

January 29, 2020

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Dear Jami and Jay:

Recent correspondence between you and Jeff Spinney suggests some uncertainty about the linked photographs' dates and locations, "permanence" of the project, permitting criteria and procedures, and rights. The arguments to date are clear and need no repetition, but some clarity on the issues just raised may be of use. The photographs referenced here are linked in my letter of January 9:

<https://photos.app.goo.gl/zzDqcYYLQ4oJWU2z8>

1. **Dates.** All of the photographs are dated, accurately, those in 2007 and after with embedded digital time/date stamps (noted in my annotations), those earlier five shots scanned from boxes of slides that were dated and labeled on return from the processing labs (the collection of several hundred boxes – probably most of them of this property -- runs back into the 1950s).ⁱ
2. **First slide.** The first of the scanned slides – “summer 2003” – is indeed from that summer and, from my work calendars, more precisely during the last week of August, some four months after the permit issued May 5. When did construction on the new dock begin? Photos from November 2004 and summer 2006 (this last on Google Earth as well) show nothing on or over the river at the site.
3. **Alteration of the site.** Any questions about the shoreline prior to construction of the dock can be answered quickly by looking at the Google Earth photo of April 26, 1997.
4. **Locations.** Commentary on the photos indicates which ones were of the dock site. Others were included to supplement the other photos submitted to you and underline the scenic and esthetic character -- and current use -- of this stretch of the Sheepscot River.

5. **“Permanence.”** For both installations, the photographs show posts in the riverbank and gangway in early and full winter and early spring; they more easily may be visible by making a photo full-screen (clicking on it) and then clicking on the magnifying-glass on the upper righthand corner. I am trying to understand Mr. Spinney’s belief that he removed those posts and then replaced them each year. I also am remembering his elaboration on the fate of both installations, which he said was not the result of their being “crushed” by the ice, but of having been heaved up out of the riverbanks by it. “Seasonal” does not make sense to me.
6. **Criteria and process.** Like Mr. Spinney, I have difficulty understanding the criteria used by the Alna Planning Board in issuing permits and enforcing the town’s SZO. In the 2015 “tree house” case, entirely consistent with the town’s 2005 Comprehensive Plan and both its regular citation of the river as one of the town’s greatest resources and its insistence on enforcement of its SZO, the Planning Board fined the owner, forced removal and remediation, and declared that “rivers in Maine are sacrosanct,” that there could be no tolerance for “a man-made intrusion in a sensitive area,” that the project had “attracted some attention in town,” and that not addressing the violations would set a precedent. Yet a year-round dock, with float, boat ramp, and excavation of salt marsh – and, as Mr. Spinney suggests, a number of other such shoreland projects downriver -- apparently passed muster, and, also apparently, under the radar of the DEP and Army Corps. Mr. Spinney does note that I raised questions and that the planning board “determined there was no actual issue.”
7. **Rights.** Mr. Spinney correctly notes that he has rights. So, too, as captured in the NRPA, do the over 50 individuals opposed to this application who live on and beside the river between Sheepscoot village and Head Tide, as well as the hundreds of individuals attracted for paddling to this wild, undeveloped, and structureless stretch of river.

Thank you again for your work on this project.

Sincerely,

William A. Weary
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ⁱ Time/date stamps may be accessed by clicking on a photo, which enlarges it, and then clicking on the small “i” in the upper right hand corner.