



135 River Road • Woolwich, ME 04579  
207-837-2199 • [tim@atlanticenviromaine.com](mailto:tim@atlanticenviromaine.com)  
[www.atlanticenviromaine.com](http://www.atlanticenviromaine.com)

October 13, 2021

Mr. Robert Green  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333

Re: Natural Resources Protection Act (DEP) Application on behalf of Randall Ward and Kristyn Morrissey-Ward, 37 Shag Rock Point, Lincolnville, Maine.

Dear Bob,

On behalf of Randall Ward and Kristyn Morrissey-Ward, Atlantic Environmental, LLC (AE) is pleased to submit an Individual Natural Resources Protection Act (NRPA) Permit Application to the Maine Department of Environmental Protection to construct a dock consisting of a pier, ramp, and a float located at 37 Shag Rock Point in the Town of Lincolnville, Maine. Specifically, the Applicant proposes to construct a six (6) foot wide by three-hundred (300) foot long pier, a three (3) foot wide by fifty-five (55) foot long seasonal ramp, a sixteen (16) foot wide by thirty (30) foot long seasonal float. A copy of this Application has been submitted to the U.S. Army Corps of Engineers (ACOE), Maine Projects Office in Augusta, Maine and to the Town of Lincolnville, Maine. As part of the ACOE requirements, a copy of the IPaC report is included.

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](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.

A handwritten signature in black ink that reads 'Timothy A. Forrester'.

Timothy A. Forrester, Owner

**Natural Resources Protection Act Application**

**to**

**Construct a Dock consisting of a**

**Pier, Ramp, and Float**

**located at**

**37 Shag Rock Point**

**Lincolville, Maine**

***Submitted to:***

**Maine Department of Environmental Protection**

**17 State House Station**

**Augusta, ME 04333**

***Submitted by:***

**Atlantic Environmental, LLC**

**135 River Road**

**Woolwich, ME 04579**

**October 13, 2021**

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant:		Randall Ward and Kristyn Morrissey-Ward		5. Name of Agent:		Atlantic Environmental, LLC	
2. Applicant's Mailing Address:		37 Shag Rock Point Lincolville, ME 04849		6. Agent's Mailing Address:		135 River Road Woolwich, ME 04579	
3. Applicant's Daytime Phone #:		(978) 833 - 0806		7. Agent's Daytime Phone #:		(207) 837 - 2199	
4. Applicant's Email Address (Required from either applicant or agent):		ranwardo@gmail.com		8. Agent's Email Address:		tim@atlanticenviromaine.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		37 Shag Rock Point		10. Town:		Lincolville	
				11. County:		Waldo	
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Penobscot	
				14. Amount of Impact: (Sq.Ft.)		Fill: ± 268 sq. ft. below HAT	
						Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		<b>FOR FRESHWATER WETLANDS</b>			
				<i>Tier 1</i>		<i>Tier 2</i>	
				<i>Tier 3</i>			
		<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1	
16. Brief Activity Description:		The applicant proposes to construct a dock consisting of a pier, a seasonal ramp, and a seasonal float.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> square feet, or      X 3.25 acres		UTM Northing:		4902385      UTM Easting: 499562	
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book#: 4320      Page#:227 4320      229		20. Map and Lot Numbers:		Map #: 15      Lot #: 69	
21. DEP Staff Previously Contacted:				22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, previous application #		Previous project manager:	
24. Written Notice of Violation?:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration:	
						<input checked="" type="checkbox"/> Yes - Access Stairs, Landing (Both above HAT) <input type="checkbox"/> No	
26. Detailed Directions to the Project Site:		From the intersection of Route 173 and Route 1, turn right on Route 1 South. Travel for approximately 0.3 miles and then turn left on Shag Rock Point. At fork, bear right and travel to end of road.					
<b>TIER 1</b>				<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>			
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC				<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input checked="" type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC N/A Description of Previously Mined Peatland,if required	
28. FEES Amount Enclosed:		\$543.00					
<b>CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2</b>							

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

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

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

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

**CORPS SIGNATORY REQUIREMENT**

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

**DEP SIGNATORY REQUIREMENT**

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

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



SIGNATURE OF AGENT/APPLICANT

Date: October 13, 2021

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



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October 4, 2021

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the construction of a dock located at 37 Shag Rock Road in Lincolnville, 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.

*Randall WARD*

Print Name

Signature

*October 15, 2021*

Date

Sincerely,  
Atlantic Environmental LLC.

*Timothy A. Forrester*

Timothy A. Forrester, Owner

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## EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 3.25-acre parcel of land located on Shag Rock Point and adjacent to Penobscot Bay in the Town of Lincolnville, Maine (see **Exhibit 3.0**). There is an existing structure that consists of a landing and stairs located above the Highest Annual Tide (HAT) line that provides access to the intertidal area of the Applicant's property; however, that structure does not provide access to the resource for watercraft from the Applicant's property. In order to safely and reasonably access the coastal waters for recreational purposes, the Applicant proposes to construct a permanent pier with a seasonal ramp and float.

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

In order to reach navigable waters on an all-tide basis and to accommodate the Applicant's watercraft, the Applicant proposes to construct a six (6) foot wide by three-hundred (300) foot long pier that will begin in the upland and extend in a southeasterly direction. The pier will be supported with six (6) granite block cribs. The first two cribs will measure ten (10) feet wide by ten (10) feet long. The third crib will measure eleven (11) feet wide by eleven (11) feet long. The last three cribs will measure twelve (12) feet wide by twelve (12) feet long. As a result of the crib supports, there will be approximately two hundred and sixty-eight (268) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by fifty-five (55) foot long ramp and a sixteen (16) foot wide by thirty (30) foot long float. The float will be secured in place with float cross chains pinned to the outer crib on the

landward side and cross chains and mooring blocks on the seaward side. During the off-season, the ramp will be stored on the pier and the float will be hauled off-site and stored in an upland location.

Three (3) trees that are greater than three (3) inches dbh will be removed prior to installing the path and pier.



## **EXHIBIT 2.0: ALTERNATIVES ANALYSIS**

The Applicant considered several alternatives to determine the most effective means to meet the project purpose of safe and reasonable recreational water access for boating. Factors considered in this analysis include: shoreline characteristics, soils, vegetation, access to the site, identified natural resources, proximity to existing public and private facilities, and avoiding and minimizing impacts to the coastal wetland.

### **2.1 ALTERNATIVE ONE**

The Applicant considered not constructing a dock; however, the Applicant's project purpose is to provide access to the resource for safe recreational boating and similar activities such as swimming and fishing. It is unsafe to land watercraft within the rockweed and boulders and the intertidal and shoreline are impossible to safely traverse with watercraft. Given this, the Applicant determined that the construction of a dock would provide safe access to the resource and minimize impacts to the intertidal zone. Therefore, the no action alternative was rejected since it would not meet the project purpose.

### **2.2 ALTERNATIVE TWO**

The Applicant considered constructing a temporary dock. However, in order to reach navigable waters and given the site conditions, a temporary dock would not result in as safe or stable structure. The Applicant needs to span boulders and rockweed that are located in the intertidal and the safest and most secure way to do this is to support the pier with granite block cribs. For this reason, this alternative was rejected.

### **2.3 ALTERNATIVE THREE**

The Applicant considered installing pilings in place of the proposed crib; however, given the exposure of this location, it was determined a crib provides superior support. The Applicant also considered various locations on the property, including beginning the pier from the existing shore access structure. The location of the shore access would result in a longer pier; therefore, the Applicant rejected this location. The Applicant determined that the proposed location and length allows the float to land beyond the boulders and rockweed. If the structures were reduced in length, the float would be destroyed given the substrates in the subtidal and the dock would not provide a safe landing area for the Applicant's watercraft. For these reasons, the Applicant determined the proposed location and configuration is the most suitable for the project.

### **2.4 ALTERNATIVE FOUR**

The Applicant considered public and private facilities. The nearest public launch is located approximately 0.6 miles from the project site. The launch does not provide as readily available access to meet the Applicant's project goals given the need to trailer and launch their boat on a regular basis. In addition, the Applicant intends to utilize the dock for other recreational activities such as low impact watercraft (kayaking and paddle boarding) as well as fishing and swimming. For these reasons, the Applicant determined the launch does not meet their project purpose. The closest marina is located in Camden approximately five (5) miles from the project site. The Applicant determined that given the annual cost to maintain a slip and that a marina does not provide recreational access for swimming, paddleboard, and fishing,

this was not a practicable alternative that met their project goals.

## **2.5 ALTERNATIVE FIVE (selected alternative)**

The preferred location and proposed dimensions were selected for several reasons:

- a. No public or private facility can accommodate the Applicant's needs.
- b. The proposed location and dimensions of the dock provide a reasonable depth of water at the float for all-tide access and allow the float to land in a reasonable distance from the boulders and rockweed that is located in the intertidal and lower subtidal areas.
- c. The Applicant has proposed the minimal dimensions to meet their project purpose of providing safe and reasonable access.
- d. The proposed location meets all applicable setbacks.

## **2.6 STATEMENT OF AVOIDANCE AND MINIMIZATION**

In summary, the Applicant considered several alternatives before determining that the proposed dock is the most practicable alternatives to meet project goals. The proposed dock is the necessary length to reach navigable waters on an all-tide basis and avoids landing the float on rockweed boulders. In addition, all seasonal structures will be stored outside of the coastal wetland during the off-season.

# EXHIBIT 3.0: LOCATION MAP



## EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the dock located at 37 Shag Rock Point in the Town of Lincolnville, ME.



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



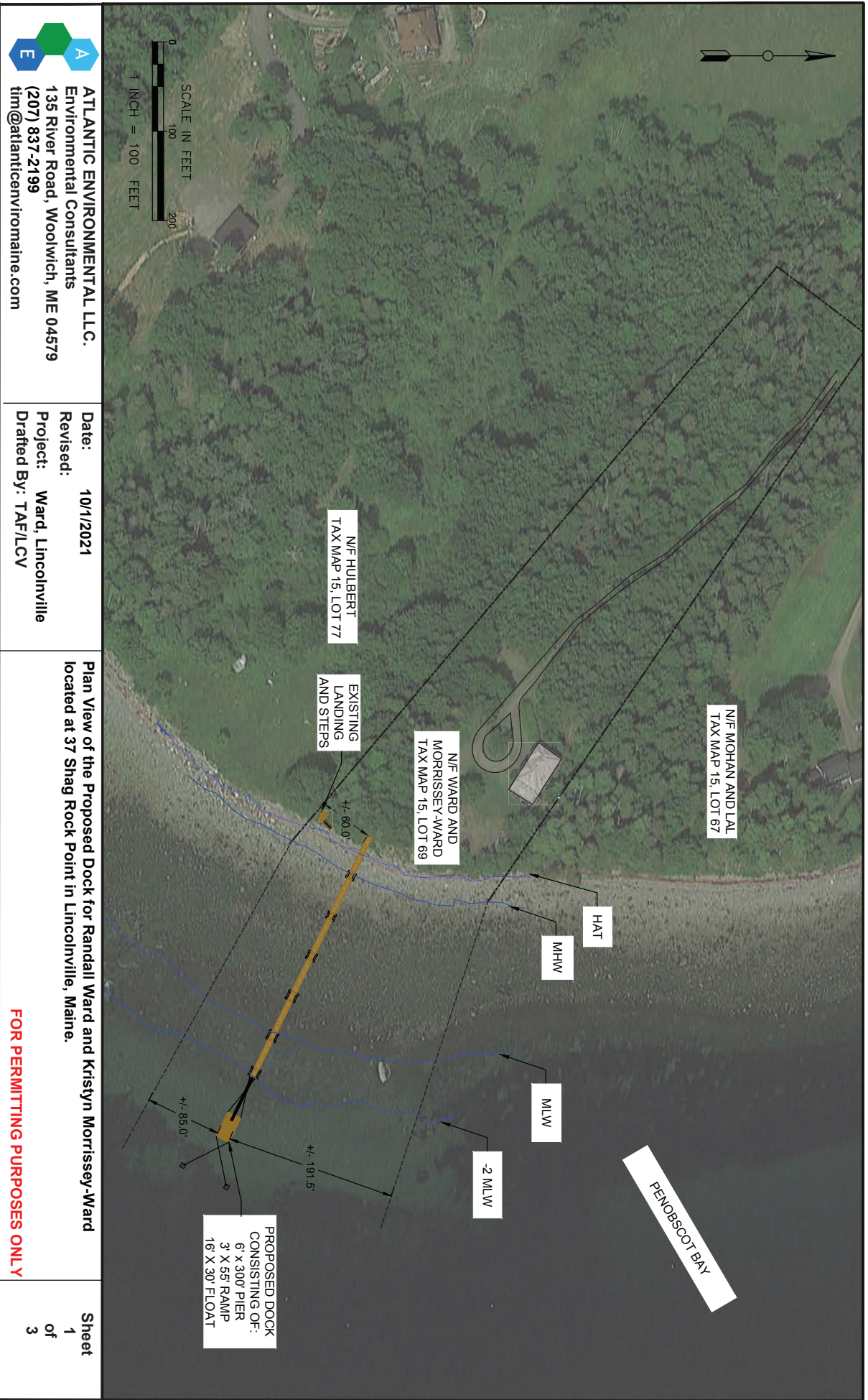
Photograph Two. Facing westerly – view of existing structure that provides access to intertidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 16, 2021.




**Photograph Three. Facing southerly – overview of coastal wetland at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 16, 2021.**



**Photograph Four. Facing southeasterly – view of Penobscot Bay in location of where float will land  
Photographer: Tim Forrester, Atlantic Environmental, LLC Date: July 16, 2021.**




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

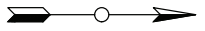
**Date:** 10/1/2021  
**Revised:**  
**Project:** Ward, Lincolnville  
**Drafted By:** TAF/LCV

**Plan View of the Proposed Dock for Randall Ward and Kristyn Morrissey-Ward located at 37 Shag Rock Point in Lincolnville, Maine.**

**FOR PERMITTING PURPOSES ONLY**

**Sheet**  
 1  
 of  
 3

**PROPOSED DOCK**  
**CONSISTING OF:**  
 6' x 300' PIER  
 3' X 55' RAMP  
 16' X 30' FLOAT



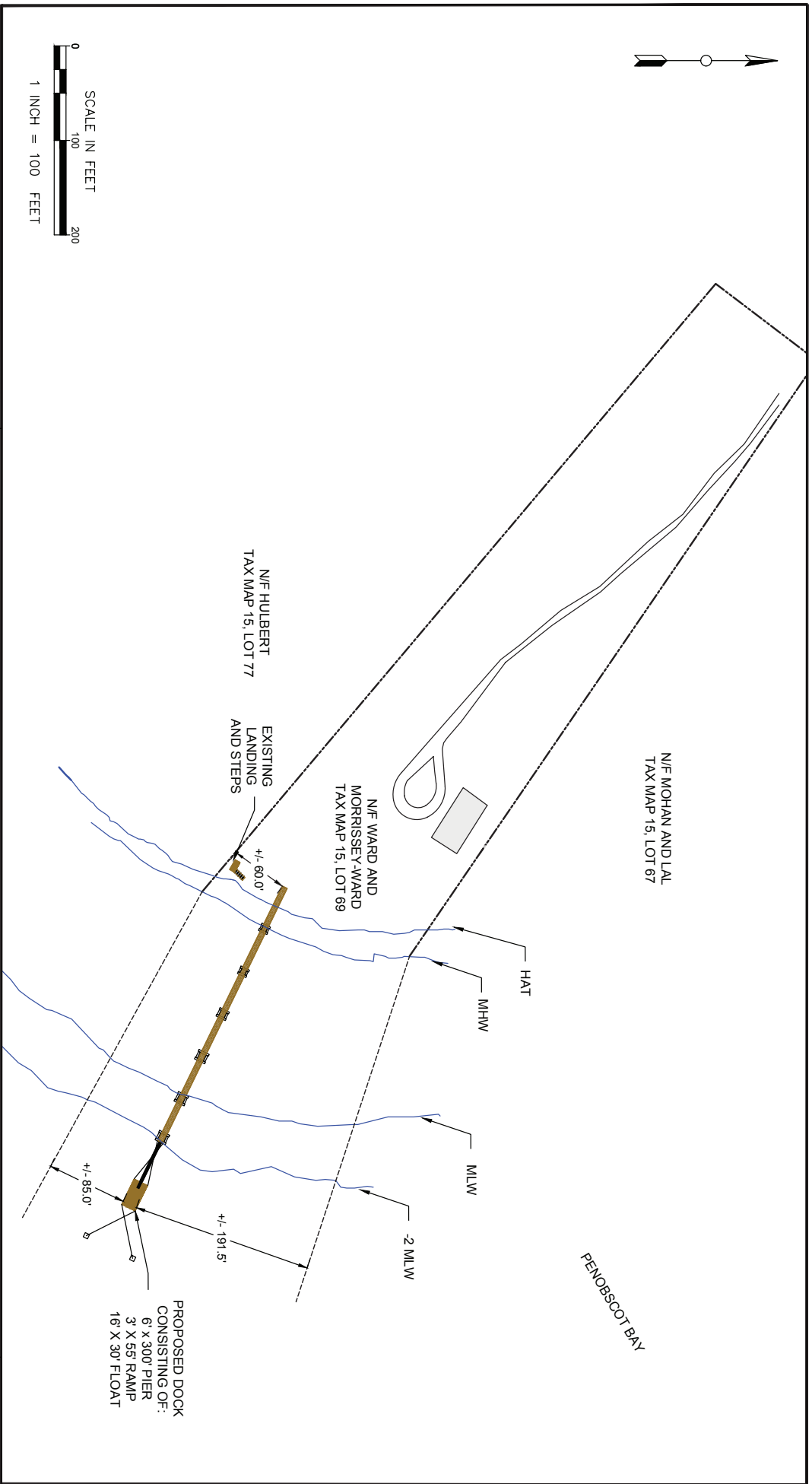
**ATLANTIC ENVIRONMENTAL LLC.**  
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Date: 10/1/2021  
 Revised:  
 Project: Ward, Lincolnville  
 Drafted By: TAF/LCV

Plan View of the Proposed Dock for Randall Ward and Kristyn Morrissey-Ward located at 37 Shag Rock Point in Lincolnville, Maine.

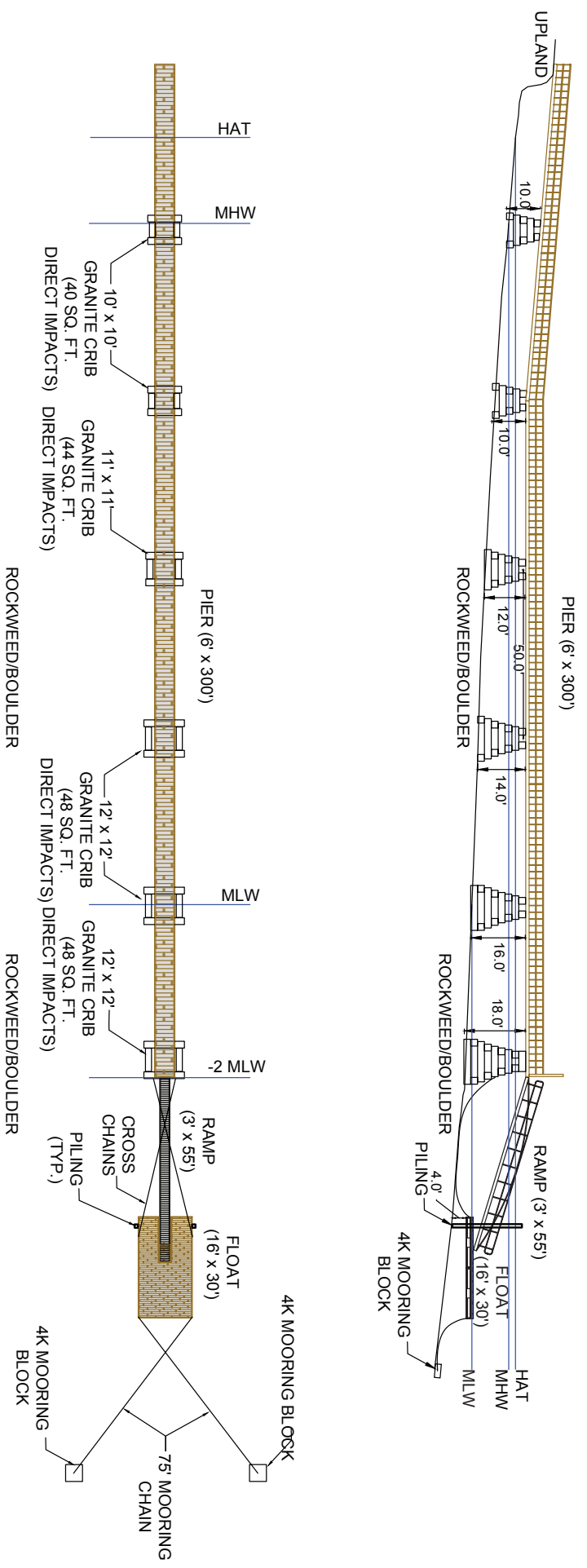
**FOR PERMITTING PURPOSES ONLY**

Sheet  
 2  
 of  
 3





- NOTES:
- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
  - 2) RAMP WILL BE STORED ON THE PIER DURING THE OFF-SEASON AND THE FLOAT WILL BE HAULED OFF-SITE BY ISLEBORO MARINE AND STORED IN AN UPLAND LOCATION.
  - 3) FLOAT WILL BE SECURED IN PLACE WITH CHAINS AND MOORING BLOCKS.



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

Date: 10/1/2021  
 Revised:  
 Project: Ward, Lincolnville  
 Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock for Randall Ward and Kristyn Morrissey-Ward located at 37 Shag Rock Point in Lincolnville, Maine.

**FOR PERMITTING PURPOSES ONLY**

Sheet 3 of 3

## EXHIBIT 6.0: CONSTRUCTION PLAN

The pier will be supported with granite block cribs as described in **Exhibit 1.0**. Granite blocks will be stacked and pinned into place via crane/barge. All work will be done during low tide. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The ramp and float will be constructed off-site and set in place once the pier is constructed.

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

## EXHIBIT 7.0: EROSION CONTROL PLAN

The site will be accessed from the water. The intertidal at the site consists of rockweed boulders and mixed coarse and fines. The construction of the dock will not result in measurable erosion or sedimentation to this area. At the completion of construction, any upland areas of soil disturbance will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.

# EXHIBIT 8.0: APPENDIX A, B, & D

## APPENDIX A: MDEP VISUAL EVALUATION FIELD SURVEY CHECKLIST

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

Name of applicant: Randall Ward and Kristyn Morrissey-Ward Phone: (978) 833 - 0806

Application Type: Individual NRPA

Activity Type: Dock

Activity Location: Town: Lincolnville, Waldo County

GIS Coordinates, if known: 4902385 Northing 499562 Easting

Date of Survey: July 16, 2021 Observer: Tim Forrester Phone: 207 - 837 - 2199

1. Would the activity be visible from:	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-¼	¼-1	1+
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	x
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge? (Camden Hill State Park)	<input type="checkbox"/>	<input type="checkbox"/>	x
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	x
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	x
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	x
F. 1) A municipal park or public open space? (Lincolnville Beach)	<input type="checkbox"/>	<input type="checkbox"/>	x
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	x
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	x	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity? Commercial – Lincolnville Ferry, Residential – 1+ miles	<input type="checkbox"/>	x	x
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	x	x
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		Yes	xNo
5. Are any of the resources checked in question 1 used by the public?		xYes	No

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

NAME OF APPLICANT: Randall Ward and Kristyn Morrissey-Ward      PHONE: (978) 833 - 0806  
 APPLICATION TYPE: Individual NRPA  
 ACTIVITY LOCATION: Lincolnville    COUNTY: Waldo

ACTIVITY DESCRIPTION: fill    x pier    lobster pound    shoreline stabilization    dredge    other:

DATE OF SURVEY: July 16, 2021      OBSERVER: Tim Forrester

TIME OF SURVEY: 10:30 am      TIDE AT SURVEY: Low-Tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):  
 Intertidal area: approximately 196 square feet    Subtidal area: approximately 72 square feet

SIZE OF INDIRECT IMPACT, if known (square feet):  
 Intertidal area: approximately 1356 square feet    Subtidal area: approximately 900 square feet

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

ENERGY:  protected     semi-protected     partially exposed    x exposed

DRAINAGE: x drains completely     standing water     pools     stream or channel

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

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

FRESHWATER SOURCES:  stream     river     wetland    x stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	x			
clams	x			
marine worms	x			
rockweed				x
eelgrass	x			
lobsters	x			
other	x			

SIGNS OF SHORELINE OR INTERTIDAL EROSION?       yes      x no

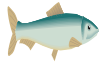
PREVIOUS ALTERATIONS?      x yes\*       no

\*Access Stairs and Landing

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

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

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



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

---



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

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



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

My boat(s) requires a draft of 4 feet.  
My boat(s) includes including motorboat, kayaks, and paddleboards.



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



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



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in Lincolntonville approximately 0.6 miles from the project location.

The nearest public, commercial, or private marina is located in Camden, approximately 5 miles from the project location.

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

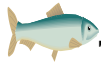
Yes, a slip or mooring is available.     No, a slip or mooring is not available.

\*Approximate expected time on waiting list: Unknown – Applicant has determined that a marina does not meet their overall project purpose.

I have contacted the local Harbor Master.

Name: David Kinney Phone: (207) 763 - 3555

I currently use the following for my boat:  Mooring     Marina     N/A



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

#### MATERIALS:

The structure will be supported by \_\_\_\_\_ pilings.

The structure will be supported by stacked, flow-through granite cribs.

6 blocks, measuring (2) 10' x 10', 11' x 11', (3) 12' x 12'.

The structure will be supported by solid fill.

\_\_\_\_\_ square feet of solid fill

Other: \_\_\_\_\_

#### DIMENSIONS:

Length of fixed section: 300 feet

Width of fixed section: 6 feet

Length of ramp: 55 feet

Dimensions of float: 16 feet by 30 feet

Distance the structure will extend below mean low water (MLW): approximately 123 feet

Depth of water at the fixed end of the structure (@HAT): approximately 15 feet

Depth of water at the float at low tide: approximately 4 feet

Depth of water at the float at high tide (@HAT): approximately 17 feet

Dimensions of any proposed buildings (e.g. bait shed):

\_\_\_\_\_ feet high by \_\_\_\_\_ feet wide by \_\_\_\_\_ feet long

#### ACCESS:

During construction, my project site will be accessed via:

Land

Beach/intertidal area

Water/barge

## EXHIBIT 9.0: PUBLIC NOTICE REQUIREMENTS

### **PUBLIC NOTICE: NOTICE OF INTENT TO FILE**

Please take notice that Randall Ward and Kristyn Morrissey-Ward (Agent Phone # (207) 837 – 2199) are intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A §§ 480-A thru 480-BB on or about October 13, 2021. The application is to construct a dock consisting of a pier, ramp, and float located at 37 Shag Rock Point (Lot #69 of Tax Map #15) Lincolnville, ME. A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. The application will be filed for public inspection at the Department of Environmental Protection's office in Augusta during normal working hours and an electronic copy of the application is available by contacting the DEP office below. A copy of the application may also be seen at the municipal offices in Lincolnville, Maine. Written public comments may be sent to the regional office in Augusta where the application is filed for public inspection: MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333.



## PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. “**Abutter**” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

**ATTACH a list of the names and addresses of the owners of abutting property.**

### CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on NOT APPLICABLE  
Date

Approximately n/a members of the public attended the Public Informational Meeting.

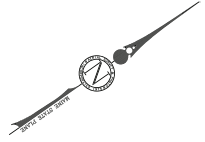


Signature of Applicant or authorized agent

Date: October 12, 2021

**EXHIBIT 10.0: LIST OF ABUTTERS, TAX MAP, AND COPY OF DEED**

<b>Name</b>	<b>Map, Block, Lot</b>	<b>Address</b>	<b>City, State/County</b>	<b>Zip Code</b>
Kavita Mohan and Shantanu Lal	Map 15, Lot 67	7811 Aberdeen Road	Bethesda, MD	20814-1101
David Hulbert	Map 15, Lot 77	48 Tyng Street	Portland, ME	04102-3951



**PROJECT  
LOCATION**

PREPARED BY: ASBUN, STURTEVANT AND PHOENIX, INC.  
 546 AIRPORT ROAD, PO BOX 859  
 NORBODDICK, MAINE

LEGEND: PARCEL NUMBER: 388  
 SURVEY OR DEED DIMENSION: 10'±  
 BOUNDARY: (SOLID LINE) (DASH-DOT) (DASH) (DOTTED)

PROJECT AREA: 20,000 sq. ft. ± 20,000 sq. ft.  
 SUBDIVISION LOT NO.: M14  
 SCHEDULED (HIGH IDED):

MAP SCALE: 1" = 100'

DATE: APRIL 1, 2021

TOWN OF LINCOLNVILLE  
 MAINE COUNTY, MAINE

PROJECT MAP  
 15



ATTEST Stacy L Grant, Waldo Co Registry of Deeds

**WARRANTY DEED**

**KNOW ALL PERSONS BY THESE PRESENTS**, that I, **KARIN BLAKE**, whose mailing address is 289 S. Barrington Avenue #113, Los Angeles, California 90049, for consideration paid, grant to **RANDALL WARD and KRISTYN MORRISSEY-WARD**, whose mailing address is 10 Court Street, Arlington, Massachusetts 02476, with **WARRANTY COVENANTS, AS JOINT TENANTS**, an undivided one-half (1/2) interest in a certain lot or parcel of land, together with any buildings thereon, situated in the Town of Lincolnville, County of Waldo and State of Maine, and being more particularly bounded and described in the attached Exhibit A.

Being the same premises described in a Deed from Nell D. Machado, as Trustee of The Machado Family Trust dated 8/9/89 fbo the Survivor's Trust to William G. Levine and Karin Blake dated July 20, 2007 and recorded in the Waldo County Registry of Deeds in Book 3115, Page 131.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of September, 2018.

“MAINE REAL ESTATE  
TRANSFER TAX PAID”

Jessica E. Carter  
Witness

Karin Blake by Robert B. Cumler, Attorney in Fact  
Karin Blake

State of Maine  
County of: Lincoln

September 28, 2018  
/by Robert B. Cumler, her Attorney in Fact

Personally appeared the above named Karin Blake and acknowledged the foregoing instrument to be her free act and deed. Before me,

Jessica E. Carter  
Notary Public

Printed Name **JESSICA E. CARTER**  
**NOTARY PUBLIC**  
**MAINE**  
My Commission Expires April 1, 2022

My Commission Expires



Exhibit A

A certain lot or parcel of land, together with any buildings thereon, situated in the Town of Lincolnville, County of Waldo and State of Maine, and being more particularly bounded and described as follows:

BEGINNING at an iron rod on the northeasterly boundary of premises now or formerly of Hulbert as noted in the Waldo County Registry of Deeds in Book 684, Page 727, said point being approximately nine hundred thirty (930) feet South 31 deg. 40 min. East from the southerly side of U.S. Route #1, so-called; thence South 31 deg. 40 min. East and by the northeasterly boundary of said land now or formerly of Hulbert, seven hundred sixty-five (765) feet to a steel rod; thence continuing the same course and still by said land now or formerly of Hulbert, forty (40) feet, more or less, to mean high-water mark of West Penobscot Bay, two hundred thirty (230) feet, more or less, to a point abreast of a steel rod and at Lot #2 as designated on plan hereinafter referred to; thence North 37 deg. 06 min. West and by Lot #2, fifty (50) feet, more or less, to said steel rod, said steel rod being North 31 deg. 32 min. East and two hundred twenty-four and eight tenths (224.8) feet distant from the steel rod last mentioned; thence North 37 deg. 06 min. West and still by Lot #2, six hundred sixteen and seven tenths (616.7) feet to a steel rod; thence continuing the same course, fifty-seven and nine-tenths (57.9) feet to an iron rod; thence South 55 deg. 01 min. West and still by Lot #2, one hundred thirty-seven (137) feet to the place of beginning.

The premises conveyed being Lot #1 as designated on plan entitled Lincolnville Shores Master Plan, Lincolnville, Maine, June 1983, recorded in the Waldo County Registry of Deeds on June 28, 1983, Plan Drawer 12, Page 185.

ALSO CONVEYING a right-of-way to be used in common with Northland Properties, Inc., its successors and assigns, over and upon the fifty (50) foot right-of-way from the southerly side of U.S. Route #1 to the premises conveyed as shown on land survey and plan above referred to.

ALSO CONVEYING all of the Grantors' right, title and interest, if any, in and to the shore and flats fronting the premises conveyed.

The premises being SUBJECT to an easement from Northland Properties, Inc., to New-England Telephone and Telegraph Company dated September 6, 1983 and recorded in the Waldo County Registry of Deeds in Book 815, Page 510.

The premises conveyed being SUBJECT to protective covenants entitled Lincolnville Shores dated June 21, 1983 and recorded in the Waldo County Registry of Deeds in Book 812, Page 94. REFERENCE is hereby made to said protective covenants and record thereof in the Waldo County Registry of Deeds.



ATTEST Stacy L Grant, Waldo Co Registry of Deeds

**PERSONAL REPRESENTATIVE'S DEED OF SALE**

**KNOW ALL PERSONS BY THESE PRESENTS**, that I, **KARIN BLAKE**, of 289 S. Barrington Avenue #113, Los Angeles, California 90049, duly appointed and acting Personal Representative of the **ESTATE OF WILLIAM G. LEVINE**, deceased, as shown by probate records of Waldo County, Maine, and having not given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, no such notice being required under the terms of the decedent's Will, by the power conferred by the Probate Code, and every other power, for consideration paid, grant to **RANDALL WARD and KRISTYN MORRISSEY-WARD**, whose mailing address is 10 Court Street, Arlington, Massachusetts 02476, **AS JOINT TENANTS**, an undivided one-half (1/2) interest in a certain lot or parcel of land, together with any buildings thereon, situated in the Town of Lincolnville, County of Waldo and State of Maine, being more particularly bounded and described in the attached Exhibit A.

Being the same premises described in a Deed from Nell D. Machado, as Trustee of The Machado Family Trust dated 8/9/89 fbo the Survivor's Trust to William G. Levine and Karen Blake dated July 20, 2007 and recorded in the Waldo County Registry of Deeds in Book 3115, Page 131.

WITNESS my hand and seal this 28th day of September, 2018.

“MAINE REAL ESTATE  
TRANSFER TAX PAID”

Jessica E. Carter

Karin Blake, P.R., by Robert B. Cumler, atty-in-fact  
Karin Blake, Personal Representative  
by Robert B. Cumler, Attorney in Fact

State of: Maine  
County of: Lincoln

Date: September 28, 2018

Then personally appeared the above named Karin Blake <sup>/by Robert B. Cumler her Attorney in Fact</sup> in her capacity as personal representative and acknowledged the foregoing instrument to be her free act and deed before me,

Jessica E. Carter  
Notary Public/Attorney at Law

Printed Name:

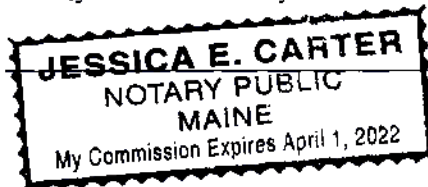


Exhibit A

A certain lot or parcel of land, together with any buildings thereon, situated in the Town of Lincolnville, County of Waldo and State of Maine, and being more particularly bounded and described as follows:

BEGINNING at an iron rod on the northeasterly boundary of premises now or formerly of Hulbert as noted in the Waldo County Registry of Deeds in Book 684, Page 727, said point being approximately nine hundred thirty (930) feet South 31 deg. 40 min. East from the southerly side of U.S. Route #1, so-called; thence South 31 deg. 40 min. East and by the northeasterly boundary of said land now or formerly of Hulbert, seven hundred sixty-five (765) feet to a steel rod; thence continuing the same course and still by said land now or formerly of Hulbert, forty (40) feet, more or less, to mean high-water mark of West Penobscot Bay, two hundred thirty (230) feet, more or less, to a point abreast of a steel rod and at Lot #2 as designated on plan hereinafter referred to; thence North 37 deg. 06 min. West and by Lot #2, fifty (50) feet, more or less, to said steel rod, said steel rod being North 31 deg. 32 min. East and two hundred twenty-four and eight tenths (224.8) feet distant from the steel rod last mentioned; thence North 37 deg. 06 min. West and still by Lot #2, six hundred sixteen and seven tenths (616.7) feet to a steel rod; thence continuing the same course, fifty-seven and nine-tenths (57.9) feet to an iron rod; thence South 55 deg. 01 min. West and still by Lot #2, one hundred thirty-seven (137) feet to the place of beginning.

The premises conveyed being Lot #1 as designated on plan entitled Lincolnville Shores Master Plan, Lincolnville, Maine, June 1983, recorded in the Waldo County Registry of Deeds on June 28, 1983, Plan Drawer 12, Page 185.

ALSO CONVEYING a right-of-way to be used in common with Northland Properties, Inc., its successors and assigns, over and upon the fifty (50) foot right-of-way from the southerly side of U.S. Route #1 to the premises conveyed as shown on land survey and plan above referred to.

ALSO CONVEYING all of the Grantors' right, title and interest, if any, in and to the shore and flats fronting the premises conveyed.

The premises being SUBJECT to an easement from Northland Properties, Inc., to New-England Telephone and Telegraph Company dated September 6, 1983 and recorded in the Waldo County Registry of Deeds in Book 815, Page 510.

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3689

## LINCOLNVILLE SHORES

LINCOLNVILLE, MAINE

### PROTECTIVE COVENANTS

Owner: Northland Properties, Inc.  
20 Walnut Street, Wellesley Hills, MA 02181  
Tel. (617) 235-2900

In order to assure that the natural beauty of Lincolnville and rural character of the area are preserved for residential use, and for the benefit and enjoyment of those who purchase parcels of land, and in order to provide each such property owner with assurance that the land surrounding his parcel will be subject to reasonable safeguards against spoiling acts which would affect the value and beauty of his property, Northland Properties, Inc. hereby records this Declaration of Easement Rights, Protective Covenants, Restrictions and Reservations, together with the approved subdivision plan titled "Lincolnville Shores Master Plan, Lincolnville, Maine, Northland Properties, Inc.", dated June, 1983, hereinafter referred to as the "Plan".

1. Use of Parcels

All parcels shall be used solely for non-commercial recreational or residential purposes (which shall permit the rental of the premises for such purposes), and forest and wildlife management.

2. Building Specifications and Design

The design of residential dwellings, barns, and other acceptable buildings, including but not limited to materials, colors, textures, building shape, roof lines, window treatment and site orientations shall be of a character harmonious with the natural beauty of the Penobscot Bay environment.

A building to be used as a residence shall contain no less than 1,000 square feet, exclusive of porches and garage, in the case of a one-story structure; and shall contain no less than 750 square feet on the first floor, exclusive of porches and garage, in the case of a two-story structure.

3. Trailers and Temporary Structures

No house trailer, mobile home or modular home shall be placed on any parcel. Furthermore, no camper, tent-camper, tent or other similar structure or building shall be allowed on said premises other than for temporary camping purposes.

4. Signs

Owners shall have the right to install a sign of not more than two (2) square feet showing the name of the owner or occupant and the name or number of the premises. All signs shall be compatible with



the environment, and under no circumstances shall projecting signs, neon or brightly lighted or self-lighted signs be permitted on any parcel.

5. Completion of Construction

Any Grantees of a parcel as shown on said Plan shall within eighteen (18) months from the start of any construction, erect, build and have the exterior of the building closed in and completed in a manner consistent with the conditions set forth herein.

6. Screening of Fuel Tanks

Fuel and other types of tanks not buried below the ground shall be screened, either naturally or in some other attractive manner, so as not to be visible from roads or other parcels.

7. Natural Drainage

Each owner shall be responsible to use due care to avoid interfering with the natural course of surface water in a fashion which would alter its natural flow across a neighbor's parcel.

8. Preservation of Native Trees

The wholesale cutting of trees on a parcel, whether for commercial lumbering purposes or otherwise, is prohibited, except in accordance with a Forest Management Plan prepared by a professional forester. This does not prevent an owner from cutting trees to construct or enhance a homesite or preserve the wooded environment of his land in a healthy manner.

9. Private Roads and Rights-of-Way

With respect to all roads and ways shown on the Plan which are not now public ways or streets of the Town of Lincolnville, the Grantor reserves to itself, its successors and assigns, and to all parcel owners directly abutting said private roads and ways the right to use that portion of such roads and ways which provides direct access to their parcel, for all purposes for which the Town of Lincolnville roads are used, and the obligation to maintain and improve that portion of such roads and ways. Winter use expenses such as, but not limited to, snowplowing shall be shared in similar fashion as for annual maintenance by those parcel owners using said roads during the winter season. Off street parking areas for vehicles shall be provided by all parcel owners.

10. Sewage Disposal

All sewage disposal areas shall be so constructed as to conform to the regulations of the State of Maine Plumbing Code, as amended, and the Town of Lincolnville.

11. Setback Requirements

No dwelling or building ancillary thereto shall be placed upon any lot within 25 feet of any boundary, nor within 50 feet of any road right-of-way. All principal structures shall be set back at least 75 feet from the normal high water mark of Penobscot Bay.

12. Nuisance

Noxious, dangerous, offensive or unduly noisy activities of any

nature shall not be carried on upon any parcel. No part of said premises shall be used or occupied injuriously to affect the use, occupation or value of the adjoining or adjacent premises for residence purposes, or the neighborhood wherein said premises are situated.

13. Refuse Disposal

Trash, garbage and other waste shall be kept in sanitary containers where they are not visible from any road or from any other parcel.

14. Subdivision

The parcels as shown on the plan may not be subdivided.

15. Brook Buffer Zone

A Protective Buffer Zone shall be established extending 50 feet on both sides of the centerline of the brook shown on the Plan, with said Zone designated "non-buildable" and such designation to include, but not be limited to, excavation and interpreted to mean that "all area within the confines of the Zone shall be left in its natural state". Said designation shall not be interpreted however, to interfere in any way with the use, maintenance or improvement of the 50 foot wide right-of-way easement shown on the Plan for vehicular and pedestrian traffic and for the extension of utilities.

16. Enforcement

The provisions of this Declaration have been adopted for the benefit of the owners of parcels on Lincolnville Shores.

Therefore, the violation or attempted violations of any covenant or restriction in this Declaration is hereby declared a nuisance which may be remedied by any appropriate legal proceeding. If any owner shall attempt, violate or permit any violation of any of the covenants, restrictions or reservations described above, the Grantor or any parcel owner may commence proceedings at law or in equity to recover damages or other awards for such attempts, violations or permitting of the same, or to enjoin the furtherance or continuation of such attempts or violations, or both.

If a final judgment is rendered against an owner, the owner agrees to pay all reasonable costs, including attorney's fees, incurred in the prosecution of said claim. Proceedings may be maintained irrespective of the waiver of any prior violation or attempt by the same or other owners, and the failure to enforce any one (1) occasion shall in no event be deemed to be a waiver of the right to do so thereafter as to the original breach or a breach subsequent thereto.

17. Termination of Restrictions

At a meeting duly held not earlier than September 1, 2008, the then current owners of record may terminate the provisions set forth in this Declaration, by a unanimous vote, which termination shall become effective upon the recording therefore. If no such termination is recorded by October 1, 2008, this Declaration shall automatically renew for another 25 year period, and in like manner for each 25 year period thereafter.

18. Grantor

All references in the Declaration to the Grantor shall mean and include the Grantor's successors and assigns.

19. Amendments

Until such time as the Grantor no longer owns any of the parcels, the Grantor shall have the right to amend the provisions set forth in this Declaration for any particular parcel or group of parcels provided that any such amendment does not interfere with preserving the rural and residential character of Lincolnville Shores, nor alter the intent of this Declaration.

20. Severability

If any provisions of this Declaration, or its application to any persons or circumstances, is invalid or unenforceable, then the remainder of this Declaration, or the application of such provisions to other persons or circumstances, shall not be affected thereby.

IN WITNESS WHEREOF, Northland Properties, Inc. has caused the corporate seal to be affixed hereto and these presents to be signed, acknowledged and delivered in its name by Robert A. Danziger, President and Agent for said Northland Properties, Inc. for these purposes by note duly authorized this 21<sup>st</sup> day of JUNE, 1983.

AS TO NORTHLAND PROPERTIES, INC.

BY: Robert A. Danziger President  
Robert A. Danziger, President

In the presence of:

Frank M. Stewart

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss:

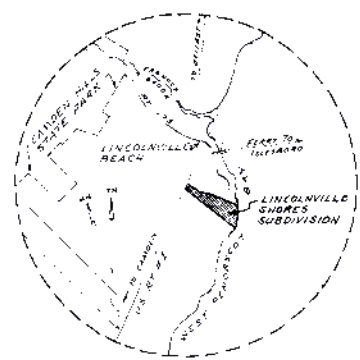
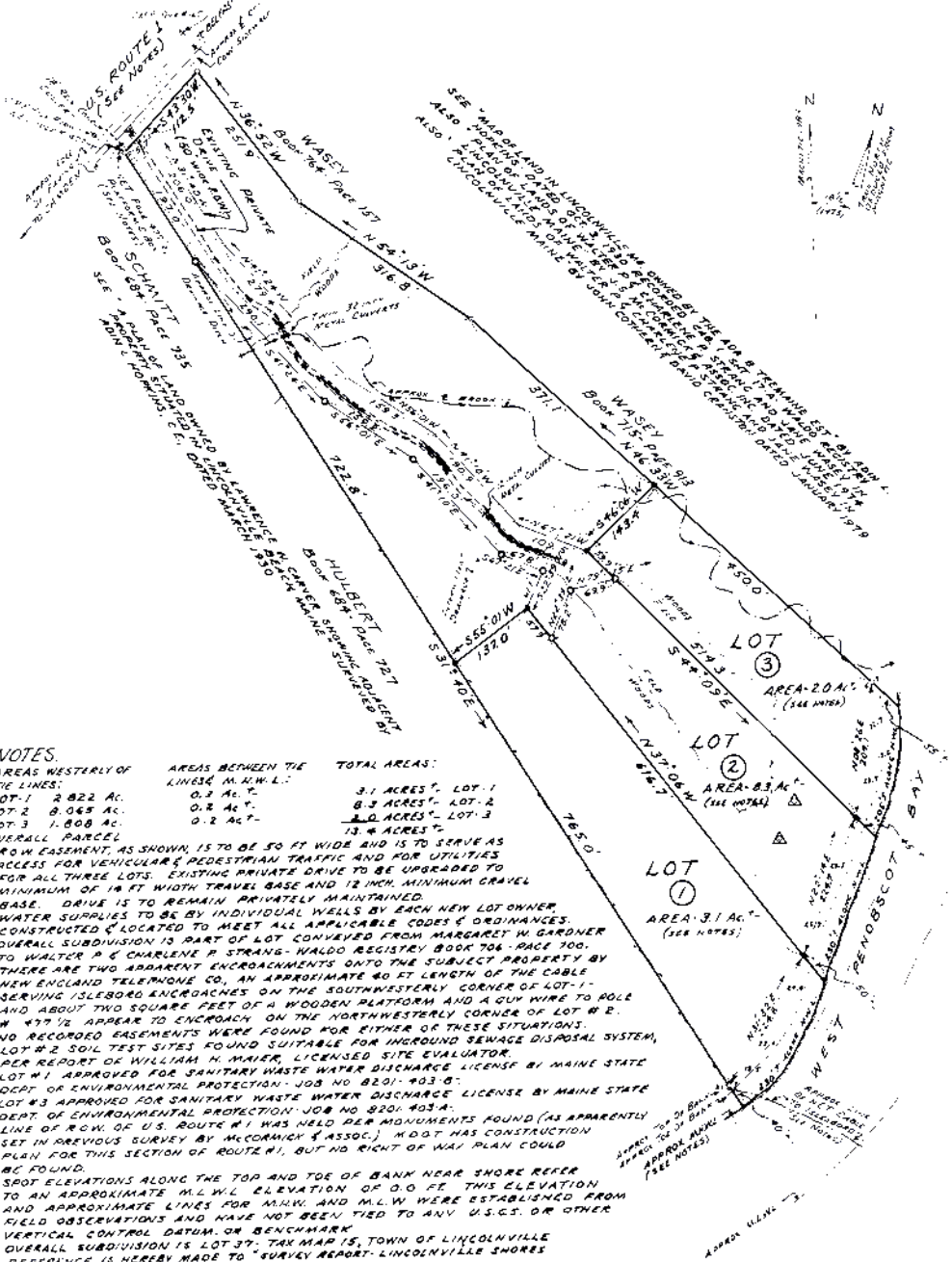
At Wellesley Hills, Massachusetts, this 21<sup>st</sup> day of JUNE, 1983, personally appeared Robert A. Danziger, as President and Agent of Northland Properties, Inc. and acknowledged the foregoing instrument as his free act and deed and the free act and deed of said Northland Properties, Inc., before me

Barbara B. Walquist  
Notary Public

My commission expires: 10/8/87

3689

State of Maine, Waldo ss. Registry of Deeds  
Received June 28, 1983 9:10 A.M.  
and recorded in Book 812 Page 94  
Attest: Delora Page Register



LOCATION PLAN  
 TAKEN FROM USGS QUADRANGLE SHEET LINCOLNVILLE MAINE (7 1/2 MIN SERIES)  
 LOCATION PLAN SCALE IN FEET

TOWN OF LINCOLNVILLE PLANNING BOARD  
 APPROVED June 13, 1983 DATE  
 David P. Hutchison  
 Registered Land Surveyor #1218  
 9 FREE STREET  
 CAMDEN, MAINE  
 03-341-1

- NOTES.**
- AREAS WESTERLY OF THE LINES:
 

AREAS WESTERLY OF THE LINES:	TOTAL AREAS:
LOT-1 2.822 AC.	3.1 ACRES - LOT-1
LOT-2 0.065 AC.	8.3 ACRES - LOT-2
LOT-3 1.008 AC.	1.0 ACRES - LOT-3
OVERALL PARCEL	13.4 ACRES
  - ROW EASEMENT, AS SHOWN, IS TO BE 50 FT WIDE AND IS TO SERVE AS ACCESS FOR VEHICULAR & PEDESTRIAN TRAFFIC AND FOR UTILITIES FOR ALL THREE LOTS. EXISTING PRIVATE DRIVE TO BE UPGRADED TO MINIMUM OF 18 FT WIDTH TRAVEL BASE AND 12 INCH MINIMUM GRAVEL BASE. DRIVE IS TO REMAIN PRIVATELY MAINTAINED.
  - WATER SUPPLIES TO BE BY INDIVIDUAL WELLS BY EACH NEW LOT OWNER CONSTRUCTED & LOCATED TO MEET ALL APPLICABLE CODES & ORDINANCES.
  - OVERALL SUBDIVISION IS PART OF LOT CONVEYED FROM MARGARET W. GARDNER TO WALTER & CHARLENE P. SPRING - WALDO REGISTRY BOOK 706 - PAGE 700.
  - THERE ARE TWO APPARENT ENCROACHMENTS ONTO THE SUBJECT PROPERTY BY NEW ENGLAND TELEPHONE CO., AN APPROXIMATE 80 FT LENGTH OF THE CABLE SERVING ISLEBORO ENCROACHES ON THE SOUTHWESTERLY CORNER OF LOT-1 AND ABOUT TWO SQUARE FEET OF A WOODEN PLATFORM AND A CUM WIRE TO POLE W 477 1/2' APPEAR TO ENCROACH ON THE NORTHWESTERLY CORNER OF LOT # 2. NO RECORDED EASEMENTS WERE FOUND FOR EITHER OF THESE SITUATIONS.
  - LOT # 2 SOIL TEST SITES FOUND SUITABLE FOR INGROUND SEWAGE DISPOSAL SYSTEM, PER REPORT OF WILLIAM H. MAIER, LICENSED SITE EVALUATOR.
  - LOT # 1 APPROVED FOR SANITARY WASTE WATER DISCHARGE LICENSE BY MAINE STATE DEPT. OF ENVIRONMENTAL PROTECTION - JOB NO. 8201-403 B.
  - LOT # 3 APPROVED FOR SANITARY WASTE WATER DISCHARGE LICENSE BY MAINE STATE DEPT. OF ENVIRONMENTAL PROTECTION - JOB NO. 8201-403 A.
  - LINE OF R.O.W. OF U.S. ROUTE #1 WAS HELD PER MONUMENTS FOUND (AS APPARENTLY SET IN PREVIOUS SURVEY BY MCCORMICK & ASSOC.) M.D.O.T. HAS CONSTRUCTION PLAN FOR THIS SECTION OF ROUTE #1, BUT NO RIGHT OF WAY PLAN COULD BE FOUND.
  - SPOT ELEVATIONS ALONG THE TOP AND TOE OF BANK NEAR SHORE REFER TO AN APPROXIMATE M.L.W.L. ELEVATION OF 0.0 FEET. THIS ELEVATION AND APPROXIMATE LINES FOR M.L.W. AND M.L.W. WERE ESTABLISHED FROM FIELD OBSERVATIONS AND HAVE NOT BEEN TIED TO ANY U.S.C. OR OTHER VERTICAL CONTROL DATA OR BENCHMARK.
  - OVERALL SUBDIVISION IS LOT 37. TAX MAP IS, TOWN OF LINCOLNVILLE SUBDIVISION, IS HEREBY MADE TO SURVEY REPORT LINCOLNVILLE SHORES SUBDIVISION, BY DAVID P. HUTCHISON.
  - REFERENCE IS HEREBY MADE TO COVENANTS AND RESTRICTIONS TITLED "LINCOLNVILLE SHORES, LINCOLNVILLE, MAINE PROTECTIVE COVENANTS"

**LEGEND:**  
 STEEL REINFORCING ROD FOUND  
 5/8" STEEL REINFORCING ROD SET  
 2" O.D. IRON PIPE SET FLUSH  
 SOIL TEST SITE  
 WIRE FENCE (TRACES)

0 100 200 300  
 SCALE IN FEET

STATE OF MAINE  
 Waldo County, Me.  
 REGISTRY OF DEEDS  
 RECEIVED AND FILED  
 1983 JUN 15  
 Attest: \_\_\_\_\_  
 Register

**LINCOLNVILLE SHORES MASTER PLAN**  
 LINCOLNVILLE MAINE  
 JUNE 1983

PLAN PREPARED FOR  
 NORTHLAND PROPERTIES, INC.

DAVID P. HUTCHISON  
 REGISTERED LAND SURVEYOR #1218  
 ISLAND MARINE COMPANY  
 9 FREE STREET  
 CAMDEN, MAINE  
 03-341-1

## EXHIBIT 11.0: MHPC AND TRIBE NOTIFICATIONS



October 12, 2021

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

RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA)  
Application to construct a dock on behalf of Randall Ward and Kristyn Morrissey-Ward and located at  
37 Shag Rock Point, Lincolnville, Maine (Tax Map 15, Lot 29).

Dear Ms. Coyne,

Randall Ward and Kristyn Morrissey-Ward (Applicant) have applied for a NRPA permit requesting approval to construct a dock located at 37 Shag Rock Point in Lincolnville, Maine. Please find a copy of a Location Map and Photographs for your review.

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

Sincerely,  
Atlantic Environmental LLC.



Tim Forrester, Owner

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

## EXHIBIT 12.0: COASTAL WETLAND CHARACTERIZATION

### 12.1 INTRODUCTION

AE personnel conducted a site visit at the Applicant's property on July 16, 2021. The purpose of the site visit was to gather data to perform a coastal wetland characterization of the natural resources at the site and to calculate the impacts of the proposed dock. The assessment was conducted at low-tide.

### 12.2 METHODOLOGIES

The site was evaluated based on DEP methodologies that include, "Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values" (1999) and "Maine's Coastal Wetlands: II. Recommended Functional Assessment Guidelines" (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon. A copy of the checklist is attached in **Exhibit 8.0**. Site-specific data were gathered with a survey level and a Trimble GEO 7X GPS unit. Features identified include rock outcrops, Highest Annual Tide (HAT), Mean High Water (MHW), Mean Low Water (MLW), property pins, habitat types, and existing structures. The collected data were then used to generate plan view and cross section drawings (**see Exhibit 5.0**).

### 12.3 RESULTS

The site of the proposed project is an approximately 3.25 acre parcel of land that is located off Shag Rock Point in the Town of Lincolnville, Maine. The site is developed with a residential structure and associated development that includes a landing and stairs that terminate above the intertidal area of the site. The upland at the site primarily consists of a vegetated bank that extends to mixed coarse and fines, boulders, and rockweed in the intertidal and subtidal zones.

Based on the most recent survey layer of the Maine Office of GIS, Eelgrass (*Zostera marina*) is not located at the project site and the site visit confirmed this. According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat (SWH) map, the site is not mapped within SWH. There is a mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) that appears to terminate to the north of the proposed dock.

The energy level is considered exposed, the site drains completely, and there are no freshwater wetlands located in the vicinity of the project site. The general slope in the area where the proposed dock will be located is approximately 0 - 5%. There are other residential docks located to the north that are similar in design.

Four (4) general habitat types were identified in the vicinity of the project site: Upland, Mixed Coarse and Fines, Boulder and Cobbles, and Rockweed Covered Boulders. The dock will be located over all of these habitat types.

#### **12.4 DISCUSSION AND CONCLUSIONS**

The primary organisms that utilize the entire habitat area include: small crustaceans, rock crabs, green crabs, juvenile fish, and amphipods.

Based on the site characterization and conditions of the site and the avoidance and minimization measures proposed, all organisms identified within the footprint of the proposed structures are common within the surrounding area and will continue to utilize the area at the completion of construction. It is not anticipated there will be a loss of wetland functions or values as a result of the proposed project. The Applicant proposes to cut three (3) trees greater than 3" dbh to construct the proposed dock.



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

October 12, 2021

Consultation Code: 05E1ME00-2022-SLI-0037

Event Code: 05E1ME00-2022-E-00139

Project Name: Ward Recreational Dock

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.



A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: [http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html) Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

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<http://www.towerkill.com>; and at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Consultation Code: 05E1ME00-2022-SLI-0037

Event Code: Some(05E1ME00-2022-E-00139)

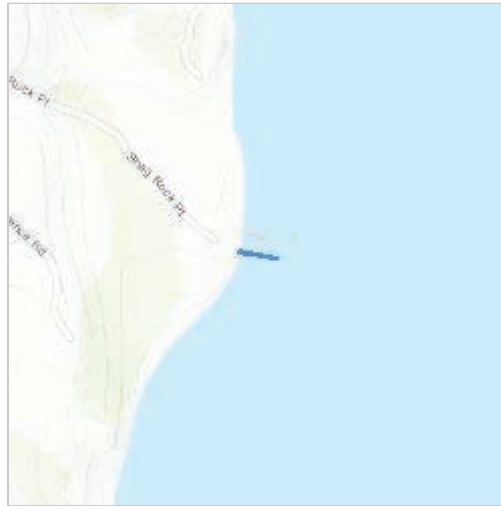
Project Name: Ward Recreational Dock

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: The Applicant proposes to construct a recreational dock consisting of a 6' x 300' pier, a 3' x 55' ramp, and a 16' x 30' float. The dock will be supported by four (4) granite cribs and the float will be secured with cross chains and mooring blocks. The dock will provide seasonal recreational water access to Penobscot Bay and adjacent waters.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.27478345,-69.00506442913887,14z>



Counties: Waldo County, Maine

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## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [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.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Fishes

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> Population: Gulf of Maine DPS There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2097">https://ecos.fws.gov/ecp/species/2097</a>	Endangered

### Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

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East Orland, ME 04431

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In Reply Refer To:

October 19, 2021

Consultation code: 05E1ME00-2022-TA-0037

Event Code: 05E1ME00-2022-E-00259

Project Name: Ward Recreational Dock

Subject: Verification letter for the 'Ward Recreational Dock' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Lisa Vickers:

The U.S. Fish and Wildlife Service (Service) received on October 19, 2021 your effects determination for the 'Ward Recreational Dock' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Atlantic Salmon *Salmo salar* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

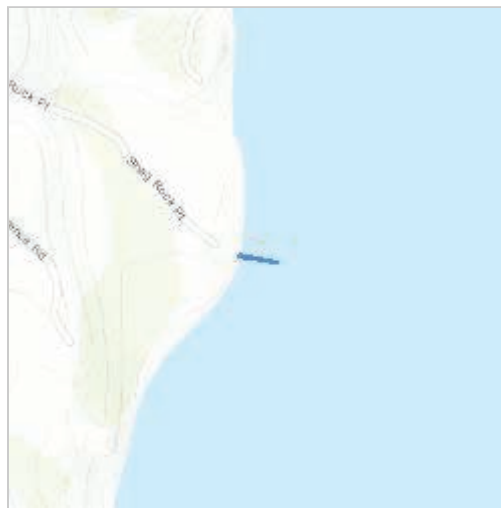
Ward Recreational Dock

**2. Description**

The following description was provided for the project 'Ward Recreational Dock':

The Applicant proposes to construct a recreational dock consisting of a 6' x 300' pier, a 3' x 55' ramp, and a 16' x 30' float. The dock will be supported by four (4) granite cribs and the float will be secured with cross chains and mooring blocks. The dock will provide seasonal recreational water access to Penobscot Bay and adjacent waters.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.27478345,-69.00506442913887,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

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Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

**Automatically answered**

Yes

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

1

2. If known, estimated acres of forest conversion from April 1 to October 31

1

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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## EXHIBIT 13.0: COMPENSATION

The dock will result in approximately two hundred and sixty-eight (268) square feet of direct impacts to the coastal wetland. These impacts are a result of the cribs for the pier as previously described.

All organisms identified within the footprint of the proposed structures were noted within adjacent areas. In accordance with Chapter 310 § 5(C)(6)(b), the proposed project does not cover, remove, or destroy marsh vegetation and does not fill more than 500 square feet of intertidal or subtidal area and, presumably, does not have an adverse effect on marine resources or on wildlife habitat given the minimal impacts from the dock. Given this, no compensation is proposed for this project.