

December 2, 2019

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330

Re: DEP permit application – Alna/Spinney

Dear Ms. MacNeil,

Good morning Jami, I hope you had an enjoyable Thanksgiving holiday.

I wanted to submit the following additional public comments relative to the Spinney/Golden Ridge Sportsman's Club common use NRPA permit application.

1. The proposed project describes the installation of two new permanent structures on the Sheepscot River that are not allowed under the Alna shoreland ordinance (attached). The proposed project calls for permanent installation of a boat ramp, as well as a permanent on-shore pile-driven pier, extending into the river at the HAT line. Per the Alna shoreland ordinance Land Use Table 1. Land uses in the Shoreland Zone page 15, item 17, permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland are not allowed.

Furthermore, the Alna shoreland ordinance page 19 states that New permanent piers and docks 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.

2. The NRPA permit application is for a common use recreational dock, and the co-applicant, Golden Ridge Sportsman's Club LLC, needs to be further evaluated and discussed at the local level to determine what rights and/or permits are required since they will be a primary user of the dock:
 - a) The Club co-applicant has no rights to the private residential driveway formerly known as Reed Rd. Right to use extends to Mr. Spinney, his heirs and assigns only. Follow-up under separate cover will be made on this topic.

- b) The co-applicant club is registered as a LLC and meets the definition of a business per Alna's building code ordinance, Section 8 definitions, as well as Commercial Use, Alna Shoreland Zoning definition page 44. The LLC club collects dues, will have up to 25+ members that can bring family members (so 75+ people accessing the dock/site). The LLC operates in part to provide private access to land/river/amenities in exchange for membership and membership dues.
 - c) Alna Shoreland zoning requires planning board approval and permits per page 14 and Land Use Table 1, page 15 for the following applicable uses that the LLC may undertake:
 - i. Public and private recreational areas
 - ii. Individual private campsites
 - iii. Parking facilities
 - iv. Structures accessory to allowed uses
 - v. Home occupation
3. Mr. Spinney has now submitted his local Alna permit application for the permanent boat ramp/dock/pier system. A copy of this is attached for your review. This application has several issues similar to the NRPA permit application you are currently reviewing:
- a) As noted above, the co-applicant is not fully described, which requires additional permitting review, and has no ownership rights to access the dock as proposed.
 - b) As noted above, forbidden permanent structures are included in the project.
 - c) Mr. Spinney describes the project as "Dock/Ramp alterations" and "repair work" yet the actual plans call for new permanent structure(s). Application should be resubmitted to reflect project accurately, just like the DEP NRPA permit application for a new installation.
 - d) Per page 4 of Mr. Spinney's local application, Town of Alna Application for Permit Standards, "No structure or subsurface sewage disposal system shall be closer than 50 feet to the center line of any street or highway and shall be setback at least 20 feet from any adjoining lot". Per Mr. Spinney's diagrams, the permanent ramp structure is noted as being 10 feet from the adjoining abutter (Bolen) lot. Plans and permit application should be corrected and resubmitted.
4. Attached for your review is the Alna Comprehensive Plan, last updated in 2005. This is relevant from the perspective that the Town's goals and policies related to the Sheepscot River and natural resources are outlined, which should serve as direction and guiding principles for our elected officials and committees. Of particular interest are the following sections:

Page 12-8. Section 12-D Public Facilities and Services item 9. Outdoor Recreation. "An exploration of alternatives for public access to the Sheepscot River, including researching existing rights-of-way". Mr. Spinney's proposed project runs contrary to this, in that it would create a private exclusive use access point on the river as opposed to a fully public one.

Page 12-11. Section 12-F. Natural Resources item 1. Sheepscot River. B. Shoreland zoning. "Continue strict administration and enforcement of the Town's Shoreland Zoning Ordinance." and "an exploration of ways of encouraging landowners to keep land open to the public." The Alna Planning Board has been given direction by the town's comprehensive plan goals for the river, and Mr. Spinney's proposed project would need significant changes to adhere to Alna's shoreland zoning ordinance language.

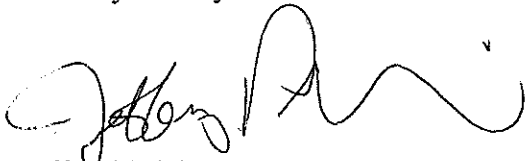
Page 12-12. Section 12-F. Natural Resources item 2. Access to the Sheepscot River. Work to improve public access to the Sheepscot River for Town residents. Item A. Existing rights-of-way. "Seek to clarify the precise location and routing of possible town-owned rights-of-way to the Sheepscot River." Item B. Additional public access. "Explore possibilities and opportunities for creating one or more public access points to the Sheepscot River. Coordinate efforts with the SVCA to ensure a cost effective approach to creating access that is convenient yet provides minimal impact on river quality." Mr. Spinney's proposed project runs contrary to this, in that it would create a private exclusive use access point on the river as opposed to a fully public one.

Page 12-12. Section 12-F. Natural Resources item 4. Wetlands. Continue to protect wetlands from the adverse impacts of development. A. Shoreland zoning. "Continue strict administration of the Town's Shoreland Zoning Ordinance." The Alna Planning Board has been given direction by the town's comprehensive plan goals for the river, and Mr. Spinney's proposed project would need significant changes to adhere to Alna's shoreland zoning ordinance language.

Page 12-14. Section 12-F. Scenic areas and vistas. Protect scenic areas and vistas to the maximum extent possible. Item A. "Development review. Encourage the voluntary preservation of scenic areas and vistas (as seen from public roads and public property) during the development review process." Mr. Spinney's proposed project runs contrary to this goal, as the larger private exclusive use permanent ramp/dock/pier structure does not preserve the scenic area and vista of that particular section of the Sheepscot river.

I request and urge the DEP/Army Corps. to deny Mr. Spinney's NRPA permit application as submitted. As mentioned in my prior public comments, I am agreeable to a personal dock for individual use by Mr. Spinney, similar to the \$100 dock he was permitted for in 2003. That dock fit the character of the river and his needs, and did so for many prior years. And it is entirely feasible.

Thank you for your time and consideration,



Jeff Philbrick
Alna, Maine

Cc: Allen J. Philbrick
Jody Jones, Midcoast Conservancy

