

City of Biddeford
Planning Board
August 17, 2022 6:00 PM City Hall
Council Chambers & Zoom
<https://biddeford.zoom.us/j/92876323810?pwd=OVNQNXRuLy9waFRVbHIPZXNheUN3dz09>
ID #928 7632 3810
Passcode: 217558

STATUS: Planning Board Meeting in Council Chambers & Zoom, 6:00 PM

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
 - 4.A. Update on the Comprehensive Plan Schedule.
[Comprehensive Plan Schedule Memo.pdf](#)
[Copy of Biddeford Comprehensive Plan Gantt Chart - 8.17.22 PB Meeting.xlsx](#)
- 5. CONSENT AGENDA**
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2022.32 Public Hearing regarding the following proposed zoning amendment:
Amendment to Article V, Table B, Footnote B (Dimensional Requirements) to implement changes to the City's density bonus regulation, to clarify applicability of the regulation, affordability requirements, and enforcement protocols.
[Bonus Density Report.pdf](#)
[Bonus Density - Redline Text gjw.pdf](#)
[PPH Notice 8-3-22.jpg](#)
 - 7.B. 2022.24 Public Hearing for a proposed Contract Zone for Devine Capital, LLC at 558 & 590 Alfred Street (Tax Map 2, Lots 6 & 12) to construct up to 216 residential units in 9 multi-family residential buildings, with up to 24 dwelling units per building. the units will range from studios to 1,2 and 3 bedroom units.
Additionally the Board will also review a Sketch Plan Application for the same project.
Applicant: Devine Capital, LLC
Agent: Roz Anton
Tax Map/Lot: 2/6 & 12
Zone: Business Zone 2
Overlay: N/A
Defined Land Use: Vacant Land & Church
Application Type: Contract Zone & Sketch Plan Review
Public Comments will be accepted for this item
[2022.24 Devine Capital Sketch Report.pdf](#)
[PB Submission Packet 072922.pdf](#)
[JDA.DEVINE.CAPITAL.LLC.Fully.Executed.pdf](#)
[DRAFT Contract Zone Agreement Devine.pdf](#)

- 7.C. 2022.23 Review of a Shoreland Zoning Application for Nicola Shannon at 29 Twin Island Drive (Tax Map 47, Lot 34-1) in the Suburban Residential 1 Zone with Limited Residential Overlay.

The proposed project is to construct a recreational dock consisting of a landing, steps, a 6' x 20' pier, a second set of sets that connect to a 6' x 16' pier, a 3' x 40' ramp, and a 12' x 24' float.

Applicant: Nicola Shannon

Agent: Atlantic Environmental, LLC c/o Tim Forrester

Tax Map/Lot: 47/34-1

Zone: SR-1

Overlay: LR

Defined Land Use: Single Family Home on the River

Application Type: Shoreland Zoning Permit seeking Final Approval

Public comments will be accepted for this item

[29 Twin Island Drive SLZ Report.pdf](#)

[2022.23 29 Twin Island Drive draft FOF.pdf](#)

[Site Plan Application_Marques_Shannon_reduced.pdf](#)

[Marques_Shannon Plan Set.pdf](#)

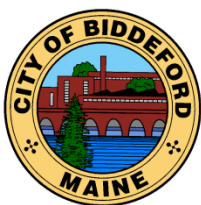
[Marques_Shannon_2015 Aerial.pdf](#)

[NRPA Permit.pdf](#)

8. OTHER BUSINESS

9. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

Planning and Development Department

Matthew Grooms, AICP
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Matthew.Grooms@Biddefordmaine.org

PLANNING BOARD MEMO

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Matthew Grooms, AICP, City Planner

DATE: August 9, 2022

RE: Comprehensive Plan Schedule Update

Meeting Date: August 17, 2022

Completion of the Comprehensive Plan is a top priority for the City of Biddeford, and in light of this, staff have prepared an ambitious schedule to produce a final draft of the document within the next several months, with the goal of having the Comprehensive Plan available for City Council consideration by the end of this calendar year. While ambitious, the City is committed to providing significant staff resources, with participation across multiple City Departments to collect and input pertinent data, produce maps and graphics, finish drafting Comprehensive Plan sections, and package the plan into a nimble, engaging and digestible final product.

Acknowledging the significant public outreach that has occurred to date, including direct solicitation of feedback from multiple stakeholder groups, numerous public meetings, robust community survey effort, and a well maintained website presence, the schedule features limited additional public engagement prior to the release of the full document. For the Board's reference, future suggested public meetings are as follows:

- **August 17:** Planning Board workshop to discuss schedule.
- **September 21:** Planning Board workshop to discuss Future Land Use Map and Biddeford's City Vision
- **October 19 OR November 2:** Planning Board workshop to discuss final draft of the Comprehensive Plan. This represents the start of the required 30 day comment period.
- **December 7:** Planning Board Public Hearing to Recommend Comprehensive Plan to City Council.

- **December 20:** Presentation of the Comprehensive Plan to the City Council

The schedule is laid out in detail in a Gantt chart included as Attachment I. This schedule identifies assumed hours required to complete various elements of this work plan, along with potential dates for both internal coordination meetings, and public meetings. As can be seen in the attached chart, the vast majority of work left to be done is the drafting of several additional chapters, not currently available as part of the working draft, accessible on the City's website. This will require significant 'behind the scenes' work to produce these drafts in a timely manner consistent with this schedule.

Once the final draft is released, the City will lead a robust outreach effort to notify residents and interested parties of the release, and develop informational resources to assist in conveying the content of the plan.

At the August 17th meeting, staff will be looking for feedback from the Planning Board on the proposed timeline, and whether the Board is supportive of overall public meeting schedule and topic focuses.

About This Template

This template provides a simple way to create a Gantt chart to help visualize and track your project. Simply enter your tasks description, Progress as a percent of completion of the task, a Start Date and Number of days to complete the task. The Gantt chart auto updates. A scroll bar allows you to scroll through the timeline. Insert new tasks by inserting new rows.

Customize the look of the chart by modifying the conditional formats.

Dates up to the current day are shaded in the timeline.

Guide for Screen Readers

There are 2 worksheets in this workbook.

Gantt Chart

About

The instructions for each worksheet are in the A column starting in cell A1 of each worksheet. They are written with hidden text. Each step guides you through the information in that row. Each subsequent step continues in cell A2, A3, and so on, unless otherwise explicitly directed. For example, instruction text might say "continue to cell A6" for the next step.

This hidden text will not print.

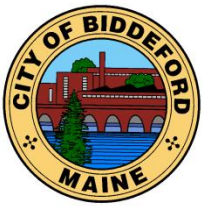
To remove these instructions from the worksheet, simply delete column A.

Matthew Grooms

8/8/200



To add more data, insert new rows **ABOVE** this one



CITY OF BIDDEFORD

Planning and Development Department

Matthew Grooms, AICP
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Matthew.Grooms@Biddefordmaine.org

PLANNING BOARD MEMO

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Matthew Grooms, AICP, City Planner

DATE: August 9, 2022

RE: **Bonus Density Amendments**

Meeting Date: August 17, 2022

I. INTRODUCTION:

The City of Biddeford has prepared a series of minor amendments to the City's Bonus Density regulation; to clarify applicability of the program and better define the process for its administration. The amendments as drafted are not intended as a substantive change to the City-adopted policy, but instead, are viewed as housekeeping measures, to clarify existing areas of confusion and better reflect current administrative practice.

As background, the City Council originally adopted the Bonus Density regulation for the MDRD-2 zone in February of 2019. The program was further expanded in May of 2021 to include five additional zones, the R-1A, R-1B, R-2, R-3, and OR zones. The purpose of the program was to permit increased residential density within existing structures, in locations generally proximate to downtown, contingent upon at least 30% of the new units being created being leased at no more than 80% of the fair market rate (FMR) based upon bedroom count and unit size.

II. PROPOSED AMENDMENTS

The full draft of the amendments is included as Attachment 1 to this report, with edits proposed to Article V, Table B, Footnote B.1, pertaining to the redevelopment of existing structures. A summary of the amendments is as follows:

- Require that life/safety codes be reviewed prior to the Code Enforcement Officer recommending eligibility of a project for the bonus density program.
- Establish a term length of 10-years for the affordable housing contractual agreement.
- Clarify that a minimum of one unit shall be subject to the affordability restrictions.
- Require that units not only be leased at 80% fair market rate (FMR), but also that units be leased to households earning no more than 80% of the area median income (AMI).

- Revise timing of both the signing and recording of the contractual agreement, such that signing of the agreement is required before issuance of any building permits, and recording of the agreement, is required prior to the issuance of the Certificate of Occupancy.

III. DISCUSSION

As stated above, the premise behind these amendments is simple clean-up to assist in the administration of the program. Staff are well aware and involved with other City efforts to encourage the development of new affordable housing either through policy setting in the Comprehensive Plan, future implementation of State passed legislation LD-2003, or participation in the Mayor's Affordable Housing Task Force. These other ongoing efforts will likely result in future substantive ordinance amendments based upon any changes that might be introduced to the City's housing policy. The draft now before the Board was carefully crafted to work within the parameters of the existing policy, while providing much needed clarification to benefit both prospective applicants and City staff who administer the program.

IV. RECOMMENDATION

Based upon the prior support of the bonus density regulation by both the Planning Board and the City Council as a tool to encourage increased residential density and affordable housing within downtown Biddeford, and the nature of the proposed amendments as minor housekeeping edits, staff recommend that the Planning Board vote to recommend this text amendment to City Council.

V. SAMPLE MOTIONS:

1. *Motion to recommend the zoning text amendment to Article V, Table B, Footnote B.1 to the City Council as drafted.*

Or

2. *Motion to table the zoning text amendment to Article V, Table B, Footnote B.1. to the Planning Board's regularly scheduled meeting on _____*

ATTACHMENTS

1. Draft Bonus Density Amendments.

Att. I: Proposed Amendment – Article V, Table B, Footnote B – Bonus Density Regulation

- B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, the density requirements may be relaxed as follows:
1. Redevelopment of existing structures:
 - a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will satisfy life/safety codes and result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
 - b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
 - c. ~~An applicant~~ provided a density bonus for rental housing shall enter into a 10-year contractual agreement with the City of Biddeford requiring that at least 30% of the additional units being created, with the minimum being one unit, ~~shall~~ be leased to households earning no more than 80% of the area median income (AMI) such that they do at a rate not to exceed the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be signed by the applicant, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Prior to receiving a Certificate of Occupancy, the applicant shall record the agreement at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office and Planning and Development Department. prior to the issuance of any building permits. Rent-restricted units will be annually monitored by the Planning and Development Department for contract compliance.

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City of Biddeford
Planning Board
Public Hearing Notice
Date: August 17, 2022
Time: 6:00 PM
Location: Biddeford
City Hall, Council
Chambers and Remote
Access Meeting (1
MRSA § 403-B)
On behalf of the City
Clerk and the Planning
Board, the Planning
Department provides
notice that the
Planning Board will hold
a Public Hearing, take
comments, and make
a recommendation
to the City Council
regarding the following
proposed zoning
amendments:

1. A proposed
amendment to Article
V, Table B, Footnote
B (Dimensional
Requirements) to
implement changes to
the City's density bonus
regulation, to clarify
applicability of the
regulation, affordability
requirements, and
enforcement protocols.
Information on how to
view and/or participate
in the meeting will be
available after August
12, 2022 at [https://
www.biddefordmaine.
org/2478/Video-
Agendas-Minutes](https://www.biddefordmaine.org/2478/Video-Agendas-Minutes) by
selecting the Agenda
or Agenda Packet. For
detailed information
about the above
items please call the
Planning Department
at 207-284-9115, e-mail
[Matthew.Grooms@
biddefordmaine.org](mailto:Matthew.Grooms@biddefordmaine.org)
and/or [nan.whitten@
biddefordmaine.
org](mailto:nan.whitten@biddefordmaine.org), or go to [www.
biddefordmaine.org/
planning](http://www.biddefordmaine.org/planning).



To: Matt Grooms, City Planner and the Biddeford Planning Board

From: Hannah Bonine, Contract Planner

Date: August 9, 2022

Re: 2022.24 Sketch Plan Review for a proposed 216 Unit Multifamily Apartment Complex and Contract Zone at 588 and 590 Alfred Street

1. Proposal

This application contains materials for a Subdivision and Site Plan Sketch Plan review for a proposed 216-Unit Multifamily housing complex at 588 and 590 Alfred Street (Tax Map 2, Lots 6 and 12). The parcels are located in the B-2 zone, where residential uses are not permitted, so a Contract Zone is required for this project. The project consists of 9 residential buildings, 8 garage structures, a clubhouse, a pool, and a dog park. Residential units will be a mixture of studio, 1, 2, and 3 bedrooms.

This multi-family project requires a Contract Zone which has already been endorsed by the City Council. Subdivision Approval, as well as Site Plan Approval, from the Planning Board is required. The Planning Board through its review also must develop Contract Zone language to be forwarded back to the City Council for final action.

2. Project Information

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Devine Capital, LLC 30 Milk Street, 3 rd Floor Portland, ME 04101
2.	Property Owner	New Life Christian Fellowship 551 Alfred Street Biddeford, ME 04005
3.	Agent	Roz Anton 40 Main Street, Suite 13-404 Biddeford, ME 04005
4.	Engineer/Surveyor	Richard Meek, P.E., Terradyn Consultants 41 Campus Drive, Suite 301 New Gloucester, ME 04260

5.	Project Location	588 & 590 Alfred Street
6.	Map/Lot	Map 2, Lots 6 & 12
7.	City Approvals Required	Subdivision, Site Plan, Contract Zone
8.	Existing Zoning	B-2
9.	Overlay Zoning	None
10.	Existing Use	Vacant
11.	Proposed Use	Multifamily Residential Subdivision
12.	Uses in the Vicinity	Commercial, Retail, Dining
13.	Parcel Size	44.53 acres
14.	Limits of Disturbance	17.77 acres
15.	Drainage Watershed	Thatcher Brook
16.	Water Supply	Public Water
17.	Sewerage Disposal	Public Sewer
18.	Fire Protection	City of Biddeford
19.	Ownership of Road	Public
20.	Additional Approvals/Permits Needed	Contract Zone
21.	Fees Paid (LDR Attachment A)	All fees paid
22.	Planning Board Review History	August 18, 2022

3. Compliance with City Ordinances

Per the City of Biddeford Code of Ordinances Chapter 66 *Subdivisions*, Section 30, the purpose of the Sketch Plan review is for the Board to review the overall layout plan and offer general feedback to the applicant, to inform the Preliminary submission. The Board must also make the determination that the proposed subdivision is a major or minor subdivision, based on the following criteria:

Major subdivisions:

Propose to develop any type of additional roadways, whether public or private;

or extend public water or sewer lines;

where five or more lots are proposed;

or are considered planned unit developments.

This determination will dictate whether the application must proceed with a preliminary and final approval in two distinct steps, or if both may be granted simultaneously. If the application is deemed a major subdivision, the applicant must submit all information required in Section 66-35 to be considered for preliminary approval. The Board may also request additional studies to be made, at the applicant's expense, to inform the design and approval process.

4. Waiver Requests

None at this time. Upon review of the submission requirements, the applicant may wish to submit a request for a waiver.

5. Recommendations

At this time, the Board should review the application, listen to the applicant's presentation, and ask questions/make comments to better inform the project. The purpose of the Sketch Plan review is for the Board to review the overall concept of the proposal and gain a better understanding of the project as a whole. The Board must also determine if the application constitutes a major or minor subdivision. By definition, the project is a major subdivision.

6. Sample Motion

- a. Motion to designate the application for a 216-unit multifamily residential subdivision at 588 and 590 Alfred Street (Tax Map 2, Lots 6 & 12) as a Major Subdivision.**



July 29, 2022

City of Biddeford Planning Board
c/o Mr. Matthew Grooms, City Planner / Deputy Director
City of Biddeford
205 Main Street, P.O. Box 586
Biddeford, Maine 04005

Re: Planning Board Application – Devine Capital, LLC
Project: 216 Unit Multi-Family Apartment Complex Project
Property: 588 & 590 Alfred Street (Tax Map 2, Lots 6 & 12)
Zoning District: B2: Highway Business Zone

To Whom It May Concern:

In reference to the above project, I have enclosed seven (7) copies of the Planning Board Application and related attachments for consideration at the upcoming meeting on August 17th.

As you may know, Devine Capital is proposing a 216 unit multi-family apartment complex at 588 & 590 Alfred Street in Biddeford on land currently owned by New Life Christian Fellowship. Devine Capital, LLC is under contract with an option to purchase this property for purposes of the project.

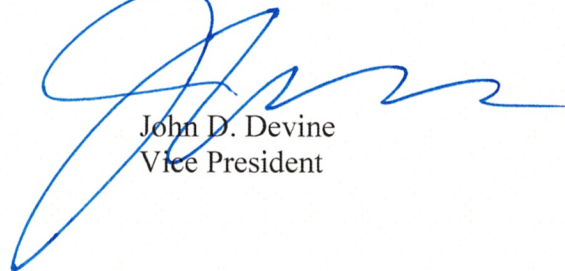
The enclosed draft site plan and renderings depict the proposed location of the apartment buildings, garages, community clubhouse, conservation area, outdoor pool area, community garden, dog park and other related amenities and improvements.

A contract zone is needed for this project to allow multi-family residential use within the B2: Highway Business Zone, and to allow the project to be constructed without regard to any conflicting lot area, dimensional, and density requirements otherwise applicable within the B2: Highway Business Zone.

City of Biddeford Planning Board
July 29, 2022
Page 2

We look forward to presenting this exciting project to you at the Planning Board meeting on August 17th.

Very truly yours,

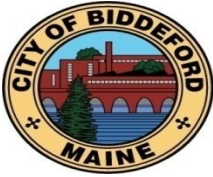


John D. Devine
Vice President

WMF/jfp

Enclosures

cc: Greg Mitchell, Planning Director, City of Biddeford
(via email: Gregory.Mitchell@BiddefordMaine.org)
Justin Sweeney, Lead Pastor, New Life Church
(via email: justin.sweeney@newlifemaine.org)
Bernard M. Devine, Jr., President, Devine Capital
(via email: bmd300@gmail.com)

**City of Biddeford – Planning Department****Planning Board Application**

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☐ Shoreland Zoning Permit ☒ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☒ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Name: Devine Capital, LLC
 Mailing Address: 30 Milk Street, 3rd Floor
 Telephone: 207-536-4664
 Email: bmd300@gmail.com

What is your legal interest in the property?

☐ Owner ☒ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: New Life Christian Fellowship
 Mailing Address: 551 Alfred Road, Biddeford, Maine 04005-944
 Telephone: 207-284-4840
 Email: justin.sweeney@newlifemaine.org

Agent's Information:

Name: Roz Anton
 Mailing Address: 40 Main Street, Suite #13-404, Biddeford, Maine 04005
 Telephone: 207-450-3230
 Email: roz@rozanton.com

Engineer/Surveyor's Information:

Name: Richard Meek, P.E., Terradyn Consultants, LLC
 Mailing Address: 41 Campus Drive, Suite 301, New Gloucester, Maine 04260
 Telephone: 207-459-9036
 Email: rick@terradyconsultants.com

Project Location and Lot Information:

Street Address: 588 & 590 Alfred Street Drainage Watershed: Thatcher Brook
Tax Map: Tax Map 2 Lot: Lots 6 & 12
Current Zoning: B-2 Shoreland Zoning: _____
 Size of Lot: 44.53 (X)acres ()s.f. Lot Frontage: 327 ft. (Alfred St.), 721 ft. (Andrews Rd)
 Existing Use of Property: Vacant land

Property currently serviced by:

☒ City Road ☐ Public Sewer ☐ Public Water ☐ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3% slope) ☒ Rolling (3-8% slope) ☒ Hilly (8-15% slope) ☐ Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? ☒ (Yes) ☐ (No) if yes attach information

Is the project within the 100-year floodplain? ☐ (Yes) ☒ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information [Not Anticipated]

Description of proposed use of property:

Project/Proposed Use:

216 unit multi-family apartment development

Property to be Serviced by:

☒ City Road ☒ Public Sewer ☒ Public Water ☐ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Limits of Disturbance: 17.77 (X)acres ()s.f.

Net change in impervious cover: +8.063 (X)acres ()s.f.

Is this project part of a larger project? ☐ (Yes) ☒ (No)

Is the project proposing a new Private or Public Road? ☒ (Yes, Private) ☐ (Yes, Public) ☐ (No)

Is this project within the Urbanized Area/MS4 (see [City Drainage Map](#)) ☐ (Yes) ☒ (No)

Is the project proposing any Stormwater facilities/BMPs? ☒ (Yes) ☐ (No)

Will a Traffic Movement Permit (TMP) be required?: ☒ (Yes) ☐ (No)

If in a Shoreland Zone:

Percent of residential lot coverage (Max 20%): N/A

Percent of structure expansion (Max 30%): N/A

If Subdivision Review, number of lots proposed: 216 apartment units

If a Private Way is proposed, number of lots served: 216 apartment units

If Site Plan Review, you must provide the following information:

Total new square feet footprint of structure: 127,290 sq. ft.

Total new square feet paving/parking: 223,950 sq. ft. (includes all non-structure impervious)

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Required Submittal Attachments:

- A. Letters of Approval
 - ☐ Fire Department – Contact Chief or Deputy Chief – 282-9986
 - ☐ Ability to Serve for Water Service – Maine Water – 282-1543
 - ☐ Ability to Serve for Sewer Service – Engineering Department – Tom Milligan 284-9118
 - ☐ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127
- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, etc.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.
- F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- \$75 Nonrefundable Administration Fee is required for every application.
- Refer to “Attachment A Fees and Charges” of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and its attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

Will the proposed project cause 1 acre or more of site disturbance?: X(Yes) (No)

- If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of Applicant:  Vice-President Date July 29, 2022

Signature of Property Owner: _____ Date July 29, 2022

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)
 - Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)
 - All drawings & CAD reference files must be to-scale and within the following coordinate systems:
 - MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and its attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

Will the proposed project cause 1 acre or more of site disturbance?: X(Yes) (No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: _____

Date July 29, 2022

Signature of Property Owner: _____

DocuSigned by:
Justin Sweeney
2507456A9BB5421...

Date July 29, 2022

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

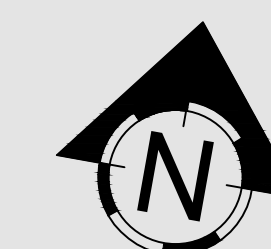
DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)
- *Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'*
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)
- *All drawings & CAD reference files must be to-scale and within the following coordinate systems:*
- *MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)*

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION

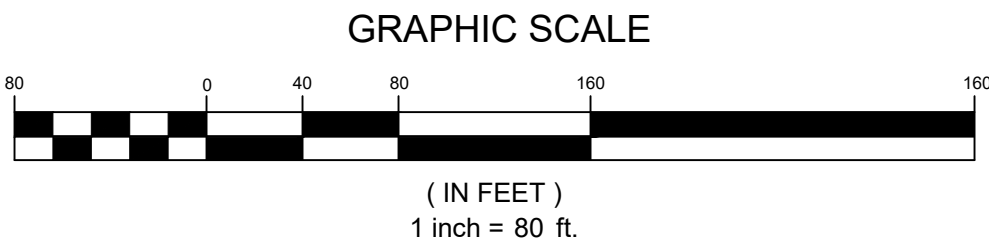


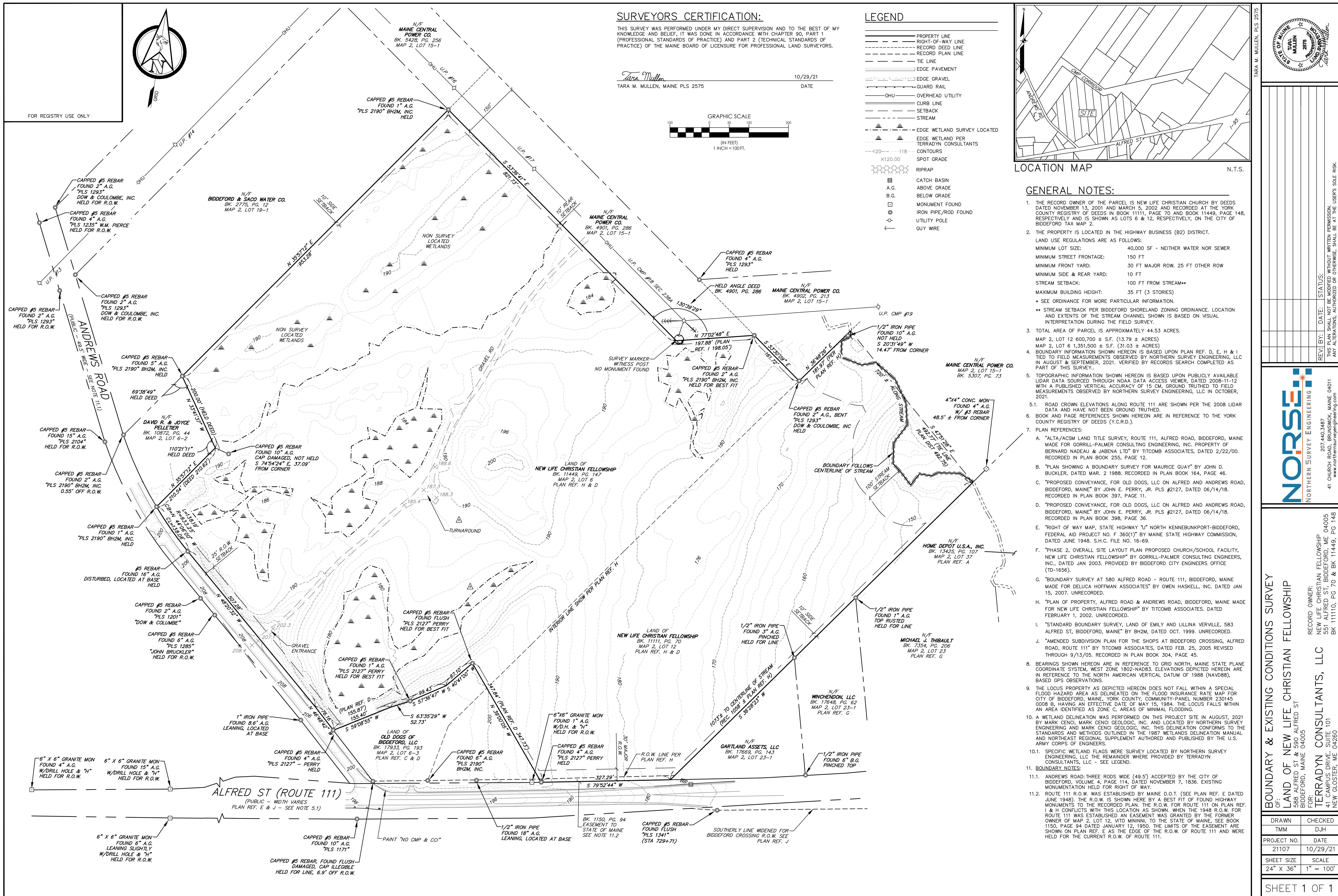


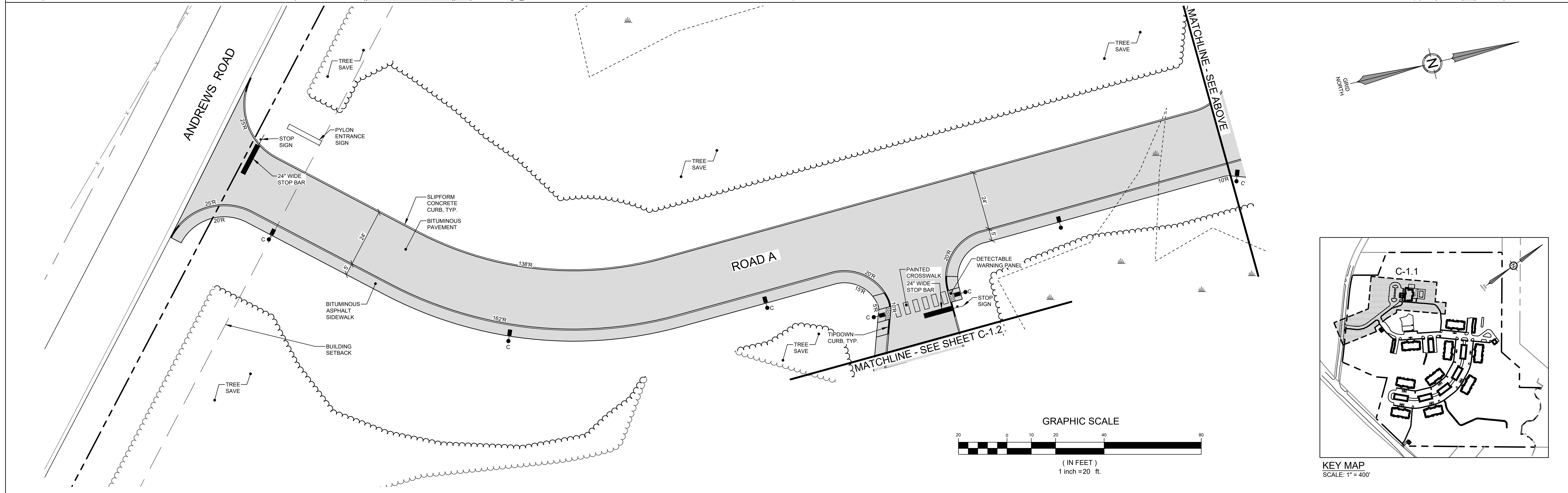
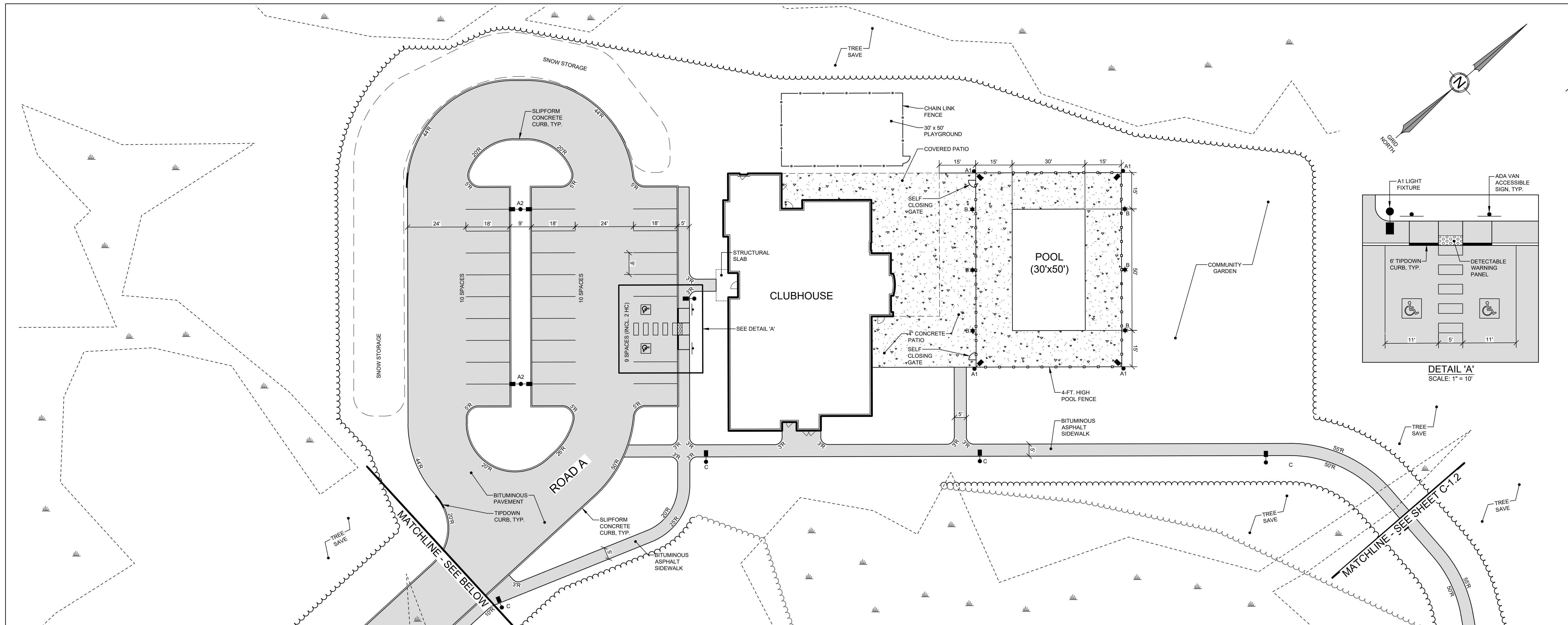
GENERAL NOTES

- THE RECORD OWNER OF THE PARCEL IS NEW LIFE CHRISTIAN CHURCH BY DEEDS DATED NOVEMBER 13, 2001 AND MARCH 5, 2002 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 11111, PAGE 70 AND BOOK 11448, PAGE 148, RESPECTIVELY AND IS SHOWN AS LOTS 6 & 12, RESPECTIVELY, ON THE CITY OF BIDDEFORD TAX MAP 2.
2. THE PROPERTY IS LOCATED IN THE HIGHWAY BUSINESS (B2) DISTRICT.
- LAND USE REGULATIONS ARE AS FOLLOWS:
- | | |
|---------------------------|-------------------------------------|
| MINIMUM LOT SIZE: | 40,000 SF - NEITHER WATER NOR SEWER |
| MINIMUM STREET FRONTAGE: | 150 FT |
| MINIMUM FRONT YARD: | 30 FT MAJOR ROW, 25 FT OTHER ROW |
| MINIMUM SIDE & REAR YARD: | 10 FT |
| STREAM SETBACK: | 100 FT FROM STREAM** |
| MAXIMUM BUILDING HEIGHT: | 35 FT (3 STORIES) |
- * SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.
- ** STREAM SETBACK PER BIDDEFORD SHORELAND ZONING ORDINANCE. LOCATION AND EXTENTS OF THE STREAM CHANNEL SHOWN IS BASED ON VISUAL INTERPRETATION DURING THE FIELD SURVEY.
3. TOTAL AREA OF PARCEL IS APPROXIMATELY 44.53 ACRES.
- MAP 2, LOT 1, 2 600,700 ± S.F. (13.79 ± ACRES)
- MAP 2, LOT 6 1,351,500 ± S.F. (31.03 ± ACRES)
4. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON PLAN REF. D, E, H & I TIED TO FIELD MEASUREMENTS OBSERVED BY NORTHERN SURVEY ENGINEERING, LLC IN AUGUST & SEPTEMBER, 2021. VERIFIED BY RECORDS SEARCH COMPLETED AS PART OF THIS SURVEY.
5. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON PUBLICLY AVAILABLE LIDAR DATA SOURCED THROUGH NOAA DATA ACCESS VIEWER, DATED 2008-11-12 WITH A PUBLISHED VERTICAL ACCURACY OF 15 CM, GROUND TRUTHED TO FIELD MEASUREMENTS OBSERVED BY NORTHERN SURVEY ENGINEERING, LLC IN OCTOBER, 2021.
- 5.1. ROAD CROWN ELEVATIONS ALONG ROUTE 111 ARE SHOWN PER THE 2008 LIDAR DATA AND HAVE NOT BEEN GROUND TRUTHED.
6. BOOK AND PAGE REFERENCES SHOWN HEREON ARE IN REFERENCE TO THE YORK COUNTY REGISTRY OF DEEDS (Y.C.R.D.).
- PLAN REFERENCES:
- A. "ALTA/ACS LAND TITLE SURVEY, ROUTE 111, ALFRED ROAD, BIDDEFORD, MAINE MADE FOR GORRILL-PALMER CONSULTING ENGINEERING, INC. PROPERTY OF BERNARD NADEAU & JABENA LTD" BY TITCOMB ASSOCIATES DATED 2/22/20. RECORDED IN PLAN BOOK 255, PAGE 12.
- B. "PLAN SHOWING A BOUNDARY SURVEY FOR MAURICE GUAY" BY JOHN D. BUCKLER, DATED MAR. 2 1988. RECORDED IN PLAN BOOK 164, PAGE 46.
- C. "PROPOSED CONVEYANCE, FOR OLD DOGS, LLC ON ALFRED AND ANDREWS ROAD, BIDDEFORD, MAINE" BY JOHN E. PERRY, JR. PLS #2127, DATED 06/14/18. RECORDED IN PLAN BOOK 397, PAGE 11.
- D. "PROPOSED CONVEYANCE, FOR OLD DOGS, LLC ON ALFRED AND ANDREWS ROAD, BIDDEFORD, MAINE" BY JOHN E. PERRY, JR. PLS #2127, DATED 06/14/18. RECORDED IN PLAN BOOK 398, PAGE 36.
- E. "RIGHT OF WAY MAP, STATE HIGHWAY "U" NORTH KENNEBUNKPORT-BIDDEFORD, FEDERAL AID PROJECT NO. 360(1) BY MAINE STATE HIGHWAY COMMISSION, DATED JUNE 1948, S.H.C. FILE NO. 16-69.
- F. "PHASE 2, OVERALL SITE LAYOUT PLAN PROPOSED CHURCH/SCHOOL FACILITY, NEW LIFE CHRISTIAN FELLOWSHIP" BY GORRILL-PALMER CONSULTING ENGINEERS, INC., DATED JAN 2023. PROVIDED BY BIDDEFORD CITY ENGINEERS OFFICE (TD-1658).
- G. "BOUNDARY SURVEY AT 580 ALFRED ROAD - ROUTE 111, BIDDEFORD, MAINE MADE FOR DELUCA HOFFMAN ASSOCIATES" BY OWEN HASKELL, INC. DATED JAN 15, 2007. UNRECORDED.
- H. "PLAN OF PROPERTY, ALFRED ROAD & ANDREWS ROAD, BIDDEFORD, MAINE MADE FOR NEW LIFE CHRISTIAN FELLOWSHIP" BY TITCOMB ASSOCIATES, DATED FEBRUARY 1, 2002. UNRECORDED.
- I. "STANDARD BOUNDARY SURVEY, LAND OF EMILY Y AND LILLIAN VERVILLE, 583 ALFRED ST, BIDDEFORD, MAINE" BY BH2M, DATED OCT. 1999. UNRECORDED.
- J. "AMENDED SUBDIVISION PLAN FOR THE SHOPS AT BIDDEFORD CROSSING, ALFRED ROAD, ROUTE 111" BY TITCOMB ASSOCIATES, DATED FEB. 25, 2005 REVISED THROUGH 9/13/05. RECORDED IN PLAN BOOK 304, PAGE 45.
8. BEARINGS SHOWN HEREON ARE IN REFERENCE TO GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED GPS OBSERVATIONS.
9. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR CITY OF BIDDEFORD, YORK COUNTY, COMMUNITY-PANEL NUMBER 230145 0008 B, HAVING AN EFFECTIVE DATE OF MAY 15, 1984. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING.
10. A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE IN AUGUST, 2021 BY MARK CENCI, MARK CENCI GEOLOGIC, INC. AND LOCATED BY NORTHERN SURVEY ENGINEERING AND MARK CENCI GEOLOGIC, INC. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AND NORTHEAST REGIONAL SUPPLEMENT AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS.
- 10.1. SPECIFIC WETLAND FLAGS WERE SURVEY LOCATED BY NORTHERN SURVEY ENGINEERING, LLC THE REMAINDER WERE PROVIDED BY TERRADYN CONSULTANTS, LLC - SEE LEGEND.
11. BOUNDARY NOTES:
- 11.1. ANDREWS ROAD-THREE ROWS WIDE (49.5') ACCEPTED BY THE CITY OF BIDDEFORD, VOLUME 4, PAGE 114, DATED NOVEMBER 7, 1836. EXISTING MONUMENTATION HELD FOR RIGHT OF WAY.
- 11.2. ROUTE 111 R.O.W. WAS ESTABLISHED BY MAINE D.O.T. (SEE PLAN REF. E DATED JUNE 1948). THE R.O.W. IS SHOWN HERE BY A BEST FIT OF FOUND HIGHWAY MONUMENTS TO THE RECORDED PLAN. THE R.O.W. FOR ROUTE 111 ON PLAN REF. I & H CONFLICTS WITH THIS LOCATION AS SHOWN. WHEN THE 1948 R.O.W. FOR ROUTE 111 WAS ESTABLISHED AN EASEMENT WAS GRANTED BY THE FORMER OWNER OF MAP 2, LOT 12, VIT MININI. TO THE STATE OF MAINE. SEE BOOK 1150, PAGE 94 DATED JANUARY 12, 1950. THE LIMITS OF THE EASEMENT ARE SHOWN ON PLAN REF. E AS THE EDGE OF THE R.O.W. OF ROUTE 111 AND WERE HELD FOR THE CURRENT R.O.W. OF ROUTE 111.
- CONSERVATION AREA
-

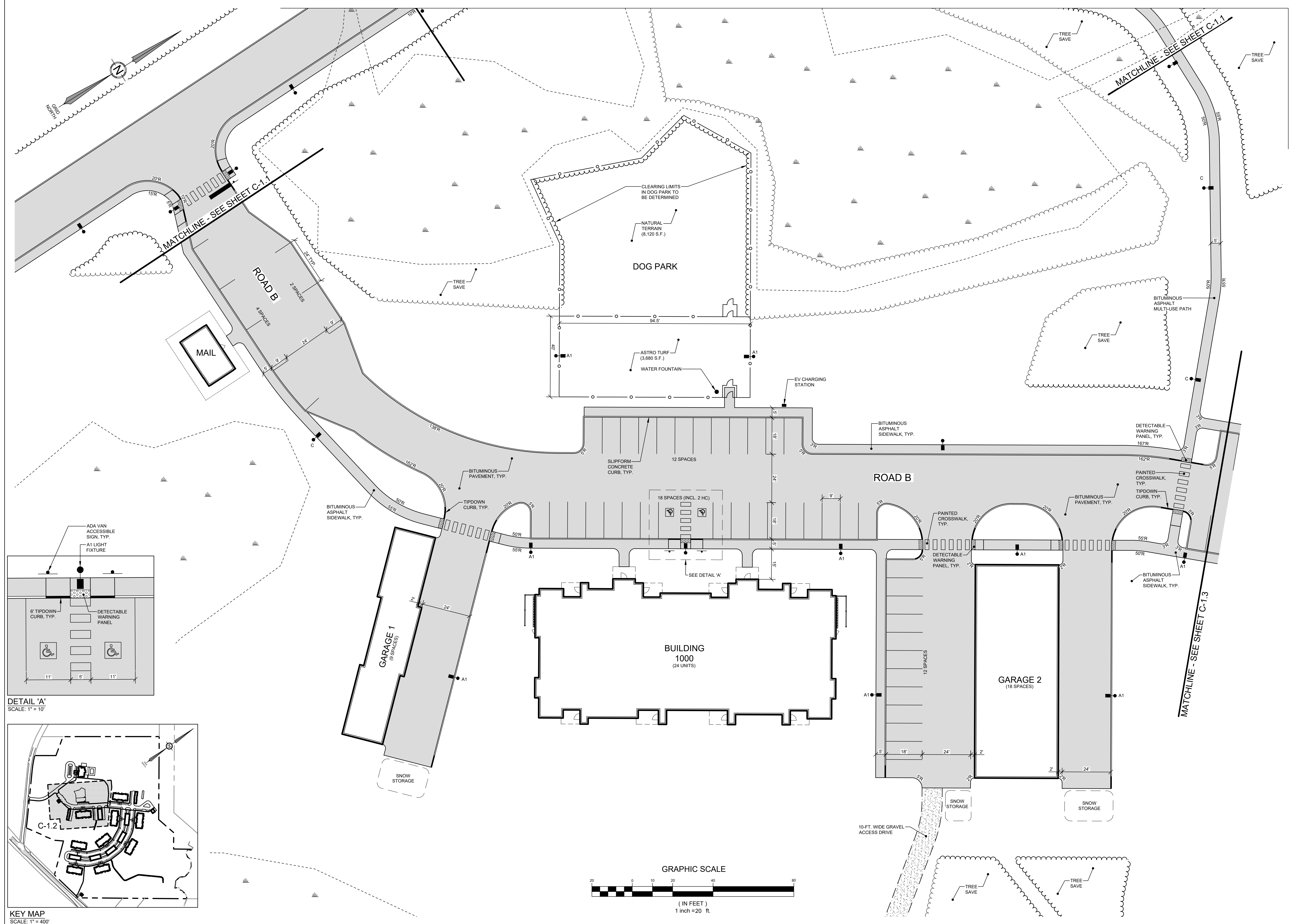
PARKING SUMMARY:	
MINIMUM REQUIRED:	
(216) DWELLING UNITS x 2 SPACES PER DWELLING UNIT	= 432 SPACES
PROPOSED:	
STANDARD SURFACE SPACES NEAR RESIDENTIAL BUILDINGS	= 315 SPACES
A.D.A. SURFACE SPACES NEAR RESIDENTIAL BUILDINGS	= 18 SPACES
GARAGE SPACES	= 121 SPACES
A.D.A. GARAGE SPACES	= 5 SPACES
STANDARD SURFACE SPACES NEAR CLUBHOUSE	= 27 SPACES
A.D.A. SURFACE SPACES NEAR CLUBHOUSE	= 3 SPACES
STANDARD SURFACE SPACES NEAR MAINTENANCE BUILDING	= 3 SPACES
PARALLEL SURFACE SPACES NEAR MAIL KIOSK	= 6 SPACES
TOTAL PROPOSED PARKING	= 497 SPACES

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<div>PROJECT: BIDDEFORD RESIDENTIAL ANDREWS ROAD, BIDDEFORD, MAINE</div>		<div>SITE PLAN - 1</div>		<div>CLIENT: DEVINE CAPITAL, LLC 30 MILK STREET, THIRD FLOOR PORTLAND, MAINE 04101</div>		DATE: 07-29-2022	
						SCALE: 1" = 20'	
DESIGNED: RLM		JOB NO: 2149		FILE: 2149.S		SHEET	
<div>PROJECT: BIDDEFORD RESIDENTIAL ANDREWS ROAD, BIDDEFORD, MAINE</div>		<div>SITE PLAN - 1</div>		<div>CLIENT: DEVINE CAPITAL, LLC 30 MILK STREET, THIRD FLOOR PORTLAND, MAINE 04101</div>		DATE: 07-29-2022	
						SCALE: 1" = 20'	
DESIGNED: RLM		JOB NO: 2149		FILE: 2149.S		SHEET	



DATE:	07-29-2022
P.E.: RICHARD L. MEEK, P.E. 10668	

RLM
APP'D
BY

[illegible]

SKETCH PLAN SUBMISSION TO CITY

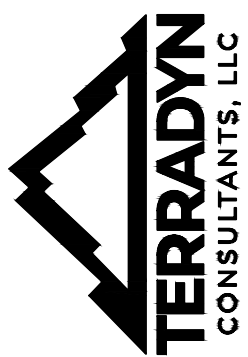
G	7-29-2022
NO.	DATE

41 CAMPUS DRIVE
SUITE 301
NEW GLOUCESTER, ME 04260

565 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102

OFFICE: (207) 926-5111 FAX: (207) 221-1317
www.terradynconsultants.com

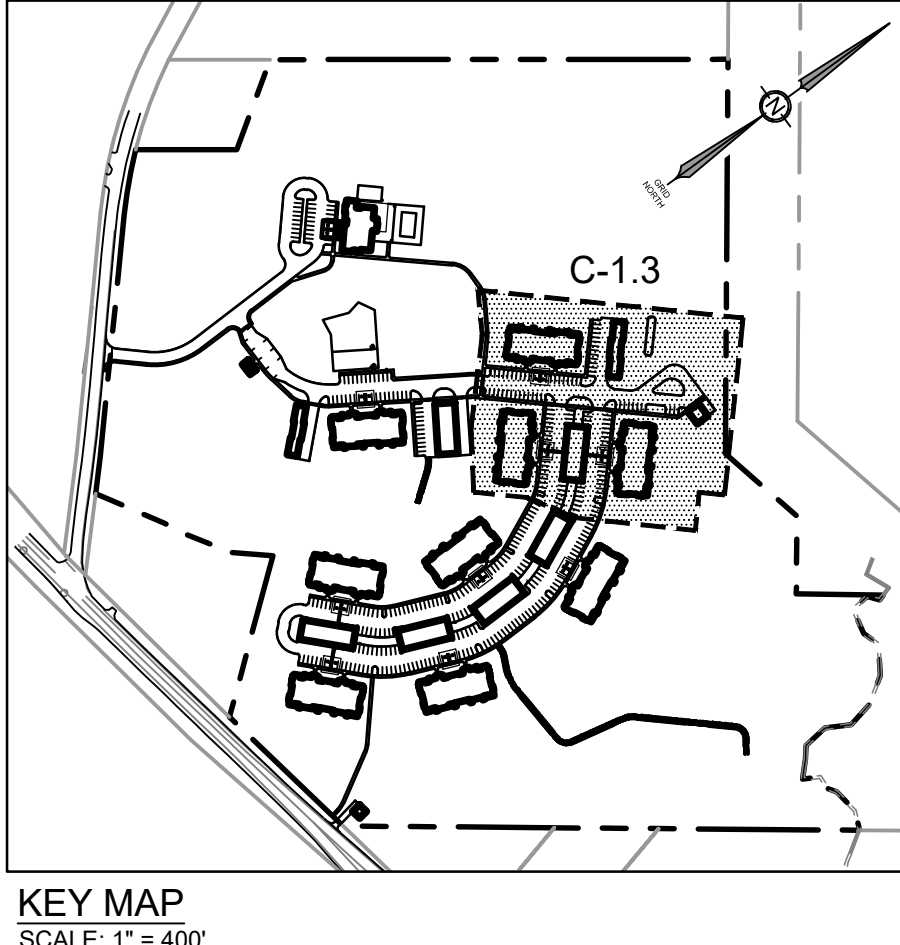
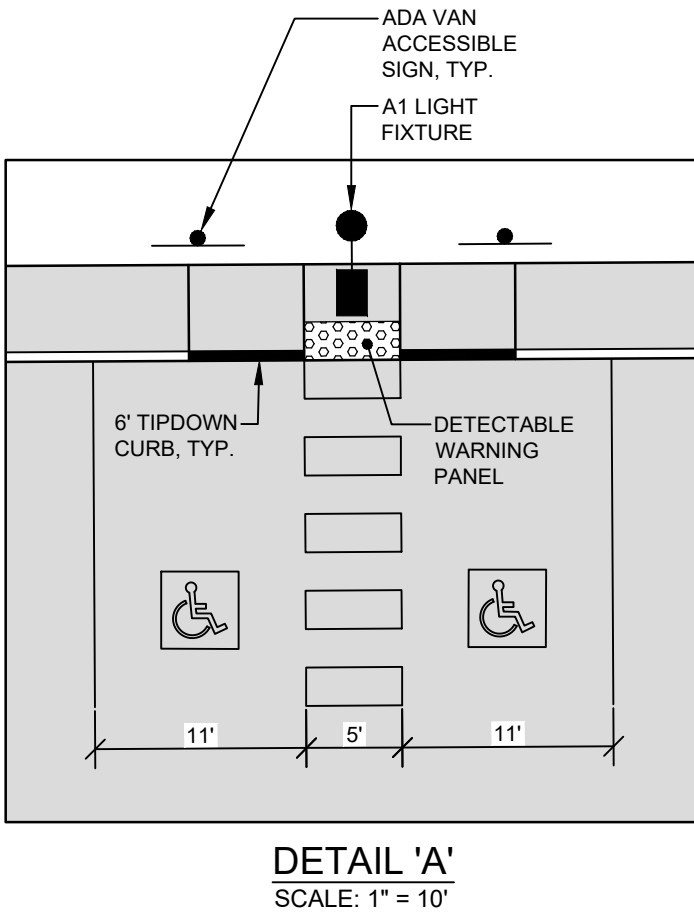
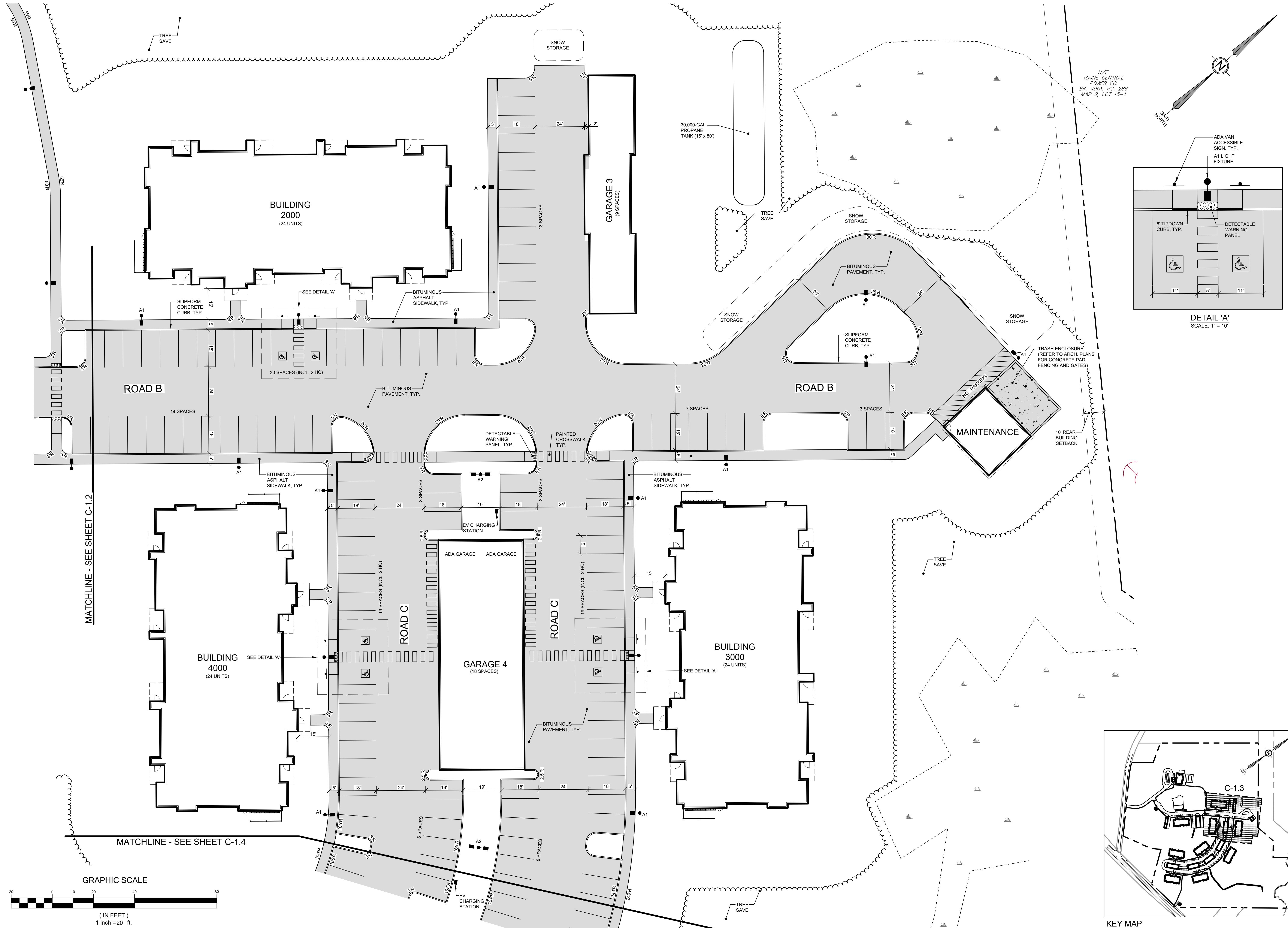
Stormwater Design | Environmental Permitting



Civil Engineering | Land Planning | Stormwater Design | Environmental Permitting

PERMIT DRAWING
NOT FOR CONSTRUCTION

PROJECT:	BIDDEFORD RESIDENTIAL
	ANDREWS ROAD, BIDDEFORD, MAINE
	SITE PLAN - 2
CLIENT:	DEVINE CAPITAL, LLC
	30 MILK STREET, THIRD FLOOR
	PORTLAND, MAINE 04101
DATE:	07-29-2022
SCALE:	1" = 20'
DESIGNED:	RLM
JOB NO:	2149
FILE:	2149.S
SHEET	C-1.2



STATE OF MAINE
RICHARD L. MEEK
No. 10668
PROFESSIONAL ENGINEER

DATE: 07-29-2022
P.E.: RICHARD L. MEEK, P.E. 10668

REVISIONS

NO.	DATE	BY
1	7-29-2022	RLM

PROJECT:
BIDDEFORD RESIDENTIAL
ANDREWS ROAD, BIDDEFORD, MAINE

CLIENT:
DEVINE CAPITAL, LLC
30 MILK STREET, THIRD FLOOR
PORTLAND, MAINE 04101

PERMIT DRAWING
NOT FOR CONSTRUCTION

565 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102

41 CAMPUS DRIVE
SUITE 301
NEW GLOUCESTER, ME 04260

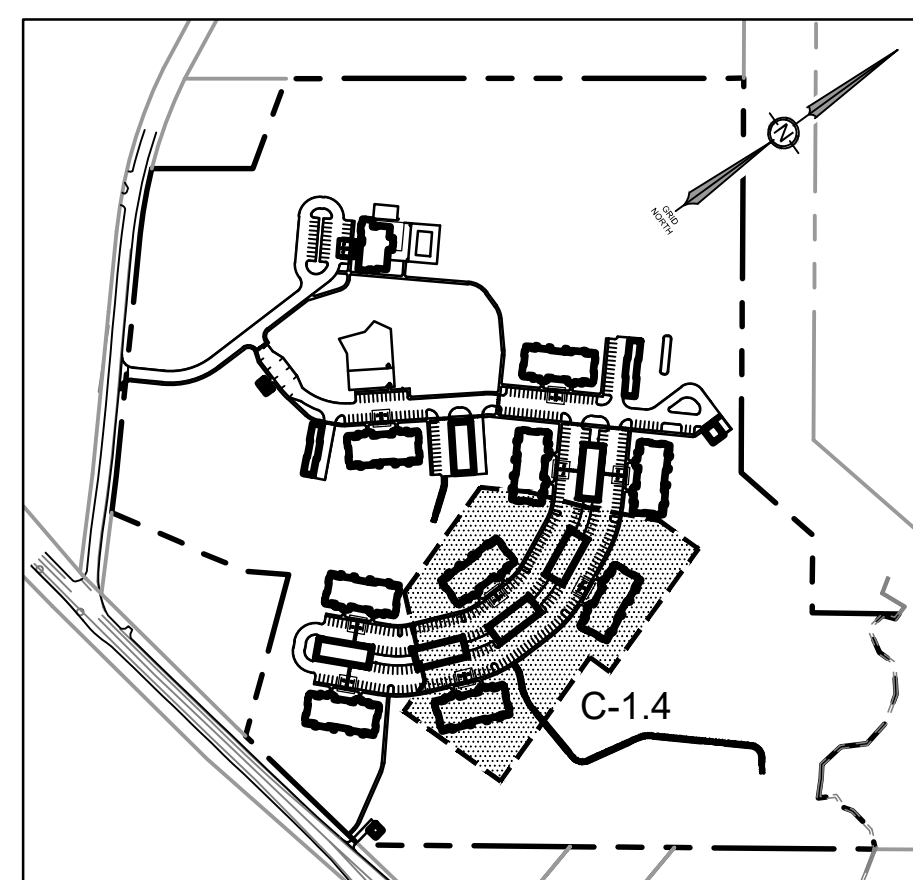
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Civil Engineering | Land Planning | Stormwater Design | Environmental Permitting

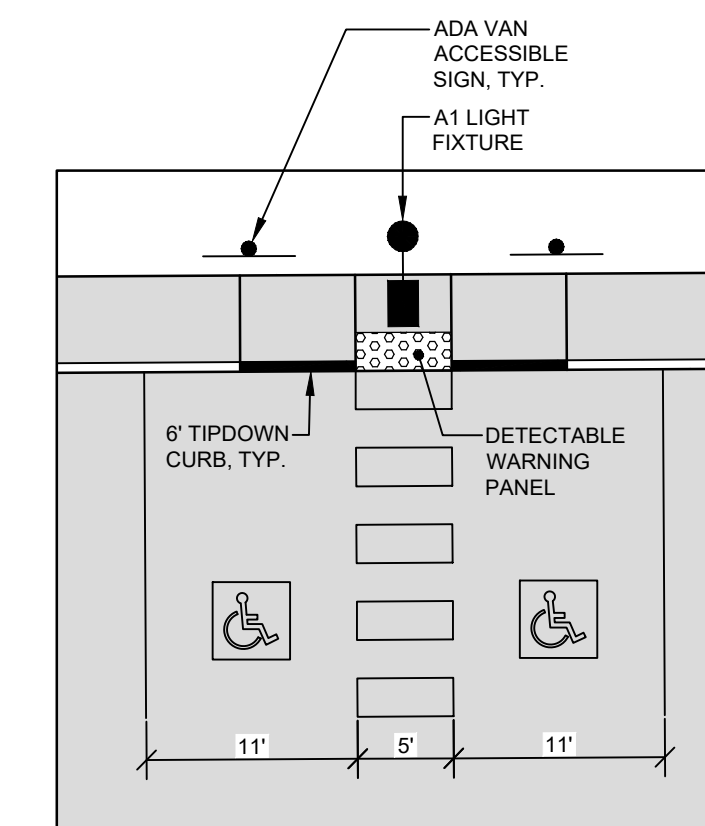
DATE: 07-29-2022
SCALE: 1" = 20'
DESIGNED: RLM
JOB NO: 2149
FILE: 2149.S
SHEET

C-1.3

TERRADYN
CONSULTANTS, LLC

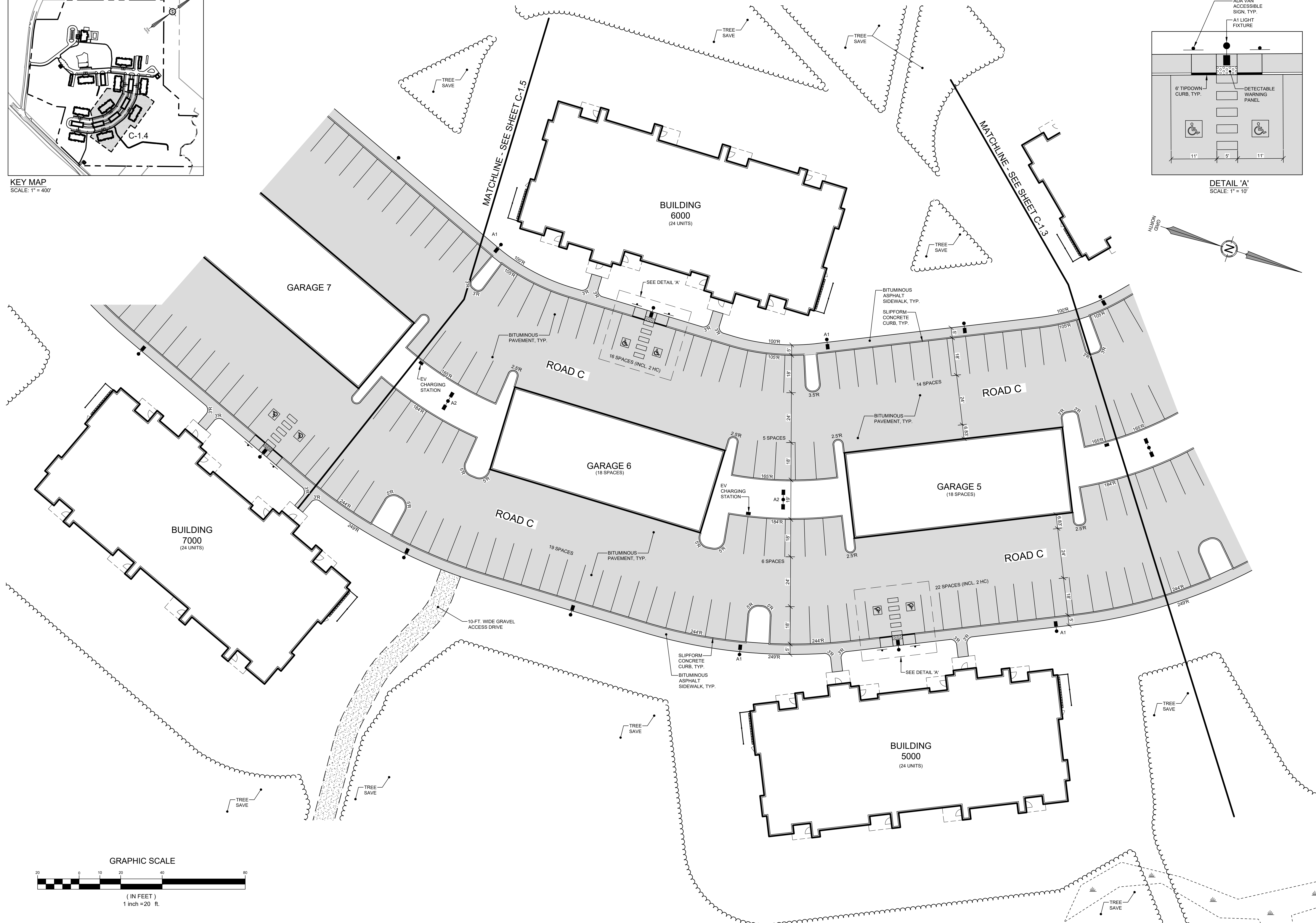
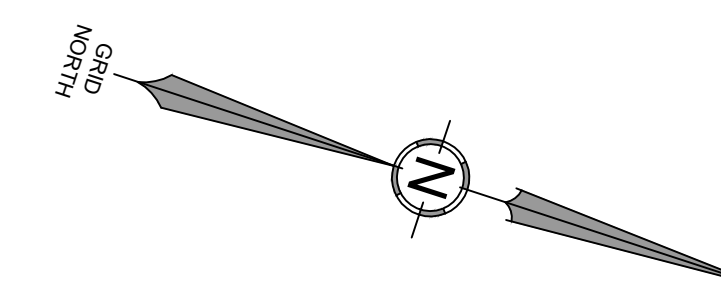


KEY MAP
SCALE: 1" = 400'

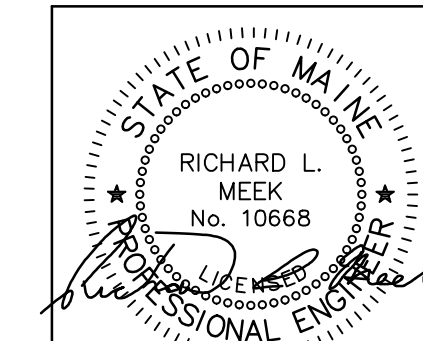
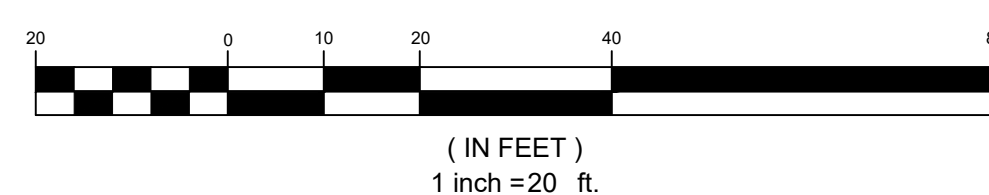


DETAIL 'A'

SCALE: 1" = 1'



GRAPHIC SCALE



DATE:	07-29-20
P.E.: RICHARD L. MEEK, P.E. 106	

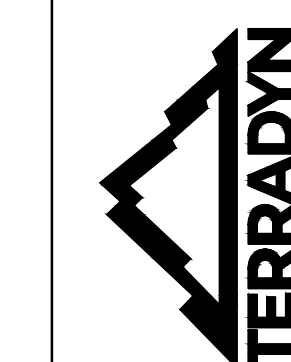
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41 CAMPUS DRIVE
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PORTLAND, ME 04102

OFFICE: (207) 926-5111 FAX: (207) 221-1317
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Stormwater Design | Environmental Permitting



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PERMIT DRAWING
NOT FOR CONSTRUCTION

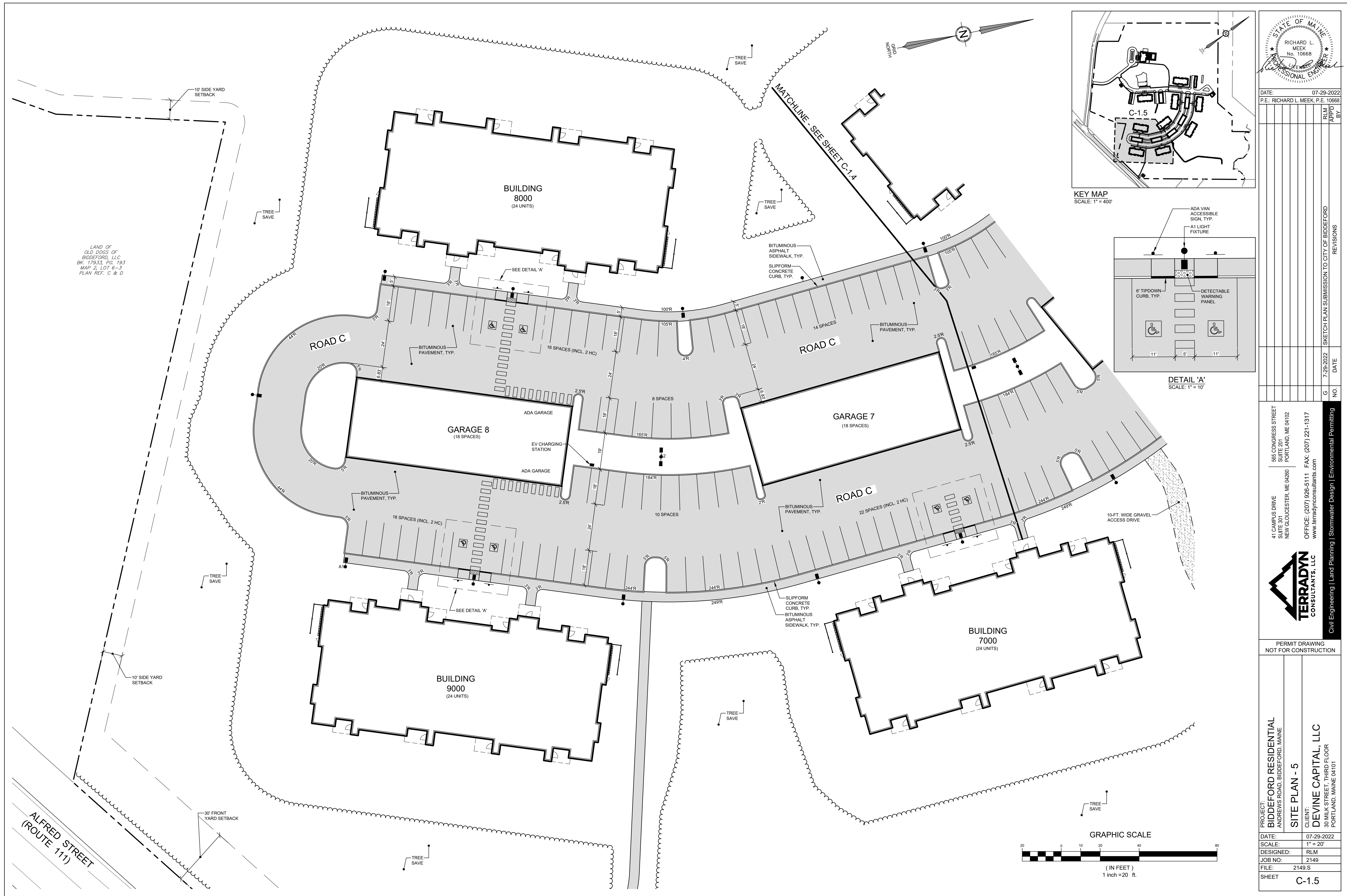
PROJECT:
BIDDEFORD RESIDENTIAL
ANDREWS ROAD, BIDDEFORD, MAINE

CITY OF ANCHORAGE, ALASKA
ANDREWS ROAD, BIDDEFORD, ME 04007

SITE PLAN - 4

CLIENT:
DEVINE CAPITAL, LLC
30 MILK STREET, THIRD FLOOR
PORTLAND, MAINE 04101

DATE:	07-29-2022
SCALE:	1" = 20'
DESIGNED:	RLM
JOB NO:	2149
FILE:	2149.S
SHEET	C-14



JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement (“Agreement”) dated May 19, 2022 is executed by DEVINE CAPITAL, LLC, a Massachusetts limited liability company (“Devine Capital”) and the CITY OF BIDDEFORD, MAINE (the “City”) (each a “Party” and, collectively, the “Parties”).

RECITALS

WHEREAS, Devine Capital is under contract to purchase a certain parcel of land, currently owned by New Life Christian Fellowship, at 588 & 590 Alfred Street in Biddeford, Maine, being approximately 44.43 acres, within the B2: Highway Business Zone (Tax Map Reference: Map 2, Lots 6 & 12) (the “Property”);

WHEREAS, Devine Capital seeks to develop a multi-family residential apartment complex with up to 216 units at the Property, consisting of 9 multi-family residential buildings, associated garages, a community clubhouse, outdoor pool area, community garden, dog park and other related amenities and improvements as approximately shown on Exhibit A attached hereto (the “Project”);

WHEREAS, Devine Capital seeks a contract zone for the Project pursuant to Article V, Section 9.F.1. of the City of Biddeford’s Land Development Regulations, to allow multi-family residential use within the B2: Highway Business Zone, and to allow the Project to be constructed without regard to any conflicting lot area, dimensional, and density requirements otherwise applicable within the B2: Highway Business Zone (the “Project Contract Zone”).

WHEREAS, Devine Capital and the City desire to enter into certain agreements in connection with the City’s approval of the Project Contract Zone and in connection with the approval and development of the Project.

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I COMMITMENTS

1. Devine Capital's Project Commitments:

Devine Capital, its successor and assigns, hereby agree to provide the following in connection with development of the Project in consideration for the approval of the Project Contract Zone by the Biddeford City Council:

(a) Devine Capital, its successors and assigns, shall pay a total of \$500,000.00 into the City's Affordable Housing Initiative Fund, or similar fund as designated by City Council, for the two hundred sixteen (216) dwelling unit project. This affordable housing payment shall be paid to the City proportionally by building at the time of building permit issuance on a per building basis with \$55,555.56 due per building;

(b) Devine Capital, its successors and assigns, to help attract families to the Project, shall (i) provide for a separately designated family area inside the Clubhouse and shall construct an outdoor playground area, and (ii) if the Property is developed for mixed use office and/or retail prior to December 31, 2028, Devine Capital shall use good faith efforts to promote daycare use as a part of the development mix, consistent with then current market conditions;

(c) Devine Capital, its successors and assigns, at the time of the initial building permit issuance, shall grant to the City, or its designated nonprofit conservation organization, a conservation easement over certain wetland areas as then agreed upon by the parties and upon terms and conditions satisfactory to the City, in good faith in order to preserve such wetland areas in their natural and undeveloped state (the "Wetlands Conservation Easement"); and

(d) Devine Capital, its successors and assigns, shall design the Project to provide the following apartment unit mix:

- 27 = studio apartments
- 18 = 1 bedroom apartments
- 36 = 1 bedroom apartments with den
- 108 = 2 bedroom apartments
- 27 = 3 bedroom apartments
- Total 216

2. City Commitments:

The City hereby agrees to the following commitments to or for the benefit of Devine Capital, its successors or assigns:

(a) The City shall refer the Project Contract Zone to the Planning Board for timely consideration;

(b) The City shall accept the Wetlands Conservation Easement as above described; and

(c) The City shall cooperate with Devine Capital in good faith to assist in obtaining appropriate federal, state and locals approvals for the Project.

(d) Failure to Complete Development. In the event Devine Capital shall fail to commence construction of the improvements within four years of the date hereof or shall fail to substantially complete the construction within seven years of the date hereof, it is agreed that the terms of the Contract Zone shall expire and the Property shall revert to the then current zone the Property normally would have been in but for the granting of the Contract Zone change.

ARTICLE II INDEMNIFICATIONS

The City agrees to indemnify, defend and hold Devine Capital, its successors and assigns, harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the City and/or the public's use of the Wetlands Conservation Easement. Each Party shall indemnify, defend, and hold the other Party harmless from any claims, damages, costs, liabilities and expenses (including reasonable attorney's fees) arising from the negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its agents, servants, officers, directors, employees and affiliates.

ARTICLE III LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE IV MISCELLANEOUS

I. Representations and Warranties:

Each Party represents and warrants to the other that:

(a) It is duly qualified to do business and is in good standing in the State of Maine;
and

(b) It has full power and authority to execute, deliver and perform its obligations under this Agreement;

(c) The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and

(d) The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the organizational documents of such Party, or any order of a court or arbitrator, and will not conflict with and will

not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

(e) The City is a municipal entity duly organized under the laws of the State of Maine, and all fiscal provincial and municipal affairs are within the sole discretion of the Mayor and City Council, notwithstanding any other provision in this agreement.

2. Right to Require Performance:

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. Governing Law:

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. Relationship of Parties:

(a) This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement.

(b) The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City and Devine Capital, its successors and assigns, agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement.

(c) This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. Breach by Devine Capital:

(a) The City shall provide notice to Devine Capital, its successors or assigns, of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

(b) If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

6. Breach by City:

(a) Devine Capital, its successors or assigns, shall provide notice to the City of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

(b) If a breach is not cured as set forth above, Devine Capital, its successors or assigns, may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. Integration:

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. No Oral Modifications:

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

9. Notice:

All notices required to be given to City or Devine Capital under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
c/o James A. Bennett, (or the then current) City Manager
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

With a copy to: Keith R. Jacques, Esq. (or the then current) City Solicitor
Woodman Edmands Danylik Austin Smith & Jacques, P.A.
234 Main Street
P.O. Box 468
Biddeford, ME 04005

Devine Capital: Devine Capital, LLC
c/o Fletcher, Selser & Devine, LLC
30 Milk Street, Third Floor
Portland, Maine 04101

With a copy to: KGI Properties, LLC
10 Memorial Boulevard, Suite 901
Providence, RI 02903

10. Severability:

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

11. Survival:

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

12. Mediation/Arbitration:

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

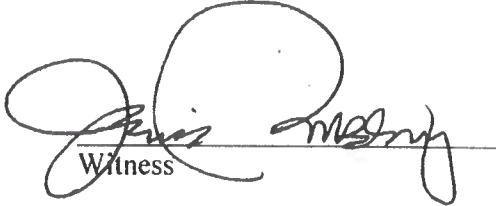
13. Consents:


Devine Capital shall use commercially reasonable efforts to obtain all necessary consents of its mortgage holders and other lien holders to this Agreement and the easement contemplated herein.

[Signature Page Follows; Remainder Intentionally Left Blank]

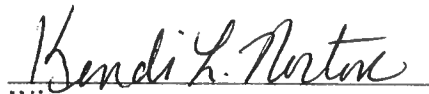
IN WITNESS WHEREOF, Devine Capital and the City have set their hands and seals as of the day, month and year first above written.


DEVINE CAPITAL, LLC


Witness

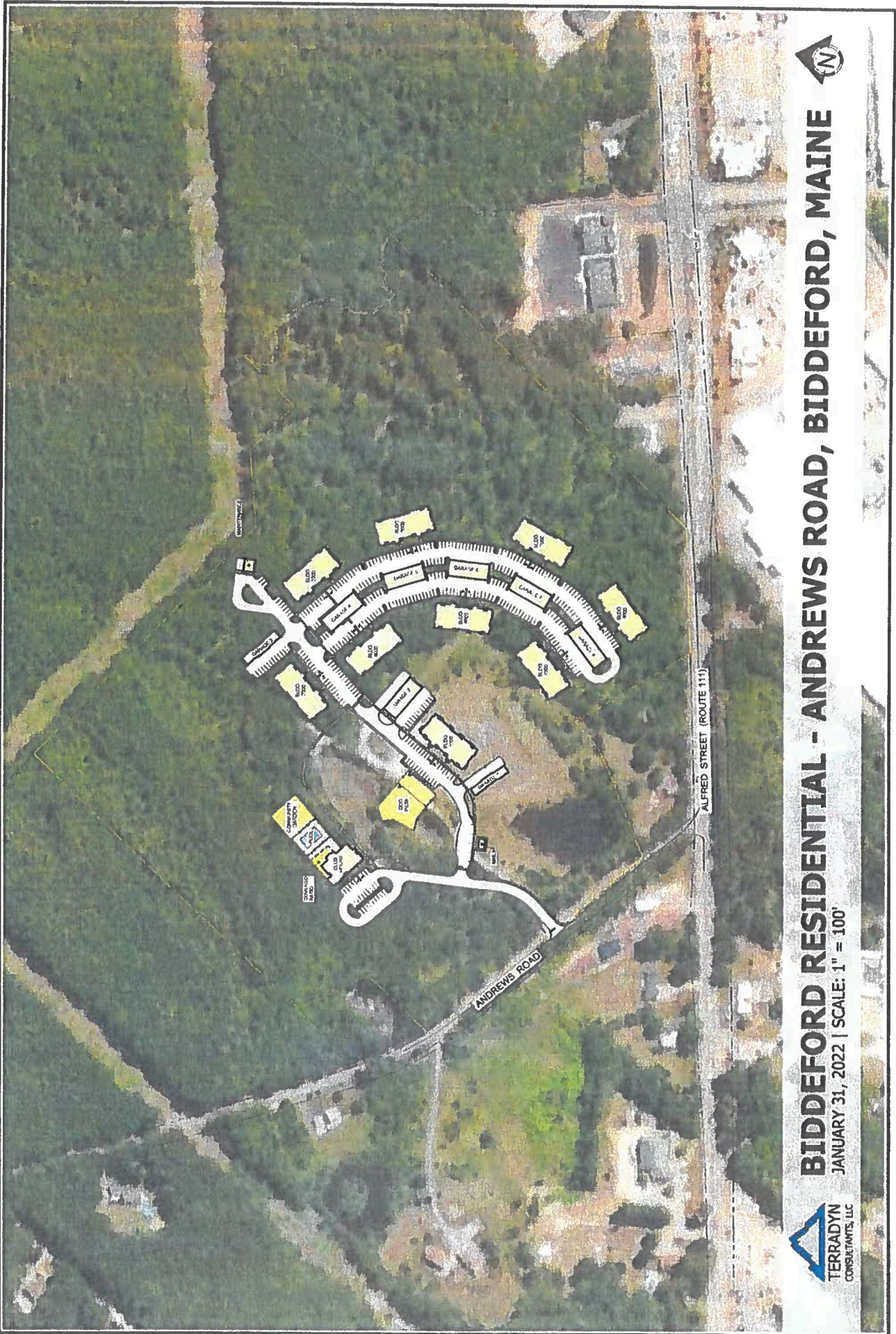
By: 
John D. Devine
Its Duly Authorized: Vice President

CITY OF BIDDEFORD


Witness

By: 
James A. Bennett
Its Duly Authorized: City Manager

Attachment: Exhibit A: Site Plan



CONTRACT ZONE AGREEMENT

AGREEMENT made as of ____ day of _____, 2022, by and between DEVINE CAPITAL, LLC, a Massachusetts limited liability company (hereinafter called "Devine Capital") and THE CITY OF BIDDEFORD, a body politic and corporate located in Biddeford, Maine (hereinafter called "Biddeford").

WHEREAS, Devine Capital is under contract to purchase a certain parcel of land, currently owned by New Life Christian Fellowship, at 588 & 590 Alfred Street in Biddeford, Maine, being approximately 44.43 acres, within the B2: Highway Business Zone (Tax Map 2, Lots 6 and 12) (the "Property");

WHEREAS Devine Capital seeks to develop a multi-family residential apartment complex with up to 216 units at the Property, consisting of 9 multi-family residential buildings, associated garages, a community clubhouse, outdoor pool area, community garden, dog park and other related amenities and improvements as approximately shown on Exhibit B attached hereto (the "Project");

WHEREAS, Devine Capital seeks a contract zone for the Project pursuant to Article V, Section 9.F.1. of the City of Biddeford's Land Development Regulations, to allow multi-family residential use within the B2: Highway Business Zone, and to allow the Project to be constructed without regard to any conflicting lot area, dimensional, and density requirements otherwise applicable within the B2: Highway Business Zone (the "Project Contract Zone").

WHEREAS, the parties are entering into this Agreement to provide written contractual evidence of the agreement of the parties and the terms and conditions of the Contract Zone.

NOW, THEREFORE,

in consideration of the mutual agreements hereinafter set forth and in consideration of the granting of the zoning ordinance change, the parties agree as follows:

1. Development of the Property. Devine Capital agrees that it shall use its best efforts develop the Property in accordance with the following provisions and conditions:

- A. Findings of Fact and Recommendations approved by the Biddeford Planning Board on _____, 2022, attached hereto as Exhibit A; and
- B. Matters shown on "Site Plan, 588 & 590 Alfred Street, Biddeford, Maine", prepared by Terradyn Consultants, LLC, at 41 Campus Drive, Suite 301, New Gloucester, Maine, attached hereto as Exhibit B; and
- C. Matters shown on "Phasing Plan, 588 & 590 Alfred Street, Biddeford, Maine", prepared by _____, attached hereto as Exhibit C.

2. Failure to Complete Development. In the event Devine Capital shall fail to commence construction of the improvements within **four (4) years** of the date hereof or shall fail to substantially complete the construction within **seven (7) years** of the date hereof, it is agreed that the terms of the Contract Zone shall expire and the Property shall revert to the zoning classification that the Property was in on the date of the Contract Zone Agreement. Significant commencement of construction shall mean the installation of all infrastructure improvements and grading within the limits of the Project.

3. Construction and Effect. This Agreement shall be construed in accordance with the laws of the State of Maine and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this instrument to be signed all as of the day and date above written.

Witness:

DEVINE CAPITAL, LLC

By:_____

Bernard M. Devine, Jr.

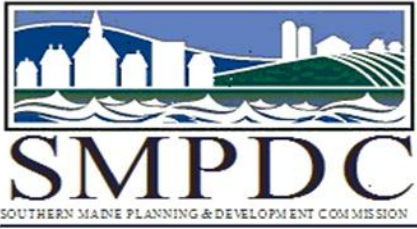
Its: President

CITY OF BIDDEFORD

By:_____

James Bennett

Its: City Manager



To: Matt Grooms, City Planner and the Biddeford Planning Board

From: Hannah Bonine, Contract Planner

Date: August 10, 2022

Re: 2022.23 Shoreland Zoning Permit request for the construction of a recreational dock at 29 Twin Island Drive

1. Proposal

The applicant is seeking a Shoreland Zoning Permit to construct a recreational dock on their property at 29 Twin Island Drive. Portions of the proposed dock are intended to be permanent, which requires Planning Board approval. Specific details on the dimensions of the proposed dock are included in the application package. The property is located along the tidal portion of the Saco River. The applicant has received permits from the Maine DEP and the Army Corps of Engineers. Approval from the Saco River Corridor Commission is not necessary for this proposal.

2. Project Information

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Nicola Shannon 29 Twin Island Drive Biddeford, ME 04005
2.	Property Owner	Nicola Shannon 29 Twin Island Drive Biddeford, ME 04005
3.	Agent	N/A
4.	Engineer/Surveyor	Atlantic Environmental c/o Tim Forrester 135 River Road Woolwich, ME 04579
5.	Project Location	29 Twin Island Drive
6.	Map/Lot	Map 47, Lot 34-1
7.	City Approvals Required	Shoreland Zoning Permit
8.	Existing Zoning	SR-1

9.	Overlay Zoning	LR
10.	Existing Use	Residential
11.	Proposed Use	Recreational dock
12.	Uses in the Vicinity	Residential
13.	Parcel Size	1.2 acres
14.	Water Supply	Public Water
15.	Sewerage Disposal	Private Septic
16.	Solid Waste Disposal	Public
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	N/A
19.	Parking Spaces Provided	N/A
20.	Ownership of Road	Public
21.	Waivers Needed/Requested	Full Site Plan Review
22.	Additional Approvals/Permits Needed	None
23.	Fees Paid (LDR Attachment A)	All fees paid
24.	Planning Board Review History	August 17, 2022

3. Compliance with City Ordinances

To receive Planning Board approval, the applicant must demonstrate compliance with Article XIV *Shoreland Zoning*, Section 15.C *Performance Standards - Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of a water body or within a wetland*. Responses to each of these standards are adequately outlined in the application package.

4. Waiver Requests

Full Site Plan Review

5. Outstanding Items to be Addressed Prior to Approval

None

6. Recommendations

- A. Recommend the Planning Board grant the waiver request for a full site plan review.
- B. If the applicant has addressed the outstanding items to the satisfaction of the Planning Board, and Planning Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:
 - 1. **Standard Conditions of Approval apply.**
 - 2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc., prior to commencing business.**

7. Sample Motions

- A. **Motion to grant the requested waiver for Full Site Plan review.**
- B. **Motion to approve the Shoreland Zoning Permit for Nicola Shannon at 29 Twin Island Drive and approve the Findings of Fact and Conclusions of Law dated August 10, 2022.**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

SHORELAND ZONING PERMIT

Project Number: 2022.23

Shoreland Zoning Permit for a Permanent Dock in the LR Shoreland Zone

Pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article XIV (Shoreland Zoning), Article XI (Site Plan Review), and Article VI (Performance Standards), the Biddeford Planning Board has considered the application of **Nicola Shannon** to construct a permanent recreational dock at 29 Twin Island Drive. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Planning board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Nicola Shannon 29 Twin Island Drive Biddeford, ME 04005
2.	Property Owner	Nicola Shannon 29 Twin Island Drive Biddeford, ME 04005
3.	Agent	N/A
4.	Engineer/Surveyor	Atlantic Environmental c/o Tim Forrester 135 River Road Woolwich, ME 04579
5.	Project Location	29 Twin Island Drive
6.	Map/Lot	Map 47, Lot 34-1
7.	City Approvals Required	Shoreland Zoning Permit
8.	Existing Zoning	SR-1
9.	Overlay Zoning	LR
10.	Existing Use	Residential
11.	Proposed Use	Recreational dock
12.	Uses in the Vicinity	Residential

13.	Parcel Size	1.2 acres
14.	Water Supply	Public Water
15.	Sewerage Disposal	Private Septic
16.	Solid Waste Disposal	Public
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	N/A
19.	Parking Spaces Provided	N/A
20.	Ownership of Road	Public
21.	Waivers Needed/Requested	Full Site Plan Review
22.	Additional Approvals/Permits Needed	None
23.	Fees Paid (LDR Attachment A)	All fees paid
24.	Planning Board Review History	August 17, 2022

CONCLUSIONS OF LAW:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;

7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;
10. The proposed use would be in compliance with Biddeford's Comprehensive Plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;
12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed use for fire protection purposes;
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

1. Approval Granted

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Shoreland Zoning Permit for the proposed project summarized above, located 29 Twin Island Drive (Tax Map 47, Lot 34-1) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

- 1. Standard Conditions of Approval apply.**
- 2. The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc., prior to commencing business.**

Planning Board Chairperson

Date



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

June 29, 2022

Mr. William Southwick, Chair
Planning Board
City of Biddeford
P.O Box 586
Biddeford, ME 04005

Re: Site Plan Application on behalf of Nicola Shannon for the construction of a recreational dock located at 29 Twin Island Drive, Biddeford, Maine.

Dear Mr. Southwick,

On behalf of Nicola Shannon (Applicant), Atlantic Environmental, LLC (AE) is pleased to submit a Site Plan Permit Application to the City of Biddeford Planning Board for a recreational dock consisting of a series of stairs and landings that connect to a pier, ramp, and float located at 29 Twin Island Drive in the City of Biddeford, Maine. Specifically, the Applicant proposes to construct a four (4) foot wide by four (4) foot long landing that connects to a four (4) foot wide by twenty (20) foot long set of access stairs. The stairs will connect to a six (6) foot wide by twenty (20) foot long landing that connects to a four (4) foot wide by twenty-four (24) foot long set of access stairs. The second set of access stairs will connect to a six (6) foot wide by sixteen (16) foot long pier that connects to a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long float. Because the project includes a permanent portion, the proposed project requires Planning Board approval.

The Applicant has submitted an application to the Maine Department of Environmental Protection (MDEP) and the Army Corps of Engineers (Corps) and a copies of those permits are included with the attached application materials. Dalyn House, Executive Director of the Saco River Corridor Commission (SRCC) stated a permit for a dock on the tidal portion of the Saco River is not required and a copy of that correspondence is 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'.

Timothy A. Forrester, Owner

**City of Biddeford – Planning Department****Planning Board Application**

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☒ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☐ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Name: Nicola Shannon
Mailing Address: 29 Twin Island Drive Biddeford, ME 04005
Telephone: (207) 239 - 5886
Email: joe@josephmarques.com

What is your legal interest in the property?

☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information: see Applicant Information

Name: _____
Mailing Address: _____
Telephone: _____
Email: _____

Agent's Information:

Name: Atlantic Environmental, LLC c/o Tim Forrester
Mailing Address: 135 River Road Woolwich, ME 04579
Telephone: (207) 837 - 2199
Email: tim@atlanticienviromaine.com

Engineer/Surveyor's Information:

Name: N/A
Mailing Address: _____
Telephone: _____
Email: _____

Project Location and Lot Information:

Street Address: 29 Twin Island Drive Drainage Watershed: Saco River
Tax Map: 47 Lot: 34-1
Current Zoning: SR-1 Shoreland Zoning: LR
Size of Lot: 1.2 (x)acres ()s.f. Lot Frontage: +/- 127 feet
Existing Use of Property: The lot is developed with a residential structure and associated development.

Property currently serviced by:

☒ City Road ☐ Public Sewer ☒ Public Water ☒ Public Trash
☐ Private Road ☒ Septic System ☐ Private Well ☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3% slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☒ Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? ☒ (Yes) ☐ (No) if yes attach information

Is the project within the 100-year floodplain? ☒ (Yes) ☐ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

The Applicant proposes to construct a recreational dock consisting of a landing, steps, a 6' x 20' pier, a second set of steps that connect to a 6' x 16' pier, a 3' x 40' ramp, and a 12' x 24' float.

Property to be Serviced by: No Change

☐ City Road ☐ Public Sewer ☐ Public Water ☐ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Limits of Disturbance: 846 () acres (X) s.f.

Net change in impervious cover: +/- 54 located landward () acres (X) s.f.

Is this project part of a larger project? ☐ (Yes) ☒ (No)

Is the project proposing a new Private or Public Road? ☐ (Yes, Private) ☐ (Yes, Public) ☒ (No)

Is this project within the Urbanized Area/MS4 (see [City Drainage Map](#)) ☒ (Yes) ☐ (No)

Is the project proposing any Stormwater facilities/BMPs? ☐ (Yes) ☒ (No)

Will a Traffic Movement Permit (TMP) be required?: ☐ (Yes) ☒ (No)

☒ **If in a Shoreland Zone:**

Percent of residential lot coverage (Max 20%): <20%

Percent of structure expansion (Max 30%): No Change - approximately 54 sq. ft. of proposed dock will be located landward of top of bank.

☐ **If Subdivision Review, number of lots proposed:** _____

☐ **If a Private Way is proposed, number of lots served:** _____

If Site Plan Review, you must provide the following information:

Total new square feet footprint of structure: 846 square feet

Total new square feet paving/parking: N/A

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Required Submittal Attachments:

- A. Letters of Approval N/A
☐ Fire Department – Contact Chief or Deputy Chief – 282-9986
☐ Ability to Serve for Water Service – Maine Water – 282-1543
☐ Ability to Serve for Sewer Service – Engineering Department – Tom Milligan 284-9118
☐ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127
- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, etc. N/A
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.
- F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- \$75 Nonrefundable Administration Fee is required for every application.
- Refer to “Attachment A Fees and Charges” of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

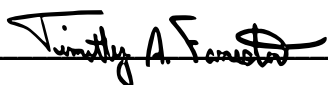
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and its attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

Will the proposed project cause 1 acre or more of site disturbance?: __ (Yes) X (No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: _____



Agent

Date June 30, 2022

Signature of Property Owner: _____

Date _____

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

A) PDF OF SIGNED APPLICATION

B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)

- *Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVIDUAL DRAWING NAME.pdf'*

B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.

C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)

- *All drawings & CAD reference files must be to-scale and within the following coordinate systems:*

- *MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)*

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE

B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION



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

December 1, 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 natural resource permitting project(s) at my property located at 29 Twin Island Drive in Biddeford, 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.

NICOLA SHANNON
Print Name

Nicola Shannon
Signature

03 DEC 2021
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester, Owner

Environmental Consultants, Wetland Scientists, Specializing in Federal, State and Local Permitting, Expert Witness

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 1.2-acre parcel of land located on Twin Island Drive and adjacent to the Saco River in the City of Biddeford, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is no formal access to the river for recreational boating and other uses and the shoreline is a near vertical drop. Therefore, the Applicant proposes to construct a dock in order to provide safe and reasonable access to the Saco River and adjacent waters for recreational purposes.

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 provide all-tide access to the Saco River, the Applicant proposes to construct a four (4) foot wide by four (4) foot long landing that will begin in the upland, at the top of the bank. The landing will connect to a four (4) foot wide by twenty (20) foot long set of access stairs and a six (6) foot wide by twenty (20) foot long pier. The pier will be supported with six (6), eight (8) inch by eight (8) inch pilings with cross bracing that will be pinned to ledge. The pier will then connect to a four (4) foot wide by twenty-four (24) foot long set of stairs and a six (6) foot wide by sixteen (16) foot long pier. The second pier will be supported with eight (8), eight (8) inch by eight (8) inch pilings with cross bracing that will be pinned to ledge. As a result of the supports for the pier located below the Highest Annual Tide (HAT) line, there will be approximately twelve (12) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot

wide by twenty-four (24) foot long seasonal float. The float will be secured in place with chains pinned to ledge.

During the off-season, the ramp and 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.

Please note that the project plans have been drafted to show the riparian lines extending out as an extension of the upland property boundaries. The plans were drafted with this method at the request of the harbormaster, Paul Larriviere.

EXHIBIT 2.0: PERFORMANCE STANDARDS

City of Biddeford

Part III: Land Development Regulations

Article XIV: Shoreland Zoning Ordinance

Section 15: Land Use Standards

Section C: Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of a water body or within a wetland.

1. Except as provided in Section 15C11 and Section 15X7, no more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single residential lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15A, a second structure may be allowed and may remain as long as the lot is not further divided

The Applicant proposes one dock on their property.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

The proposed dock will be located over ledge and mixed coarse and fines. The pier will be supported with pilings pinned to ledge. If there are any areas of disturbance at the completion of construction, the Applicant intends to stabilize any areas of disturbance with vegetation and mulch in accordance with the Maine DEPs Maine Erosion and Sediment Control BMPs manual. As a result, the Applicant does not anticipate any adverse causes of erosion or sediment.

3. The location shall not interfere with existing developed or natural beach areas.

The proposed structures are not located over a developed beach area or natural beach areas.

4. The facility shall be located so as to minimize adverse effects on fisheries.

The proposed dock has been positioned to provide reasonable tidal access and will be located over ledge and mixed coarse and fines. The end of the float will extend just beyond the mean low water (MLW). According to the most recent Maine Department of Environmental Protection's Eelgrass survey map, eelgrass is not located at the project site. The ramp and float will be in place on a seasonal basis and elevated over the substrates during all tides. The project was reviewed by the US Fish and Wildlife Service (USFWS), the Department of Marine Resources (DMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW) and these agencies have not identified any issues. Given these factors, the Applicant does not anticipate there will be adverse effects on fisheries.

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

The Applicant is proposing a dock that is consistent with existing docks that are located within the surrounding area. The proposed length provides for all-tide access and will

allow the float to be elevated over the substrates at all tides. The dock is no wider than six (6) feet.

6. 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 as an operational necessity.

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

7. New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board 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.

The dock is located on tidal waters and a permit has been obtained from the Department of Environmental Protection. A copy of the approval is included in the attached application materials.

8. 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 dwelling units in any district.

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

9. 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.

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

The Applicant does not propose to construct any structure on, over, or abutting the proposed dock that will exceed twenty (20) feet in height. A permit has been received from the Department of Environmental Protection.

10. Vegetation may be removed in excess of the standards in Section 15P of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

- a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment accessway must be restored.

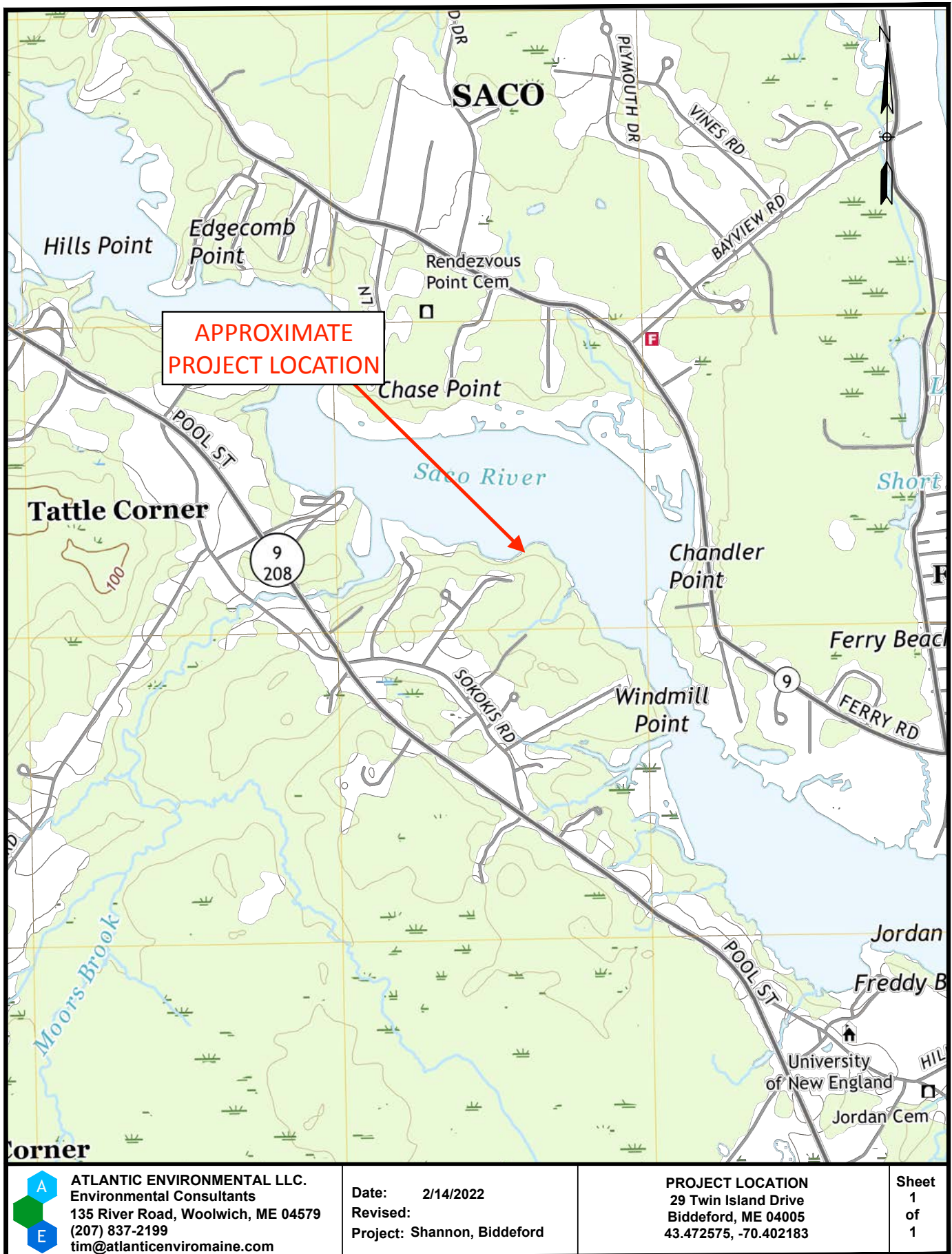
b. Revegetation must occur in accordance with Section 15S. NOTE: A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for shoreline stabilization activities.

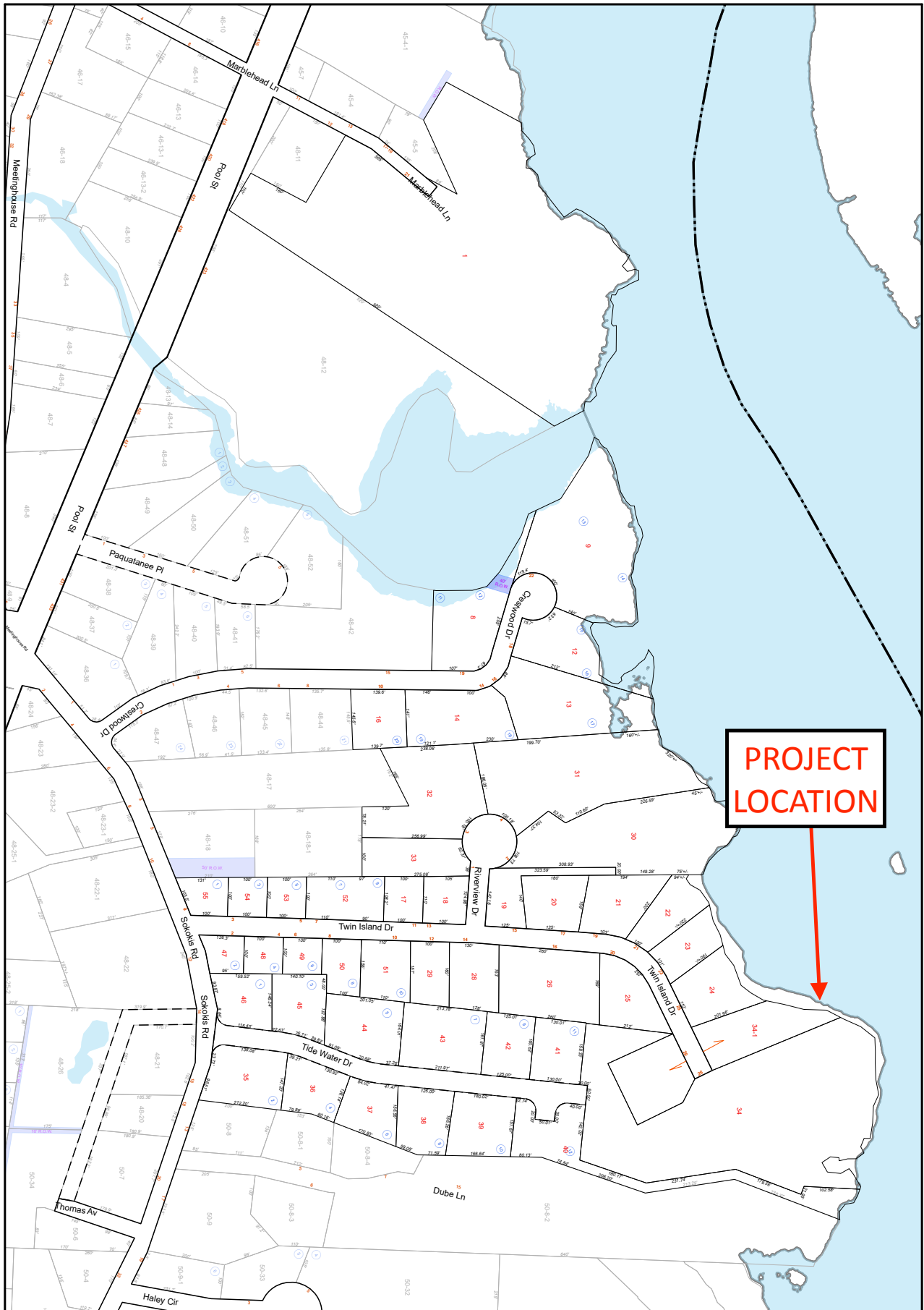
The Applicant does not propose to remove vegetation for the construction of the proposed dock.

11. A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
- a. The total deck area attached to the structure does not exceed 700 square feet;
 - b. The deck is cantilevered over a segment of a river that is located within Section 15 Section 15 :7 the boundaries of the downtown revitalization project;
 - c. The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
 - d. The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Section 15B; and
 - e. The construction of the deck complies with all other state and federal laws.

The Applicant does not propose to construct a deck as part of a downtown revitalization project.

EXHIBIT 3.0: LOCATION MAP







47 Tax Map	<p>This Map is Prepared by The City of Biddeford, Maine Technology Department GIS Division 203 Main Street P.O. Box 586 Biddeford, Maine 04005 207-571-0660 gis@biddefordmaine.org</p> 	<p>The City of Biddeford, Maine OFFICIAL TAX MAP Office of The Tax Assessor Nicholas D. Desjardins, CMA Assessor</p>	<p>100 0 100 200 300 Feet</p> <p>UPDATED THROUGH APRIL 1, 2021 FOR ASSESSMENT PURPOSES ONLY NOT TO BE USED FOR CONVEYANCES</p>	<p>Maine is based on the Coordinate System NAD 1983 North American 83 - 83°</p> 
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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 located at 29 Twin Island Drive in the City of Biddeford, ME.



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



Photograph Two. Overview of project site showing upland and upper intertidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



Photograph Three. Facing easterly – additional overview of upland and intertidal area at project site. Note abutting structure in project vicinity. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



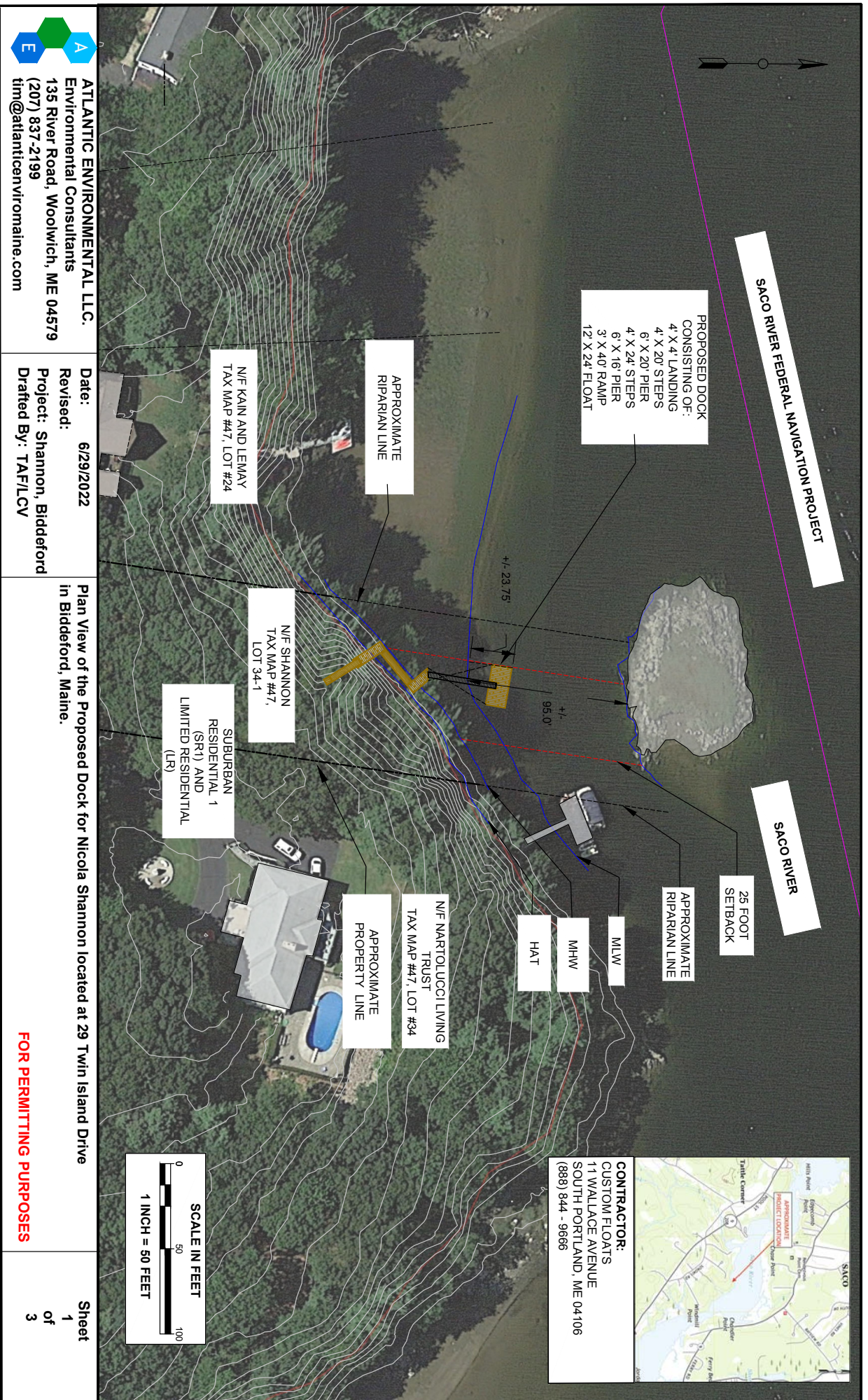
Photograph Four. Facing westerly – view of surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.

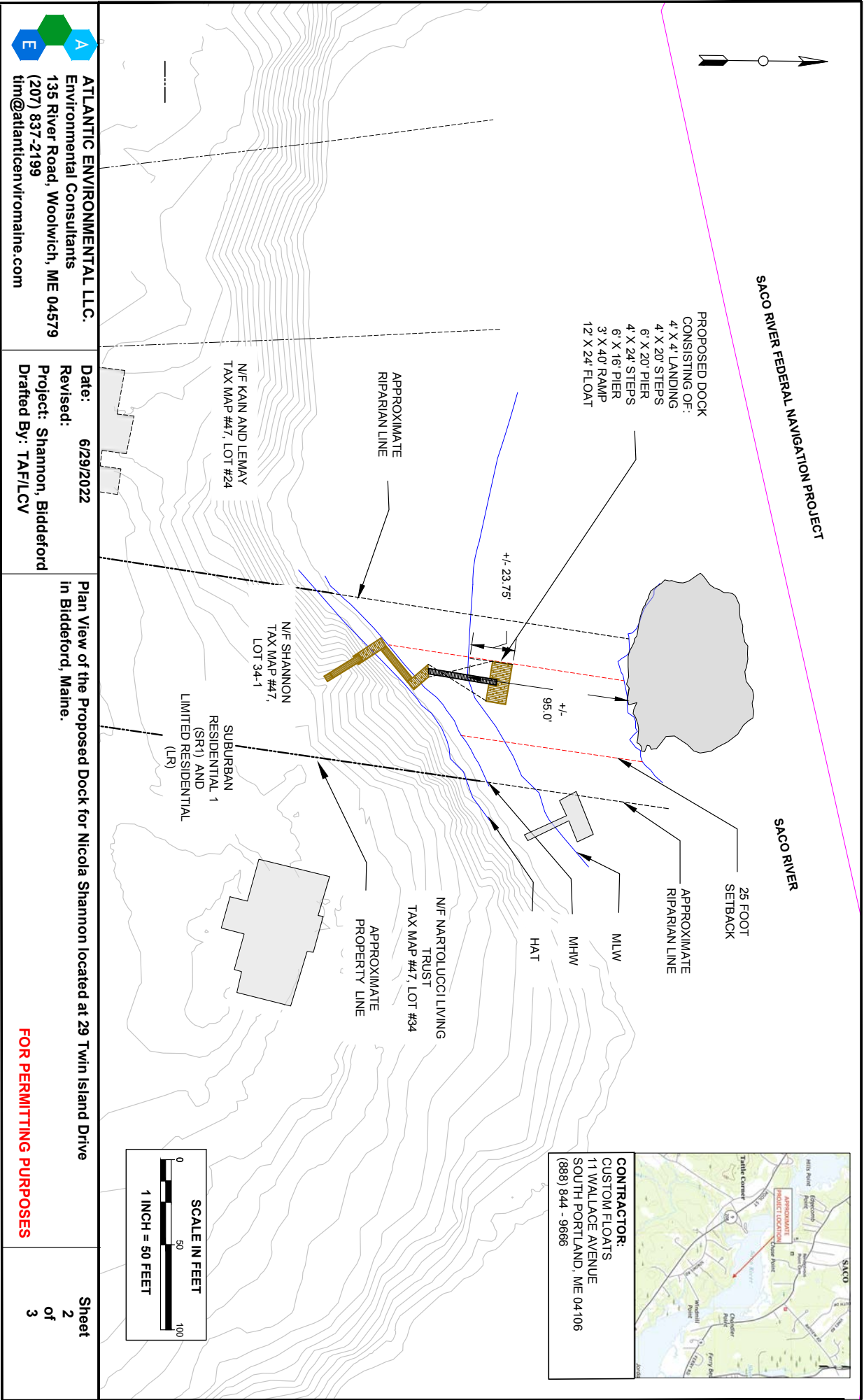


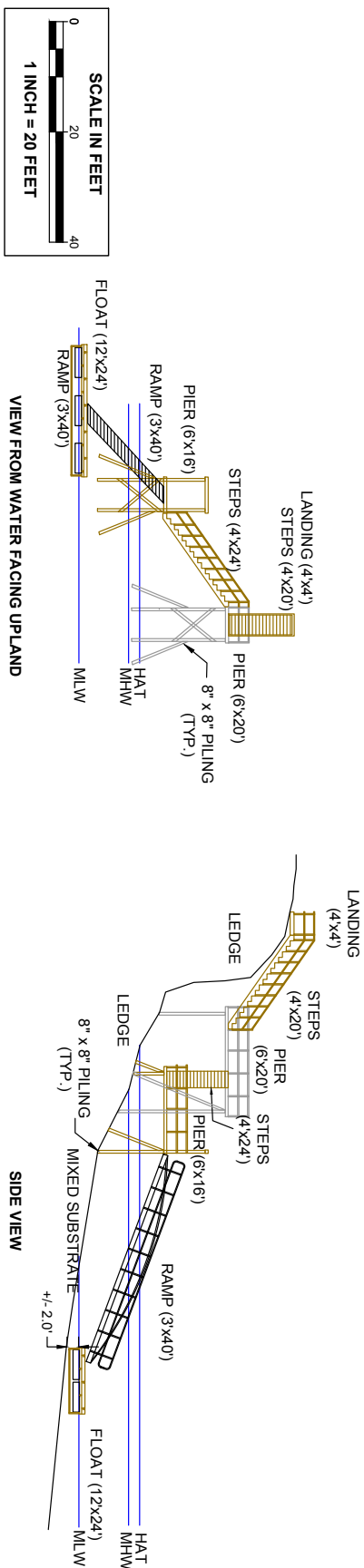
Photograph Five. Facing northerly – view of ledge located within river. Float will end landward of the ledge. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



Photograph Six. Overview of project site. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.







Sheet
3
of
3

EXHIBIT 6.0: CONSTRUCTION PLAN

The landings, stairs, and piers will be supported with pilings pinned to ledge described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the dock will be cured on dry land for 21 days prior to the start of construction. The aluminum ramp and wood float are constructed off-site and will be set in place once the pier is constructed. The construction of the dock should take approximately two (2) weeks to three (3) weeks.

All materials will be transported to the site from the upland and construction access will take place from the adjacent upland and by boat, if necessary. It is not anticipated that measurable soil disturbance will occur as a result of the construction of the dock given the ledge in the area.

EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock given the substrates at the site, 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.

Return to:

NICOLA SHANNON
29 TWIN ISLAND DRIVE
BIDDEFORD ME
04005

QUITCLAIM DEED WITH COVENANT

DLN:1002140152215

KNOW ALL PERSONS BY THESE PRESENTS: That **Twin Island Drive, LLC, a Maine Limited Liability Company**, with a mailing address of 26 Twin Island Drive, Biddeford, Maine 04005, for consideration paid grants to **Nicola Shannon**, of 3 Laird Road, Medford, Massachusetts 02155, with QUITCLAIM COVENANT:

Two certain parcels of lots of land situated in Biddeford, County of York and State of Maine, bounded and described as follows:

Parcel A

A certain parcel of land in Biddeford, County of York, State of Maine, said land being situated at the terminus of Twin Island Drive, and being more particularly described as follows:

BEGINNING at a set iron rod on the southerly side of Twin Island Drive, said iron also marking the easterly corner of lot 20 as shown on plan entitled Plan of Twin Island Acres Sec. 3 "recorded in the York County Registry of Deeds in Plan Book 57, Page 36;

THENCE S 63°-03'-44" E along the southerly sideline of a private right of way a distance of 13.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet:

THENCE S 26°-56'-16" W a distance of 20.00 feet to a set iron rod;

THENCE S 63°-03'-44" E a distance of 50.00 feet to a set iron rod;

THENCE N 26°-56'-16° E a distance of 20.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet:

THENCE S 63°-03'-44" E a distance of 2.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 117.81 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 75.00 feet:

THENCE S 26°-55'-76" W along remaining land conveyed to Albert and Pearl Bartolucci by deed recorded in said Registry in Book 2698, Page 263 a distance of 100.00 feet to a set iron rod;

THENCE N 63°-03'-44" W along remaining land of Bartolucci a distance of 175.00 feet to a set iron rod;

THENCE 18°-48'-28" E along remaining land of Bartolucci a distance of 176.78 feet to a set iron rod at the POINT OF BEGINNING.

The above-described parcel containing 0.56 acres, more or less.

Parcel B

BEGINNING at a found iron pipe on the northerly side of Twin Island Drive, said iron pipe marking the southeasterly corner of lot number 20 as shown on plan entitled "Plan of Twin Island Drive Sec. 3" recorded in the York County Registry of Deeds in Plan Book 57, Page 38;

THENCE S 63°-03'-44" E along the northerly sideline of a private right way a distance of 100.08 feet to a point;

THENCE N 26°-06'-38" E along remaining land conveyed to Albert and Pearl Bartolucci by deed recorded in the said registry in Book 2698, Page 263 a distance of 325 plus or minus feet to the Saco River or so far as the grantor may own;

THENCE generally southwesterly by said river to the southeast side of lot 23 as shown on said plan;

THENCE S 26°-55'-36" W by said lot 23 to an iron pipe found near the bank of said river;

THENCE S 26°-55'-36" W along said lot 23 a distance of 156.98 feet to a found iron at the POINT OF BEGINNING.

The above parcel containing 0.54 acres, more or less.

Parcel B described above is SUBJECT TO certain covenants and restrictions for the benefit of land now or formerly of Albert L. Bartolucci et al., Trustees of the Albert L. Bartolucci Living Trust and Pearl M. Bartolucci et al., Trustees of the Pearl M. Bartolucci Living Trust, by deed dated July 17, 2000 and recorded in York County Registry of Deeds in Book 10192, Page 341, having an address of 26 Twin Island Drive, Biddeford, Maine (the "BLT Property"), as follows:

1. Any improvements and changes to Parcel B shall only be those allowed by the Saco River Corridor Commission and its rules and regulations. In the event the Saco River Corridor Commission ceases to exist the rules and regulations of the Saco River Commission on the date of this deed shall continue to apply to Parcel B.

2. No recreational vehicles motorized or non-motorized, motorized equipment or motorized vehicles shall be left or stored on Parcel B for more than seven days in a calendar year.

With the prior written permission of the Grantee the owners or residents of the BLT Property may, at their own cost, enter Parcel B to clear any fallen or hazardous trees allowed to be cleared by state and local ordinance and statute in order to protect and enhance the appearance of Parcel B and the views from the BLT Property.

SUBJECT TO a certain appurtenant easement for driveway access, including pedestrian and vehicular ingress and egress, and the right to maintain and repair the same, and also for utilities, for the benefit of the BLT Property, its successors and assigns, including one future lot or parcel created therefrom, on and over a triangle parcel described as follows:

BEGINNING at a point on the northerly sideline of a private right of way, said point being S 63°-03'-44" E a distance of 35.00 feet from the southwesterly corner of lot number 23;

THENCE S 63°-03'-44" E along the northerly sideline of said private right of way a distance of 65.00 feet to a point, said point also marking the southeasterly corner of Parcel B described above;

THENCE N 26°-06'-38" E along remaining land of Bartolucci a distance of 96.00 feet to a point;

THENCE Southwesterly to the point of beginning.

TOGETHER WITH AN ACCESS EASEMENT described as follows:

BEGINNING at a found iron pipe on the northerly sideline of Twin Island Drive, said iron also marking the southeasterly corner of lot number 23 as shown on plan entitled "Plan of Twin Island Drive Sec. 3" and recorded in the York County Registry of Deeds in Plan Book 57, Page 36;

THENCE S 63°-03'-44" E a distance of 125.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 125.00 feet to a set iron rod, said curve having a delta angle of 57°-17'-45" and a radius of 125.00 feet;

THENCE S 84°-14'-01" W along the terminus of said private right of way a distance of 50.00 feet to a set iron rod;

THENCE along a curve deflecting to the left a distance of 75.00 feet to a set iron rod, said curve having a delta angle of 57°-17'-45" and a radius of 75.00 feet;

THENCE N 63°-05'-44" W a distance of 2.00 feet to a point;

THENCE along a curve deflecting to the left a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet;

THENCE S 26°-56'-16" W a distance of 20.00 feet to a set iron rod;

THENCE N 63°-03'-44" W along the terminus of a turn around a distance of 50.00 feet to a set iron rod;

THENCE N 26°-56'-16" E a distance, of 20.00 feet to a set iron rod;

THENCE along a curve deflecting to the left a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet;

THENCE N 63°-03'-44" W a distance of 13.00 feet to a set iron rod and the westerly corner of lot number 20 as shown on said plan:

THENCE N 26°-56'-16" W along the terminus at Twin Island Drive a distance of 50.00 feet to a found iron at the POINT OF BEGINNING.

The above described private right of way containing 0.32 acres, more or less. The bearings above are referenced to plan entitled "Twin Island Drive Sec. 3" recorded in said Registry in Plan Book 57, Page 35.

REFERENCE is hereby made to plan entitled "Plan of Private Way Twin Island Drive, Biddeford, Maine" by Paul P. Gadbois Engineering and Surveying Company dated 12-19-95.

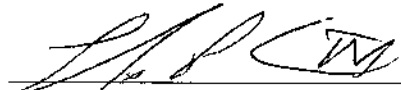
Subject to an easement to Central Maine Power Company and New England Tel. & Tel. Co. dated October 21, 1985 and recorded in said Registry of Deeds on December 10, 1985 in Book 3707, Page 168.

Meaning and intending to describe and convey the same premises conveyed to Twin Island Drive, LLC by virtue of a corrective deed of Lisa M. Bartolucci n/k/a Lisa Curro and Nicholas P. Curro, III of near or even date to be recorded in the York County Registry of Deeds herewith

By executing this Deed, the undersigned further certifies that he is named in the Operating Agreement and Certificate of Formation as one of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes him to take all steps necessary to convey the premises or interests described in the above deed on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

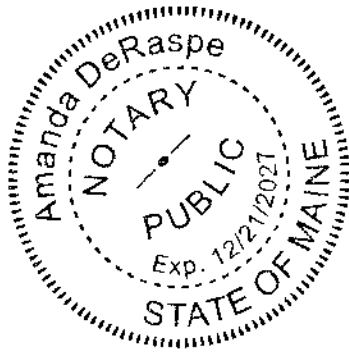
Executed this 9 day of July, 2021.


Twin Island Drive, LLC

By: 
Nicholas Curro III, Managing Member

STATE OF MAINE
COUNTY OF Cumberland . ss.

Then personally appeared before me on this 9 day of JULY, 2021 the said **Nicholas Curro III, duly authorized Managing Member of Twin Island Drive, LLC** and acknowledged the foregoing to be his voluntary act and deed in his stated capacity.




Notary Public
Commission expiration: 12/21/27



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

DEPARTMENT ORDER

IN THE MATTER OF

NICOLA SHANNON) NATURAL RESOURCES PROTECTION ACT
Biddeford, York County) COASTAL WETLAND ALTERATION
RESIDENTIAL PIER SYSTEM) WATER QUALITY CERTIFICATION
L-29753-4P-A-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310 and 315 of Department rules, the Department of Environmental Protection (Department) has considered the application of NICOLA SHANNON (applicant) with the supportive data, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a residential pier system. The pier system lies on a steep slope, thus requiring two pier sections connected by access stairs. The new pier system will be constructed with a four-foot wide by four-foot-long landing starting in the upland, followed by a four-foot wide by 20-foot-long set of access stairs connected to a six-foot wide by 16-foot-long pier section. Connected to this pier section is a four-foot wide by 24-foot-long set of access stairs connected to a six-foot wide by 20-foot-long pier section. The pier will also have a three-foot wide by 50-foot-long seasonal ramp with a 12-foot wide by 24-foot-long seasonal float. The proposed pier will be supported by 14 pilings, eight of which will be below the Highest Annual Tide (HAT) line. The eight pilings below the HAT will result in 12 square feet of direct impacts to the coastal wetland. Approximately 698 square feet of indirect impacts due to shading are proposed. The ramp and float will be stored in the upland when not in use. The project is as shown on a plan entitled “Plan View of the Proposed Dock for Nicola Shannon”, dated February 15, 2022, and prepared by Atlantic Environmental, LLC, with the latest revision being made on May 10, 2022. The project is not located in a Significant Wildlife Habitat as defined by the Natural Resources Protection Act (NRPA). The project site is located on 29 Twin Island Drive in the Town of Biddeford.

B. Current Use of the Site: The site contains a home across the street from the project location. The parcel is identified as Lot 34-1 on Map 47 of the Town of Biddeford’s tax maps.

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

The Natural Resources Protection Act (NRPA), in 38 M.R.S. §480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings.

The proposed project is located on Saco River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. Other similar piers are visible from and abutting the project site.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project which showed an acceptable potential visual impact rating for the proposed project. A site visit was also conducted on May 13, 2022. Based on the information submitted in the application, the site visit, and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location. The Army Corps of Engineers (ACOE) also agreed that the proposed pier would not significantly impact the navigation of the proposed site. The pier has been designed in a way to allow for continued navigational use of the area by leaving more distance between the end of the pier and the adjacent island compared to the abutting piers.

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

3. SOIL EROSION:

The NRPA, in 38 M.R.S. §480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

All materials brought to the site will be from the upland. Construction will also take place from the upland, with a boat being used only when necessary. The landings, stairs, and pier sections will be supported with pilings pinned to ledge. As such, minimal soil disturbance is expected to result from the construction.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The project site consists of a mix of coarse and fine aggregates with ledge outcroppings in the intertidal, which grades to mud in the subtidal. There is little to no aquatic vegetation in the project area. Two islands are located in front of the project site, however the project has been designed to allow for continued navigational use, as determined by DMR. The upland consists of a steep slope approximately 15 feet tall, thus requiring a segmented pier connected by access stairs in order to access navigable water from the upland.

The Department of Marine Resources (DMR) stated that the project as proposed would have little to no long-term impact to marine resources, habitat, or traditional fishing.

According to the Department's Geographic Information System (GIS) database there are no mapped Essential or Significant Wildlife Habitats located at the site.

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:

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

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA-treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 12 square feet of coastal wetland to construct the proposed residential pier system. Approximately 698 square feet of indirect impact due to shading is also proposed. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended January 26, 2009), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves direct impacts to a coastal wetland must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. The applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. The construction of a pier is allowed by Chapter 310, § 5(A)1(c), water dependent uses. The applicant submitted an alternatives analysis for the proposed project completed by Atlantic Environmental, LLC. The purpose of the project is to provide the applicant with all-tide access to the water for recreational boating and swimming. The applicant considered a temporary structure and stated that it was not practical for the project terrain. The applicant considered the use of a public boat launch facility located in the Town of Biddeford, approximately 1 mile from the project site, however this alternative was discounted due to the need to trailer and launch their boat on a regular basis. In order to meet the project purpose, some impacts to the coastal wetland are unavoidable.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, the applicant must demonstrate that the impacts will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has designed the pier at the shortest length required to provide all-tide access. The pier is pile-supported (14 pilings, eight below HAT) to minimize wetland intrusion, and piles will be pinned to ledge, with minimal direct impacts to the coastal wetland proposed. The float and ramp will be seasonal and will be stored in the upland when not in use.

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

The Department finds that the applicant has avoided and minimized direct 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 Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided the applicant meets the requirement of 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.

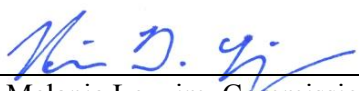
THEREFORE, the Department APPROVES the above noted application of NICOLA SHANNON to construct a residential pier system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA-treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

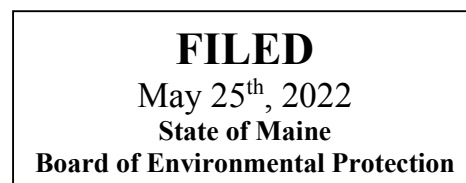
DONE AND DATED IN AUGUSTA, MAINE, THIS 20TH DAY OF MAY, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

KF/L29753AN/ATS#89113





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.

Revised September 2016

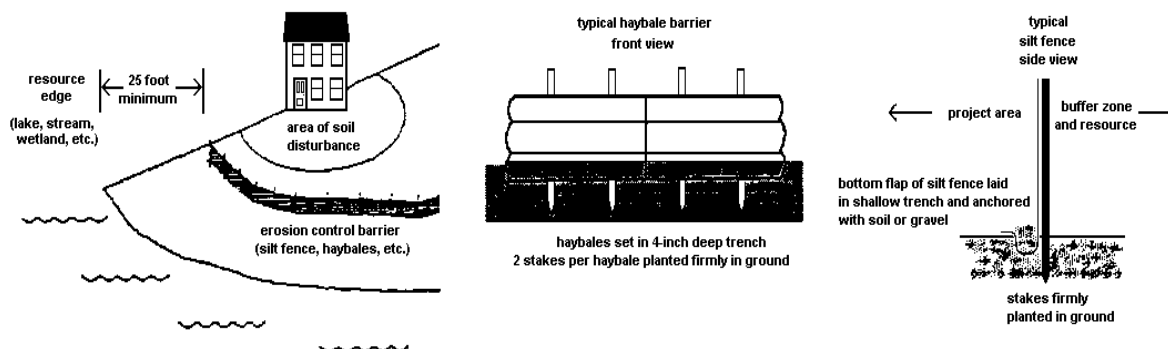


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

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



During Construction

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

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

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

Why Control Erosion?

To Protect Water Quality

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

To Protect the Soil

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

To Save Money (\$\$)

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



REPLY TO
ATTENTION OF

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

**MAINE GENERAL PERMITS (GPs)
AUTHORIZATION LETTER AND SCREENING SUMMARY**

NICOLA SHANNON
29 TWIN ISLAND DRIVE
BIDDEFORD, MAINE 04005

CORPS PERMIT # NAE-2022-00478
CORPS GP# 3
STATE ID# NRPA

DESCRIPTION OF WORK:

Construct and maintain a 6-ft. wide x 20-ft. long pile-supported pier with a 3-ft. wide x 50-ft. long ramp leading to a 12 ft. x 24 ft. float with associated mooring tackle all below the mean high water mark of the Saco River off 29 Twin Island Drive at Biddeford, Maine. This work is shown on the attached plans entitled "Shannon, Biddeford in one sheet dated "2/14/2022", and three sheets dated "2/15/2022".

See GENERAL CONDITIONS attached.

LAT/LONG COORDINATES: 43.472575° N -70.402183° W **USGS QUAD:** BIDDEFORD, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. **Your work is therefore authorized by the U.S. Army Corps of Engineers under the Federal Permit, the Maine General Permits (GPs) which can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/>** Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Special Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the GPs, including the GPs conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GPs requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 45 of the GPs (page 19) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GPs on October 14, 2025. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 14, 2026.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.

II. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

APPLICATION TYPE: PBR:____, TIER 1:____, TIER 2:____, TIER 3: X, LURC:____ DMR LEASE:____ NA:____

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 17FEB2022 LEVEL OF REVIEW: SELF-VERIFICATION:____ PRE-CONSTRUCTION NOTIFICATION: X

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 X, 404____, 10/404____, 103____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

If you have any questions on this matter, please contact my staff at 978-318-8676 at our Augusta, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

COLIN M. GREENAN
PROJECT MANAGER
MAINE PROJECT OFFICE

Frank J Del
Giudice

Digitally signed by Frank J Del
Giudice
Date: 2022.02.18 07:35:07 -05'00'

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



Lisa Vickers <lisa@atlanticenviromaine.com>

Dock Project - 29 Twin Island Drive, Biddeford

Dalyn Houser <dalyn@srcc-maine.org>

Mon, May 23, 2022 at 11:22 AM

To: Lisa Vickers <lisa@atlanticenviromaine.com>, Tim Forrester <tim@atlanticenviromaine.com>

Cc: haley@srcc-maine.org

Hello Lisa,

You do not need a permit for a dock in the tidal portion of the river from the SRCC as long as the dock meets all local, state, and federal standards. If the dock will potentially impact any of the Commission's A-K standards (Chapter 103) then you would need a permit. You can find Chapter 103 on the website by [clicking here](#).

Thank you,

Dalyn Houser

Executive Director

Saco River Corridor Commission

81 Maple Street

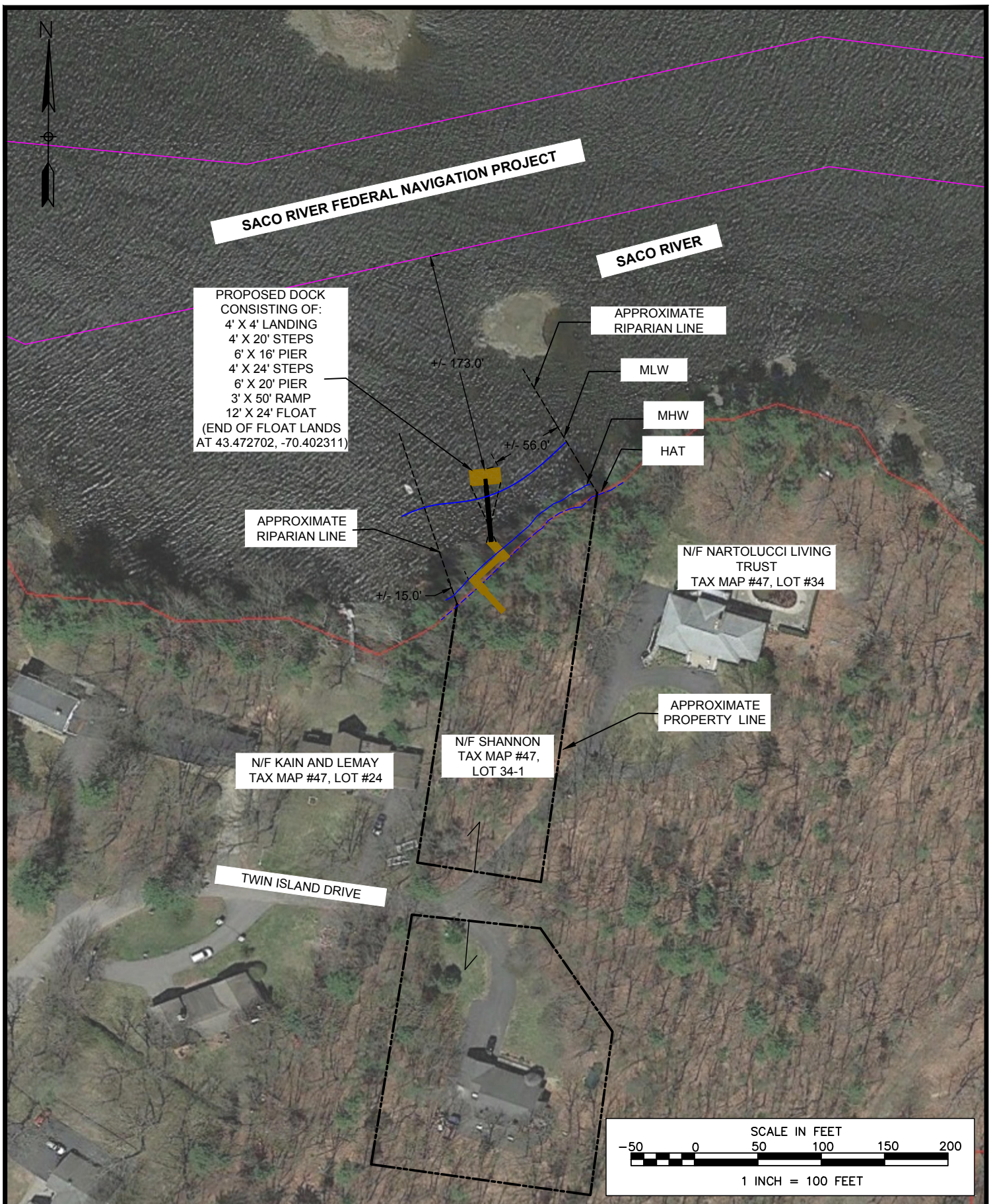
Post Office Box 283

Cornish, Maine 04020

207-625-8123

www.srcc-maine.org

[Quoted text hidden]



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

Date: 2/15/2022
Revised:
Project: Shannon, Biddeford
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

**Sheet
1
of
3**



SACO RIVER FEDERAL NAVIGATION PROJECT

SACO RIVER

PROPOSED DOCK
CONSISTING OF:
4' X 4' LANDING
4' X 20' STEPS
6' X 16' PIER
4' X 24' STEPS
6' X 20' PIER
3' X 50' RAMP
12' X 24' FLOAT
(END OF FLOAT LANDS
AT 43.472702, -70.402311)

APPROXIMATE
RIPARIAN LINE

+/- 173.0'

MLW

MHW

HAT

+/- 56.0'

APPROXIMATE
RIPARIAN LINE

+/- 15.0'

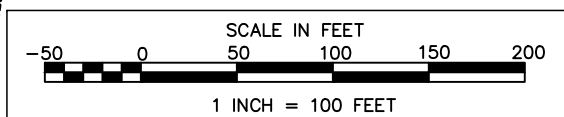
N/F NARTOLUCCI LIVING
TRUST
TAX MAP #47, LOT #34

N/F KAIN AND LEMAY
TAX MAP #47, LOT #24

N/F SHANNON
TAX MAP #47,
LOT 34-1

APPROXIMATE
PROPERTY LINE

TWIN ISLAND DRIVE

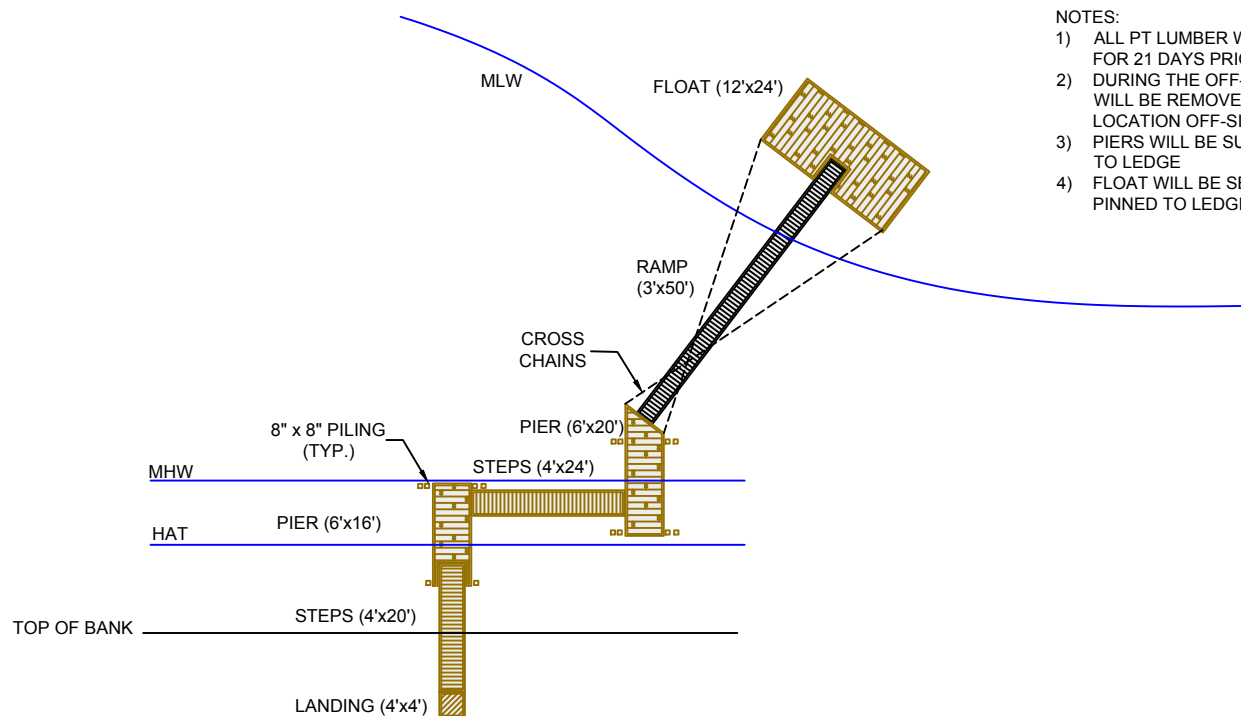


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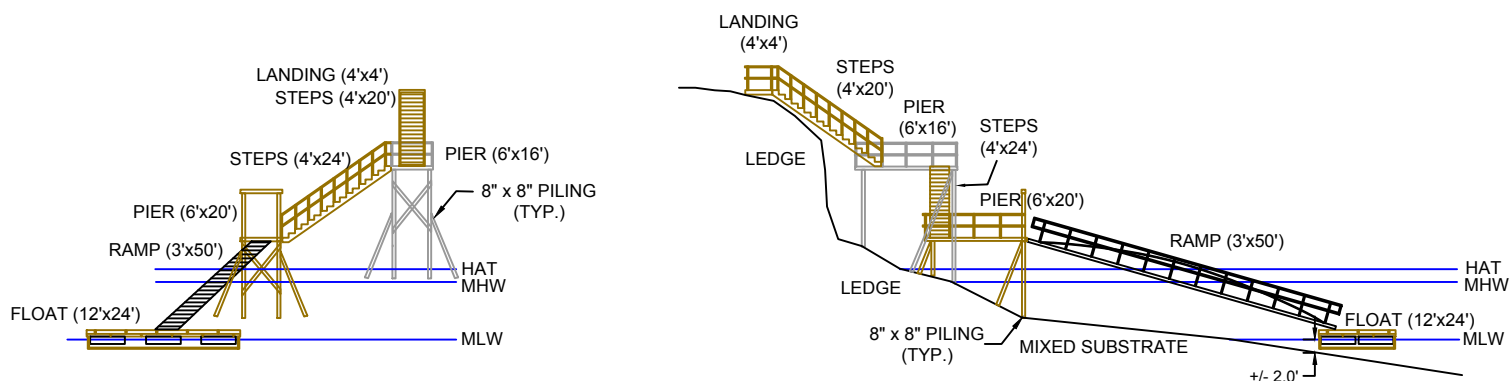
Date: 2/15/2022
Revised:
Project: Shannon, Biddeford
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Nicola
Shannon located at 29 Twin Island Drive in
Biddeford, Maine.

Sheet
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of
3



TOP VIEW



VIEW FROM WATER FACING UPLAND

SIDE VIEW

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) DURING THE OFF-SEASON, THE RAMP AND FLOAT WILL BE REMOVED AND STORED IN AN UPLAND LOCATION OFF-SITE.
- 3) PIERS WILL BE SUPPORTED WITH PILINGS PINNED TO LEDGE
- 4) FLOAT WILL BE SECURED IN PLACE WITH CHAINS PINNED TO LEDGE.



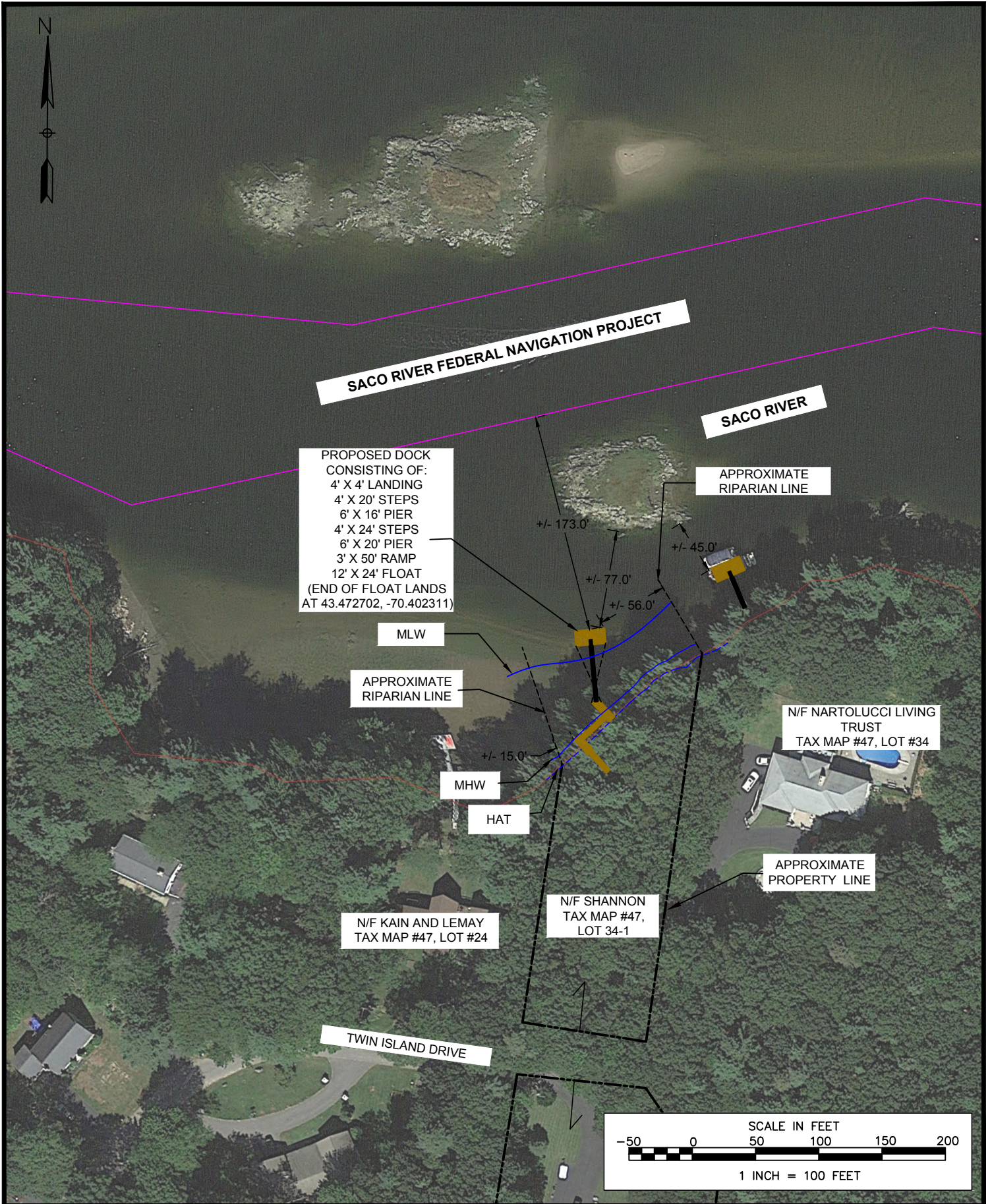
ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

Date: 2/15/2022
 Revised:
 Project: Shannon, Biddeford
 Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

FOR PERMITTING PURPOSES

Sheet
 3
 of
 3



ATLANTIC ENVIRONMENTAL LLC.
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tim@atlanticenviomaine.com

Date: 3/10/2022
Revised:
Project: Shannon, Biddeford
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

Sheet
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of
3



SACO RIVER FEDERAL NAVIGATION PROJECT

SACO RIVER

PROPOSED DOCK
CONSISTING OF:
4' X 4' LANDING
4' X 20' STEPS
6' X 16' PIER
4' X 24' STEPS
6' X 20' PIER
3' X 50' RAMP
12' X 24' FLOAT
(END OF FLOAT LANDS
AT 43.472702, -70.402311)

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RIPARIAN LINE

+/- 173.0'

+/- 77.0'

+/- 56.0'

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MLW

APPROXIMATE
RIPARIAN LINE

+/- 15.0'

MHW

HAT

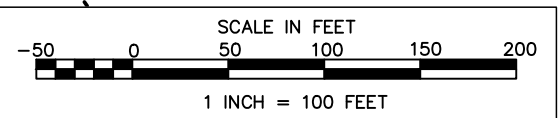
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TAX MAP #47,
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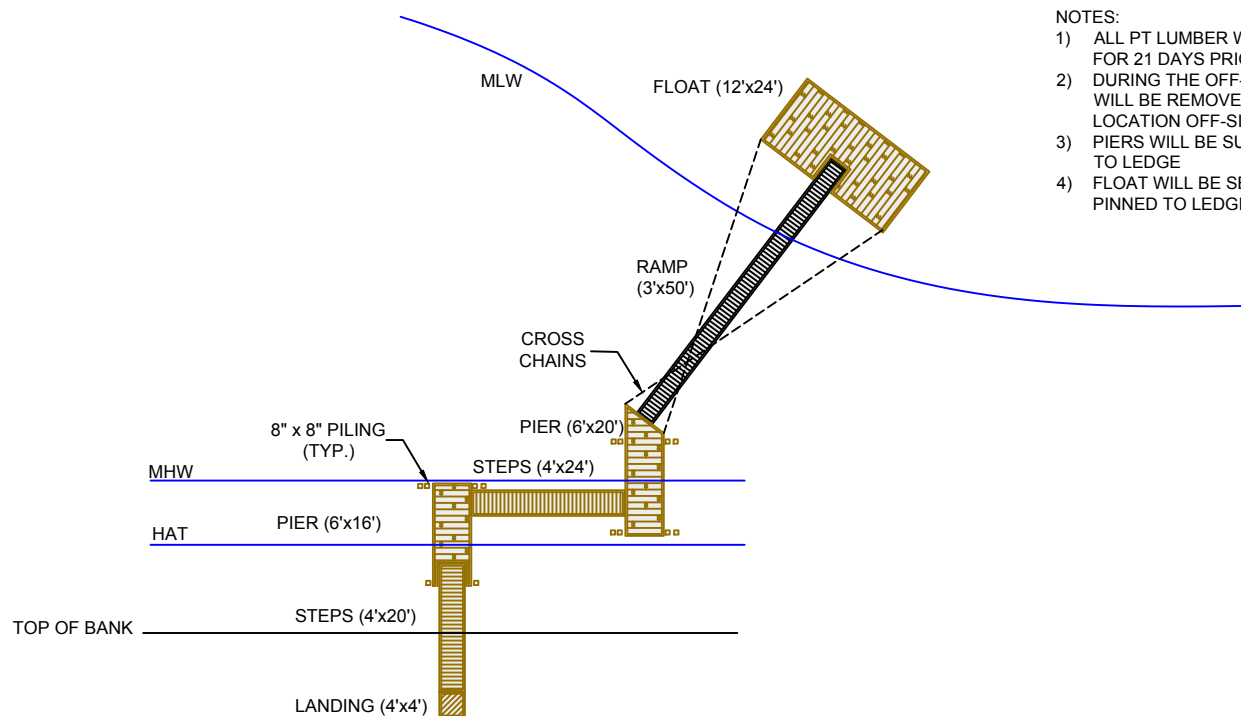


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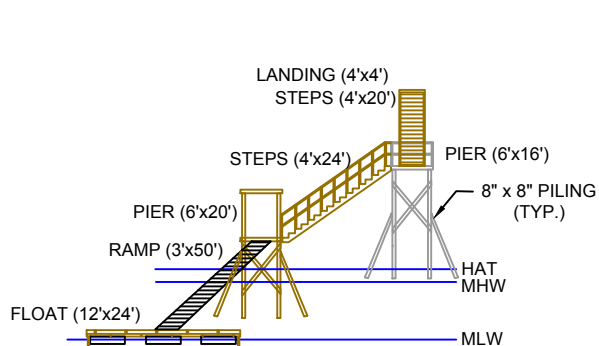
Date: 3/10/2022
Revised:
Project: Shannon, Biddeford
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Plan View of the Proposed Dock for Nicola
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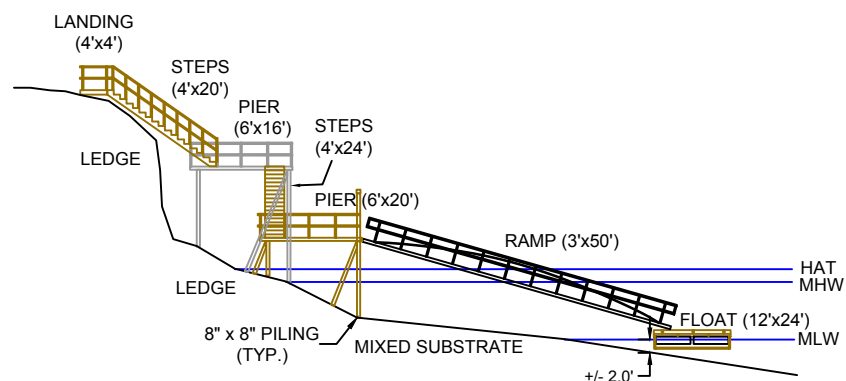
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TOP VIEW



VIEW FROM WATER FACING UPLAND



SIDE VIEW

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FOR PERMITTING PURPOSES

Sheet
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of
3



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

February 16, 2022

Ms. Alison Sirois
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

Re: Natural Resources Protection Act (DEP) Application on behalf of Nicola Shannon, 29 Twin Island Drive, Biddeford, Maine.

Dear Alison,

On behalf of Nicola Shannon, 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 recreational dock consisting of a series of stairs and landings that connect to a pier, ramp, and float located at 29 Twin Island Drive in the City of Biddeford, Maine. Specifically, the Applicant proposes to construct a four (4) foot wide by four (4) foot long landing that connects to a four (4) foot wide by twenty (20) foot long set of access stairs. The stairs will connect to a six (6) foot wide by sixteen (16) foot long landing that connects to a four (4) foot wide by twenty-four (24) foot long set of access stairs. The second set of access stairs will connect to a six (6) foot wide by twenty (20) foot long pier that connects to a three (3) foot wide by fifty (50) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long 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 City of Biddeford, 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.

Sincerely,
Atlantic Environmental LLC.

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

Timothy A. Forrester, Owner

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		Nicola Shannon		5. Name of Agent:		Atlantic Environmental, LLC	
2. Applicant's Mailing Address:		29 Twin Island Drive Biddeford, ME 04005		6. Agent's Mailing Address:		135 River Road Woolwich, ME 04579	
3. Applicant's Daytime Phone #:		(207) 239 - 5886		7. Agent's Daytime Phone #:		(207) 837 - 2199	
4. Applicant's Email Address (Required from either applicant or agent):		joe@josephmarques.com		8. Agent's Email Address:		tim@atlanticenviromaine.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		29 Twin Island Drive		10. Town:		Biddeford	
				11. County:		York	
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:		Saco River	
				14. Amount of Impact: (Sq.Ft.)		Fill: ± 12 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 _____		FOR FRESHWATER WETLANDS <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <i>Tier 1</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 </div> <div style="text-align: center;"> <i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </div> <div style="text-align: center;"> <i>Tier 3</i> <input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </div> </div>			
16. Brief Activity Description:		The applicant proposes to construct a dock consisting of a series of landings and steps that connect to a 6' x 20' pier, a 3'x 50' ramp, and a 12' x 24' float.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> 1.2 acres		UTM Northing: 4814250 UTM Easting: 386590			
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#:18730 Page#: 739		20. Map and Lot Numbers:		Map #: 47 Lot #: 34-1	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		From I-95, take exit 36 and head right and take exit 2A for Route 1. Turn right on Route 1/Main St. and travel for approximately 1.6 miles. Bear left on Hill St. and then turn left on Route 9. Travel for approximately 2.7 miles and then bear left on Sokokis Road. Travel for 0.2 miles and turn left on Twin Island Dr. Project is located on the right side of the road.					
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS					
<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 <input checked="" type="checkbox"/> N/A Description of Previously Mined Peatland,if required			
28. FEES Amount Enclosed:		\$564.00					
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2							

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.

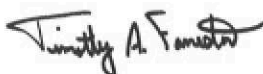
CORPS SIGNATORY REQUIREMENT

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 fines 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: February 16, 2022

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.

Natural Resources Protection Act Application

to

**Construct a Dock consisting of a
a Series of Landings and Stairs and
a Pier, Ramp, and Float**

located at

29 Twin Island Drive

Biddeford, Maine

Submitted to:

Maine Department of Environmental Protection

312 Canco Road

Portland, ME 04103

Submitted by:

Atlantic Environmental, LLC

135 River Road

Woolwich, ME 04579

February 16, 2022



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

December 1, 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 natural resource permitting project(s) at my property located at 29 Twin Island Drive in Biddeford, 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.

NICOLA SHANNON
Print Name

Nicola Shannon
Signature

03 DEC 2021
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester, Owner

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Summary including U.S. Fish and
Wildlife Official Species List

Exhibit 13. Compensation

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 1.2-acre parcel of land located on Twin Island Drive and adjacent to the Saco River in the City of Biddeford, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is no formal access to the river for recreational boating and other uses and the shoreline is a near vertical drop. Therefore, the Applicant proposes to construct a dock in order to provide safe and reasonable access to the Saco River and adjacent waters for recreational purposes.

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 provide all-tide access to the Saco River, the Applicant proposes to construct a four (4) foot wide by four (4) foot long landing that will begin in the upland, at the top of the bank. The landing will connect to a four (4) foot wide by twenty (20) foot long set of access stairs and a six (6) foot wide by sixteen (16) foot long pier. The pier will be supported with six (6), eight (8) inch by eight (8) inch pilings with cross bracing that will be pinned to ledge. The pier will then connect to a four (4) foot wide by twenty-four (24) foot long set of stairs and a six (6) foot wide by twenty (20) foot long pier. The second pier will be supported with eight (8), eight (8) inch by eight (8) inch pilings with cross bracing that will be pinned to ledge. As a result of the supports for the pier located below the Highest Annual Tide (HAT) line, there will be approximately twelve (12) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by fifty (50) foot long seasonal ramp and a twelve (12) foot

wide by twenty-four (24) foot long seasonal float. The float will be secured in place with chains pinned to ledge.

During the off-season, the ramp and 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.

EXHIBIT 2.0: ALTERNATIVES ANALYSIS

Several alternatives were considered in determining the need and the placement of the proposed dock. Factors considered in this analysis include: shoreline characteristics, substrates, vegetation, tidal access, identified natural resources, existing structures, and proximity to existing public and private facilities.

2.1: ALTERNATIVE ONE

The Applicant considered not constructing a dock, however, the Applicant's project purpose is to provide safe boating access to the resource from their property. The shoreline is extremely steep and it is impossible and unsafe to access the water with watercraft and the Applicant determined that the construction of a dock would provide safe access to the resource. Therefore, the no action alternative for the dock 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, a temporary dock would not result in as stable of a structure. The Applicant needs to span the ledge bank and the safest way to do this is to pin piles to the ledge. For these reasons, this alternative was rejected.

2.3 ALTERNATIVE THREE

The Applicant considered other locations on the parcel. The proposed location of the dock allows the float to land beyond the ledge, is within the riparian boundaries of the Applicants' property, and does not pose an adverse impact to navigation and existing uses in

the area. For these reasons, the Applicant determined the proposed location is the most suitable location on the property.

2.4 ALTERNATIVE FOUR

The Applicant considered public and private facilities. The nearest public launch is located approximately one (1) mile 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 utilizing low impact watercraft (kayaking and paddle boarding) as well as swimming. For these reasons, the Applicant determined the launch does not meet their project purpose.

The nearest privately owned marina is approximately three (3) 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 kayaking, this was not a practicable alternative that met their project goals.

2.5 ALTERNATIVE FIVE

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

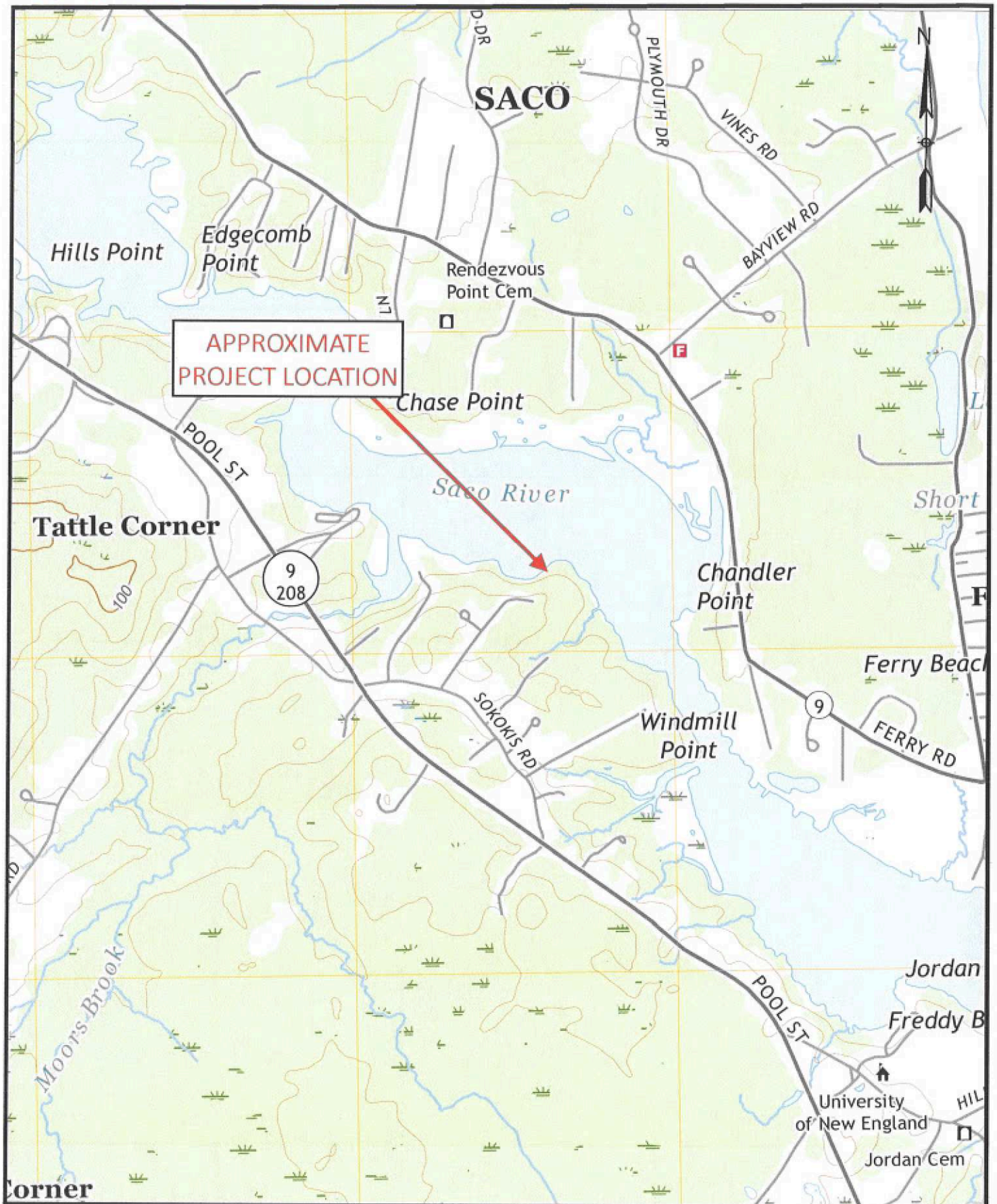
- a. No public or private facility can reasonably and cost effectively meet the Applicant's project purpose.
- b. The proposed location and dimensions provide reasonable all-tide access and safe access over dock the steep ledge bank.
- c. The proposed location is protected from boat traffic and will not pose an impact to

navigation.

2.6 STATEMENT OF AVOIDANCE AND MINIMIZATION

In summary, the Applicant considered several alternatives before determining that the construction of a 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. Further, all seasonal structures will be stored outside of the coastal wetland during the off-season.

EXHIBIT 3.0: LOCATION MAP




 <p>ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com</p>	<p>Date: 2/14/2022 Revised: Project: Shannon, Biddeford</p>	<p>PROJECT LOCATION 29 Twin Island Drive Biddeford, ME 04005 43.472575, -70.402183</p>	<p>Sheet 1 of 1</p>
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EXHIBIT 4.0: PHOTOGRAPHS

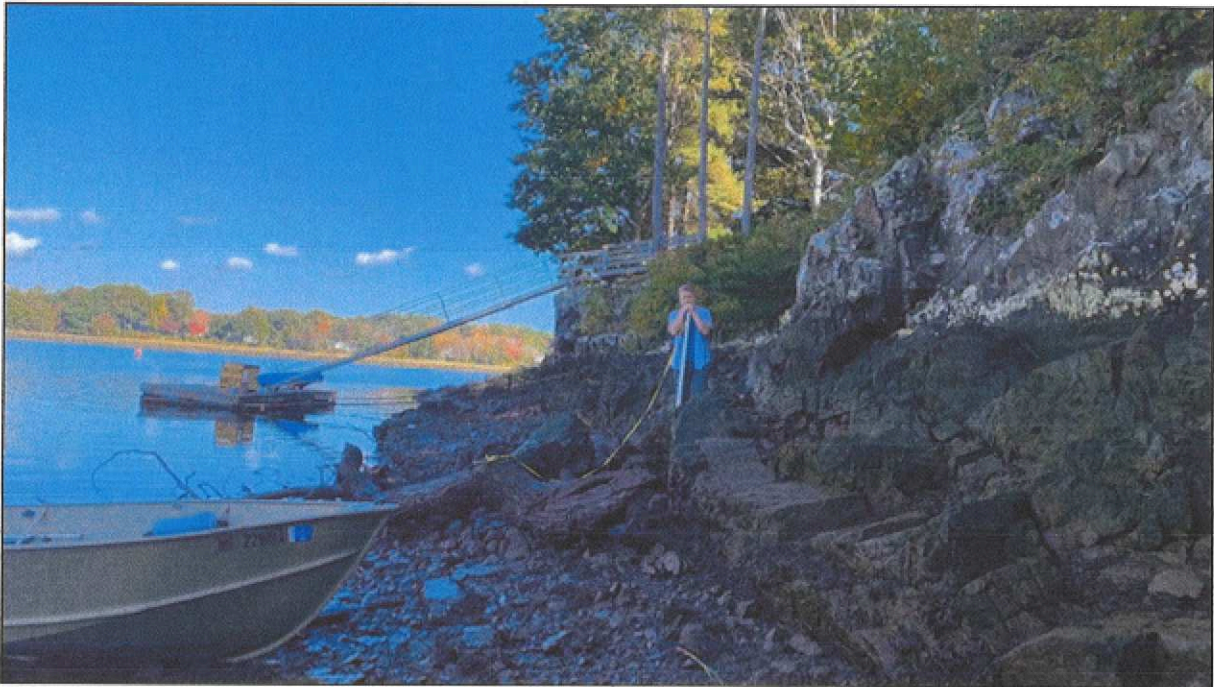
The following photographs are taken from the site of the project and represent the proposed location of the dock located at 29 Twin Island Drive in the City of Biddeford, ME.



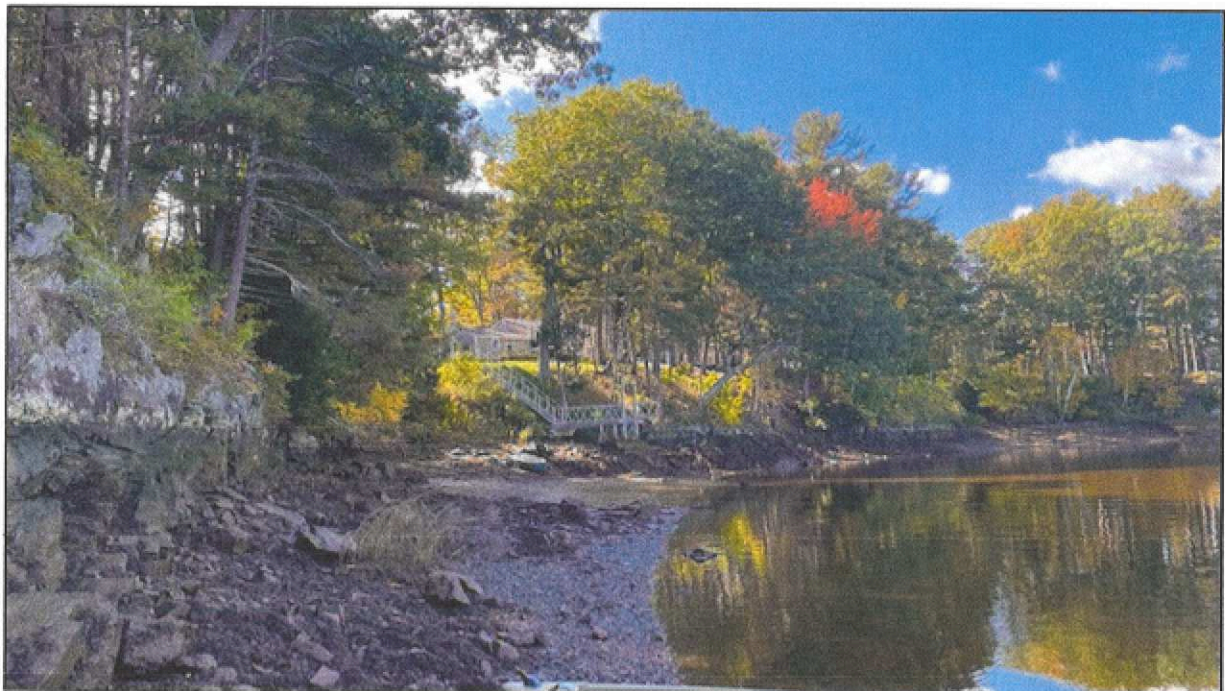
Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of dock. Source: Google Earth. Date: May 4, 2018.



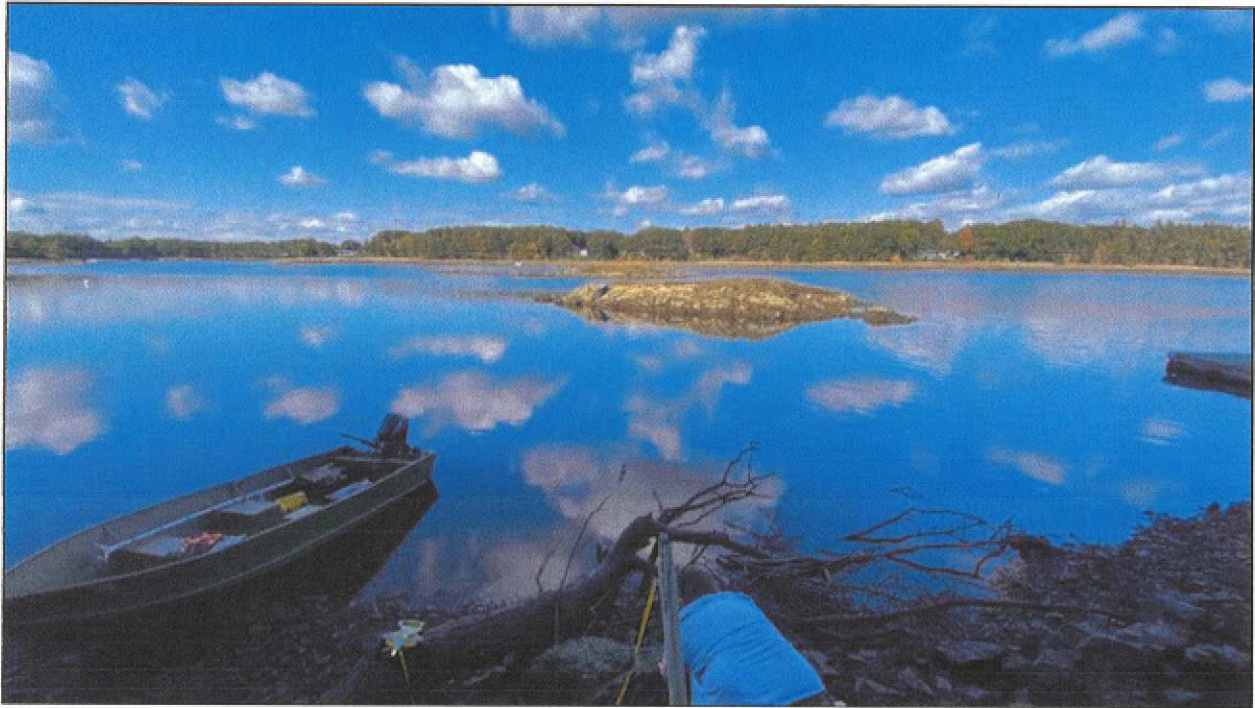
Photograph Two. Overview of project site showing upland and upper intertidal area. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



Photograph Three. Facing easterly – additional overview of upland and intertidal area at project site. Note abutting structure in project vicinity. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



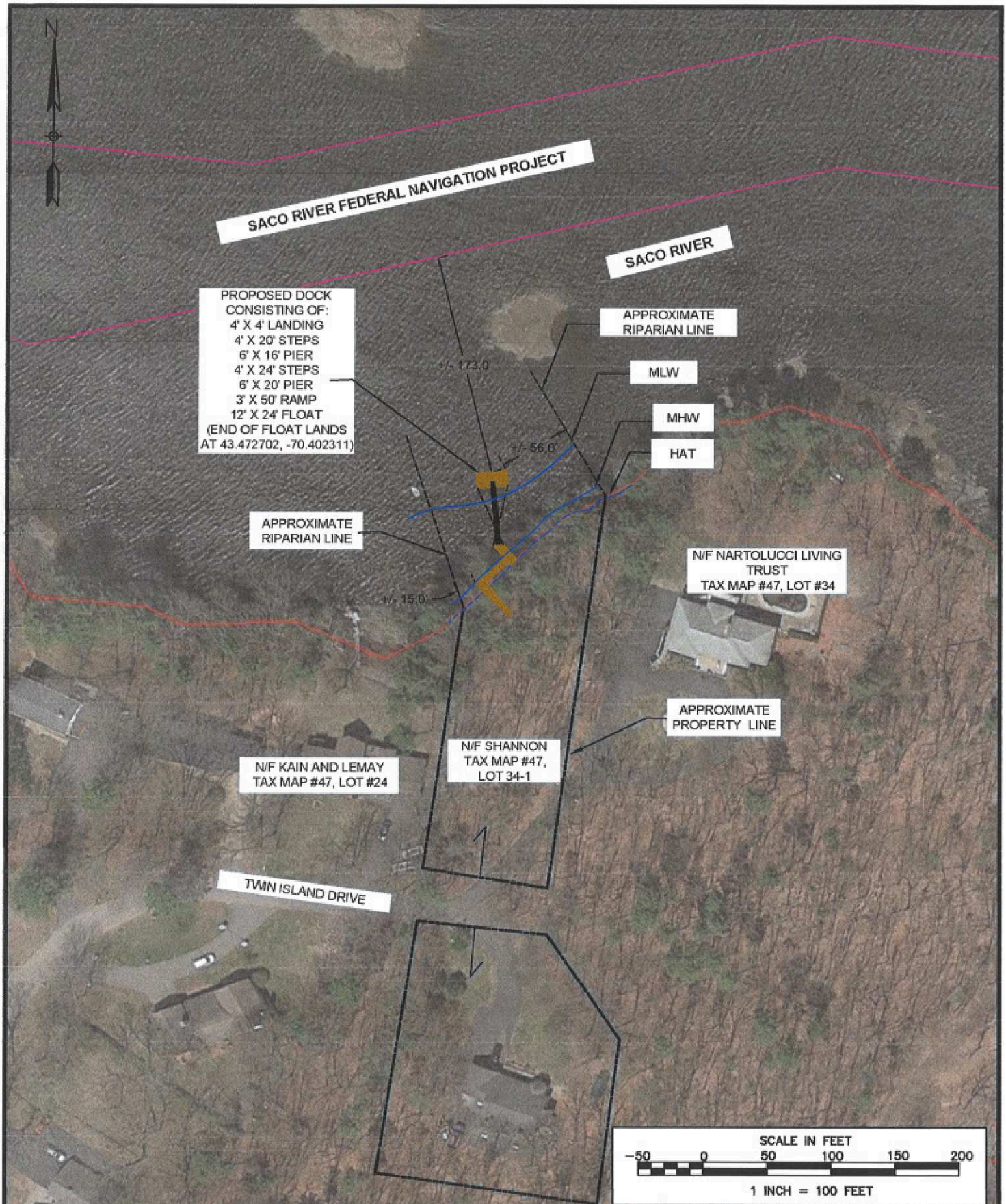
Photograph Four. Facing westerly – view of surrounding area. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



Photograph Five. Facing northerly – view of ledge located within river. Float will end landward of the ledge. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.



Photograph Six. Overview of project site. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: October 14, 2021.

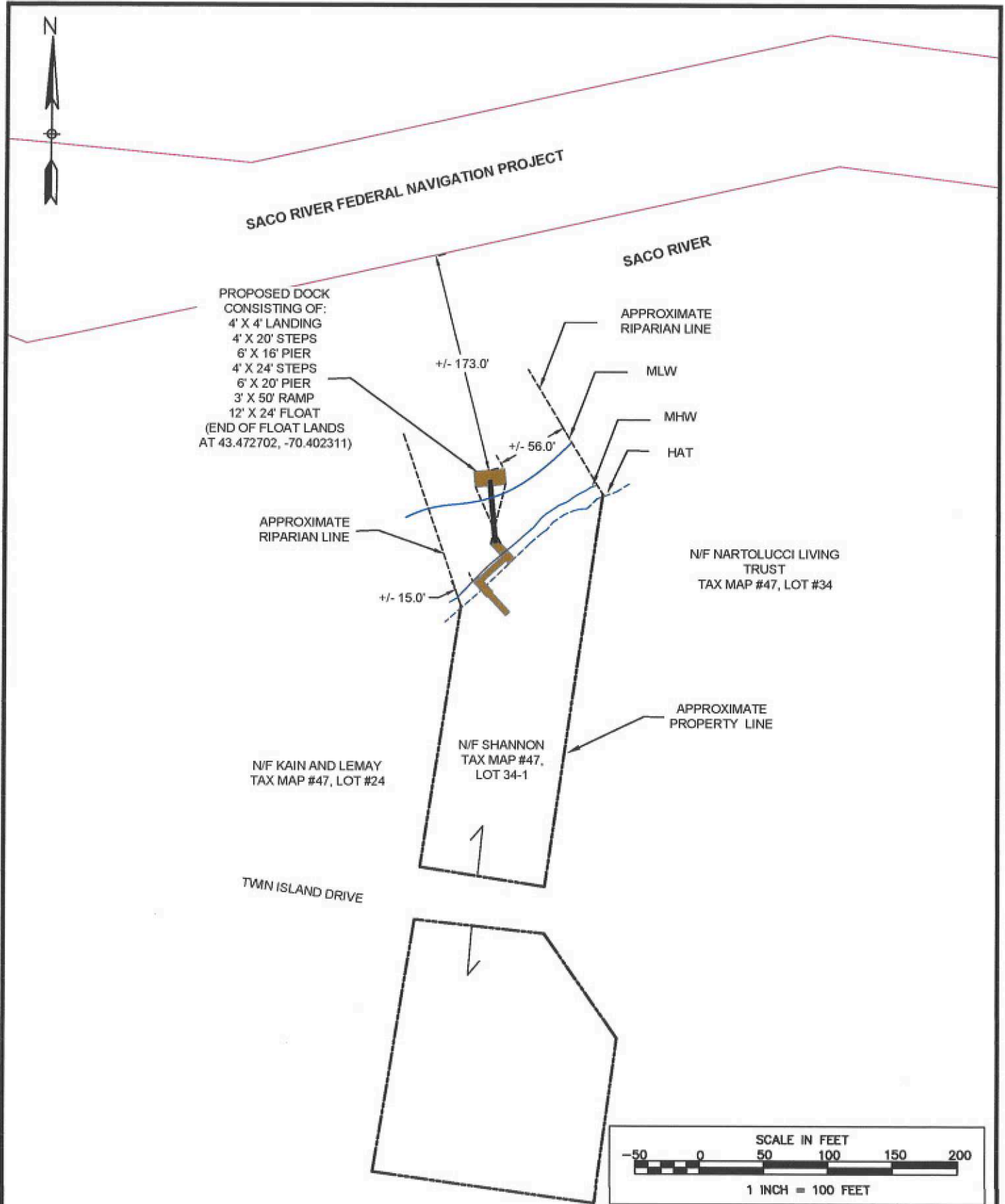


ATLANTIC ENVIRONMENTAL LLC.
 Environmental Consultants
 135 River Road, Woolwich, ME 04579
 (207) 837-2199
 tim@atlanticenviromaine.com

Date: 2/15/2022
Revised:
Project: Shannon, Biddeford
Drafted By: TAF/LCV

Plan View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

Sheet
1
of
3



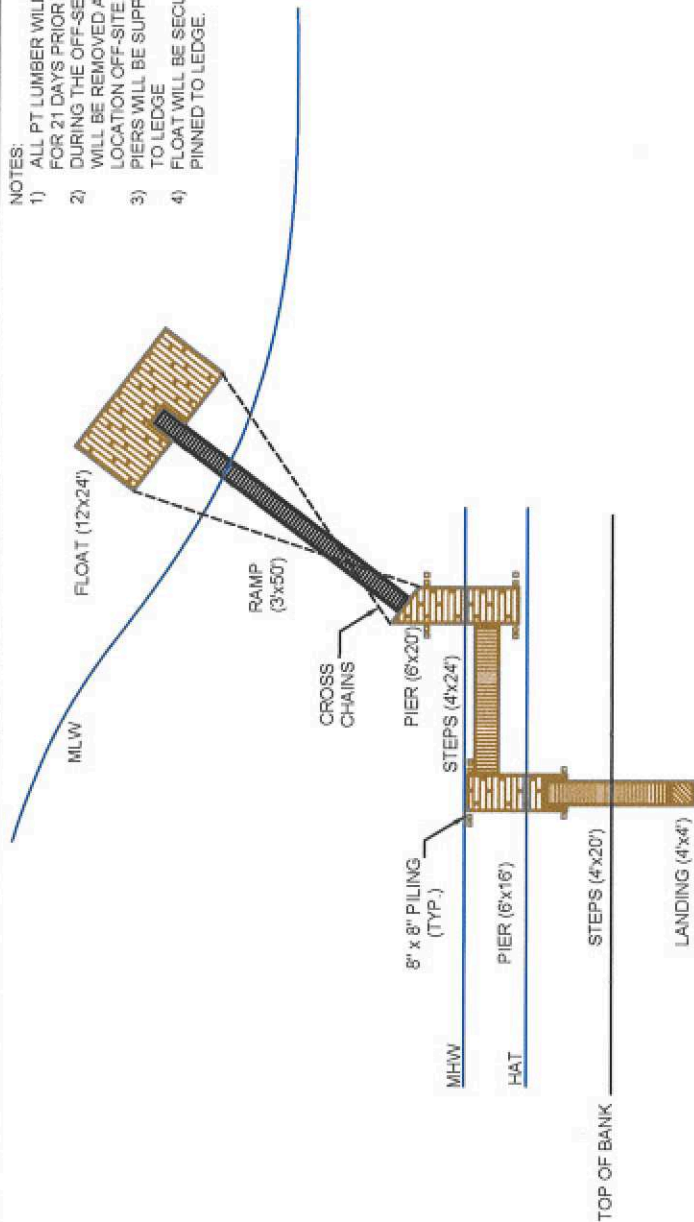
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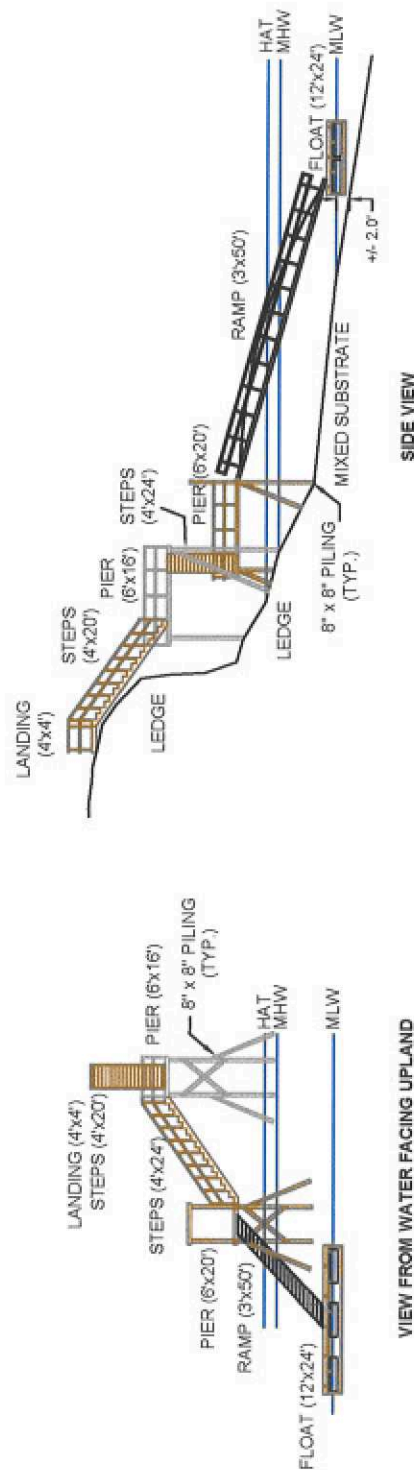
Plan View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

Sheet
2
of
3

- NOTES:
- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
 - 2) DURING THE OFF-SEASON, THE RAMP AND FLOAT WILL BE REMOVED AND STORED IN AN UPLAND LOCATION OFF-SITE.
 - 3) PIERS WILL BE SUPPORTED WITH PILINGS PINNED TO LEDGE.
 - 4) FLOAT WILL BE SECURED IN PLACE WITH CHAINS PINNED TO LEDGE.



TOP VIEW



SIDE VIEW

Sheet
3
of
3

Plan View and Cross Section View of the Proposed Dock for Nicola Shannon located at 29 Twin Island Drive in Biddeford, Maine.

Date: 2/15/2022
Revised:
Project: Shannon, Biddeford
Drafted By: TAF/LCV

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



FOR PERMITTING PURPOSES

EXHIBIT 6.0: CONSTRUCTION PLAN

The landings, stairs, and piers will be supported with pilings pinned to ledge described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the dock will be cured on dry land for 21 days prior to the start of construction. The aluminum ramp and wood float are constructed off-site and will be set in place once the pier is constructed. The construction of the dock should take approximately two (2) weeks to three (3) weeks.

All materials will be transported to the site from the upland and construction access will take place from the adjacent upland and by boat, if necessary. It is not anticipated that measurable soil disturbance will occur as a result of the construction of the dock given the ledge in the area.

EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock given the substrates at the site, 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.

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: Nicola Shannon

Phone: (207) 239 - 5886

Application Type: Individual NRPA

Activity Type: Dock consisting of Stairs, Landing, Piers, Ramp, and Float

Activity Location: Town: Biddeford, York County

GIS Coordinates, if known: 4814250 Northing 386590 Easting

Date of Survey: October 14, 2021 Observer: Tim Forrester Phone: 207-837 - 2199

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-¼	¼-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?			x
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?			x
C. A state or federal trail?			x
D. A public site or structure listed on the National Register of Historic Places?			x
E. A National or State Park?			x
F. 1) A municipal park or public open space?			x
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?			x
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	x		
2. What is the closest estimated distance to a similar activity?	x		
3. What is the closest distance to a public facility intended for a similar use?			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: Nicola Shannon PHONE: (212) 239 - 5886

APPLICATION TYPE: Individual NRPA

ACTIVITY LOCATION: Biddeford COUNTY: York

ACTIVITY DESCRIPTION: ☐ fill ☒ pier ☐ lobster pound ☐ shoreline stabilization ☐ dredge ☐ other:

DATE OF SURVEY: October 14, 2021 OBSERVER: Tim Forrester

TIME OF SURVEY: 1:00 pm TIDE AT SURVEY: Low-Tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: approximately 12 square feet Subtidal area: 0

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: approximately 380 square feet Subtidal area: approximately 318 square feet

HABITAT TYPES PRESENT(check all that apply):

☐ sand ☐ boulder/cobble beach ☐ sand flat ☒ mixed coarse & fines ☐ salt marsh
☒ ledge ☒ rocky shore ☐ mudflat (sediment depth, if known:____)

ENERGY: ☐ protected ☒ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☒ >20% ☐ 10-20% ☐ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide:____) ☐ beach (mixed coarse/fines)
☒ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☒ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>			
clams	<input checked="" type="checkbox"/>			
marine worms	<input checked="" type="checkbox"/>			
rockweed	<input checked="" type="checkbox"/>			
eelgrass	<input checked="" type="checkbox"/>			
lobsters	<input checked="" type="checkbox"/>			
other	<input checked="" type="checkbox"/>			

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes ☒ no

PREVIOUS ALTERATIONS? ☐ yes ☒ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☒ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs ☒ 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 1 - 3 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 Biddeford approximately 1 mile from the project location.

The nearest public, commercial, or private marina is located in Biddeford, approximately 3 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: Marshall Alexander Phone: (207) 282 - 3479

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 a total of fourteen (14), eight (8) inch by eight (8) inch timber pilings.

☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet

☐ The structure will be supported by solid fill.
_____ square feet of solid fill

☐ Other:

DIMENSIONS:

Length of fixed section: 16 feet (1st Pier) 20 feet (2nd Pier)

Width of fixed section: 6 feet

Length of ramp: 50 feet

Dimensions of float: 12 feet by 24 feet

Distance the structure will extend below mean low water (MLW): approximately 22 feet

Depth of water at the fixed end of the structure: (@HAT): approximately 7.5 feet

Depth of water at the float at low tide: approximately 2 feet

Depth of water at the float at high tide: approximately 13 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 Nicola Shannon (Agent #207-837-2199) is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection on or about February 16, 2022. The application is to construct a dock consisting of a series of landings and stairs that connect to a pier, a seasonal ramp and a seasonal float located at 29 Twin Island Drive in Biddeford, 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 Portland during normal working hours. Please contact office below for access to an electronic copy. A copy of the application may also be seen at the municipal offices in Biddeford, Maine. Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103.

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.

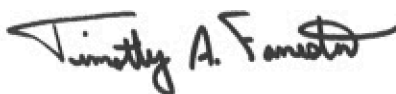
CERTIFICATION

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.

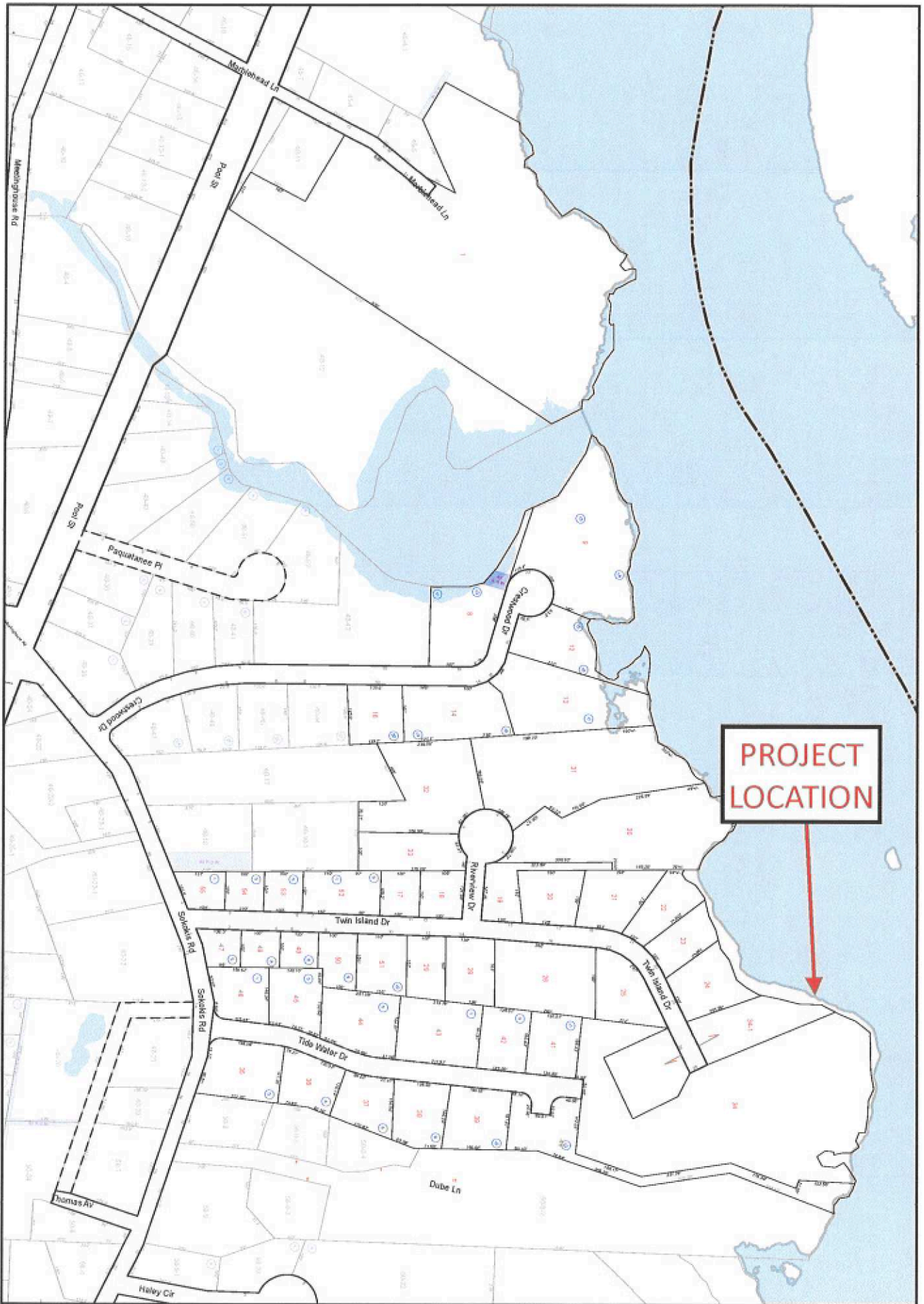


Signature of Applicant or authorized agent

Date: February 15, 2022

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

Name	Map, Block, Lot	Address	City, State/County	Zip Code
Jennifer Kain and Raymond LeMay	Map 47, Lot 24	25 Twin Island Drive	Biddeford, ME	04005
Christopher and Maryann Kaiser	Map 47, Lot 25	20 Twin Island Drive	Biddeford, ME	04005
Bartolucci Living Trust c/o Lisa Curro	Map 47, Lot 34	26 Twin Island Drive	Biddeford, ME	04005



**PROJECT
LOCATION**

Return to:

NICOLA SHANNON
29 TWIN ISLAND DRIVE
BIDDEFORD ME
04005

QUITCLAIM DEED WITH COVENANT

DLN:1002140152215

KNOW ALL PERSONS BY THESE PRESENTS: That **Twin Island Drive, LLC, a Maine Limited Liability Company**, with a mailing address of 26 Twin Island Drive, Biddeford, Maine 04005, for consideration paid grants to **Nicola Shannon**, of 3 Laird Road, Medford, Massachusetts 02155, with QUITCLAIM COVENANT:

Two certain parcels of lots of land situated in Biddeford, County of York and State of Maine, bounded and described as follows:

Parcel A

A certain parcel of land in Biddeford, County of York, State of Maine, said land being situated at the terminus of Twin Island Drive, and being more particularly described as follows:

BEGINNING at a set iron rod on the southerly side of Twin Island Drive, said iron also marking the easterly corner of lot 20 as shown on plan entitled Plan of Twin Island Acres Sec. 3 "recorded in the York County Registry of Deeds in Plan Book 57, Page 36;

THENCE S 63°-03'-44" E along the southerly sideline of a private right of way a distance of 13.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet:

THENCE S 26°-56'-16" W a distance of 20.00 feet to a set iron rod:

THENCE S 63°-03'-44" E a distance of 50.00 feet to a set iron rod;

THENCE N 26°-56'-16° E a distance of 20.00 feet to a set iron rod:

THENCE along a curve deflecting to the right a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet:

THENCE S 63°-03'-44" E a distance of 2.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 117.81 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 75.00 feet:

THENCE S 26°-55'-76" W along remaining land conveyed to Albert and Pearl Bartolucci by deed recorded in said Registry in Book 2698, Page 263 a distance of 100.00 feet to a set iron rod;

THENCE N 63°-03'-44" W along remaining land of Bartolucci a distance of 175.00 feet to a set iron rod;

THENCE 18°-48'-28" E along remaining land of Bartolucci a distance of 176.78 feet to a set iron rod at the POINT OF BEGINNING.

The above-described parcel containing 0.56 acres, more or less.

Parcel B

BEGINNING at a found iron pipe on the northerly side of Twin Island Drive, said iron pipe marking the southeasterly corner of lot number 20 as shown on plan entitled "Plan of Twin Island Drive Sec. 3" recorded in the York County Registry of Deeds in Plan Book 57, Page 38;

THENCE S 63°-03'-44" E along the northerly sideline of a private right way a distance of 100.08 feet to a point;

THENCE N 26°-06'-38" E along remaining land conveyed to Albert and Pearl Bartolucci by deed recorded in the said registry in Book 2698, Page 263 a distance of 325 plus or minus feet to the Saco River or so far as the grantor may own;

THENCE generally southwesterly by said river to the southeast side of lot 23 as shown on said plan:

THENCE S 26°-55'-36" W by said lot 23 to an iron pipe found near the bank of said river:

THENCE S 26°-55'-36" W along said lot 23 a distance of 156.98 feet to a found iron at the POINT OF BEGINNING.

The above parcel containing 0.54 acres, more or less.

Parcel B described above is SUBJECT TO certain covenants and restrictions for the benefit of land now or formerly of Albert L. Bartolucci et al., Trustees of the Albert L. Bartolucci Living Trust and Pearl M. Bartolucci et al., Trustees of the Pearl M. Bartolucci Living Trust, by deed dated July 17, 2000 and recorded in York County Registry of Deeds in Book 10192, Page 341, having an address of 26 Twin Island Drive, Biddeford, Maine (the "BLT Property"), as follows:

1. Any improvements and changes to Parcel B shall only be those allowed by the Saco River Corridor Commission and its rules and regulations. In the event the Saco River Corridor Commission ceases to exist the rules and regulations of the Saco River Commission on the date of this deed shall continue to apply to Parcel B.

2. No recreational vehicles motorized or non-motorized, motorized equipment or motorized vehicles shall be left or stored on Parcel B for more than seven days in a calendar year.

With the prior written permission of the Grantee the owners or residents of the BLT Property may, at their own cost, enter Parcel B to clear any fallen or hazardous trees allowed to be cleared by state and local ordinance and statute in order to protect and enhance the appearance of Parcel B and the views from the BLT Property.

SUBJECT TO a certain appurtenant easement for driveway access, including pedestrian and vehicular ingress and egress, and the right to maintain and repair the same, and also for utilities, for the benefit of the BLT Property, its successors and assigns, including one future lot or parcel created therefrom, on and over a triangle parcel described as follows:

BEGINNING at a point on the northerly sideline of a private right of way, said point being S 63°-03'-44" E a distance of 35.00 feet from the southwesterly corner of lot number 23;

THENCE S 63°-03'-44" E along the northerly sideline of said private right of way a distance of 65.00 feet to a point, said point also marking the southeasterly corner of Parcel B described above:

THENCE N 26°-06'-38" E along remaining land of Bartolucci a distance of 96.00 feet to a point:

THENCE Southwesterly to the point of beginning.

TOGETHER WITH AN ACCESS EASEMENT described as follows:

BEGINNING at a found iron pipe on the northerly sideline of Twin Island Drive, said iron also marking the southeasterly corner of lot number 23 as shown on plan entitled " Plan of Twin Island Drive Sec. 3" and recorded in the York County Registry of Deeds in Plan Book 57, Page 36;

THENCE S 63°-03'-44" E a distance of 125.00 feet to a set iron rod;

THENCE along a curve deflecting to the right a distance of 125.00 feet to a set iron rod, said curve having a delta angle of 57°-17'-45" and a radius of 125.00 feet;

THENCE S 84°-14'-01" W along the terminus of said private right of way a distance of 50.00 feet to a set iron rod;

THENCE along a curve deflecting to the left a distance of 75.00 feet to a set iron rod, said curve having a delta angle of 57°-17'-45" and a radius of 75.00 feet;

THENCE N 63°-05'-44" W a distance of 2.00 feet to a point;

THENCE along a curve deflecting to the left a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet:

THENCE S 26°-56'-16" W a distance of 20.00 feet to a set iron rod:

THENCE N 63°-03'-44" W along the terminus of a turn around a distance of 50.00 feet to a set iron rod:

THENCE N 26°-56'-16" E a distance, of 20.00 feet to a set iron rod;

THENCE along a curve deflecting to the left a distance of 47.12 feet to a set iron rod, said curve having a delta angle of 90 degrees and a radius of 30.00 feet;

THENCE N 63°-03'-44" W a distance of 13.00 feet to a set iron rod and the westerly corner of lot number 20 as shown on said plan:

THENCE N 26°-56'-16" W along the terminus at Twin Island Drive a distance of 50.00 feet to a found iron at the POINT OF BEGINNING.

The above described private right of way containing 0.32 acres, more or less. The bearings above are referenced to plan entitled Twin Island Drive Sec. 3 " recorded in said Registry in Plan Book 57, Page 35.

REFERENCE is hereby made to plan entitled "Plan of Private Way Twin Island Drive, Biddeford, Maine" by Paul P. Gadbois Engineering and Surveying Company dated 12-19-95.

Subject to an easement to Central Maine Power Company and New England Tel. & Tel. Co. dated October 21, 1985 and recorded in said Registry of Deeds on December 10, 1985 in Book 3707, Page 168.

Meaning and intending to describe and convey the same premises conveyed to Twin Island Drive, LLC by virtue of a corrective deed of Lisa M. Bartolucci n/k/a Lisa Curro and Nicholas P. Curro, III of near or even date to be recorded in the York County Registry of Deeds herewith

By executing this Deed, the undersigned further certifies that he is named in the Operating Agreement and Certificate of Formation as one of the persons authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the limited liability company and such authority has not been amended, modified or revoked; that the Operating Agreement authorizes him to take all steps necessary to convey the premises or interests described in the above deed on the terms and conditions contained herein; and that no member of the LLC has filed for bankruptcy protection.

Executed this 9 day of July, 2021.

Twin Island Drive, LLC

By: 
Nicholas Curro III, Managing Member

STATE OF MAINE
COUNTY OF Cumberland, ss.

Then personally appeared before me on this 9 day of July, 2021 the said **Nicholas Curro III, duly authorized Managing Member of Twin Island Drive, LLC** and acknowledged the foregoing to be his voluntary act and deed in his stated capacity.





Notary Public
Commission expiration: 12/21/27

EXHIBIT 11.0: MHPC AND TRIBE NOTIFICATIONS



February 15, 2022

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 for the construction of a dock on behalf of Nicola Shannon located at 29 Twin Island
Drive in Biddeford, Maine (Tax Map 47, Lot 34-1).

Dear Ms. Coyne,

Nicola Shannon (Applicant) has applied for a NRPA permit requesting approval to construct a recreational dock located at 29 Twin Island Drive in Biddeford, Maine. The dock will consist of a series of landing and stairs, a 6' X 16' pier, a set of 4' x 24' stairs, a 6' x 20' pier, a 3' x 50' ramp, and a 12' x 24' float and will provide recreational water access to the Saco River and adjacent waters. 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.

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

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 October 14, 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 1.2 acre parcel of land that is located on Twin Island Drive in the City of Biddeford, Maine. The lot is bisected by Twin Island Drive and the southerly site is developed with a residential structure and associated development. The northerly site is undeveloped and is adjacent to the Saco River. The upland at the site consists of a vegetated bank that extends to exposed ledge and mixed coarse and fines. 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 via visual analysis. According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat map, there are no mapped habitats at the project site.

The energy level is considered semi-protected, the site drains completely, and there are no freshwater wetlands located in the vicinity of the proposed structures. The general slope in the area where the proposed stairs and dock will be located is approximately >20%

Three (3) general habitat types were identified in the vicinity of the project site: Upland, Ledge, and Mixed Coarse and Fines. 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 and juvenile fish.

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 does not propose to cut trees for 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:

February 15, 2022

Project Code: 2022-0007750

Project Name: Shannon 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 threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The 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 website 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/or 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 and/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>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Code 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

Project Summary

Project Code: 2022-0007750

Event Code: None

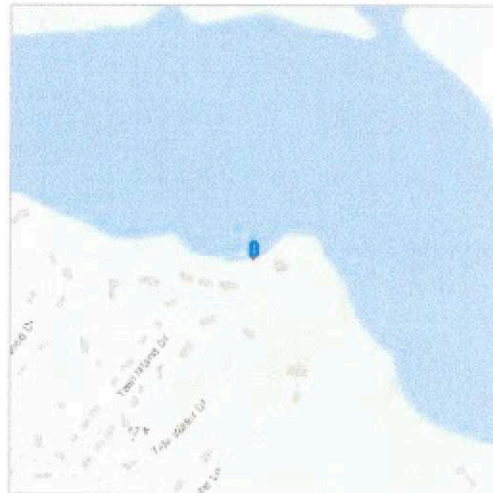
Project Name: Shannon Recreational Dock

Project Type: Recreation - New Construction

Project Description: The Applicant proposes to construct a recreational dock consisting of a series of landings and steps that connect to a 6' x 20' pier, a 3' x 50' ramp, and a 12' x 24' float. The dock will provide recreational water access to the Saco River and adjacent waters. The ramp and float will be hauled off-site and stored in an upland location during the off-season. The project doesn't require trees to be cut.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.4726108,-70.40222395533179,14z>



Counties: York County, Maine

Endangered Species Act Species

There is a total of 2 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 Fisheries¹, 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.

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: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

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

Critical habitats

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

IPaC User Contact Information

Name: Lisa Vickers
Address: 135 River Road
City: Woolwich
State: ME
Zip: 04579
Email: lisa@atlanticenviromaine.com
Phone: 2076151527

EXHIBIT 13.0: COMPENSATION

The dock will result in approximately twelve (12) square feet of direct impacts to the coastal wetland. These impacts are a result of the supports 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.