

April 8, 2025

Mr. Aaron Julien  
Chair, Planning Board  
Chebeague Island, Maine  
04017

**RE: Shoreland Zoning Application on behalf of Kyle P. Legg for the Stabilization of the Shoreline located at 15 Broad Reach Road, Chebeague Island, Maine (Tax Map I07, Lot 059).**

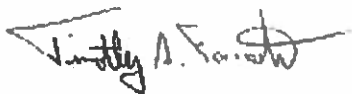
Dear Mr. Julien,

On behalf of Kyle P. Legg (Owner), Flycatcher, LLC (Flycatcher) requests the Town of Chebeague Island's Planning Board consider a Shoreland Zoning Application to stabilize the shoreline at 15 Broad Reach Road with riprap and native plantings along approximately three hundred and sixty (360) feet of the Applicant's shoreline. Flycatcher has reviewed the Town of Chebeague Island's Zoning Ordinance and believes the project is in compliance with those standards. Please review the attached information demonstrating compliance with the applicable sections of the ordinance.

The Applicant submitted a Natural Resources Protection Act (NRPA) permit application to the Maine Department of Environmental Protection (MDEP) and to the U.S. Army Corps of Engineers (Corps). Copies of those permits are attached below.

Thank you in advance for your consideration of this Application. If you require any additional information or clarification, please feel free to contact me at (207) 837-2199 or by email at [tim@flycatcherllc.com](mailto:tim@flycatcherllc.com).

Respectfully submitted,



**Tim Forrester**  
Director, Coastal Resources

# TOWN OF CHEBEAGUE ISLAND

192 North Road  
Chebeague Island, ME 04017



## Shoreland Project Permit Application

FOR OFFICIAL USE ONLY	
Date Received	
Zoning	
Property ID	
Building Code	
Estimated Cost	
Permit Fee	
Receipt Number	
Reviewed By	

Permit Number: \_\_\_\_\_

<p>1. Please attach all required information detailed on the application check list.</p> <p>2. If you have questions about what is required in order to obtain a permit, contact the Code Enforcement Office.</p> <p>3. DEP Certification is required for projects in Shoreland Zoning.</p>	
<b>Project Address:</b>	15 Broad Reach Road, Chebeague Island, ME
<b>Parcel ID#:</b>	Map 107, Lot 59
<b>Estimated Cost:</b>	\$540,000
<b>Current Use:</b>	Residential
<b>Proposed Use:</b>	Residential
<b>Please Describe Your Project:</b>	The Applicant proposes to stabilize the shoreline with riprap and native plantings.

- Soil Disturbance     
  Dock, Pier, Wharf     
  Tree Cutting     
  Other

### Property Owner Information

<b>Owner Name:</b>	Kyle P. Legg
<b>Mailing Address:</b>	2 Hollins Avenue, Baltimore, MD 21210
<b>Phone Number:</b>	(443) 904- 4173
<b>Email Address:</b>	cmklegg@gmail.com

### Contractor or Applicant Information

<b>Contractor Name:</b>	Prock Marine Company
<b>Mailing Address:</b>	67 Front Street, Rockland, Maine 04841
<b>Phone Number:</b>	(207) 594-9565
<b>Email Address:</b>	shawn@prockmarinecompany.com
<b>DEP Certification:</b>	

**Please attach all of the information required on the permit checklist**

*I hereby certify that I am the Owner of Record of the named property, or that the owner of record authorizes the proposed work, and I have been authorized by the owner to make this application as his/her authorized agent. I agree to confirm to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Officials shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.*

<b>Applicant Signature:</b>	<u>E. Hoberink</u>	<b>Date:</b> 2/13/2025
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Town of Chebeague Island  
Planning Board Application

Map: \_\_\_\_\_  
Lot: \_\_\_\_\_

1. **APPLICANT**

Name: Ellie Oberink, Flycatcher LLC  
Address: 106 Lafayette Street, Suite 2A, Yarmouth, ME 04096

Telephone: (443) 480-6807  
Cell: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: ellie@flycatcherllc.com

2. **OWNER**

Name: Kyle P. Legg  
Address: 2 Hollins Avenue, Baltimore, MD 21210

Telephone: (443) 904-4173  
Cell: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: cmklegg@gmail.com

3. **APPLICANT'S ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER OR SURVEYOR**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Cell: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

4. **PROJECT**

Name of Project: Legg Shoreline Stabilization  
Address of Site: 15 Broad Reach Road, Chebeague Island, ME

Project Data: Book: 21592  
Page: 163

Map: 107  
Lot: 059

Zoning District: LR  
Overlay District: IR  
Size of Site: 2.33 acres

No of Dwellings: 1  
No. of Buildings: 1  
No. of Lots: 1

Minor Subdivision: N/A  
Major Subdivision: \_\_\_\_\_  
Other: \_\_\_\_\_

Minor Site Plan: X  
Major Site Plan: \_\_\_\_\_

5. **OTHER INFORMATION:**

a. Is Board of Appeals approval required?

b. Are any ordinance waivers requested? Yes \_\_\_\_\_ No X  
(If "yes" attach a list of waivers and reasons for their request.)

c. Application fee under Town Ordinance: \$350

d. This application form and all accompanying materials must be submitted to the Town Administrator at least 21 days prior to the meeting at which it is to be considered by the Planning Board.

The undersigned, being the applicant, owner or legally authorized representatives, states that all the information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

E. Oberink  
Signature of applicant, owner or representative

4/8/2025  
Date



## AUTHORIZATION LETTER

DATE: December 13, 2023

By this letter, I authorize Flycatcher LLC to act on my behalf as my agent for the purpose of obtaining permits and approvals related to the proposed project located at:

**15 Broad Reach Road, Chebeague, Maine.**

This authorization allows Flycatcher LLC to act as my agent for the preparation, signing and submission of federal, state, regional, and municipal permit applications, including conducting any necessary or pertinent consultations, preparation and submission of relevant documents and applications, advancing nominal funds as are required to file such applications, and representation at meetings and hearings for the applications.

This authorization is effective as of the date of this correspondence and will remain valid until revoked in writing.

Kyle Prescott Legg  
Print Name

N/A  
Title

443-904-4173  
CMILLEGG@GMAIL.COM  
Phone or Email

Kyle Prescott Legg  
Signature

12/15/23  
Date

## Location Map



**PROJECT  
LOCATION**



Lower Falls Landing  
106 Lafayette Street,  
Suite 2A  
Yarmouth, ME 04096

**PROJECT LOCATION**  
15 BROAD REACH ROAD  
CHEBEAGUE ISLAND, MAINE  
43.745525, -70.127358



## Photographs

The following photographs are taken from the site of the project and represent the existing conditions of the project located at 15 Broad Reach Road. All photographs were taken on December 15, 2023 and February 8, 2024, by Tim Forrester of Flycatcher, LLC unless otherwise noted.



**Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Google Earth 2022.**



**Photograph Two. Facing southwesterly. View of slope and existing dock on property.**



**Photograph Three. Additional view of undercut caused by toe scour.**



**Photograph Four. Additional view of failing slope.**



**Photograph Five. Additional view of falling bank.**



**Photograph Six. Additional view of falling slope.**



**Photograph Eight. Additional view of failing slope. GPS pole pictured is six (6) feet long, for scale.**

## Project Description

**Introduction and Project Purpose.** The Applicant owns an approximate 2.33-acre parcel of land located on Broad Reach Road and adjacent to Casco Bay in the Town of Chebeague Island, Maine. The site is developed with a residential structure and associated development including a residential dock that extends from the northwestern side of the property. The shoreline is undergoing varying degrees of erosion and the residential structure is located about seventy six (76) feet from the top of the bank. The recent storms in 2024 have resulted in severe erosion along the shoreline beginning near the dock and extending to the southwest. The Applicant's project purpose is to stabilize the shoreline to protect the existing structures, mature trees and ground cover along the top of the bank and limit the extent of future erosion. Flycatcher investigated the site and the surrounding area to determine the feasibility of stabilizing the shoreline to meet project goals while avoiding and minimizing impacts to the environment. Based on the Applicant's needs, the existing conditions of the site, and the outcome of our investigations, the following design criteria have been determined.

**Project Description.** In order to address the safety issue of ongoing erosion and protect the existing structures, the Applicant proposes to place irregular stones that measure approximately two (2) to four (4) feet in diameter along the shoreline with varying heights between six (6) to ten (10) feet, depending on the extent of erosion. The riprap will extend approximately five (5) feet beyond the Highest Annual Tide (HAT) line as measured horizontally from the base of the slope. As a result of the riprap below the HAT, there will be approximately one thousand two hundred and fifty (1,250) square feet of direct impacts to the coastal wetland. In each area, the bottom row of riprap will be buried in a trench and set to a depth of  $\frac{1}{2}$  the stone's diameter. At the ends of the riprap, coir logs will be installed with helix or duckbill anchors. Doing so will soften the end effect of the riprap on adjacent lands. The Applicant also proposes to install a substantial vegetative buffer in the upland in an area greater than two thousand (2,000) square feet.

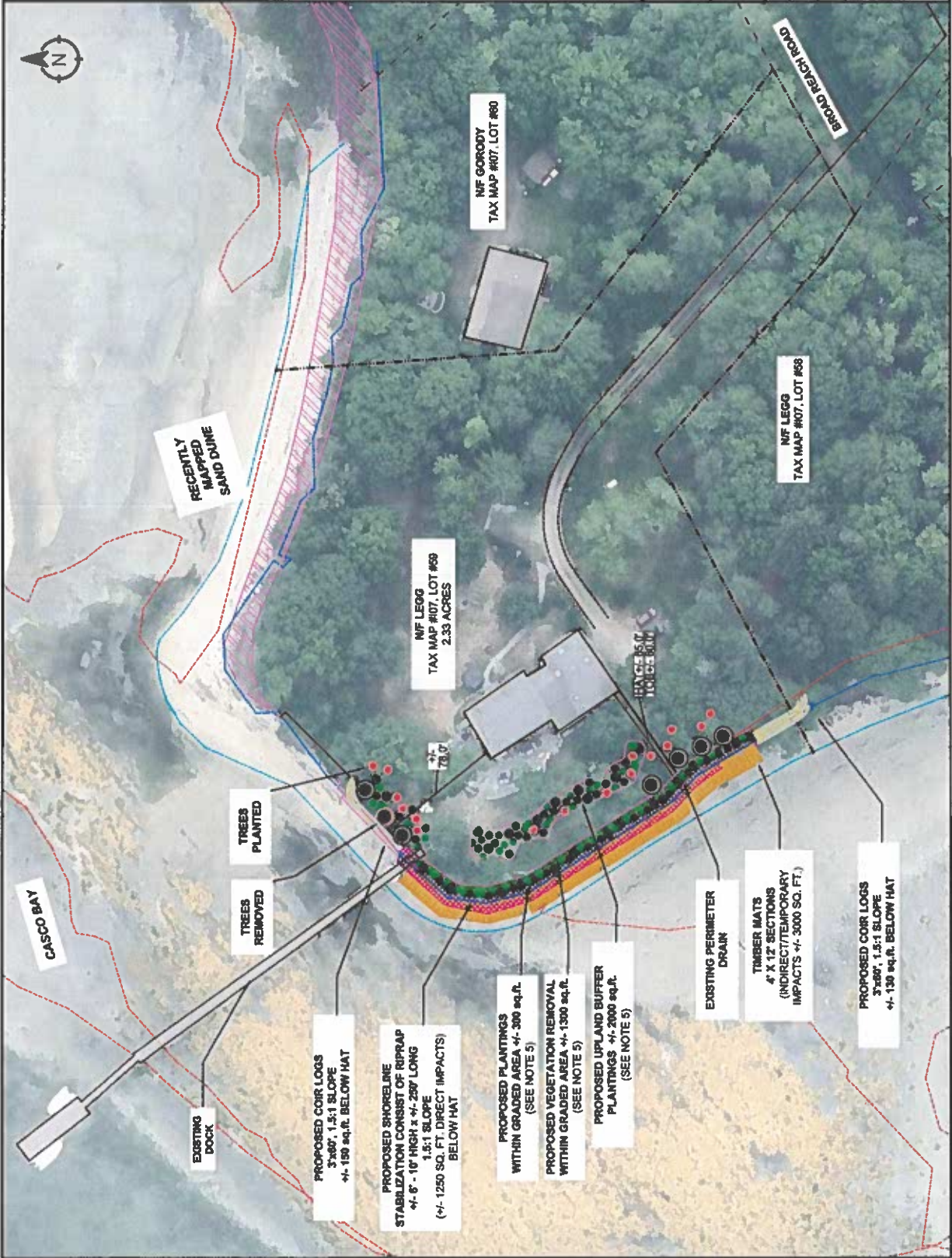
**Revegetation.** In order to install the riprap, the Applicant will need to remove the following vegetation as outlined in Table One. However, in order to provide additional bank stability, the Applicant proposes to install native vegetation.

*Table 1. Overview of Proposed Vegetation to be Removed as part of the Proposed Shoreline Stabilization, 15 Broad Reach Road, Chebeague Island, Maine.*

<i>Type of Vegetation</i>	<i>Quantity Removed</i>	<i>Revegetation Plan</i>
Trees and Saplings	4 Red Oak Trees 12"-24" DBH ( <i>Quercus rubra</i> ), 3 White Birch Trees ( <i>Betula papyrifera</i> )	6 White Oak ( <i>Quercus alba</i> ) 6 Red Oak ( <i>Quercus rubra</i> ) 4 Red Maple ( <i>Acer rubrum</i> )
Woody Vegetation (under 3' in height)	1,300 square feet woody stems and shrubs	2,300 square feet of new vegetative buffer

Native plants will be installed upon the completion of the construction of the riprap.

## Project Plans



**LEGEND**

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- TOTAL WATERFOWL AND WADING BIRD (TWBWB)
- SAND DUNE AS IDENTIFIED BY MGS ON 5/14/24.

**NOTES:**  
 1) BASE MAP IMAGERY BASED ON MAINE OFFICE OF GIS AERIAL IMAGERY (2023).  
 2) HIGHEST ANNUAL TIDE BASED ON SITE VISIT CONDUCTED ON FEBRUARY 8, 2024 IN COMBINATION WITH DATA PUBLISHED FROM MAINE OFFICE OF GIS AERIAL IMAGERY (2023).  
 3) 3 FT. CONTIGUOUS DATA BASED ON MAINE OFFICE OF GIS TILE (2024).  
 4) PROPERTY LINE DATA PARTIALLY BASED ON MAINE TITLE SOURCES INCLUDING A PLAN TITLED, "TOWNSHIP POINT, CHEBEAGUE ISLAND, ME, A PLAN TITLED, "BOUNDARY SURVEY, DIVISION POINT, BROAD REACH ROAD," PREPARED BY LEWIS & WASSAL, INC. AND DATED JUNE 28, 2005.  
 5) VEGETATION IS SHOWN FOR ILLUSTRATIVE PURPOSES. EXACT QUANTITY AND SPECIES OF VEGETATION TO BE REMOVED OR PLANTED TO REPAIR CONSTRUCTION IMPACTS IS FOR EXISTING VEGETATION TO REMAIN INTACT. HOWEVER, IF REMOVED, VEGETATION WILL BE REPLANTED IN SAME GENERAL LOCATION.  
 6) PLAN IS FOR PERMITTING PURPOSES ONLY.



**PROJECT:**  
 PROPOSED SHORELINE STABILIZATION FOR KYLE LEGG, 15 BROAD REACH ROAD, CHEBEAGUE ISLAND, MAINE.

**TITLE:**  
 OVERVIEW OF EXISTING AND PROPOSED CONDITIONS

DRAWN BY:	TAF	SHEET:	1 OF 3
CHECKED BY:		CHECKED BY:	CED-005
DATE:	2/15/2024	REV DATE:	10/24/2024

**Flycatcher**  
 Lower Falls Landing  
 106 Lafayette Street,  
 Suite 2A  
 Yarmouth, ME 04096

**LEGEND**

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- TIDAL WATERFOWL AND WADING BIRD (TWNB)
- SAND DUNE AS IDENTIFIED BY MGS ON 5/14/24.

**NOTES:**

- 1) BASE MAP IMAGERY BASED ON MAINE OFFICE OF AERIAL IMAGERY (2022).
- 2) MOST ANNUAL TIDE SALED ON SITE LIST CONDUCTED ON FEBRUARY 8, 2024 IN COMBINATION WITH DATA PUBLISHED FROM MAINE GEOLOGICAL SURVEY (HIGHEST ANNUAL TIDE DATA).
- 3) 7:17 CONTIGUOUS DATA BASED ON MAINE OFFICE OF GEOTILE (2020A).
- 4) INCLUDING A PLAN TITLED, "DORSEY POINT, ORSEAGUE BLANDINE, PREPARED BY ROBERT C. BLANCHARD AND DATED NOVEMBER 1973 AND A PLAN TITLED, "BOUNDARY SURVEY, DORSEY POINT, BROAD REACH ROAD, CHEBEAGUE ISLAND, MAINE, PREPARED BY ROBERT C. BLANCHARD AND DATED NOVEMBER 1973 AND VEGETATION IS SHOWN FOR ILLUSTRATIVE PURPOSES. EXACT QUANTITY OR LOCATION WILL BE DETERMINED UPON COMPLETION OF CONSTRUCTION. INTENT IS FOR EXISTING VEGETATION TO REMAIN UNLESS OTHERWISE NOTED. VEGETATION WILL BE REPORTED IN SAME GENERAL LOCATION.
- 6) PLAN IS FOR PERMITTING PURPOSES ONLY.

**SCALE IN FEET**

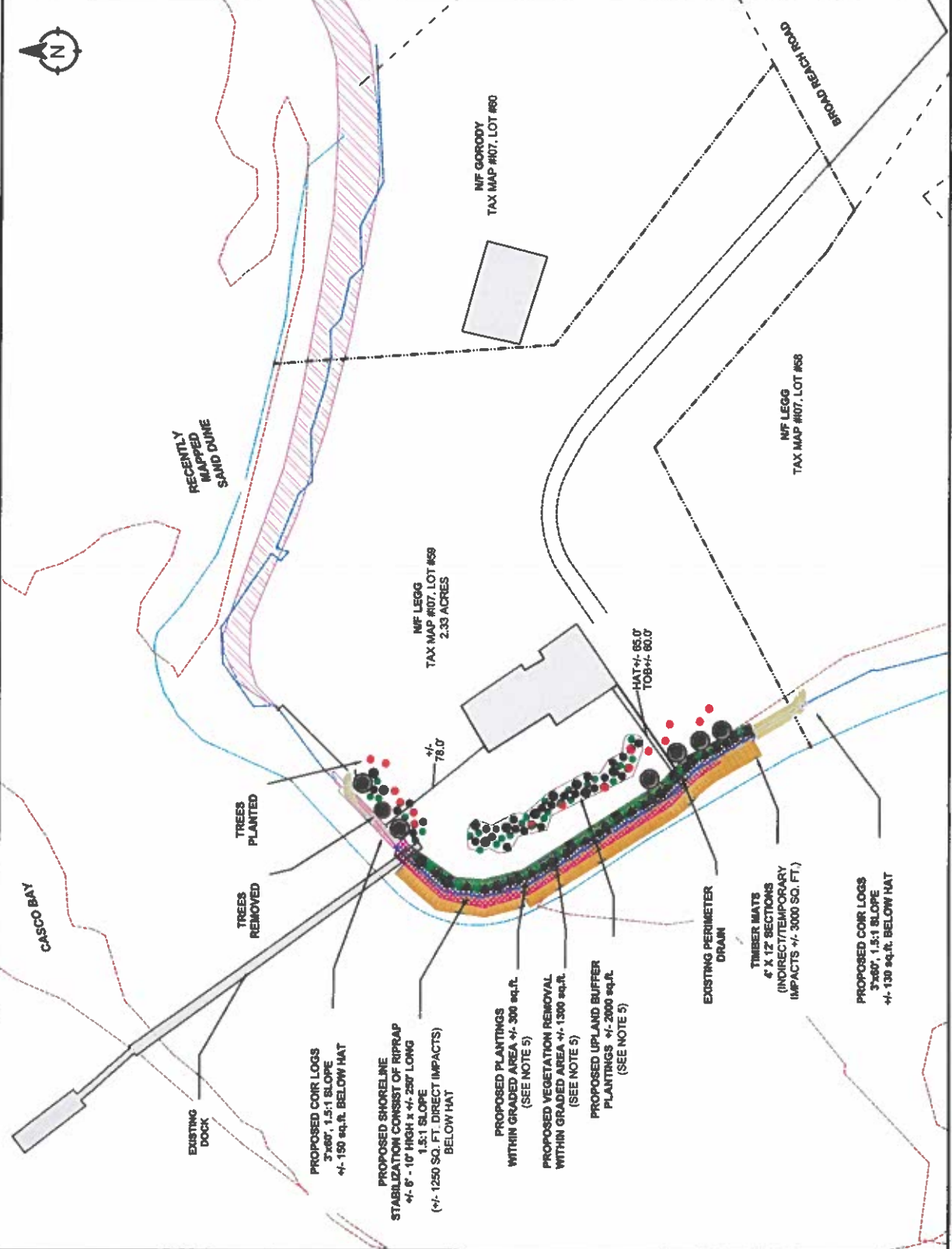
**PROJECT:**  
**PROPOSED SHORELINE STABILIZATION FOR KYLE LEGG, 15 BROAD REACH ROAD, CHEBEAGUE ISLAND, MAINE.**

**TITLE:**  
**OVERVIEW OF EXISTING AND PROPOSED CONDITIONS**

<b>DRAWN BY:</b> TAF	<b>SHEET:</b> 2 OF 3
<b>CHECKED BY:</b> CES-005	
<b>DATE:</b> 2/15/2024	<b>REV DATE:</b> 10/24/2024

**Flycatcher**  
LANDSCAPE ARCHITECTURE & PLANNING

Lower Falls Landing  
 106 Lafayette Street  
 Suite 2A  
 Farmouth, ME 04096





## Construction Plan

The site will be accessed via barge and all materials and equipment for the stabilization will be stockpiled in the upper intertidal zone and within non-vegetated areas. The contractor will have a Maine DEP Erosion Control Certified Individual onsite during all construction activity and will work in sections each day to not expose large areas of soil. Work will be conducted at low tide or in the dry and the Applicant intends to construct the project during the fall-winter or upon receipt of all applicable permits. Construction equipment may operate within the coastal wetland on timber mats when over salt marsh vegetation.

In the area where the Applicant proposes to stabilize the shoreline, geotextile filter fabric and six (6) inch minus stone will be placed behind large, diameter irregular stones (approximately 2 – 6 feet). The toe riprap stone will be buried in a trench and set to a depth of  $\frac{1}{2}$  the stone's diameter at the base of the slope and riprap will extend to approximately six (6) to ten (10) feet in height and constructed with a maximum slope of 1H: 1V. Coir logs will be installed at the ends of the riprap to reduce end effect erosion.

Once the riprap and coir logs are installed, the upland area will be planted with a native tree and shrub buffer. All areas will be seeded and mulched at the end of construction.

## Erosion Control Plan

The Applicant will install erosion and sediment controls prior to the start of construction. Construction access will occur from the water via barge. At the completion of construction, any areas of soil disturbance will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.

## Land Use Standards

Town of Chebeague Island Code of Ordinances

Chapter 17, Land Use Planning; Article III, Shoreland Zoning Ordinance

Section 308, Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or Beyond the Normal High Water Line of a Water Body or Within a Wetland and Shoreland Stabilization.

- a. **Access from shore shall be developed on soils appropriate for such use and constructed to as to control erosion.**

The site will be accessed via barge and all materials will be stockpiled in the intertidal zone above the Highest Annual Tide (HAT) line. All work will be conducted during periods of low tide and timber mats will be utilized as necessary.

- b. **The location shall not interfere with existing developed or natural beach areas.**

The site is not identified as a designated beach area. While the shoreline does not consist of sand substrates, the riprap will be confined to the base of the slope as much as possible.

- c. **The facility shall be located so as to minimize adverse effects on fisheries.**

All proposed impacts are within the upper intertidal zone and will not impact fisheries or habitat.

- d. **The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.**

The proposed shoreline stabilization is designed to the minimum dimensions to meet the project purpose while not imposing on the surrounding resource. Other areas of riprap exist within adjacent parcels.

- e. **No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body of wetland as an operational necessity.**

The proposed project will not be built on or over any existing structure or below the normal high water line.

- f. **No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted into a residential dwelling units in any district.**

No portion of the proposed riprap will be converted into a residential dwelling.

- g. **Except in the Commercial Fisheries/ Maritime Activities District, structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.**  
No portion of the proposed riprap will exceed twenty (20) feet in height.
- h.
1. **Lighting on piers, wharves, docks, bridges, floats, and other structures should be designed and installed to minimize negative impacts on other properties and safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation.**  
No lighting is proposed.
2. **Public and commercial facilities shall submit a lighting plan for review by the Planning Board for safety and compatibility with the proposed use.**  
No lighting is proposed.
3. **All lighting shall be in conformance with all Federal, State, and Local standards including Coast Guard regulations for lighting of piers or wharves where applicable.**  
No lighting is proposed.
- i. **Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling, and navigation. This may require accommodations such as steps or pier elevations that would allow passage over or beneath a structure.**  
All riprap will be located landward of MHW and will not impact riparian access.
- j. **Where a waterfront structure is proposed that will serve more than one property, the property owners shall submit to the Town of Chebeague Island a proposed easement demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town of Chebeague Island.**  
The project will only be located on one property.
- k. **Before any construction or site preparation begins, the applicant must obtain all Federal, State and local permits, as required, including but not limited to a Code Enforcement Officer permit, permits from the Department of Environmental Protection under the Natural Resources Protection Act, 38 M.R.S. §480-C as subsequently amended, the Army Corps of Engineers, and a Wharfing-Out permit issued by the Selectmen under 38 M.R.S. §§1021 - 1027, as subsequently amended.**  
Work will not proceed until all applicable permits are obtained.

- l. Vegetation may be removed in excess of the standards in Section 312 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.**
- 1. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.**
  - 2. Revegetation must occur in accordance with Section 316.**  
The Applicant has reviewed the standards for vegetation removal is planning to plant a native vegetation buffer in excess of any vegetation removal that will occur.
- m. The Town of Chebeague Island shall notify all property owners within one thousand five hundred (1,500) feet of the proposed project. In addition, the Town of Chebeague Island shall place Public Notices in four (4) locations to maximize notification of the affected citizenry and shall place Public Notices in two local papers.**

MapLot: I07-054  
LOMBARDO JAMES A  
254 MEADOWBROOK ROAD  
ROBBINSVILLE NJ 08691

MapLot: I07-056  
CAPOZZA, JOSEPH F  
8 Brown St  
Falmouth ME 04105

MapLot: I07-059  
LEGG KYLE P\*  
BEN AND KYLE LEGG  
P O BOX 26135

MapLot: I07-061  
BROADREACH CHEBEAGUE, L  
29 LINNELL ROAD  
WINDHAM ME 04062

MapLot: I07-062  
YELLOW BARN LLC  
C/O GRETCHEN TONKS HARTLING  
604 WASHINGTON SQ SO., APT

MapLot: I07-055  
PINE & DANDY LLC  
94 IRVING STREET UNIT 1  
PORTLAND ME 04103

MapLot: I07-058  
LEGG, KYLE PRECHTL  
BEN AND KYLE LEGG  
P O BOX 26135

MapLot: I07-060  
GORODY, ADELE C  
1214 WEST ALABAMA STREET  
HOUSTON TX 77006

MapLot: I07-061  
BROADREACH CHEBEAGUE, L  
29 LINNELL ROAD  
WINDHAM ME 04062

MapLot: I07-063  
EATON, GILBERT D III  
4 BAR POINT ROAD  
CHEBEAGUE ISLAND ME 04017

## List of Abutters within 500 Feet

Map, Lot	Name	Address	City, State	Zip Code
I07, 58	Kyle Legg	2 Hollins Avenue	Baltimore, MD	21210
I07, 56	Joseph and Jeanne Capozza	8 Brown Street	Falmouth, ME	04105
I07, 55	Paul A. Richards	12 Old Powerhouse Road	Falmouth, ME	04105
I07, 54	James and Donna Lombardo	254 Meadowbrook Road	Robbinsville, NJ	08691
I07, 60	Adele and Anthony Gorody	1214 West Alabama Street	Houston, TX	77006
I07, 61	Broadreach Chebeauge, LLC	29 Linnell Road	Windham, ME	04062
I07, 62	Yellow Barn LLC	604 Washington Sw. SO., Apt 1307	Philadelphia, PA	19106
I07, 63	Gilbert and Grace Eaton	32 Main Street #404	Livermore Falls, ME	04254
I07, 60Z	Adele and Anthony Gorody	1214 West Alabama Street	Houston, TX	77006

Title, Right, or Interest

**WARRANTY DEED**  
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that we, **LINDA D. WHITE and ROBERT B. WHITE**, of Chebeague Island, County of Cumberland, and State of Maine, for consideration paid, GRANT to **KYLE P. LEGG**, of Baltimore, County of Baltimore, State of Maryland whose mailing address is 2 Hollins Ave., Baltimore, MD 21210, with WARRANTY COVENANTS, certain real estate located on Chebeague Island, County of Cumberland and State of Maine, which is more particularly described below and made a part hereof.

A certain lot or parcel of land with buildings thereon consisting of Lot No. 8 as shown on the Plan for Division Point, recorded in the Cumberland County Registry of Deeds in Plan Book 99, Page 36, with the buildings and improvements thereon, including without limitation a dock and all of the Sellers' rights under the submerged lands lease upon which the dock is built, situated at and near Broad Reach, on Great Chebeague Island, in the Town of Cumberland, County of Cumberland and State of Maine, together with all fixtures and improvements thereon and all easements and appurtenances thereto, including without limitation littoral rights; further including in this conveyance all property rights, interests and easements described or included in a certain deed to Linda D. White dated March 1, 1985, recorded in said Registry of Deeds in Book 6707, Page 171, and subject to the easements and rights of others set forth therein.

Being all and the same premises conveyed to Linda D. White and Robert B. White by deed dated April 1, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17480, Page 224.

This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

WITNESS my hand and seal this 23<sup>rd</sup> day of July, 2004.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Timothy S. Keiter  
Witness

Timothy S. Keiter  
Witness

Linda D. White  
LINDA D. WHITE

Robert B. White  
ROBERT B. WHITE

Received  
Recorded Register of Deeds  
Jul 26, 2004 12:59:21P  
Cumberland County  
John B O'Brien

STATE OF CUMBERLAND  
County of Cumberland, SS.

July 23, 2004

Then personally appeared the above-named Linda D. White and Robert B. White and acknowledged the foregoing instrument to be their free act and deed.

Before me,  
Timothy S. Keiter  
Notary Public/Maine Attorney-at-Law  
Printed Name: Timothy S. Keiter

MAINE REAL ESTATE TAX PAID



**DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751**

**February 4, 2025**

**Regulatory Division  
File Number: NAE-2024-00870**

**Kyle Legg  
15 Broad Reach Road  
Chebeague Island, ME 04017  
Sent by email: cmklegg@gmail.com**

**Dear Mr. Legg:**

The U.S. Army Corps of Engineers (USACE) has reviewed your application to discharge fill material comprised of granite stone rip rap into a total of 1,250 Square Feet (SF) of intertidal area below the High Tide Line (HTL) in Casco Bay. This bank stabilization will occur along a total of 370 linear feet of shoreline and includes 3,000 SF of temporary timber matting below the HTL to facilitate construction. The project is located at 15 Broad Reach Road, Chebeague Island, Maine. The work is shown on the enclosed plans titled "Proposed Shoreline Stabilization for Kyle Legg," on 5 sheets, and dated "10/24/2024".

Based on the information that you have provided, we verify that the activity is authorized under General Permit #07-Shoreline Stabilization of the October 14, 2020, federal permits known as the Maine General Permits (GPs). The GPs are available at <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/ME/20-2025-MaineGeneralPermits.pdf>.

Please review the GPs carefully, in particular the general conditions beginning on page 5, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. A copy of the GPs and this verification letter shall be available at the work site as required by General Condition 33. You must perform this work in accordance with the following special condition(s):

1. The permittee shall complete and return the enclosed Work-Start Notification Form to this office at least two weeks prior to the anticipated construction start date.
2. The permittee shall complete and return the enclosed Completion Certification Form to this office at least one month following the completion of the authorized work.
3. You must maintain the activity herein in good condition and in conformance with the terms and conditions of this authorization. You are not relieved of this

requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with a General Condition of this GPs. Should you wish to cease to maintain the authorized activities, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

4. All construction shall be completed in accordance with the limits of construction and construction sequences detailed on the enclosed plan drawings, titled "Proposed Shoreline Stabilization for Kyle Legg of 15 Broad Reach Road, Chebeague Island, Maine", on a total of 5 sheets, and dated "10/24/2024". If you change the plans or construction methods for work within or adjacent to Casco Bay, please contact us immediately to discuss modification of this authorization. USACE must approve any changes before you undertake them.
5. All work shall be conducted completely "in-the-dry" during low tide cycles to avoid and minimize adverse effects to listed species including Roseate Tern, Atlantic salmon, Atlantic sturgeon, Shortnose sturgeon, Green sea turtle, Kemp's Ridley turtle, Leatherback turtle and Loggerhead turtle.
6. Compensatory mitigation shall consist of purchasing 0.029 In-Lieu-Fee (ILF) credits from the Maine Natural Resource Conservation Fund. The current cost to purchase these credits can be found at the following Maine DEP webpage: [https://www.maine.gov/dep/land/nrpa/ILF\\_and\\_NRCP/ILF/fs-in-lieu-fee.pdf](https://www.maine.gov/dep/land/nrpa/ILF_and_NRCP/ILF/fs-in-lieu-fee.pdf). The in-lieu fee amount is subject to change yearly and the exact cost is dependent on the date of purchase. The permittee must send a cashier's check or bank draft for this amount, as calculated on the enclosed "In Lieu Fee (ILF) Project Impact Worksheet" to: ME DEP, Attn: ILF Program Administrator, State House Station 17, Augusta, ME 04333. The check must include the Corps file number NAE-2024-00870 and the statement: "For ILF account only".

This authorization expires on October 14, 2025. You must commence or have under contract to commence the work authorized herein by October 14, 2025, and complete the work by October 14, 2026. If not, you must contact this office to determine the need for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Please contact Jeremy Lessard, of my staff at 978-941-3914 or via email at [Jeremy.s.lessard@usace.army.mil](mailto:Jeremy.s.lessard@usace.army.mil), if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Peter D. Olmstead". The signature is written in a cursive style.

Peter D. Olmstead  
Chief, Maine Section  
Regulatory Division

Enclosures  
Project Plans  
2020-2025 Maine General Permits  
ILF worksheet

cc: Tim Forrester, Flycatcher, LLC. via [tim@flycatcherllc.com](mailto:tim@flycatcherllc.com)



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

KYLE LEGG	) NATURAL RESOURCES PROTECTION ACT
Chebeague Island, Cumberland County	) COASTAL WETLAND ALTERATION
RIPRAP AND COIR LOG INSTALLATION	) SIGNIFICANT WILDLIFE HABITAT
L-31073-4D-A-N (approval)	) WATER QUALITY CERTIFICATION
L-31073-TW-B-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310, 315 and 335 of Department rules, the Department of Environmental Protection (Department) has considered the application of KYLE LEGG (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In 2002, the former homeowner submitted a Permit by Rule Notification Form (PBR #30479) pursuant to Chapter 305 Permit by Rule Standards Section 14 (06-096 Ch. 305, § 14, repealed) for a recreational pier, and was accepted by the Department on August 25, 2002.

B. Summary: The applicant proposes to place irregular riprap stones along approximately 250 linear feet of shoreline, covering a ground area of approximately 3,850 square feet, 1,250 square feet of which is below Highest Annual Tide (HAT) elevation of 6.7 feet (NAVD88), which is the defined boundary of the coastal wetland. The riprap will be placed approximately six feet to ten feet high at a 1.5H:1V slope to approximately elevation 16.7 feet. The riprap will extend approximately five feet seaward of the HAT elevation. The bottom row of riprap, measuring approximately four- to five- feet in diameter, will be keyed into the substrate. The applicant also proposes to install coir logs on the shoreline 60 linear feet north and 60 linear feet south of the proposed riprap, covering a ground area of approximately 730 square feet, 280 square of which is below HAT elevation. The 20-inch coir logs will be staked approximately three feet high into the graded bluff at a 1.5H:1V slope.

As part of the proposed project, the applicant is proposing to regrade the existing steep slope landward, which will result in approximately 1,300 square feet of vegetation removal. The applicant proposes to plant approximately 300 square feet of vegetation within the disturbed area not covered by riprap and an additional 2,000 square feet of native vegetation in existing lawn between the bluff and the building.

The proposed 250-linear foot riprap installation and 120-linear foot coir leg installation will directly alter approximately 1,530 square feet of coastal wetland (1,250 square feet

of riprap and 280 square feet of coir logs) and 3,050 square feet of adjacent upland (2,500 square feet of riprap and 450 square feet of coir logs).

According to the Department's Geographic Information System (GIS), high value Tidal Waterfowl and Wading Bird Habitat (TWWH), which is designated Significant Wildlife Habitat, is located within the proposed project site. The proposed project is shown on a plan titled, "Proposed Shoreline Stabilization" prepared by Flycatcher and dated February 15, 2024, with the most recent revision dated October 24, 2024. The project is located at 15 Broad Reach Road in the Town of Chebeague Island.

C. Current Use of the Site: The project site is located on a 5.49-acre parcel that is developed with a residential structure, an access drive, and a recreational pier structure. The residential structure is located approximately 60 feet from the top of the slope at the closest point. The parcel is identified as Lot 58 and 59 on Map 107 of the Town of Chebeague's tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings, including an aerial photograph of the project site. Department staff visited the project site on August 28, 2024.

The proposed project is located on the western shore of Chebeague Island, on Division Point in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This area experiences mixed commercial and recreational use. Appendix A, prepared by Flycatcher, LLC., dated December 15, 2023, and February 8, 2024, indicated that the closest distance to a similar activity was between ¼- and one-mile from the project's location.

The project will result in the removal of approximately 1,300 square feet of existing vegetation and ground cover due to grading landward. The applicant proposes to plant approximately 300 square feet of native vegetation in the disturbed area immediately landward of the riprap. The applicant also proposes to plant approximately 2,000 square feet of native vegetation in place of existing lawn, consisting of native plantings planted two to three feet on center. The vegetation is indicated to be Bayberry, Virginia Rose, and Juniper. The applicant must monitor the plantings, and the plantings must be

replaced or maintained as necessary to achieve 85% survival after one full growing season.

Prior to the start of construction, the applicant must take photographs to document the pre-construction condition of vegetation along the entire length of shoreline where riprap is proposed. The photographs must include at least three vantage points documenting conditions along the entire shore. Upon project completion, the applicant must take photographs of the shoreline from the same vantage points and must submit these before and after photographs to the Department for review.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal wetland provided the applicant establishes native vegetation in the disturbed area and lawn area and monitors, maintains, or replaces the plantings to achieve 85% survival after one full growing season and provided the applicant submit before and after photographs of the shoreline to the Department for review as described above.

### 3. SOIL EROSION AND SAND AND GRAVEL SUPPLY:

The NRPA, in 38 M.R.S. § 480-D(2) and (7), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment and will not unreasonably interfere with natural supply of movement of sand or gravel within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system. The project is located adjacent to a coastal sand dune system.

The applicant submitted a construction plan and an erosion control plan that outlines specific construction sequencing guidelines and measures for construction and equipment access. Construction access will be provided from the resource via barge, with all materials and equipment stockpiled in the upper intertidal zone and within non-vegetated areas. Construction will be conducted at low tide or in the dry during winter conditions. Equipment operating in the coastal wetland will use timber mats, which will result in approximately 3,000 square feet of temporary direct impacts. The submitted erosion

control plan states that all disturbed areas will be stabilized in compliance with the Maine Erosion and Sediment Control BMPs manual.

The project was reviewed by, and revised in response to, the Maine Department of Agriculture, Conservation, and Forestry's Maine Geological Survey (MGS), who visited the site in December 2023 and May 2024. The proposed project is located on along a section of shoreline that was mapped as unstable bluff (southwest and south of the pier) and stable (north and west of the pier). The bluff to the northwest of the pier transitions into a low-lying sandy beach and adjacent coastal sand dune at the northern tip of the property, which extends to the east. The dunes have been persistent since at least the early 1990s and qualify as regulated coastal sand dunes.

In an Interdepartmental Memorandum, dated May 15, 2024, MGS noted that the building was identified as being 76 feet from the shoreline, which didn't show continued, active erosion, but acute erosion and post-storm impacts. The exposed bank and face of the bluff appear to have naturally weathered and reposed with few signs of continued erosion, such as wave cut, an undercut toe, or high-water action, and MGS questioned if the applicant has demonstrated that there is a substantial risk to the structure on the property to warrant extensive armoring. In review of historical imagery and the December 2023 site visit, MGS stated that the sandy beach and dune system derives sediment from erosion of the adjacent coastal bluffs and recommended that the proposal avoid any armoring north of the pier or consider a hybridized approach in that area to minimize any reduction of sediment supply to the dunes. On the southern end of the project, MGS stated that there is no risk to the structure or access road and recommended integration of softer remediation and a transition to a natural state well before the property line, as the bluff is a source of sediment to the beach. Though the application described tapering of the riprap at the ends, MGS noted that it is not demonstrated on the submitted plans and requested further materials to show how the tapering will be tied into the existing shoreline both vertically and horizontally to minimize impacts to adjacent sections of property and to the coastal wetland. MGS recommended that the project be modified to further limit fill within the intertidal zone and noted that the proposal is clearly to limit any impact to the upland property at the detriment of the adjacent intertidal habitat. Specifically, MGS recommended that the applicant consider re-grading the slope at a less-step grade (1.5H:1V).

The applicant revised the project design to incorporate a 1.5H:1V slope graded landward, reduce the length of the riprap, and install coir logs at the end of the riprap and responded to MGS's comments. The applicant stated that the building's distance from the bluff was incorrect and that it is 67 feet from the erosion around the perimeter drain, with continued threat to the house from the ongoing failure of the slope, loss of trees, and vegetation. The applicant stated that the area under the dock needs riprap as the beginning of the pier is about to be compromised but that no riprap will be placed further northeast than directly adjacent to the pier.

MGS reviewed the revised plan and in comments dated August 9, 2024, recommended that the coir log transition along the northeast side is minimized to be no less than 50 feet

from the coastal sand dune and that impacts below HAT be further minimized by shifting the project landward. MGS also recommended minimizing the height of the riprap if the project can still provide the protection needed and spreading the excess material from regrading over the toe stones to continue to provide material to the intertidal area. The applicant responded, proposing that the coir logs be 60 feet from the sand dune system. The applicant stated that the direct impacts below HAT and the height of the riprap have been minimized to the greatest extent practicable. The applicant agreed to spread the excess material over the toe stones.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment and will not unreasonably interfere with the natural supply or movement of sand or gravel within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system, provided that excess material from regrading is spread on the toe stones.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The applicant submitted the Department's Coastal Wetland Characterization checklist, completed by Flycatcher, LLC. on December 15, 2023, and February 8, 2024, as Appendix B of the application. The project site is an approximately 10-foot-high coastal bluff with some established vegetation at the top and evidence of erosion along the face and base. Landward of the vegetation, there is lawn, and a residential structure located approximately 60 feet from the top of the bluff. The upper intertidal is a sand beach with patches of salt tolerant vegetation and areas of ledge. The mid to low intertidal is a mix of ledge areas and mixed coarse and fine mudflat. There is a mapped coastal sand dune system located to the north of the project area.

Shellfish harvesting is allowed in the project location and soft-shell clam resources have been mapped in this location. Eelgrass resources have been documented in the subtidal, mostly recently in 2022.

The project was reviewed by, and revised in response to, DMR, who provided comments dated June 10, 2024. DMR stated that the project will result in substantial direct impacts below HAT and that the reduced sediment supplied to the intertidal from the armoring of the coastal bluff is likely to negatively impact the fringing salt marsh, beach grass, and eelgrass, as well as the soft-bottom habitat, over the long term. DMR recommended that the project plan be revised to accommodate a slope less steep than 1H:1V to improve the dissipation of wave energy as it runs up the shore and noted that there appears to be space to grade the bank back to possibly limit direct impacts below HAT along some sections

of the shoreline. DMR stated that the applicant's use of timber mats for construction equipment operation is appropriate.

The applicant revised the project design, incorporating a 1.5H:1V slope by grading the bluff landward, that removed approximately 550 square feet of direct impacts below HAT. The DMR reviewed the proposed change and stated in comments dated July 20, 2024, that it addresses comments and concerns.

The site contains high value TWWH, which is designated Significant Wildlife Habitat. The project was reviewed by the Maine Department of Inland Fisheries (MDIFW), who provided comments dated May 31, 2024. MDIFW recommended the planting of native shrubs and trees at the top of the slope.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 3, the applicant proposes to use erosion and sediment control measures during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

As a result of the 250-linear foot riprap installation and 120-linear foot coir log installation, the proposed project will directly alter approximately 1,530 square feet of coastal wetland (1,250 square feet of riprap and 280 square feet of coir logs) and 3,050 square feet of adjacent upland (2,500 square feet of riprap and 450 square feet of coir logs). The applicant proposes to temporarily impact approximately 3,000 square feet of coastal wetland from the placement of construction mats. Coastal wetlands are wetlands of special significance as defined in the Department's Wetlands and Waterbodies Protection Rules, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), § 4(A).

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impact would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. **Avoidance.** An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. Shoreline stabilization is among the activities specifically provided for in Chapter 310, § 5(A)(1)(h).

The applicant stated that the project purpose is to stabilize the shoreline to protect the existing structures and ensure the safety of the bank. The residential structure is located approximately 60 feet from the top of the bluff.

The applicant submitted an alternative analysis prepared by Flycatcher, LLC., revised on October 24, 2024, which stated that the factors considered in this analysis include shoreline characteristics, causes of erosion, substrates, vegetation, identified natural resources, and protection of existing structures. The applicant outlined five alternatives and the considerations given to each.

Alternative 1 described not stabilizing the shoreline and stated that this would result in further erosion to the shoreline, continued loss of vegetation, and a continued risk to the recreational pier and residential building. Given the increasing rate of erosion, the applicant stated that the safety and integrity of the bank could be jeopardized and exacerbate the already unsafe conditions.

Alternative 2 consisted of a stabilization plan that only utilized vegetation or techniques such as coir logs. The applicant utilized the Living Shoreline Decision Support Tool, provided by Maine Geological Survey, which identified pockets at the site as “Potentially Suitable” but the areas around the pier and southwest corner of the parcel as “Likely Not Suitable” for a living shoreline. The applicant stated that given this, and that the erosion is primarily due soil type, an exposed bluff, and toe scour as a result of storm surge, that Alternative 2 would not be sufficient. The applicant stated that “softer” engineering would present a significant cost and that the uncertainty of success would not meet the project purpose and rejected Alternative 2.

Alternative 3 proposed riprap at a 2H:1V slope and regrading of the slope to avoid any impacts below HAT. The applicant stated that Alternative 3 would remove approximately 20 feet of upland, locating the building approximately 40 feet from the top of the bluff. The removal of 1,444 cubic yards of soil, the decrease of upland area, and the proximity of the building to the slope was unacceptable to the applicant.

In response to the comments from the Department, the applicant developed Alternative 4, which evaluated the potential to move the house further into the upland. The applicant stated that this alternative would not resolve the exposed soils, stability of the slope, erosion around the dock, or continued loss of upland vegetation but consulted with a

home moving company for the house, which they indicated is significant in size. Due to the construction of the house, the applicant stated that the house would need to be moved in sections and that the construction costs would be above and beyond the standard tasks of design, permitting, etc. The project site is located on an island, which can increase costs. While an exact cost to move the house was not identified, the applicant stated that the costs of relocating could double or triple the cost of the project described in Finding 1.

The applicant selected Alternative 5, the placement of two- to four-foot diameter riprap along areas identified as critical along the shoreline at a 1.5H:1V slope with native plantings established above the riprap. When compared to all alternatives, Alternative 5 results in the greatest impact below HAT, some financial costs, and some loss of upland areas. Based on the considerations, the applicant stated that there is no other practicable alternative to the proposed project that would accomplish the project purpose and avoid impacts to the coastal wetland.

**B. Minimal Alteration.** In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has minimized direct impacts to the coastal wetland by grading the existing slope landward and reducing the length of the project.

**C. Compensation.** In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. The project will result in 1,250 square feet of permanent direct impacts and 3,000 square feet of temporary direct impacts, which is over the threshold for which compensation is generally required. Further, the proposed project will have an adverse impact on marine resources as determined by the Department and DMR.

The applicant submitted a Wetland Function and Value Assessment in accordance with Chapter 310, § 5(C)(6)(a)(ii), prepared by Flycatcher, LLC. and dated February 8, 2024. The report stated that the functions and values of the habitats present at the project site include production of animals on and within the sediment and under rocks as well as structures for settling larvae. Because the project will directly alter 1,530 square feet of coastal wetland, there will be some loss to its functions of values. The coir log are anticipated to biodegrade in two- to five-years and mitigate long-term impacts associated with shoreline armoring. For these reasons, the Department determined that compensation is required for the coastal wetland alteration from riprap but waive the compensation associated with the coastal wetland alteration from the coir logs.

The applicant proposes to make a contribution into the In-Lieu Fee program of the Maine Natural Resource Conservation Program in the amount of \$15,025.00. Prior to the start of construction, the applicant must submit a payment in the amount of \$15,025.00, payable to "Treasurer, State of Maine," and directed to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided that prior to project construction, the applicant submits the In-Lieu Fee payment as described above.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses provided the applicant monitors, maintains, and documents the vegetated buffer as described in Finding 2.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment provided excess material is spread on toe stones as described in Finding 3.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that prior to construction the applicant makes a contribution to the In-Lieu Fee program as described in Finding 6(C).
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

- H. The proposed activity will not unreasonably interfere with the natural supply of movement of sand within or to the sand dune system, or unreasonably increase the erosion hazard to the sand dune system.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.


THEREFORE, the Department APPROVES the above noted application of KYLE LEGG to install riprap in and adjacent to a coastal wetland as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant shall monitor and maintain or replace the plantings as necessary to achieve 85% survival after one full growing season
5. Prior to the start of construction, the applicant shall take photographs to document the pre-construction condition of vegetation along the entire length of shoreline where riprap is proposed. The photographs shall include at least three vantage points documenting conditions along the shore. Upon project completion, the applicant shall take photographs of the shoreline from the same vantage points and shall submit the before and after photographs to the Department for review.
6. The applicant shall spread the excess material from excavation over the lower riprap stones.
7. Prior to the start of construction, the applicant shall submit a payment in the amount of \$15,025.00, payable to "Treasurer, State of Maine", to the attention of the In-Lieu Fee Program Administrator at 17 State House Station, Augusta, Maine 04333. A copy of this Order shall be included or referenced with payment submittal.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

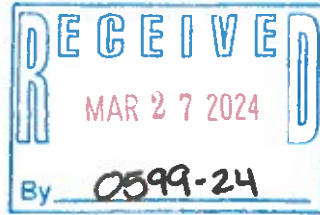
DONE AND DATED IN AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF DECEMBER, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

AG/L31073ANBN/ATS#92290,92459



March 27, 2024

*submitted via email*

To: Ms. Claudette Coyne, Maine Historic Preservation Commission  
Mr. Isaac St. John, Houlton Band of Maliseet Indians  
Mr. Donald Soctomah, Passamaquoddy Tribe of Indians, Pleasant Point Reservation  
Mr. Donald Soctomah, Passamaquoddy Tribe of Indians, Indian Township Reservation  
Ms. Jenny Gaenzle, Aroostook Band of Micmacs  
Mr. Chris Sokalexis, Penobscot Nation

RE: **Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA) Application to stabilize the shoreline on behalf of Kyle P. Legg located 15 Broad Reach Road, Chebeague Island, Maine (Map 107 Lot 59).**

Dear Sir or Madam:

Kyle P. Legg (Applicant) has applied for an NRPA permit requesting approval to stabilize the shoreline located at 15 Broad Reach Road on Chebeague Island, Maine. The stabilization will consist of riprap and native plantings designed to address the ongoing erosion of the shoreline and protect existing structures. Please find a location map, photographs, and an overview of the project for your review.

If you have any questions or concerns with this project, please feel free to contact me directly at (207) 837 - 2199 or by e-mail at [tim@flycatcherllc.com](mailto:tim@flycatcherllc.com). Thank you in advance for your timely comments.

Respectfully submitted,

Tim Forrester

Director, Coastal Resources  
Lower Falls Landing, 106 Lafayette Street, Suite 2A  
Yarmouth, ME 04096

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney,  
State Historic Preservation Officer  
Maine Historic Preservation Commission

4/11/24  
Date



PENOBSCOT NATION  
CULTURAL & HISTORIC PRESERVATION  
12 WABANAKI WAY, INDIAN ISLAND, ME 04468

CHRIS SOCKALEXIS – TRIBAL HISTORIC PRESERVATION OFFICER  
E-MAIL: [chris.sockalexis@penobscotnation.org](mailto:chris.sockalexis@penobscotnation.org)

NAME	Ellie Oberink
ADDRESS	Flycatcher Lower Falls Landing, 106 Lafayette Street, Suite 2A Yarmouth, ME 04096
OWNER'S NAME	Kyle P. Legg
TELEPHONE	207- 480-6807
EMAIL	<a href="mailto:ellie@flycatcherllc.com">ellie@flycatcherllc.com</a>
PROJECT NAME	Shoreline Stabilization – 15 Broad Reach Road
PROJECT SITE	Chebeague Island, ME
DATE OF REQUEST	March 27, 2024
DATE REVIEWED	May 7, 2024

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, as amended.

If there is an inadvertent discovery of Native American cultural materials during the course of the project, please contact my office at (207) 817-7471. Thank you for consulting with the Penobscot Nation Tribal Historic Preservation Office with this project.

Chris Sockalexis, THPO  
Penobscot Nation