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January 16, 2020

Via Email – [Jami.macneil@maine.gov](mailto:Jami.macneil@maine.gov)  
And United States Mail, First Class  
Jami MacNeil  
Environmental Specialist III  
Maine Dept. of Environmental Protection  
Bureau of Land Resources  
28 Tyson Drive  
Augusta, ME 04330

Re: Permit Application of Jeffrey Spinney, Alna, Maine

Dear Jami:

Thank you for advising that the application by Jeff Spinney to construct a pier and boat ramp on the Sheepscot River has been placed on hold pending receipt of further information from Jeff Spinney and further consideration of objections and comments on the application from members of the community.

I have reviewed the change in the organizational documents for the Sportsman's Club which purports to be the entity which will control the boat ramp and dock. As you will recall, this entity was originally organized as a limited liability company and you asked a number of questions for assurance that members would be allowed permanent access to the ramp. As a response to that and further questions regarding the format of the organization, it appears that Mr. Spinney has changed this organization to a non-profit corporation.

As you are no doubt aware, an essential difference between a non-profit corporation and limited liability companies or for-profit corporations is that a non-profit corporation does not have shareholders. This exacerbates my concerns already expressed. As I have made clear in the past, any easement claimed by Mr. Spinney across my clients' property is a very limited easement for only Mr. Spinney and his successors and assigns. As a consequence of setting up a non-profit corporation whose members presumably would access the ramp by traveling over and across my clients' property, there is a wrongful overburdening of the easement which by its express terms is supposed to be subject to limited users.

Jami MacNeil  
January 16, 2020  
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I hope you will consider this when you revisit the application with the legal and review staff at DEP.

Again and as always, if you have any questions or comments upon our analysis, please do not hesitate to call.

Very truly yours,



Judy A. S. Metcalf

JASM/rt

cc: Jay Clement, Sr. Project Manager, USACE  
clients