

PETITION OPPOSING THE CONSTRUCTION OF A PROPOSED PIER, RAMP, AND FLOAT IN LINCOLNVILLE, ME

We the undersigned oppose the construction of the pier, ramp, and float proposed by Randall Ward and Kristyn Morrissey-Ward (the “Applicants”) for their property at 37 Shag Rock Point, Lincolnville, ME (Lot #69, Tax Map #15).

The Applicants filed a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection on or around October 13, 2021, proposing the construction of 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 (the “Project”). In total, the Project would extend approximately as much as three-hundred and eighty-five feet (385) into Penobscot Bay. The application is currently undergoing review by the Maine Department of Environmental Protection.

The undersigned feel strongly that the proposed Project would permanently damage a truly unique and beautiful stretch of the Maine Coast in a number of ways. We ask the state and local officials reviewing the application to reject the proposed Project for the reasons summarized below, among others:

- There are currently no other private, individual, recreational docks, particularly of this size and scale, along the Lincolnville coastline. The Project would result in a physical and visual anomaly along the natural coastline. A scaled rendering of how the Project would appear along the current shoreline from the concerned property is attached. *See Exhibit A.*
- The Project would unreasonably interfere with regular, customary, and traditional use of our public marine shore for recreation, safe enjoyment, and safe navigation. It would negatively impact those who currently use the shallow waters near the shore for sailing, kayaking, and paddle boarding, as well as other low environmental impact, recreational water activities. Novice sailors also often sail small watercraft in these waters. The Project would require all such individuals to go out into deeper areas of the Bay, creating significant threats to safety, particularly given the natural conditions and highly exposed winds in the area.
- The proposed length (which goes 135 feet beyond the mean low water line) and location of the dock would also create a potential obstruction in the navigable waters currently used by fishermen, sailors, and other boaters.
- The Project will unreasonably disturb submerged lands held in trust by the State of Maine for all citizens not just for specific individuals. It will have a negative impact on the habitat and ecological niches of numerous sea animals including shellfish, urchins, and others.
- The Natural Resources Protection Act in its section relating to scenic and aesthetic value supports maintaining these values particularly when there are alternatives available.

There are alternatives to the proposed pier, such as moorings close to the proposed Project location in Lincolntonville, Camden, Rockport, Rockland, or Belfast harbors.

- In particular, Lincolntonville Beach is within walking distance to the Proposed Project, and has moorings and ramps for residents to moor their boats, access the ocean, and take advantage of recreational activities. While there may be a waiting list, this does not justify the building of such a massive and disruptive private structure.
- The location of the proposed Project is directly across from Islesboro and, significantly, also from the Warren Island State Park. Due to its large size and location, the Project would most certainly negatively impact the scenic and aesthetic aspects of the shoreline as viewed from the Warren Island State Park. This Project would also be seen, in part, from Bald Rock in Camden Hills State park from where even the Lincolntonville Ferry terminal is not seen. The coast along here, from Lincolntonville to Camden, is pristine. It is a draw for people who come here to visit and is a valuable scenic asset to the town and its residents.
- The size of the Project would negatively impact the privacy and views of many of the neighboring properties on the shore.
- The Project would likely require the use of all night lighting to prevent navigational accidents. The resulting light pollution would disturb surrounding homes and negatively impact Lincolntonville's night sky view, which is yet another feature that makes our town so special.
- Granting this application would establish precedence for granting more such applications. In time more private docks would be built along the Lincolntonville shoreline. This would affect the natural beauty of the coastline and negatively impact near-shore, low-impact recreational water activities.




The Supreme Judicial Court of Maine has held that the "The right to wharf out is not an unconditional right." See *Uliano v. Board of Environmental Protection*, 977 A.2d 400 (Aug. 13, 2009). This is particularly the case when individual interests have broader negative impacts on neighbors, the broader community and public, and the environment.

Our stretch of coastline in Lincolntonville is unique, even within Maine. Residents and visitors can enjoy the untrammled and natural beauty of the coastline and the surrounding area while enjoying the amenities and access offered by desirable destinations such as Camden, Lincolntonville Beach, and Belfast. The undersigned strongly feel that the proposed Project would fundamentally change one of the key features of Lincolntonville that people who live and vacation here value and enjoy.

We fervently hope that the approval for this Project will be denied by the Department of Environmental Protection, the Board of Selectmen and other concerned officials in the town of LincolNville, as well as the other involved state and local agencies.

Sincerely,

The Following Residents/ Property Owners of LincolNville and Other Concerned Individuals:

<u>Name</u>	<u>Address (Local and Mailing)</u>
Mindi Gay 	13 Phineas Way LincolNville, ME 04849 10 Railroad Street Newburyport, MA 01950
Phineas Gay 	13 Phineas Way LincolNville, ME 04849 10 Railroad Street Newburyport, MA 01950
Kavita Mohan & Shantanu Lal 	38 Shag Rock Point LincolNville, ME 04849 7811 Aberdeen Road Bethesda, MD 20814

