

York, Marylisa

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Friday, January 10, 2020 9:48 AM
To: MacNeil, Jami
Subject: RE: Revised Spinney application comments

Follow Up Flag: Follow up
Flag Status: Completed

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Thanks again Jami,

I'm just trying to understand the calculations and independently have third parties such as yourself verify their accuracy. I believe another interested party came up with some larger numbers, as do I, for indirect and direct impacts to all shoreland zones. If we assume the starting point for calculating these impacts is pre-2003, when there was no dock, the footprint and structures have evolved in an unpermitted state (at the State level) over many years. There has been slow and steady indirect and direct impacts that have shaped the starting point for Mr. Spinney's current NRPA permit application. One could argue that past unpermitted impacts should not be grandfathered in any impact calculations for the current application, and the pre-2003 undisturbed state is the starting point for analyzing tree clearings, salt marsh cuts, structures, etc. - or another point in time prior where there is a valid permit on record.

In addition to my last public comments, I wanted to offer information countering the claim that the Wiscasset public boat launch has too much traffic to get to reasonably. I would argue that it is an entirely reasonable alternative for launching motorized boats on the Sheepscot river, and offers a far safer and larger water body for launching.

With regard to traffic, it is at most 3 month issue (June through August) which just this late fall 2019 MDOT completed a well-publicized multi-million dollar project to remediate:

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fmdot%2Fprojects%2Fwisca%2Fdowntown%2F&data=02%7C01%7CJami.MacNeil%40maine.gov%7C52e99090c13845982db808d795dc101c%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637142645335162875&sdata=k3qZcZlltTh6r4hg4IGD5K%2Fy2hSoNfSP8y26ZTyrDU%3D&reserved=0>

<https://nam03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fmdot%2Fprojects%2Fwisca%2Fdowntown%2Fdocs%2F2017%2Ffaqupdatejuly172017.pdf&data=02%7C01%7CJami.MacNeil%40maine.gov%7C52e99090c13845982db808d795dc101c%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637142645335162875&sdata=1ft9UGdS7LP6S5uSrUHG9fEip0RtAkux5Q%2Bo5o5V12w%3D&reserved=0>

In addition to the no-build option, the Wiscasset boat launch is an entirely reasonable alternative for Mr. Spinney's private recreation or that of the club.

Lastly, I'm not sure if I need to formally request I be added to any list for receiving a draft decision, but please consider this my request if need be.

Thank you so much,

Jeff Philbrick

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Thursday, January 09, 2020 11:03 AM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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We are still looking, but I can at least provide you with the attached email, which goes over the calculations for the Boyle pier.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Thursday, January 09, 2020 10:51 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Thank you Jami,

I will be up this afternoon to review the file. If the other one show up great, and if not I will tacke it next time, unless you can send me the specific documentation on those calculations.

Best,
Jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Thursday, January 09, 2020 9:57 AM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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We do not have permits on file for the Whittemore dock. We do have a file for Boyle. However, I just checked our physical records and the file was not there. I have contacted the project manager to find out if she knows where it is. I have attached the permit for the Boyle project, which might answer your question about impact calculations. But I will continue to look for the full file.

If you have any other suggestions, feel free. I think a lot of the docks in this area are either seasonal (and therefore would not need a permit from us), "grandfathered," or else simply illegal.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Thursday, January 09, 2020 8:36 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Hi Jami,

How about:

2015/2016: Whittemore: dock, float, ramp R01-030, R01-031, R04-002 70 Sheepscot Rd.
2018: Boyle: proposed pier, ramp float R01-10 Alna Rd. no residence on site, address Intervale, NH Ca 2000 Colby:
pier, ramp, float R-1-37 48 N. Old Sheepscot Road

Jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, January 08, 2020 3:23 PM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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We have nothing on record for either of these structures. I'm happy to look up others for you.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Wednesday, January 08, 2020 2:40 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Thank you Jami, very helpful.

I'm trying to see another application and how those square footage calculations were done and presented, I thought that would be a good one.

Since that one didn't have them, how about either of these two Alna projects:

2016: Last name Peele 8x12 dock w/ 3x16 pier, 3x35 ramp Tax map lots R04-003 and R04-003-ON Address: 26 Martin Rd.

2006: Last name Hanna: 60' ramp to 10x10 float Tax Map lot R04-015-A Address: 200 Golden Ridge Rd.

Thank you,
Jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, January 08, 2020 10:30 AM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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The WW&F Railway bridge project in Alna was done under a Permit by Rule. The scanned file is attached.

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Wednesday, January 08, 2020 10:14 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Thank you Jami,

In addition to this file, I'd like to review the 2018 DEP file for the WW&F Railway for a bridge that spanned the Trout Brook in Alna. Is this a file you can obtain for me as well to review?

Jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Wednesday, January 08, 2020 10:04 AM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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Hi Jeff,

Chris gave me a heads up. I will make sure the file is up to date.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Wednesday, January 08, 2020 9:05 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Good morning Jami,

I'd like to come up to the fileroom to review the file and updates since my last visit. I'm planning to be there tomorrow afternoon, and just talked with Chris in the fileroom. If you can prepare it I would appreciate it.

Thank you,
Jeff

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, January 06, 2020 3:12 PM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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Mr. Philbrick,

Your additional comments will be added to the Department's record. Regarding impact numbers, the shading impact resulting from the proposed floats and the ramp leading to the floats is considered indirect impact and is not included in

the calculation of direct impacts, which result from filling, regrading, or dredging within the resource. The proposed project will result in approximately 432 square feet of direct impacts (due to the proposed boat ramp) and therefore does not require an assessment by a professional wetland scientist or other qualified professional.

The other concerns your raise have been and are being carefully considered, although any violations of the local shoreland zoning ordinance are not within the purview of the Department's review of the project under the NRPA.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Monday, January 06, 2020 12:15 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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Hello Jami,

Happy New Year and I hope you had some restful time off.

In response to your comments about the impact calculations and square footage calculations and wetlands evaluation, I can't begin to be an expert in this area, but my back of the envelope numbers based on the revised plans suggest that the proposed man-made ramp, plus the dock/pier/floats all together exceed 500 sq. ft., thus my initial comment when compared to his previous installation (see attached picture).

The other reason for my suggestion that an independent wetlands scientist evaluate the site is because the attached photo from 7/13/2007 clearly shows Mr. Spinney's primitive dock installed in the midst of a Spartina salt marsh area. Despite this precise spot not being highlighted in the MNAP map, it seems that it should be.

There are several things to note in this photo:

1. The pier structure is permanent in nature, and it appears there was no DEP/NRPA permit in place at the time, or at any previous time. The permanent nature of portions of the installation were also in violation of the town shoreland ordinance regulations, despite a 2003 local permit for a seasonal dock.
2. There are very few vertical components visible with this installation, with very minimal vertical and horizontal sightline impacts.
3. More important for my suggestion for an independent wetlands scientist evaluation, the pictures show significant tidal wetlands surrounding the installation. There was no cut in the river. Since this time, there has been significant expansion of the site and damage done to the wetlands.

Thank you for your consideration of this request.

Best,

Jeff Philbrick

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, December 30, 2019 1:14 PM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

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Mr. Philbrick,

Thank you for the additional comments. These will also be added to the record.

I will note that the current NRPA application is an individual NRPA permit application. The club's access to the project is still under consideration. Regarding impact calculations, the 500-sf threshold is for direct impacts to the coastal wetland and does not include shading impacts. Your remaining concerns will be considered to the extent that they relate to the Department's review of the project.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | <mailto:jami.macneil@maine.gov>

-----Original Message-----

From: Philbrick, Jeff <<mailto:Jeffrey.Philbrick@lchcare.org>>
Sent: Tuesday, December 24, 2019 11:52 AM
To: MacNeil, Jami <<mailto:Jami.MacNeil@maine.gov>>
Subject: Revised Spinney application comments

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Good morning Jami,

I wanted to submit the following comments relative to Mr. Spinney/Golden Ridge Sportsman's Club revised permanent pier/ramp/dock permit application:

1. Mr. Spinney has still not addressed the many questions related to the lack of legal access for the Golden Ridge Sportsman's Club LLC to the proposed project site. As such, the project must be considered an individual permit application, and a formal change of this permit application type should be made on the application form.

2. The boat ramp structure changes continue to be permanent, partially man-made and constructed, extend into the Sheepscot River, and are prohibited in Alna's Shoreland Zoning Ordinance.
3. The pier structure changes continue to be permanent, and are prohibited in Alna's per the Shoreland Zoning Ordinance.
4. Mr. Spinney has not demonstrated that his existing methods of access to the river – namely pushing or trailering watercraft into the river without a boat ramp/launch are not feasible. Mr. Spinney has also failed to demonstrate that using a seasonal dock of the size allowed under the town's shoreland zoning ordinance, and anchored without a pier above the HAT, is not feasible. The only reasons for permanent structures and a larger footprint than what existed in the past are to support increased commercial/business operations for the Golden Ridge Sportsman's Club LLC, which has not been properly permitted, has no legal access to the site, and is currently in violation of Alna's SZO (it was formed in May 2019 and has no local permits).
5. Mr. Spinney has not demonstrated that the proposed permanent pier/ramp/dock project and club activity will not unreasonably interfere with existing scenic and aesthetic uses of this pristine, undeveloped section of the Sheepscot River. I request that an independent expert design professional trained in visual assessment procedures conduct a visual impact analysis of the proposed project and site.
6. The suggestion that Mr. Spinney self-monitor any use of his structures or project components, to possibly justify further non-conformity, more permanent components or circumvent local zoning or DEP permit requirements, is completely unacceptable.
7. I question the calculations of the square footage impacted by the project as the combination of proposed ramp, dock and floats in combination far exceeds the 500 square-foot threshold by which independent wetlands assessments and other potential reviews are needed.

Thank you for your continuing efforts and diligence on this project. Wishing you happy holidays and some time off.

Jeff Philbrick
Alna, ME

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