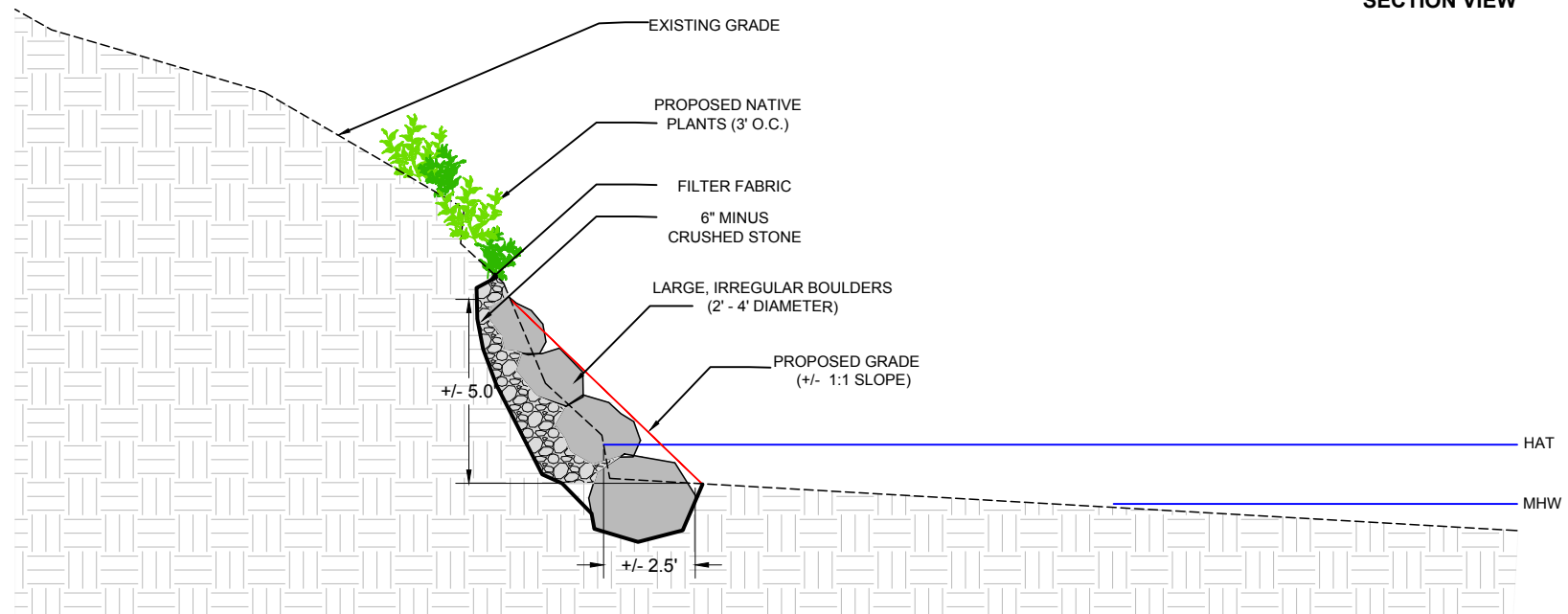
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 tim@atlanticenviromaine.com

Date: 4/28/2023
 Revised:
 Project: Byrnes, Cumberland
 Drafted By: TAF/LCV

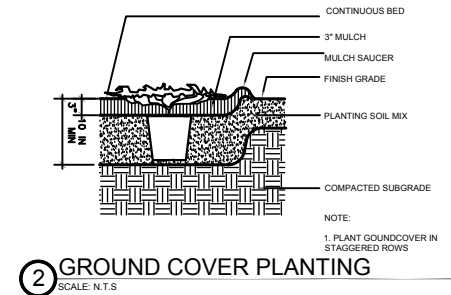
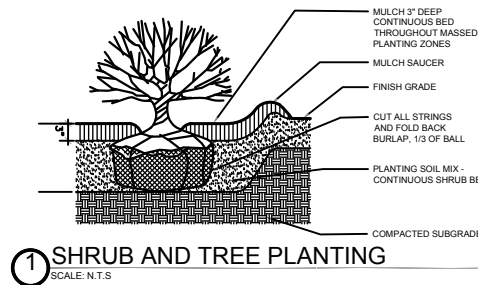
Plan View and Cross Section View of the Proposed Dock for Jim and Alison Byrnes located at 307 Foreside Road, Cumberland, Maine.

Sheet
 3
 of
 4

SECTION VIEW

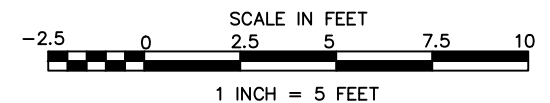


NATIVE VEGETATION			
BOTANICAL NAME AND SYMBOL	COMMON NAME	SIZE	SPACING
MYRICA PENSYLVANICA	NORTHERN BAYBERRY	#3	3' O.C.
JUNIPERUS HORIZONTALIS	CREeping JUNIPER	#3	3' O.C.
PRUNUS MARITIMA	BEACH PLUM	#3	3' O.C.



NOTES:

- 1) WHERE APPLICABLE, THE FIRST ROW OF BOULDERS WILL BE PINNED TO LEDGE. BOTTOM STONE WILL BE SET TO A DEPTH OF $\frac{1}{2}$ THE STONES DIAMETER.
- 2) RIPRAP WILL CONSIST OF LARGE, IRREGULAR SHAPED ROCKS, FIT INTO PLACE AND/OR PINNED WITH REBAR. STONES WILL VARY IN SIZE FROM 2' - 4'.
- 3) CONTRACTOR WILL HAVE A MAINE DEP EROSION CONTROL CERTIFIED INDIVIDUAL ON-SITE DURING ALL SOIL DISTURBANCE.
- 4) NATIVE PLANTS WILL BE INSTALLED AT THE TOP OF THE RIPRAP 3' OC AND FINAL PLACEMENT WILL BE DETERMINED IN THE FIELD.
- 5) REVEGETATION WILL MEET THE TOWN OF CUMBERLAND SHORELAND ZONING ORDINANCE.



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

Date: 5/1/2023
Revised:
Project: Byrnes, Cumberland
Drafted By: TAF/LCV

Cross Section View of the Proposed Shoreline Stabilization Area for Jim and Alison Byrnes located at 307 Foreside Road in Cumberland, Maine.

FOR PERMITTING PURPOSES ONLY

Sheet
4
of
4

EXHIBIT 6.0: CONSTRUCTION PLAN

DOCK CONSTRUCTION

The stairs and landings will be supported with pipe supports and the pier will be supported with timber bents and helix anchors as described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction.

All materials will be transported to the site from the adjacent upland area. In addition, construction access will take place from the upland. The helix anchors will be installed hydraulically. The anchors are held in place and the power head winds the helix into the ground, resulting in minimal soil disturbance. The ramp and float will be constructed off-site and set in place once the pier is constructed. It is not anticipated that measurable soil disturbance will occur as a result of the construction of the pier given the use of helix anchors. The construction of the dock should take approximately one (1) to two (2) weeks.

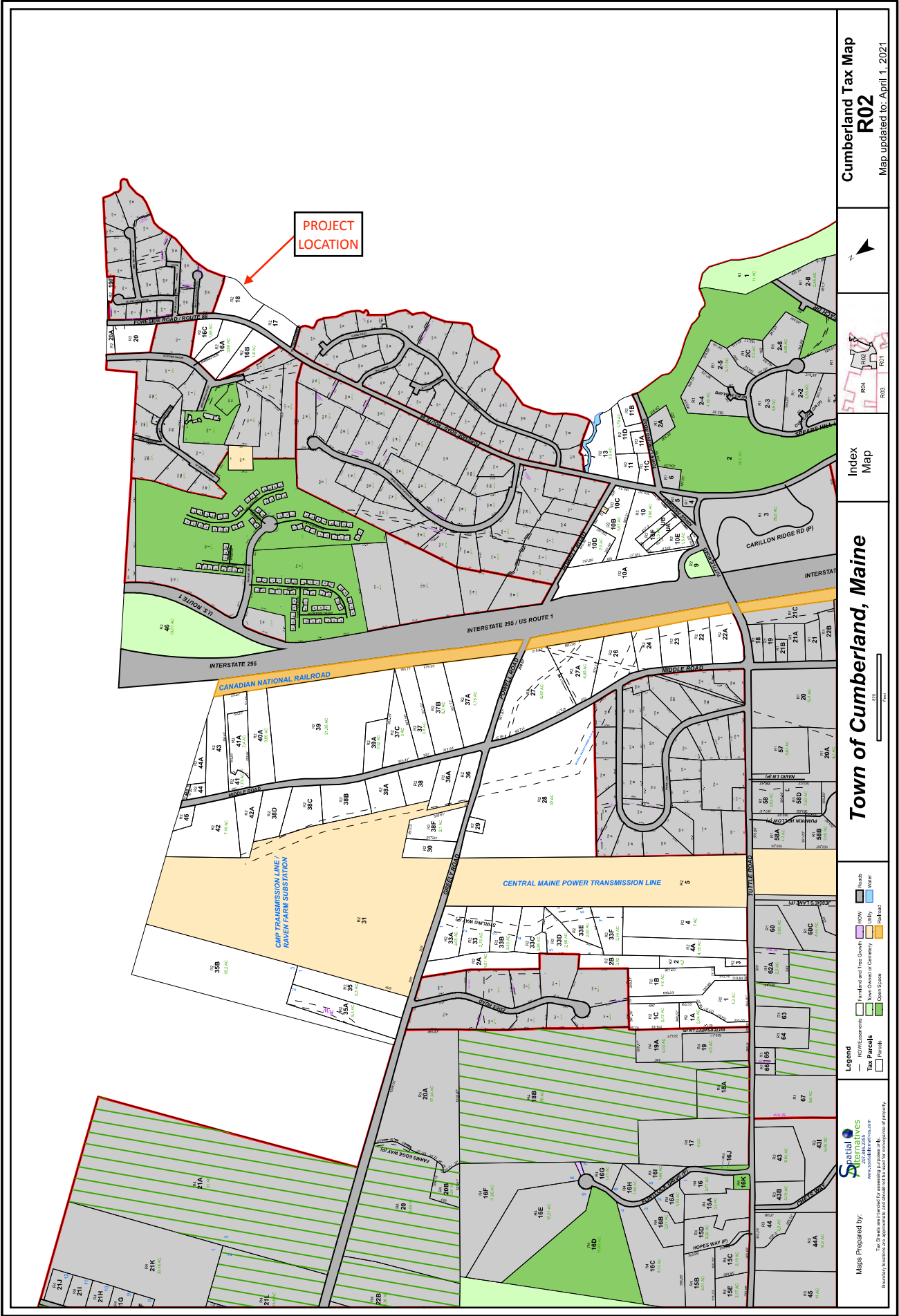
SHORELINE STABILIZATION

The Applicant intends to access the site from the upland and materials will be stockpiled at 307 Foreside Road. The contractor will have a Maine DEP Erosion Control Certified Individual onsite during all construction activity and will work in sections each day so as to not expose large areas of soil. The area where the Applicant proposes to stabilize the shoreline will be graded to achieve a 1H: 1V slope. Geotextile fabric and six (6) inch minus stone will be placed behind the stone and large diameter, irregular stones (approximately 2 – 4 feet) will be dug into a trench at the base of the slope and placed approximately 2.5 feet below the HAT. Upon completion of the riprap, the Applicant proposes to place plants at the top of the riprap in areas that are disturbed during construction. The plants will be spaced approximately three (3) feet on center, depending

on the size and type of plant. Native plant species may include but not be limited to the following: Creeping Juniper (*Juniperus horizontalis*), Northern Bayberry (*Myrica pensylvanica*), Beach Plum (*Prunus maritima*), and Virginia Rose (*Rosa virginiana*). The final number of plants will be determined once the riprap is installed and will be installed during the growing season at the completion of the work. All disturbed areas within the Shoreland Zone will be replanted to meet the minimum standards of the Town of Cumberland's Shoreland Zoning Ordinance.

EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earthmoving and all work will be conducted at low tide. The construction of the dock does not require heavy equipment to operate within the intertidal. Given that minimal sedimentation, if any, will occur for the construction of the dock, no formal measures are proposed to control erosion or sedimentation. However, if there are any areas of soil disturbance at the completion of construction, the area will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.



Cumberland Tax Map
R02

Map updated to: April 1, 2021

Town of Cumberland, Maine

Index
Map



Legend
RCW (Residential Conditional Use) - Yellow
RCW (Residential Conditional Use) - Green
RCW (Residential Conditional Use) - Blue
RCW (Residential Conditional Use) - Orange
RCW (Residential Conditional Use) - Purple
RCW (Residential Conditional Use) - Gray
RCW (Residential Conditional Use) - White
RCW (Residential Conditional Use) - Black

Maps Prepared by:
Spatial Solutions
03/04/2021
www.spatial-solutions.com
The data is provided for informational purposes only.
Boundary lines are approximate and should not be used for conveyance of property.

WARRANTY DEED

DLN:1002240219317

MAINE REAL ESTATE TAX-Paid

KNOW ALL PERSONS BY THESE PRESENTS, that **M. Vorlicek Associates, LLC, a Delaware Limited Liability Company**, with an address of 5 Fieldmont Road, Belmont, MA 02478, for consideration paid, grants to **James A. Byrnes and Alison D. Byrnes**, of 14900 Freemanville Road, Milton, GA 30004, as Joint Tenants, with WARRANTY COVENANTS, the premises in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

See Exhibit A attached hereto

IN WITNESS WHEREOF, **M. Vorlicek Associates, LLC, a Delaware Limited Liability Company** has caused this instrument to be signed this 21 day of November, 2022.

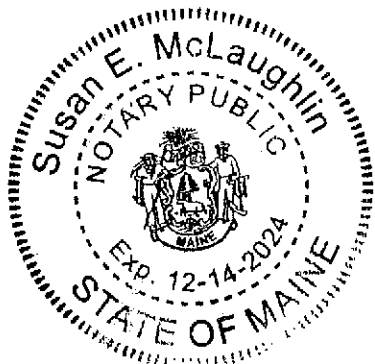
M. Vorlicek Associates, LLC, a Delaware Limited Liability Company

S. McLaughlin
Witness

By: Martha D. Vorlicek
Martha D. Vorlicek, Managing Member

STATE OF Maine
COUNTY OF Cumberland

On this 21 day of November, 2022, personally appeared before me the aforesaid **Martha D. Vorlicek, Managing Member of M. Vorlicek Associates, LLC, a Delaware Limited Liability Company** and acknowledged the foregoing to be her free act and deed in her said capacity.



S. McLaughlin
Notary Public/Attorney
Name:

Exhibit A

A certain lot or parcel of land, with the buildings thereon, situated on the southerly side of Foreside Road, also known as Route 88, in the Town of Cumberland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at the northwest corner of land now or formerly of Donna J. Verrill as conveyed by corrective deed from June A. Delonge, Trustee of the June A. Delonge Revocable Trust dated June 27, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26169, Page 107;

Thence S 17° 58' 15" E along land now or formerly of Donna J. Verrill 302.38 feet to a point;

Thence S 25° 51' 08" E along land now or formerly of Donna J. Verrill 80.46 feet to a point near the apparent limit of high tide;

Thence S 78° 58' 06" W along or near the apparent limit of high tide 78.20 feet to a point;

Thence continuing S 78° 58' 06" W along or near the apparent limit of high tide 96.35 feet to a point;

Thence N 87° 22' 27" W along or near the apparent limit of high tide 117.48 feet to a point;

Thence N 83° 47' 28" W 75.00 feet to a point at or near the limit of high tide of Broad Cove, so-called, at the easterly sideline of land now or formerly of Sarah K. Willimann;

Thence N 08° 41' 45" W along land now or formerly of Sarah K. Willimann 234.28 feet to a capped iron rod found on the southerly side of Foreside Road;

Thence N 64° 00' 12" E along the southerly side of Foreside Road 37.51 feet to a capped iron rod found;

Thence N 60° 54' 58" E along the southerly side of Foreside Road 270.77 feet to the point of beginning.

Also quitclaiming and releasing any interest I may have in the flats to the low water mark adjacent to the above-described parcel.

Reference is made to plan entitled "Plan of Land on Foreside Road, Route 8, Cumberland, Maine, made for June DeJonge" by Owen Haskell, Inc. dated June 16, 2010 to be recorded in the Cumberland County Registry of Deeds.

Meaning and intending to describe and convey the same premises conveyed to M. Vorlicek Associates, LLC, a Delaware Limited Liability Company, by Deed from June A. DeJonge as Trustee of the June A. DeJonge Revocable Trust dated September 17, 2010 recorded on September 17, 2010 in the Cumberland County Registry of Deeds in Book 28089, Page 188.



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

DEPARTMENT ORDER

IN THE MATTER OF

JIM AND ALISON BYRNES) NATURAL RESOURCES PROTECTION ACT
Cumberland, Cumberland County) COASTAL WETLAND ALTERATION
PIER CONSTRUCTION AND) SIGNIFICANT WILDLIFE HABITAT
SHORELINE STABILIZATION) WATER QUALITY CERTIFICATION
L-30371-4P-A-N (approval))
L-30371-4D-B-N (approval))
L-30371-TW-C-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 of Environmental Protection (Department) rules, the Department has considered the application of JIM AND ALISON BYRNES (applicants) 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 alter a coastal wetland to construct a pier system to provide access to the water for recreational purposes, and to stabilize the eroding shoreline. The proposal includes the removal of remnants of a former pier system that was destroyed as a result of storms in December 2022.

The proposed pier system will begin with a series of six alternating sets of landings and stairs leading from the top of the upland embankment to the permanent pier structure located in the coastal wetland. The three landings will each be four feet wide by six feet long, and the three sets of stairs will be four feet wide by 12 feet long. The pier system will include a six-foot-wide by 72-foot-long piling- and helix anchor-supported pier with a set of four-foot-wide by eight-foot-long seasonal intertidal access stairs, a three-foot-wide by 40-foot-long seasonal ramp, and a 12-foot-wide by 24-foot-long seasonal float. The float will be equipped with float skids. The stairs, ramp, and floats will be used in the resource seasonally, and during the off-season the ramp will be stored on the pier, and the stairs and float will be stored in an upland area.

The proposed pier system will directly alter approximately 20 square feet of coastal wetland due to pier supports and indirectly alter approximately 865 square feet of coastal wetland due to shading. The end of the float will extend approximately 136 feet seaward of the highest annual tide (HAT) line, but approximately 1,100 feet landward of the mean low water (MLW) line, providing only partial-tide access at the end of the float.

The applicants also propose to stabilize approximately 185 linear feet of eroded shoreline using riprap. Extending approximately four feet above the HAT elevation and 2.5 feet

seaward of the HAT line, this portion of the proposed project involves re-grading the bottom five feet of the eroding eight-foot embankment and then placing geotextile and large irregular boulders that are two to four feet in diameter and will have a finished slope face of 1H:1V. The bottom row of boulders will be buried in a trench. Vegetation will be planted above the riprap. The proposed riprap slope will result in approximately 462 square feet of direct impacts to the coastal wetland.

The proposed project is shown on a set of four plans, the first of which is titled “Plan View of the Proposed Dock and Shoreline Stabilization for Jim and Alison Byrnes located at 307 Foreside Road in Yarmouth, Maine,” prepared by Atlantic Environmental, LLC., and dated April 28, 2023. Cumulatively, the proposed activities will directly alter approximately 482 square feet of coastal wetland and indirectly alter approximately 865 square feet of coastal wetland.

B. Current Use of the Site: The site of the proposed project is located on a 2.4-acre lot on the shore of Casco Bay that is developed with a residential structure and remnants of a former pier system. The parcel is identified as Lot 18 on Map R2 of the Town of Cumberland’s tax maps. The shore frontage has been mapped as an unstable coastal bluff on maps prepared by the Maine Geological Survey (MGS). The project site is located off Foreside Road in the Town of Cumberland.

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

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicants 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 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 and surroundings. Department staff visited the project site on June 14, 2023.

The proposed project is located in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The site is located on the northern side of Cumberland, west of Sunset Point. The surrounding properties are developed with similar residential pier systems.

The applicants limited the area of proposed riprap to areas of active erosion on the shoreline. To reduce the visibility of the project from the scenic resource, the applicants propose to plant native trees and shrubs along the top of the riprap. The applicants must monitor the plantings and the plantings must be replaced or maintained as necessary to achieve 85% survival after one full growing season.

Prior to the start of construction, the applicants must take photographs to document the pre-construction condition of vegetation along the entire length of shoreline where the shoreline stabilization and the pier system are proposed. The photographs must include at least three vantage points on land and at least one vantage point on water, from either the applicants' float area or from a boat no more than 200 feet from shore. Upon project completion, the applicants must take photographs of the shoreline from the same vantage points and must submit these before and after photographs to the Department for review. Prior to the removal of any vegetation on the shoreline, the applicants must obtain approval from the Town of Cumberland pursuant to the standards and requirements of the municipal Shoreland Zoning Ordinance.

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, the visual impact rating and the site visit, 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.

In review comments dated June 5, 2023, the Department of Marine Resources (DMR) 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 coastal wetland provided that the applicants monitor and maintain the plantings and submit before and after photographs of the shoreline to the Department for review, as described above.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicants 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.

The proposed pier system will be constructed from land. Stockpiles will be stored in the upland, at least 25 feet from the coastal wetland. Pilings in the coastal wetland will be driven to refusal or pinned to ledge, and helical anchors will be installed hydraulically. The project will require the use of construction equipment in the coastal wetland, and the applicants have stated that equipment will only operate during low tide and will use mats over soft bottom intertidal vegetation to minimize soil disturbance. The ramp and float will be constructed off-site and towed to project site. Erosion and sedimentation control measures will be installed, if needed, as outlined in the *Maine Erosion and Sediment Control Best Management Practice* manual.

The proposed shoreline stabilization project will be constructed from the top of the slope. Erosion control measures will be implemented where upland soils are disturbed. Construction at the toe of the slope is anticipated to occur in small sections, during periods of low tide, that will be stabilized at the end of each workday. Following the completion of construction, areas of soil disturbance will be stabilized with vegetation and mulch. Based upon these methods, the applicants anticipate 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 applicants 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 upland along the waterfront is a moderately steep approximately 20-foot-tall bank with trees, saplings, and shrubs. The shoreline is actively eroded with exposed soils, undercut root structures, and fallen trees. The intertidal zone consists of salt marsh in the upper intertidal grading to soft mudflat. Soft-shell clam and marine worm resources have been documented in the project area.

According to the Department's Geographic Information System database there is a tidal waterfowl and wading bird habitat (TWWH) located within the coastal wetland, and portions of the proposed pier system and riprap will be located in this habitat. TWWH is a Significant Wildlife Habitat as defined by the NRPA. There are no other mapped Essential or Significant Wildlife Habitats at the site.

In review comments dated June 21, 2023, the Maine Department of Inland Fisheries and Wildlife (MDIFW) recommended the use of light-penetrating decking or three-quarter-inch deck spacing to minimize shading impacts to the saltmarsh intertidal area, the minimization of vegetation removal and replanting the disturbed soils with similar native species, and spot stabilization and replanting with a native vegetation buffer. The applicants responded to MDIFW's comments, stating that the proposed pier exceeds a 1H:1W ratio to minimize shading impacts, that three-quarter-inch deck spacing does not meet the project purpose to provide safe access to the resource for small children, and that light-penetrating decking does not provide sufficient light penetration when used in combination with traditional wooden dock designs due to the thickness of the stringers. The applicants also stated that vegetation removal in the upland will be kept to a minimum, disturbed areas will be replanted with native species in accordance with shoreline zoning standards, and that spot stabilization is not feasible due to the catastrophic failure of the bluff during December 2022 storms.

In its June 2023 review, DMR stated that the project as proposed will extend beyond the HAT and as such will have direct impacts on marine habitat. DMR stated that care should be taken during construction to limit the impact of equipment operation and material placement within the intertidal zone, and to avoid impacts to salt marsh vegetation. In response, the applicants' agent stated that equipment will only operate in low water and on mats to minimize impacts to the coastal wetland.

Based on comments from MDIFW and DMR, and the evidence in the record, 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 shoreline stabilization project will use geotextile fabric and boulders which will not have a detrimental effect on water quality.

The applicants propose to use lumber treated with chromated copper arsenate (CCA) or alkaline copper quaternary (ACQ) to construct the pier. To protect water quality, all CCA- and ACQ-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- or ACQ-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:

As outlined in Finding 1, the applicants propose to fill a total of approximately 482 square feet of coastal wetland to construct the proposed pier and stabilize the shoreline. Coastal wetlands are wetlands of special significance as defined in the Department's *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018) § 4(A).

Chapter 310 interprets and elaborates 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 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. Applicants 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), and shoreline stabilization is among the activities specifically provided for in Chapter 310, § 5(A)(1)(h).

The applicants submitted an alternatives analysis for the proposed project completed by Atlantic Environmental, LLC. The purpose of the proposed pier project is to provide the applicants with safe access to the resource for recreation. The applicants stated that they have a boat which requires a draft of one to three feet. The applicants considered a no-build alternative; however, this alternative does not meet the project purpose and was subsequently dismissed from further review. The applicants considered constructing a temporary pier system; however, it was determined that this alternative is not feasible due to the topography of the shoreline, and that the repeated installation and removal of a temporary pier system could result in additional impacts to the intertidal salt marsh vegetation. The applicants considered rebuilding the existing pier system to meet Chapter 305, *Permit by Rule Standards* (06-096 Ch. 305, § 4, last amended June 8, 2012), Section 4 standards; however, the applicants state that the configuration of the previously existing pier system did not provide safe and stable access to the resource. The applicants considered using a public boat launch located approximately three miles from the project site or marinas located approximately three miles from the project site; however, the applicants intend to utilize the pier for other activities such as low-impact watercraft and swimming, and state that the launch and marina do not provide readily available access to meet the project purpose. In light of these considerations, the applicants stated that there is no practicable alternative to the proposed project that can meet the project purpose and avoids impacts to the resource.

The purpose of the proposed shoreline stabilization project is to minimize the areas of the existing shoreline that are exhibiting erosion. As documented by MGS, the shoreline is an unstable bluff with soils that are more easily susceptible to erosion from ocean storms. The applicants considered the no-action alternative, but determined that doing so would result in further shoreline erosion that could jeopardize the integrity of the shoreline. The applicants considered stabilizing the eroded embankment with vegetation only, but determined that the erodibility of the bluff and the increasing storm surges are such that vegetation alone would not be sufficient to protect the bluff. In light of these considerations, the applicants stated that there is no practicable alternative to the proposed project that can meet the applicants' needs and avoid impacts to the resource.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, applicants 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 applicants designed the proposed pier system to the minimum dimensions necessary to provide reasonable and

safe access to the resource. The applicants propose to support the pier with pilings, resulting in minimal direct impacts to the coastal wetland. When in place, the float will be equipped with skids to minimize impacts to the substrate. The ramp and float will be stored either on the pier or out of the coastal wetland during the off season. The applicants have minimized coastal wetland impacts from the shoreline stabilization project by using a 1H:1V slope face to minimize the project's footprint and limiting the project to those areas that are actively eroding. The applicants also proposed vegetation planted above the riprap to minimize the scenic impact to the resource. The applicants stated that the proposed project minimizes impacts to the coastal wetland to the greatest extent possible.

C. Compensation. 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 wildlife habitat and marine resources as determined by DMR and MDIFW. For these reasons, the Department has 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 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 provided that the applicants monitor and maintain vegetation as described in Finding 2.
- 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 JIM AND ALISON BYRNES to construct a pier system and stabilize approximately 185 linear feet of shoreline, as described herein, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

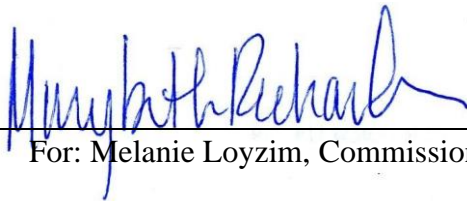
1. Standard Conditions of Approval, a copy attached.
2. The applicants shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The 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. Prior to the removal of any vegetation on the shoreline, the applicants shall obtain approval from the Town of Cumberland pursuant to the standards and requirements of the municipal Shoreland Zoning Ordinance.
5. Prior to the start of construction, the applicants shall take photographs to document the pre-construction condition of vegetation along the entire length of shoreline where riprap is proposed. The photographs shall include at least three vantage points on land and at least one vantage point on water no more than 200 feet from shore. Upon project completion, the applicants shall take photographs of the shoreline from the same vantage points and shall submit the before and after photographs to the Department for review.

6. The applicants shall monitor the new plantings and replace or maintain these plantings, as necessary to achieve 85% survival after one full growing season.
7. All CCA- or ACQ-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 28th DAY OF AUGUST 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

RB/L30371ANBNCN /ATS#90991, 90998, 90999

<p>FILED August 28th, 2023 State of Maine Board of Environmental Protection</p>



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.



REPLY TO
ATTENTION OF

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

July 26, 2023

File Number: NAE-2023-01128

Jim and Alison Byrnes
307 Foreside Road
Cumberland, Maine 04021
Sent by email: Jimbyrnes7@gmial.com

Dear Mr. and Ms. Byrnes:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to install stairs (12' in length and 4' in width), a pier (72' in length and 6' in width), a ramp (40' in length and 3' in width), and a float (24' in length and 12' in width) and stabilize approximately 185' of the shoreline. An existing, dilapidated dock will be removed. This project is located in Casco Bay at 307 Foreside Road in Cumberland, Maine. The work is shown on the enclosed plans titled "Byrnes, Yarmouth" on four sheets dated April 28, 2023 and May 1, 2023.

Based on the information that you have provided, we verify that the activity is authorized under General Permits #3 and #7 of the enclosed October 14, 2020, federal permits known as the Maine General Permits (GPs). The GPs are also available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit>.

Please review the enclosed GPs carefully, in particular the general conditions beginning on page 5, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter shall be available at the work site as required by General Condition 33.

This authorization expires on October 14, 2025. You must commence or have under contract to commence the work authorized herein by October 14, 2025, and complete the work by October 14, 2026. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Please contact Jana Jacobson of my staff at (207) 233-2117 or Jana.L.Jacobson@usace.army.mil if you have any questions.

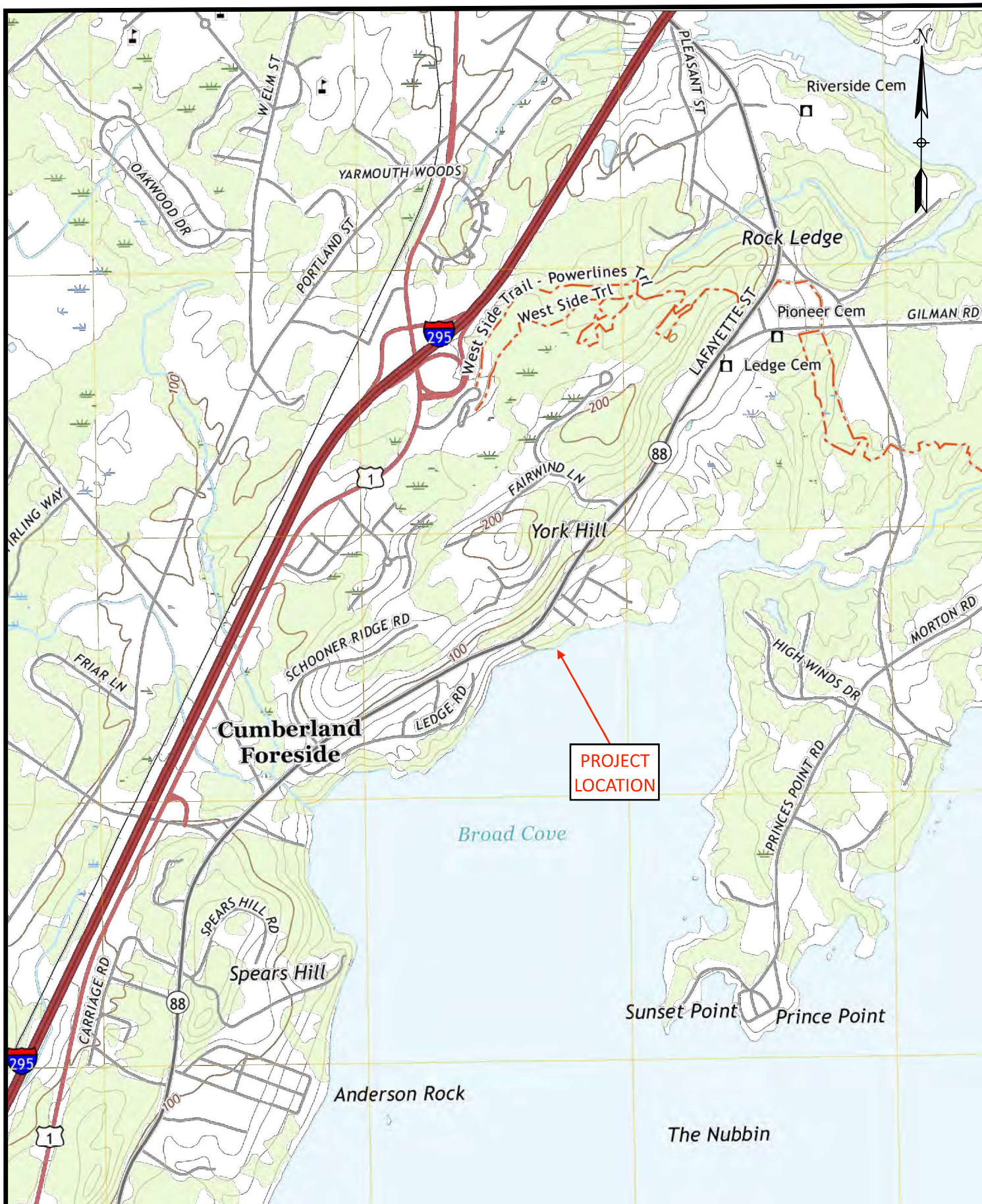
Sincerely,

SHAWN B.
MAHANEY
Digitally signed by
SHAWN B.
MAHANEY
Date: 2023.07.26
07:17:51 -04'00'

For: Peter D. Olmstead
Chief, Maine Section
Regulatory Division

cc:

Tim Forrester, Atlantic Environmental, LLC; tim@atlanticenviromaine.com

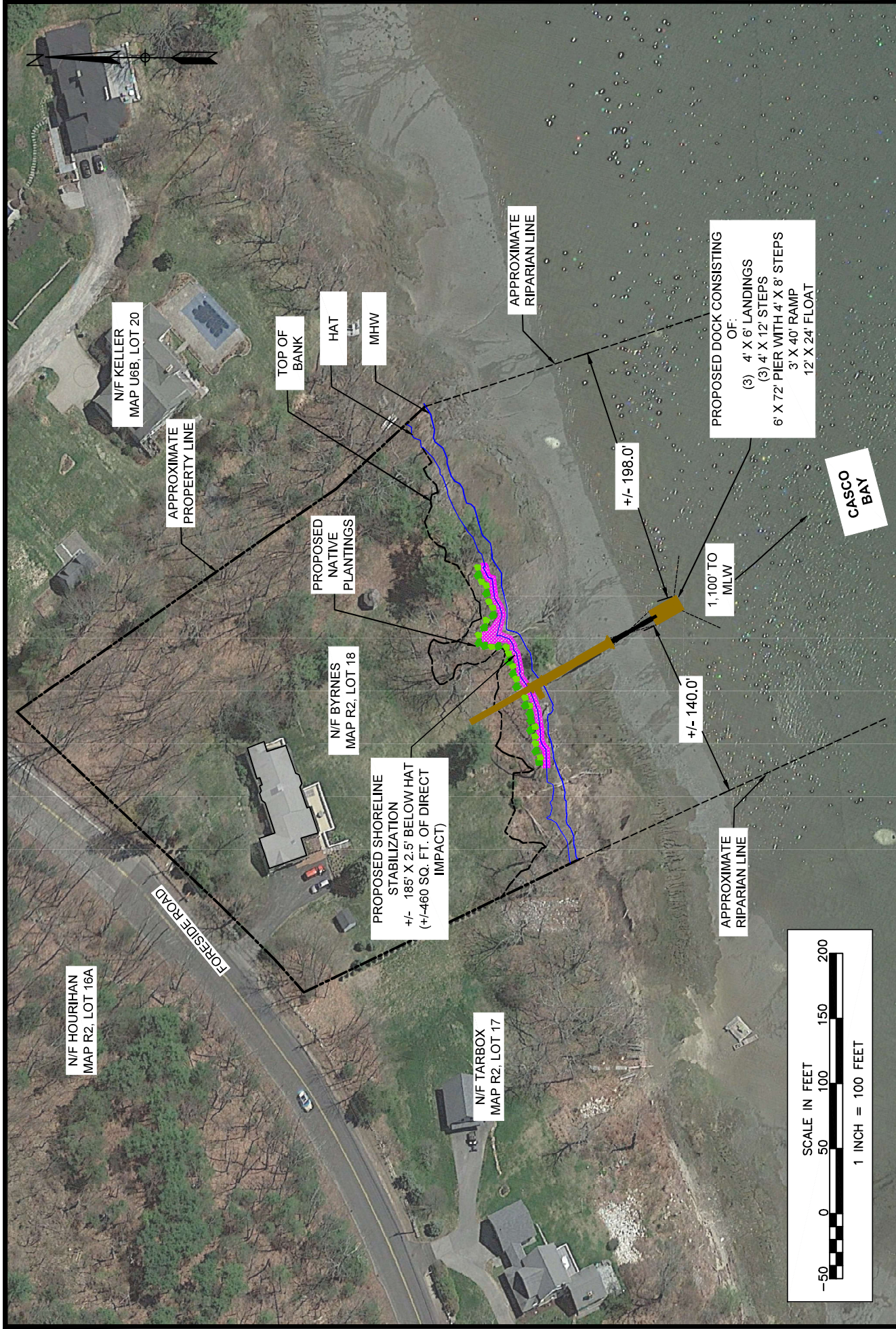



ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

Date: 5/1/2023
 Revised:
 Project: Byrnes, Cumberland

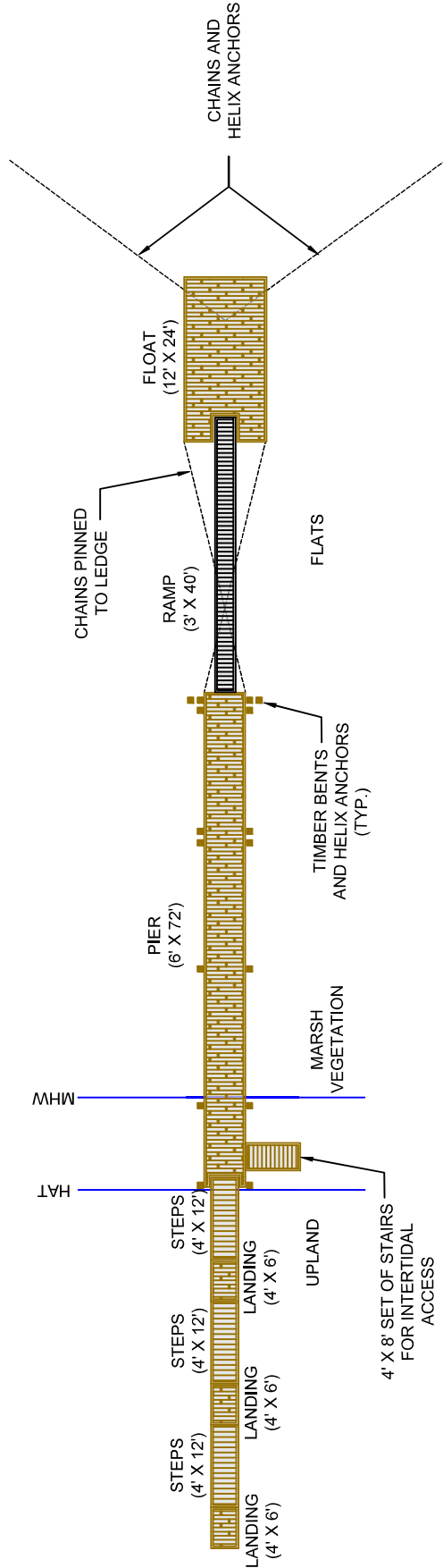
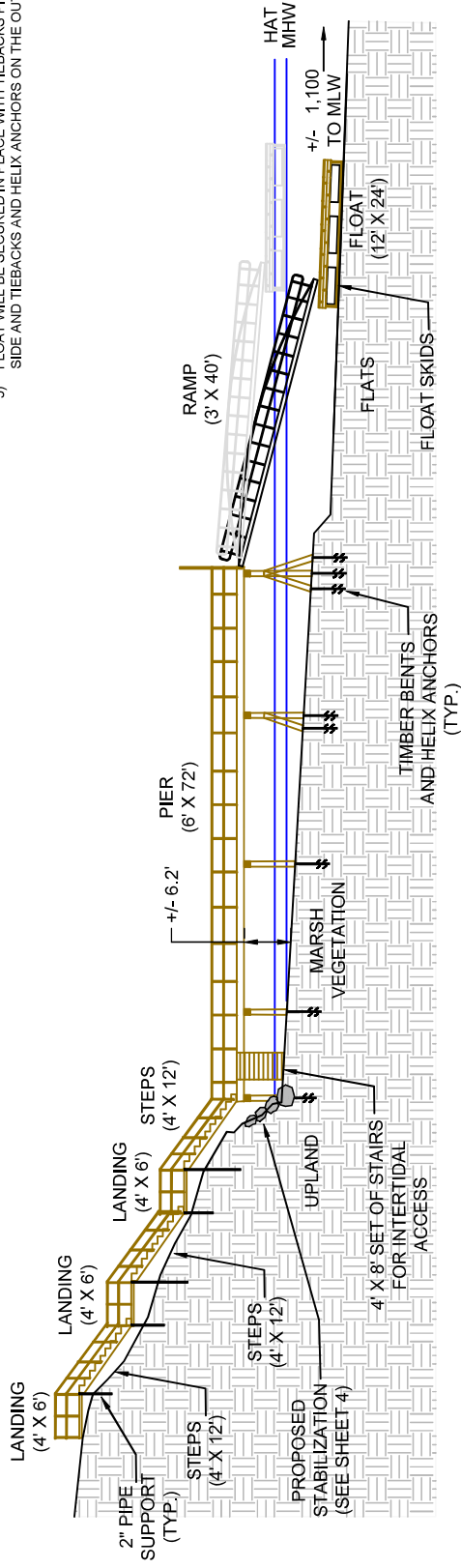
PROJECT LOCATION
 307 Foreside Road
 Cumberland, ME 04021
 43.774842, -70.184119

Sheet
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 of
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 ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticevirmaine.com	Date: 4/28/2023 Revised: Project: Byrnes, Yarmouth Drafted By: TAF/LCV	Plan View of the Proposed Dock and Shoreline Stabilization for Jim and Alison Byrnes located at 307 Foreside Road in Yarmouth, Maine. FOR PERMITTING PURPOSES	Sheet 1 of 4
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- NOTES:
- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
 - 2) STAIRS WILL BE SUPPORTED WITH 2" PIPE SUPPORTS.
 - 3) PIER WILL BE SUPPORTED WITH (16) 8" X 8" PILINGS AND HELIX ANCHORS.
 - 4) RAMP WILL BE STORED ON THE PIER AND THE FLOAT WILL BE HAULED OFF-SITE AND STORED IN AN UPLAND LOCATION.
 - 5) FLOAT WILL BE SECURED IN PLACE WITH TIEBACKS PINNED TO PIER ON THE INBOARD SIDE AND TIEBACKS AND HELIX ANCHORS ON THE OUTBOARD SIDE.



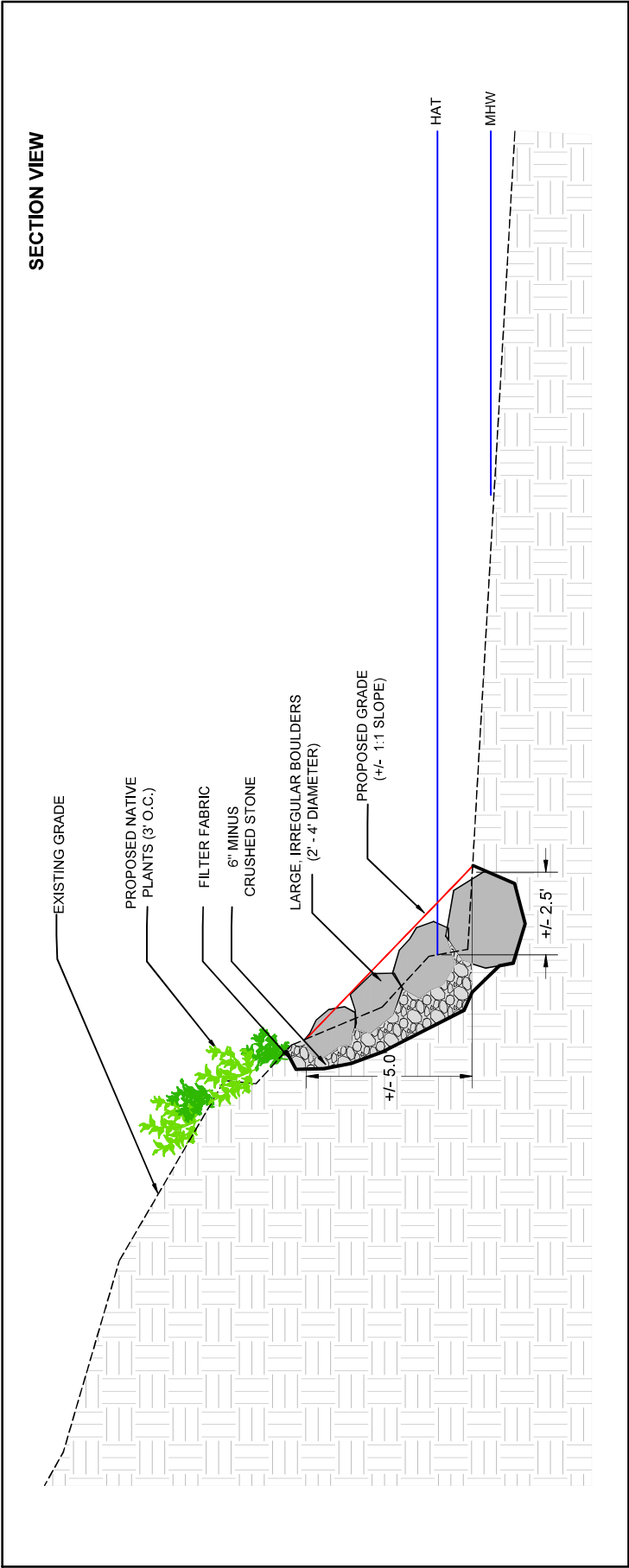
ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticienvironmental.com

Date: 4/28/2023
 Revised:
 Project: Byrnes, Cumberland
 Drafted By: TAF/LCV

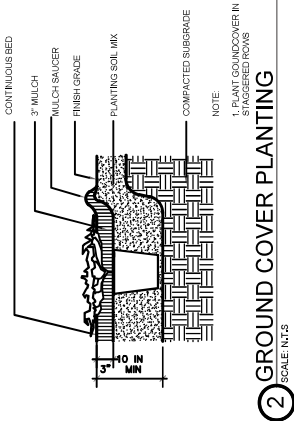
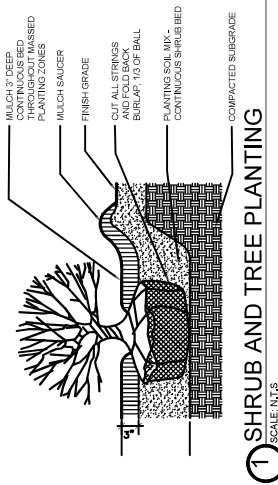
Plan View and Cross Section View of the Proposed Dock for Jim and Alison
 Byrnes located at 307 Foreside Road, Cumberland, Maine.

Sheet
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 of
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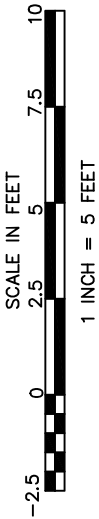
NAE-2023-01128



BOTANICAL NAME AND SYMBOL	NATIVE VEGETATION COMMON NAME	SIZE	SPACING
MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	#3	3' O.C.
JUNIPERUS HORIZONTALIS	CREeping JUNiper	#3	3' O.C.
PRUNUS MARITIMA	BEACH PLUM	#3	3' O.C.



- NOTES:
- 1) WHERE APPLICABLE, THE FIRST ROW OF BOULDERS WILL BE PINNED TO LEDGE. BOTTOM STONE WILL BE SET TO A DEPTH OF $\frac{1}{4}$ THE STONES DIAMETER.
 - 2) RIPRAP WILL CONSIST OF LARGE, IRREGULAR SHAPED ROCKS. FIT INTO PLACE AND/OR PINNED WITH REBAR. STONES WILL VARY IN SIZE FROM 2' - 4'.
 - 3) CONTRACTOR WILL HAVE A MAINE DEP EROSION CONTROL CERTIFIED INDIVIDUAL ON-SITE DURING ALL SOIL DISTURBANCE.
 - 4) NATIVE PLANTS WILL BE INSTALLED AT THE TOP OF THE RIPRAP 3' OC AND FINAL PLACEMENT WILL BE DETERMINED IN THE FIELD.
 - 5) REVEGETATION WILL MEET THE TOWN OF CUMBERLAND SHORELAND ZONING ORDINANCE.



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

Date: 5/1/2023
Revised:
Project: Byrnes, Cumberland
Drafted By: TAF/LCV

Cross Section View of the Proposed Shoreline Stabilization Area for Jim and Alison Byrnes located at 307 Foreside Road in Cumberland, Maine.

Sheet
4
of
4

FOR PERMITTING PURPOSES ONLY



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

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Corps of Engineers Permit No: NAE-2023-01128

Name of Permittee: Ben Porter, Jim and Alison Byrnes

Permit Issuance Date: July 26, 2023

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Policy & Technical Support Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number



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

**GENERAL PERMIT
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

EMAIL TO: Jana.L.Jacobson@usace.army.mil

-or-

MAIL TO: Jana Jacobson
U.S. Army Corps of Engineers, New England District
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

Corps of Engineers Permits (No. NAE-2023-01128) were issued to Jim and Alison Byrnes. The permits authorized the permittee to install stairs (12' in length and 4' in width), a pier (72' in length and 6' in width), a ramp (40' in length and 3' in width), and a float (24' in length and 12' in width) and stabilize approximately 185' of the shoreline. An existing dilapidated dock will be removed. This project is located in Casco Bay at 307 Foreside Road in Cumberland, Maine. The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone: (____) _____

Proposed Work Dates: Start: _____

Finish: _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

FOR USE BY THE CORPS OF ENGINEERS

Project Manager: JACOBSON Submittals Required: No
Inspection Recommendation: Routine Maine General Permits compliance