

John A. Gilman // Natural Resources Protection Act
Permanent installation of boat lift – Belgrade

Excerpts from the Department's Enforcement Record

- Complaint Form dated February 6, 2009
- Photographs of site dated February 25, 2009
- Complaint investigation letter dated February 27, 2009
- DEP staff response to information submittal dated May 5, 2009
- Phone conversation notes dated June 12, 2009



COMPLAINT FORM
DEP Land & Water Bureau

Priority: _____
CTS #: _____

NOTE: If you are taking the complaint, please complete only the items on the first page.

RECEIVED BY: Beeky Maddox DIV.: DLRR DATE: 2/6/09

SOURCE: INTERNAL/COMPLIANCE/OTHER AGENCY/MUNICIPAL OFFICIAL/PUBLIC/ANONYMOUS
(circle or underline one choice)

OTHER OFFICIALS CONTACTED BY COMPLAINANT: _____

ALLEGED VIOLATOR (NAME): John Gilman (not a year round resident)

LANDOWNER: same TOWN: Belgrade

CONTRACTOR: _____ WATERBODY: Great Pond

DESCRIBE THE VIOLATION: BE THOROUGH IN YOUR DESCRIPTION.

Dock left in year round w/ aerator to keep ice from forming around his dock. Dock w/ 5-6 sections, aluminum (Sharmaster aluminum dock).

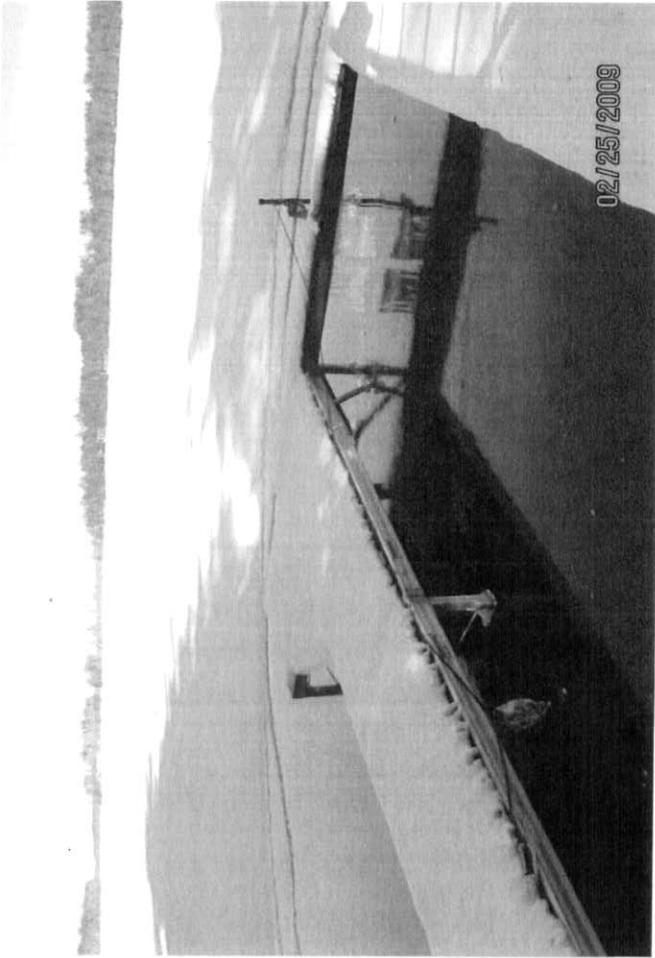
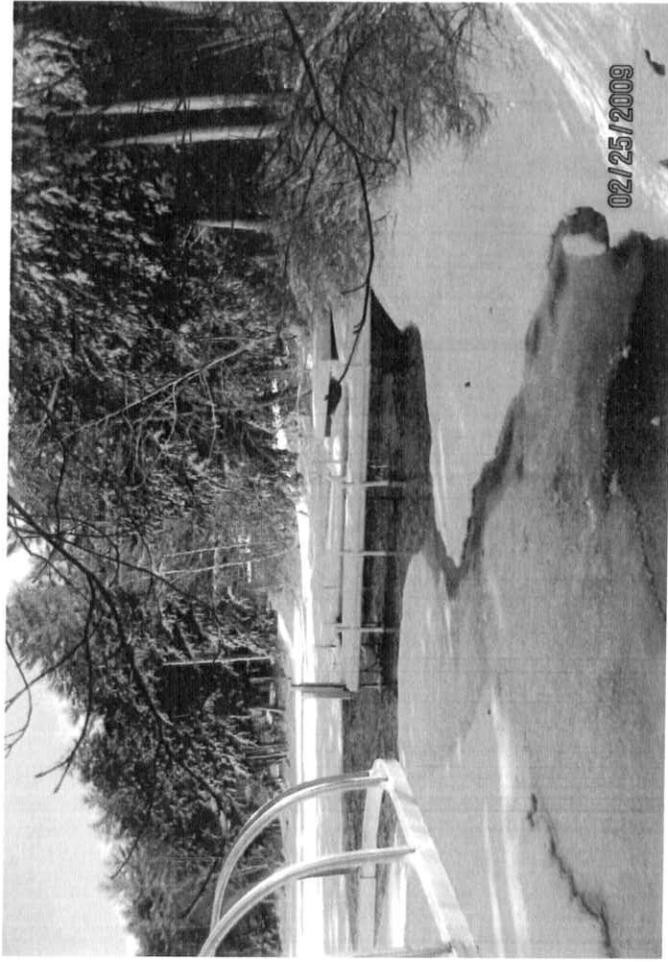
In addition to the description of the violation, please answer the following:

- Is the complainant's knowledge firsthand? (Y) N
Is the activity ongoing? (Y) N
Is the activity occurring in the resource? (Y) N

DIRECTIONS TO THE SITE. LANDMARKS, COLOR OF THE HOUSE, MAILBOX NUMBER, ETC. INCLUDE A LOCATION MAP (TOPO OR MAINE ATLAS), WITH THE LOCATION CLEARLY MARKED

Route 27 -> (B) onto Sahagian Rd, go 113 mile, (same rd as the public boat launch on Great Pond)
(C) onto Abena Shores Rd, go 13 mile, will see property on (B). Sign that "Gilman" posted on a tree, # 87 Abena Shores Rd.
(Rd is maintained year-round).

COMPLAINANT NAME/PHONE NUMBER(OPTIONAL): _____



Photos taken by E. Ham, Enforcement + Field Services staff, on 2-25-09



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

February 27, 2009

John Gilman
PO Box 488
Hope Valley, RI 02832

RE: Complaint Investigation

Dear Mr. Gilman:

On February 10, 2009 I inspected your property located at 87 Abeena Shores Rd. in Belgrade and found that you had left a section of dock and a boat lift in the water.

By performing or causing to be performed any construction of a permanent structure in, on or over a protected natural resource without first obtaining a permit from the Department, John Gilman violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.

The dock becomes a permanent structure when it is left in the water for more than 7 months in a 12 month period. Any sections of the dock that are not permitted need to be removed for 5 months out of a 12 month period or you would need to obtain an individual Natural Resources Protection Act (NRPA) permit. I would recommend contacting Jim Cassida, head of licensing, in writing to request a formal pre-application meeting for the NRPA permit. Please include a description of your project, a preliminary site plan, a regional map with the site marked, and photographs of the area. I have included a NRPA permit application for your use as well as an information sheet about pre-application meetings. Appropriate shoreland zoning permits would also be needed from the Town of Belgrade.

The Department views the violations on this parcel as a serious matter. Provided that you complete all required restoration as detailed above the Department is willing to resolve this matter without formal enforcement action. If all required restoration is not completed by the required deadline, the Department will initiate formal enforcement action to resolve this violation.

If you have any questions about the requirements of this project, please give me a call at 287-8899 or email me at eric.ham@maine.gov.

Sincerely,

Eric Ham
Division of Land Resource Regulation
Bureau of Land and Water Quality

cc: Belgrade
file

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

May 5, 2009

John Gilman
PO Box 488
Hope Valley, RI 02832

RE: Letter Response

Dear Mr. Gilman:

I received your letter dated April 10, 2009 and have reviewed all of the information submitted. Thank you for gathering all of the information and sending it in to me.

After the reviewing the materials I determined that the new U-shaped dock has been placed in the footprint of an older dock and does not need an individual Natural Resources Protection Act (NRPA) permit to be left in place. An after-the-fact permit for the replacement of greater than 50 percent of the structure should be obtained. The work for the access way to the water also needs and after the fact permit by rule. The project for the access way is a section 2 for activities adjacent to a protected natural resource permit by rule. I am sending the application with this letter. Because the permit is after-the-fact, the fee is doubled and will be 130.00. Both projects can be applied for with the same application both sections 2 and 4 must be check off on the application form.

As discussed on the phone, the boat lift was not part of the original structure and an individual NRPA permit would be required for it to be a permanent structure. I would recommend contacting Jim Cassida, head of licensing, in writing to request a formal pre-application meeting. I will provide Mr. Cassida with the pictures, description, and project location that were submitted to me.

If you have any questions about the requirements of this project, please give me a call at 287- 8899.

Sincerely,

Eric Ham
Division of Land Resource Regulation
Bureau of Land and Water Quality

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48221

* 6/12/09 Approved PER ¹ for replacement
deck. Mr. Gilman is pursuing
a full NRPA for Boat lift.
- Mr. Gilman was advised the
the boat lift could be used as
a temporary structure and did not need
to stay through the winter. Temporary structures
would not require any permits.

12/29/09 - spoke w/ Andie
Duchette, attorney for Gilman.
If permit is denied, I
agree it is unreasonable to
remove boat lift in winter. We
will talk about a different
date pending the outcome.