

September 24, 2019

Allen J. Philbrick  
2226 Melrose  
Ann Arbor, MI 48104

**Via Email and 1<sup>st</sup> Class Mail**

Jami MacNeil  
Environmental Specialist III  
Maine Department of Environmental Protection,  
Bureau of Land Resources  
28 Tyson Drive  
Augusta, ME 04330  
[Jami.macneil@maine.gov](mailto:Jami.macneil@maine.gov)

RE: Spinney Permit Application for Common Access Boat Ramp on  
Sheepscot River

Dear Ms. MacNeil:

I am writing as Trustee of the James Erskine Philbrick Tree Farm Trust, which along with family members owns approximately 1,650 feet of Sheepscot River shoreline directly south of and abutting the Spinney property. Our family has owned that property, some 160+ acres, since 1935, and I have spent weeks on that land almost every one of the past 73 years.

My son lives permanently in Alna; my late cousin lived on Golden Ridge Road and was a co-owner of the river property until she passed away in 2016; and my grandfather, father, son, and I have been deeply committed to preservation of the pristine beauty of the Sheepscot River for all of that time. We take deep satisfaction in its apt designation as a National Scenic River. In 2006 we donated to the Sheepscot Valley Conservation Association (now Midcoast Conservancy) an easement which explicitly prohibits, forever, any commercial development of our frontage. If this makes the river a “captive,” we are proud to have it such.

We are strongly opposed to the Spinney project. Although the original Notice of Intent to File described merely “dock and boat ramp repairs,” review of the Application itself reveals intent to make not simple repairs, but a clearly far more substantial “pier/ramp alteration” sufficient to allow “repeated launching and removal of boats and floats.” This would include “trailed watercraft launched at this site.” As the plans themselves further show, this is far more than the benign “repairs” described by the original Notice. These would be **new**, substantial, **permanent** fixtures on the riverbank of a protected shoreland zone.

Moreover, the Application describes a material **change in use**. The existing dock services a single residential user. The new structure would serve as “**common or shared** recreational pier, dock, or wharf.” The proposed beneficiaries are stated to be “a group of approximately 25 local

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folks” who would use the dock facility in conjunction with a gun range, camping, swimming, boating, etc. Mr. Spinney has refused our request to identify the club or “folks.” However, we suspect this group to be the Alna Snowmobile Club (legal status unknown). These “local folks” are alleged to pay dues to support the club’s various activities, now to include a common boat launch facility. While Mr. Spinney’s application claims a club membership of only 25, that appears greatly understated: the Alna group had 74 members in 2015 and 59 members in 2016 (see attached Wiscasset Newspaper article from February 8, 2016). This may or may not actually be commercial activity, but it seems at least quasi-commercial, and certainly not consistent with the Midcoast Conservancy (and our) commitment to keeping the river free of such activities.

There is no demonstrated need for a new common use access point. There are several adequate common use access points to the river within a stretch of a few miles: at the Head Tide Dam, at Bass Falls Preserve, and in Sheepscot Village.

The Application also assumes for the club’s members rights that neither they nor Mr. Spinney have. It states that “during construction, my project site will be accessed via Land.” Attachment 1 describes anticipated “**repeated launching** and removal of boats & floats (of **trailerred watercraft** launched at this site.” There is at present only one public road access to the Spinney property over which these construction vehicles and trailerred boats could travel: an easement over our property, granted in 1986 by my father to Mr. Spinney’s predecessor in title (Lincoln County Register of Deeds, book 1299, page 302). That easement restricts use to “all legal purposes relating to **residential use** of the lands served.” By its terms, the easement provides that any transfer of the rights granted “shall continue to be subject to the proviso that the way be **used for residential purposes.**” On its face, the current Application goes far beyond serving simple residential purposes: it is for “common recreational use” by dozens of club members. We will not relinquish enforcement of this restriction for the purpose proposed.

The Application has many ramifications, both at present and for future use. It could open the door to more expansion, more “common” facilities servicing motorized uses, etc. In other circumstances we might expect support (regulation, zoning enforcement, etc.) from the town of Alna itself. However, that will not be the case here: the Town’s First Selectman is Melissa Spinney, Jeff’s wife. And the Chairman of the Town Planning Board is...Jeff Spinney.

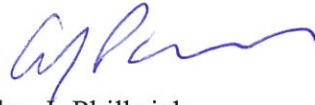
Mr. Spinney’s Application does not serve the interests of the public at large. It has clear potential to begin exposing this pristine and protected river to commerciality, in whatever guise. It is clearly an expansion of any existing uses or rights. If this were, as initially suggested, simply a matter of the Applicant repairing an existing private dock for established personal use and seasonal removal we would have no objection. This is not that. In the strongest possible terms

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we respectfully request, and urge, that the Bureau of Land Resources/Maine Department of Environmental Protection decline approval of the Application.

Thank you for your time and attention to this matter.

Very truly yours,



Allen J. Philbrick

Attachment

cc: Jody Jones  
[Jody@midcoastconservancy.org](mailto:Jody@midcoastconservancy.org)  
Jeffrey Philbrick  
[Jeff.philbrick@lchcare.org](mailto:Jeff.philbrick@lchcare.org)