



April 8, 2025

Aaron Julien, Chair
Planning Board
Town of Chebeague Island
192 North Road
Chebeague Island, ME
04017

RE: Planning Board Application for Shoreline Stabilization on behalf Renee Nottebohm located at 32 Sandy Point Road (Tax Map #101, Lot #21C).

Dear Mr. Julien,

On behalf of Renee and Carloss Nottebohm (Owners), Flycatcher, LLC (Flycatcher) requests the Town of Chebeague Island's Planning Board consider a Shoreland Zoning Application to stabilize the shoreline at 32 Sandy Point Road. The proposed stabilization consists of installing a combination of riprap and vegetative buffers along three hundred (300) feet of the shoreline in three sections. 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 Permit Act permit application to the Maine Department of Environmental Protection (MDEP) and to the U.S. Army Corps of Engineers (Corps). The application was approved by both agencies and permits are included 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.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Timothy A. Forrester".

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: _____

1. Please attach all required information detailed on the application check list.
2. If you have questions about what is required in order to obtain a permit, contact the Code Enforcement Office.
3. DEP Certification is required for projects in Shoreland Zoning.

Project Address:	32 Sandy Point Road, Chebeague Island, Maine
Parcel ID#:	Map I01, Lot 21C
Estimated Cost:	\$268,500
Current Use:	Residential
Proposed Use:	Residential
Please Describe Your Project:	The Applicant proposes to stabilize the shoreline with riprap and native plantings.

Soil Disturbance
 Dock, Pier, Wharf
 Tree Cutting
 Other

Property Owner Information

Owner Name:	Renee Nottebohm
Mailing Address:	35 W Old Gulph Road, Gladwayne, PA 19035
Phone Number:	(610) 986-3740
Email Address:	rznsuno@aol.com

Contractor or Applicant Information

Contractor Name:	Prock Marine Company
Mailing Address:	67 Front Street, Rockland, ME 04841
Phone Number:	(207) 594-9565
Email Address:	shawn@prockmarinecompany.com
DEP Certification:	2678

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.

Applicant Signature:		Date: 3/28/2025
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**Town of Chebeague Island
Planning Board Application**

Map: _____
Lot: _____

1. APPLICANT

Name: Tim Forrester, Flycatcher LLC
Address: 106 Lafayette Street, Suite 2A, Yarmouth, ME 04096

Telephone: (207) 837-2199
Cell: _____
Fax: _____
Email: tim@flycatcherllc.com

2. OWNER

Name: Renee Nottebohm
Address: 35 W Old Gulph Road
Gladwayne, PA 19035

Telephone: (610) 986-3740
Cell: _____
Fax: _____
Email: rznsuno@aol.com

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

Name: _____
Address: _____

Telephone: _____
Cell: _____
Fax: _____
Email: _____

4. PROJECT

Name of Project: Nottebohm_32 Sandy Point Road_Shoreline Stabilization
Address of Site: 32 Sandy Point Road, Chebeague Island, Maine

Project Data: Book: 30242
Page: 43

Map: 101
Lot: 21C

Zoning District: Limited Res
Overlay District: Commercial Fisheries
Size of Site: 3.2 acres

No of Dwellings: N/A
No. of Buildings: _____
No. of Lots: _____

Minor Subdivision: N/A
Major Subdivision: _____
Other: _____

Minor Site Plan: x
Major Site Plan: _____

5. OTHER INFORMATION:

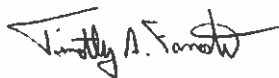
a. Is Board of Appeals approval required?

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.



Signature of applicant, owner or representative

3/28/2024

Date

Location Map

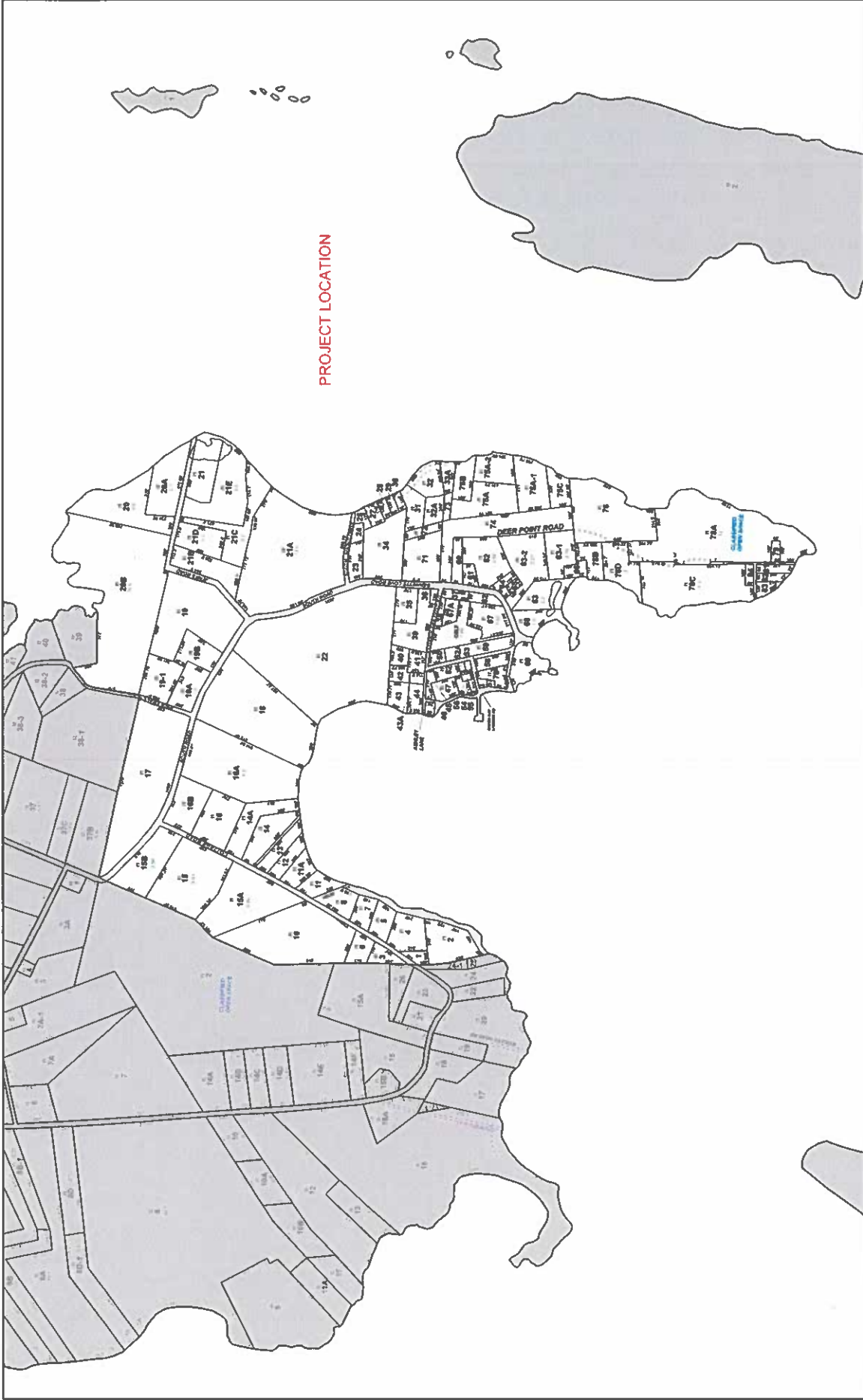


PROJECT LOCATION



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

PROJECT LOCATION
32 SANDY POINT ROAD
CHEBEAGUE ISLAND, MAINE
43.716986, -70.116838



Index Map



Town of Chebeague
 0 500 1,000 Feet

Legend
 Tax Parcels — Hook
 Roads — - - - ROW

Map Prepared by: **VIEWSHED**
 207.444.2200
 viewshed.com
 Tax Sheets are intended for assessing purposes only.
 Boundary locations are approximate and
 should not be used for comparison of property.

Photographs

The following photographs are taken from the site of the project and represent the existing conditions of the project located at 32 Sandy Point Road in the Town of Chebeague Island, ME. All photographs were taken on April 18, 2023, by Tim Forrester of Flycatcher, LLC unless otherwise noted.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project. Source: Maine Office of GIS. Date: 2022.



Photograph Two. Facing southwesterly– view of portion of shoreline that is eroding. Riprap will begin at base of slope.



Photograph Three. Additional view of portion of shoreline that is proposed to be stabilized. Shrubs that are removed will be replanted at top of the bank.



Photograph Four. Additional view of area to be stabilized.



Photograph Five. View of stairs that were destroyed in the 2023 storms. Hardscrabble stairs constructed within the riprap will replace these.



Photograph Six. Additional view of proposed area of stabilization. This location contains a shell midden and will not be graded.

Project Description

Introduction and Project Purpose. The Applicant owns an approximate 3.2-acre parcel of land located on Sandy Point Road and adjacent to Casco Bay in the Town of Chebeague Island, Maine. The site is developed with a residential structure and associated development. The entire shoreline is undergoing significant erosion and, at the closest point, the residential structure is located approximately fifty (50) feet from the top of the bank. The Applicant's project purpose is to stabilize the shoreline to protect the existing structures 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 structure and development, the Applicant proposes to place riprap that measures approximately two (2) to four (4) feet in diameter along two hundred fifty-five (255) feet of the shoreline. The riprap will follow the natural contour of the shoreline and has been designed with three (3) separate areas designated as Area A(1), A(2), and B that begins along the southerly shoreline and extends north. In area A(1), riprap will be placed along sixty (60) feet on the shoreline and will extend three (3) feet in height. Riprap in this area will not extend below the Highest Annual Tide (HAT) line. In area B, riprap will extend along one hundred fifty (150) feet of the shoreline and will extend to between four (4) to six (6) feet in height. Backfill approximately one (1) foot in diameter will be used to stabilize caving at the base of the bank. Riprap will not extend below the HAT in this area. In Area A(2), riprap will extend along forty-five (45) feet of the shoreline and will extend three (3) feet in height. Riprap in this area will not extend below the HAT. 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. The bank will be graded to achieve a 1H: 1V slope where necessary and filter fabric and six (6) inch minus stone will be placed below the riprap. All riprap will be placed above the HAT elevation; therefore, no direct impacts are proposed in order to meet the Applicant's project purpose. The Applicant intends to reconstruct the stairs on their property as hardscrabble within the proposed riprap. In order to install the riprap, there will be some vegetation that consists of ground cover and shrubs removed; however, no trees will be removed. A ten (10) feet wide by one hundred and eighty (180) feet long native vegetation buffer will be placed at the top of the bank and the revegetation will meet the Town of Chebeague Island's

Shoreland Zoning Ordinance. The installation of the riprap does not require additional upland development.

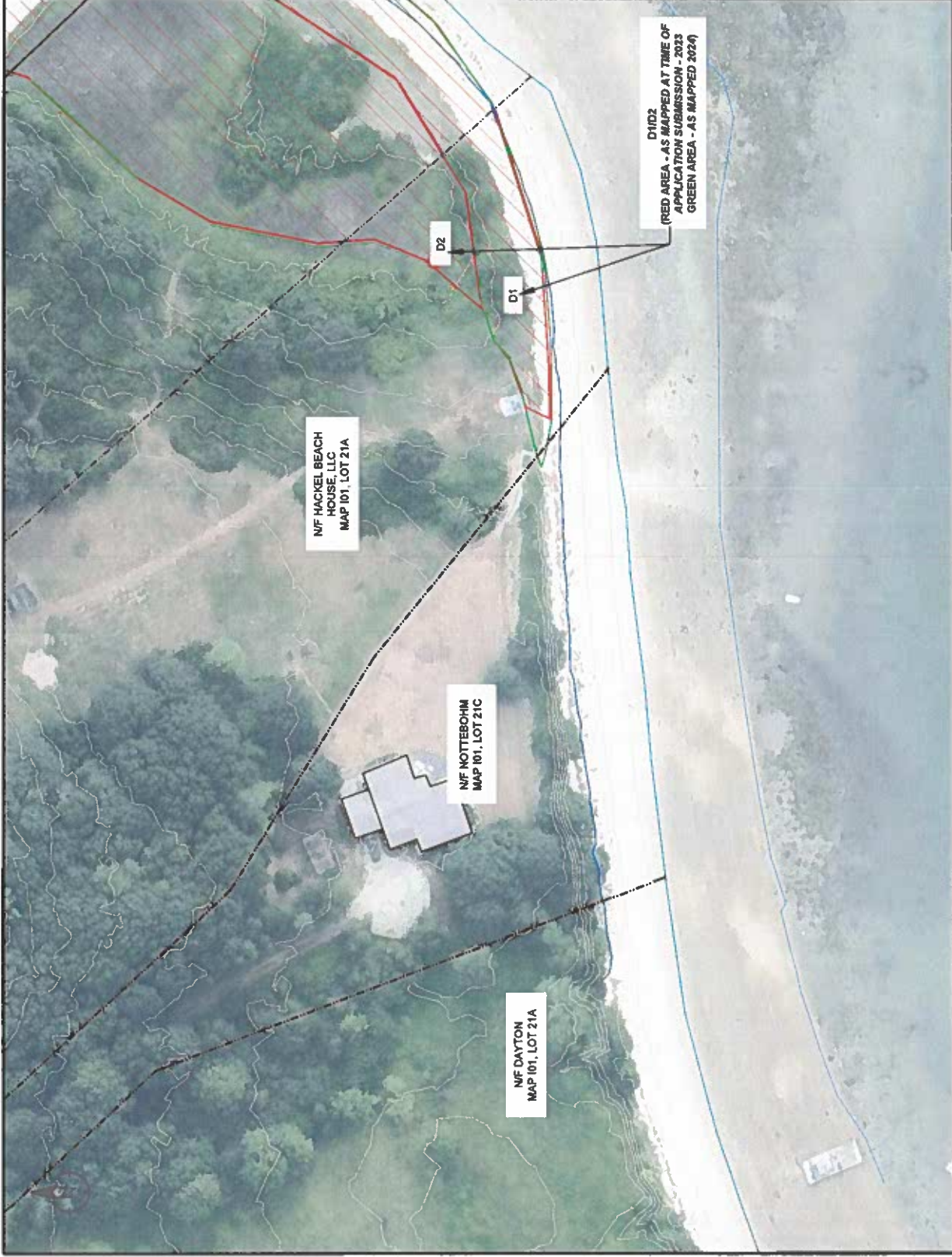
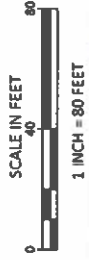
Project Plans

LEGEND

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- MEAN LOW WATER (MLW)



NOTES:
 1) BASE MAP IMAGERY BASED ON MAINE OFFICE OF GIS AERIAL IMAGERY (2023).
 2) 2 FT CONTIGUOUS DATA BASED ON MAINE OFFICE OF GIS TIDE TIDAL AND JSTDL14.
 3) PROPERTY LINE DATA BASED ON PLAN TITLED, "PROPOSED PARCEL ANNEZ JENKINS ROAD, CHEBEAGUE ISLAND, MAINE," PREPARED BY ROYAL RIVER SURVEY COMPANY AND DATED SEPTEMBER 27, 2011.
 4) TITLED "CONVEYANCE ON MAINE COASTAL SURVEY MAP DATED 2023."
 5) PLAN IS FOR PERMITTING PURPOSES.

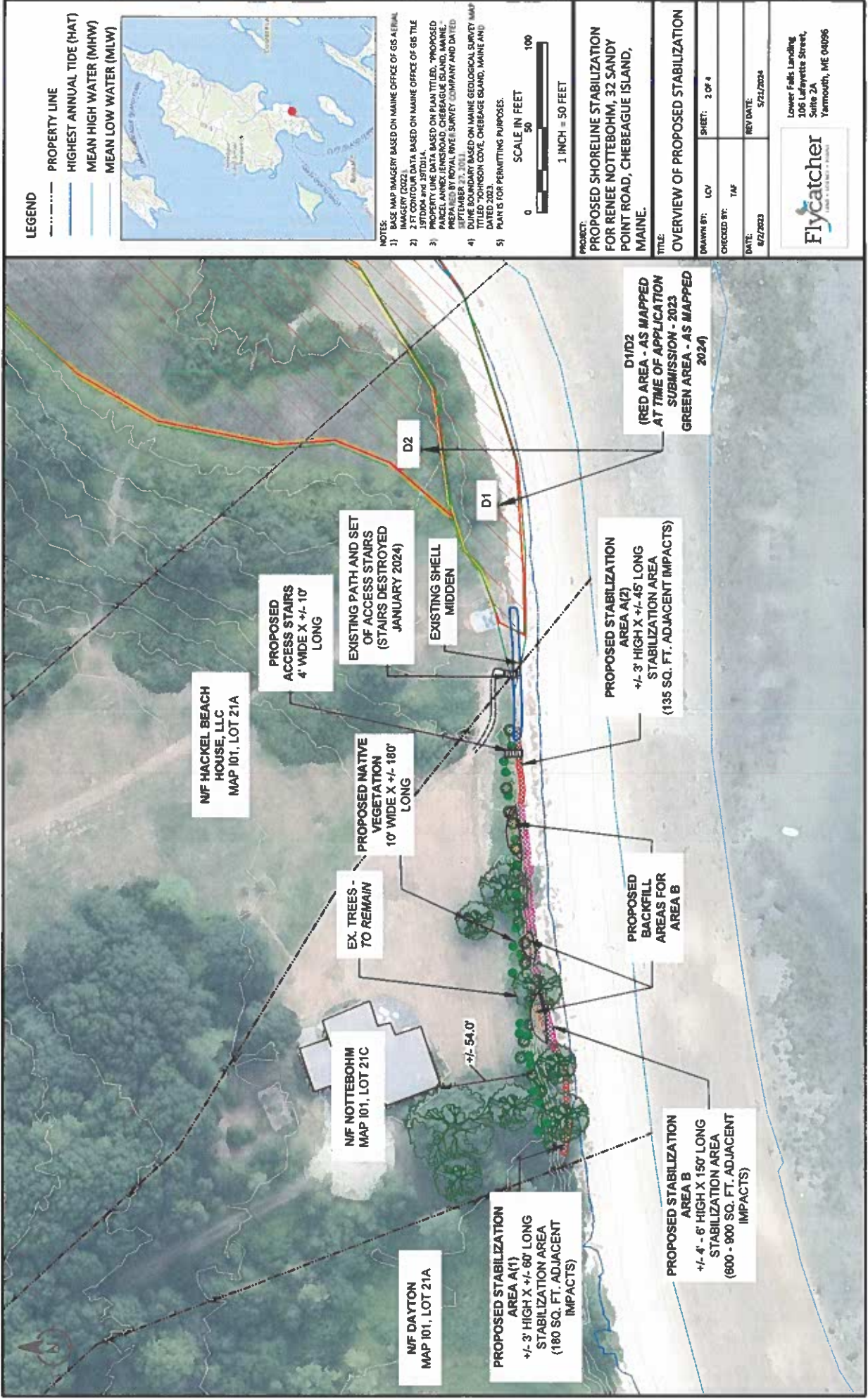


PROJECT:
 PROPOSED SHORELINE STABILIZATION FOR RENEE NOTTEBOHM, 32 SANDY POINT ROAD, CHEBEAGUE ISLAND, MAINE.

TITLE:
 OVERVIEW OF PROJECT AREA

DRAWN BY:	LCV	SHEET:	1 OF 4
CHECKED BY:	TMF	REV DATE:	6/5/2024
DATE:	8/4/2023		

Flycatcher
 LAND SURVEYING & ENGINEERING
 Lower Falls Landing
 106 Lafayette Street,
 Suite 2A
 Yarmouth, ME 04096



LEGEND

- PROPERTY LINE
- HIGHEST ANNUAL TIDE (HAT)
- MEAN HIGH WATER (MHW)
- MEAN LOW WATER (MLW)



NOTES:
 1) BASE MAP PREPARED BY MAINE OFFICE OF GIS AT 1/11/2023
 2) 3 FT CONTOUR DATA BASED ON MAINE OFFICE OF GIS TILE 15TD004 and 15TD114
 3) PROPERTY LINE DATA BASED ON PLAN TITLED, "PROPOSED PARCEL ANNEX IENSROAD, CHEBEAGUE ISLAND, MAINE," PREPARED BY ROYAL RIVER SURVEY COMPANY AND DATED SEPTEMBER 27, 2023 BASED ON MAINE GEOLOGICAL SURVEY MAP TITLED "JOHNSON COVE, CHEBEAGUE ISLAND, MAINE AND DATED 2023.
 5) PLAN IS FOR PERMITTING PURPOSES.



PROJECT:
 PROPOSED SHORELINE STABILIZATION FOR RENEE NOTTEBOHM, 32 SANDY POINT ROAD, CHEBEAGUE ISLAND, MAINE.

TITLE:
 OVERVIEW OF PROPOSED STABILIZATION

DRAWN BY:	LCV	SHEET:	2 OF 4
CHECKED BY:	TMF	REV DATE:	5/22/2024
DATE:	6/2/2023		

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

NIF HACKEL BEACH HOUSE, LLC
 MAP 101, LOT 21A

PROPOSED ACCESS STAIRS
 4' WIDE X +/- 10' LONG

EXISTING PATH AND SET OF ACCESS STAIRS (STAIRS DESTROYED JANUARY 2024)

EXISTING SHELL MIDDEN

PROPOSED NATIVE VEGETATION
 10' WIDE X +/- 180' LONG

EX. TREES - TO REMAIN

NIF NOTTEBOHM
 MAP 101, LOT 21C

NIF DAYTON
 MAP 101, LOT 21A

PROPOSED STABILIZATION AREA A(1)
 +/- 3' HIGH X +/- 60' LONG
 STABILIZATION AREA (180 SQ. FT. ADJACENT IMPACTS)

PROPOSED STABILIZATION AREA A(2)
 +/- 3' HIGH X +/- 45' LONG
 STABILIZATION AREA (135 SQ. FT. ADJACENT IMPACTS)

PROPOSED BACKFILL AREAS FOR AREA B

PROPOSED STABILIZATION AREA B
 +/- 4' - 6' HIGH X 150' LONG
 STABILIZATION AREA (600 - 900 SQ. FT. ADJACENT IMPACTS)

D1/D2
 (RED AREA - AS MAPPED AT TIME OF APPLICATION SUBMISSION - 2023)
 GREEN AREA - AS MAPPED 2024)



- LEGEND**
- PROPERTY LINE
 - HIGHEST ANNUAL TIDE (HAT)
 - MEAN HIGH WATER (MHW)
 - MEAN LOW WATER (MLW)

NOTES:

- 1) BASIS MAP FRAGERY BASED ON MAINE OFFICE OF GIS AERIAL PHOTOGRAPHY (2023)
- 2) 2 FT. CONTOUR DATA BASED ON MAINE OFFICE OF GIS TILE DATA (2023)
- 3) 1970004 and 1970114 PROPERTY LINE DATA BASED ON PLAN TITLED, "PROPOSED PARCEL ANNEX JENKINS ROAD, CHEBEAGUE ISLAND, MAINE," PREPARED BY ROYAL RIVER SURVEY COMPANY AND DATED SEPTEMBER 27, 2021
- 4) SURVEY DATA BASED ON MAINE GEOLOGICAL SURVEY MAP TITLED "JOHNSON COVE, CHEBEAGUE ISLAND, MAINE AND ADJACENT WATERS" DATED 2023.
- 5) PLAN IS FOR PERMITTING PURPOSES.



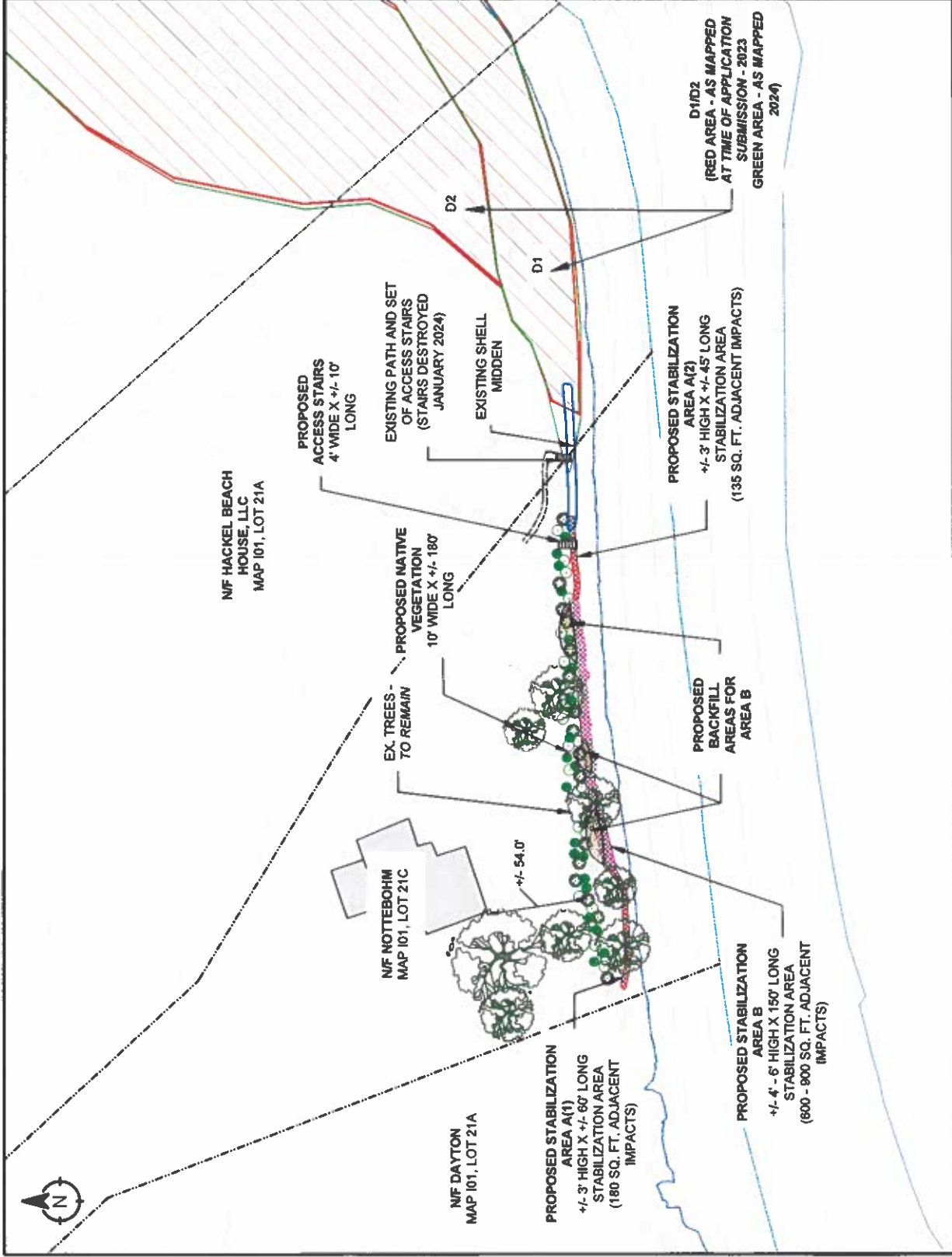
PROJECT:
PROPOSED SHORELINE STABILIZATION FOR RENEE NOTTEBOHM, 32 SANDY POINT ROAD, CHEBEAGUE ISLAND, MAINE.

TITLE:
OVERVIEW OF PROPOSED STABILIZATION

DRAWN BY: LCV	SHEET: 3 OF 4
CHECKED BY: TAF	
DATE: 8/2/2023	REV. DATE: 5/21/2024

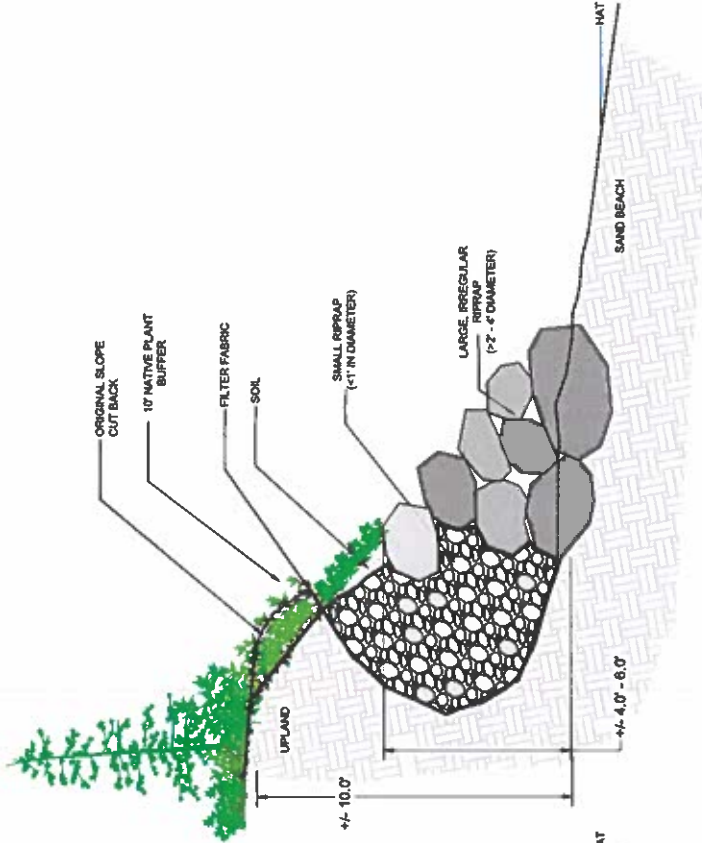


Lower Falls Landing
 106 Lafayette Street,
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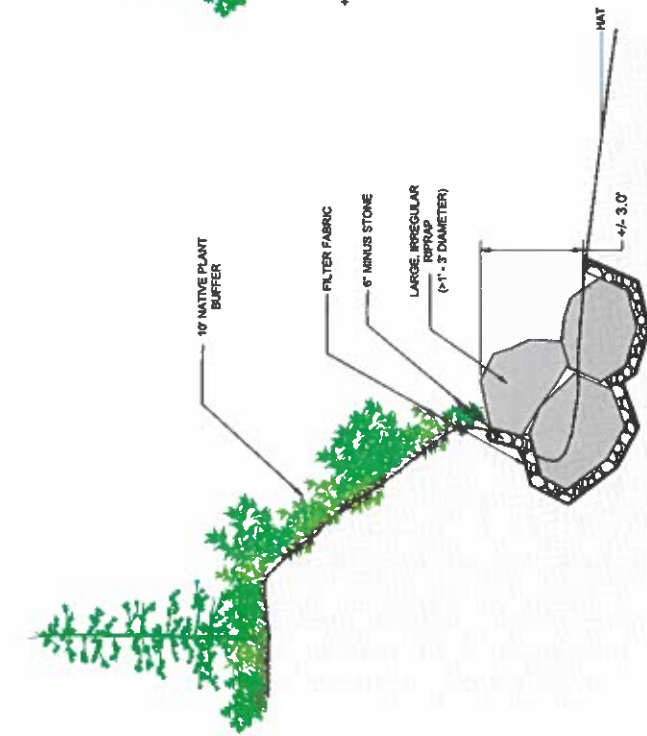


NOTES:

- 1) WHERE APPLICABLE, THE FIRST ROW OF RIPRAP WILL BE BURIED IN A TRENCH. BOTTOM STONE WILL BE SET TO A DEPTH OF 1/3 THE STONE'S DIAMETER.
- 2) RIPRAP WILL CONSIST OF LARGE, IRREGULAR SHAPED ROCKS. FIT INTO PLACE AND/OR PINNED WITH REBAR. RIPRAP IS PLACED ON A SLOPE. SOME VARIATION IN SLOPE, HEIGHT, AND SPACING IS UNAVOIDABLE. STONE WILL VARY IN SIZE FROM 12" - 48".
- 3) CONTRACTOR WILL HAVE A MAINE DEP EROSION CONTROL CERTIFIED INDIVIDUAL ON-SITE DURING ALL SITE DISTURBANCE.
- 4) SHELL MIDDEEN WILL BE DELINEATED PRIOR TO CONSTRUCTION. NO GRADING WILL BE CONDUCTED IN THIS AREA.
- 5) EROSION CONTROLS WILL BE ESTABLISHED AS NEEDED AND WILL REMAIN IN PLACE UNTIL SITE IS STABILIZED.
- 6) PLAN IS FOR PERMITTING PURPOSES ONLY.



AREA B SECTION



AREA A SECTION

PROJECT:
 PROPOSED SHORELINE STABILIZATION
 FOR RENE NEUBOHM, 32 SANDY
 POINT ROAD, CHEBEAGUE ISLAND,
 MAINE.

TITLE:
 SECTION VIEW OF EXISTING AND
 PROPOSED CONDITIONS

DRAWN BY: LCV

CHECKED BY: TAP

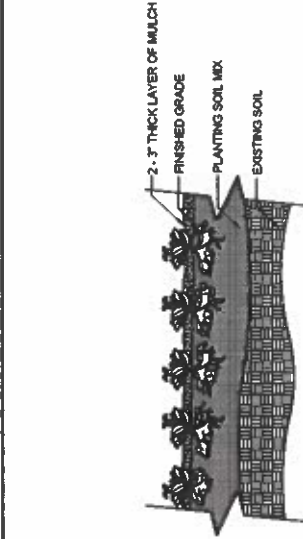
SHEET: 4 OF 4

DATE: 8/2/2023

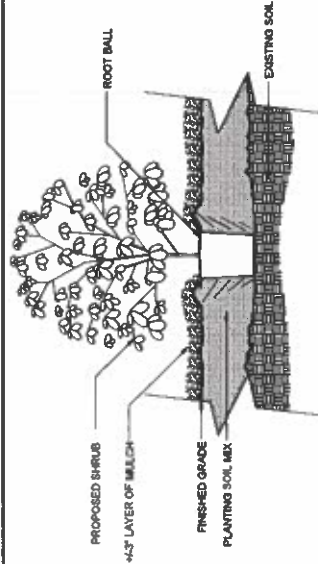
REV DATE: 5/10/2024



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



1 SHRUB AND TREE PLANTING
 SCALE: N.T.S.



2 GROUNDCOVER PLANTING
 SCALE: N.T.S.

PROPOSED PLANTINGS		
COMMON NAME	SCIENTIFIC NAME	SPACING
BAYBERRY	<i>Myrica pensylvanica</i>	2-3 O.C.
VIRGINIA ROSE	<i>Rosa virginiana</i>	2-3 O.C.
JUNIPER	<i>Juniperus horizontalis</i>	2-3 O.C.

Construction Plan

The site will be accessed by barge at high tide and construction will take place at low tide or in the dry and riprap will be stockpiled on the barge to avoid disturbing additional areas within the intertidal. The work will be conducted outside the growing season, during the fall/winter months. 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.

The contractor will delineate the shell midden areas along the shoreline. These areas will not be graded to allow the midden to remain undisturbed. The remaining areas of the shoreline will be graded as necessary. In all areas, geotextile fabric and six (6) inch minus stone will be placed behind large, diameter irregular stones (approximately 2 – 4 feet). The toe riprap stone will be dug into a trench at the base of the slope and riprap will extend to between three (3) to six (6) feet in height. Upon completion of the stabilization, the Applicant proposes to place native plants at the top of the riprap and in areas that are disturbed during construction. The plants will be spaced approximately three (3) feet on center, depending on the size and type of plant. Native plant species may include, but not be limited to: Creeping Juniper (*Juniperus horizontalis*), Northern Bayberry (*Myrica pensylvanica*), and Virginia Rose (*Rosa virginiana*). The final number of plants will be determined once the riprap is installed and will be installed during the growing season at the completion of work. Any disturbed areas within the Shoreland Zone will be restored to meet the standards set forth in Section 316 of the Town of Chebeague Island's Shoreland Zoning Ordinance.

Erosion Control Plan

The Applicant will install erosion and sediment controls as necessary prior to the start of construction. The shoreline will be graded as necessary and filter fabric and 6" minus stone will be installed as previously described. 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 above the Highest Annual Tide Line within sandy substrates. Due to the sandy nature of the shore, no erosion control is necessary.

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

The project site contains natural beach areas, however, the proposed stabilization will be constructed above the Highest Annual Tide (HAT) line and will not result in any direct impacts to the intertidal zone. Any sand that is removed during construction will remain on site.

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

All of the proposed riprap will be installed above the Highest Annual Tide (HAT) line and will not have any direct impact on the intertidal or subtidal zone.

- 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.

- 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. A vegetative buffer will be installed to further protect the shoreline.

- 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.**

The proposed riprap will not extend below the HAT and will not interfere with navigation or passage.

- 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 designed a re-vegetation plan in excess of the disturbed area. The plan consists of native grasses and shrubs along the slope and within the top of the bank.

- 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.**

List of Abutters within 500 Feet

Map, Lot	Name	Address	City, State	Zip Code
I01, 21E	Hackel Beach House LLC	91 Sherman Street, Apartment 7	Cambridge, MA	02140
I01, 21	Charles and Lynn Mills	407 Altamount Circle	Charlottesville, VA	22902
I01, 20A	Ari and Jessica Meehan	78 Kindred Way	Yarmouth, ME	04096
I01, 20	Paul Cleary	40 Jenks Way	Chebeague Island, ME	04017
I01, 20B	Elizabeth Anderson and Desai Rajiv	48 Kindred Way	Yarmouth, ME	04096
I01, 19	Chandler's Farm LLC	102 West Brook Road	Pittsford, NY	14534
I01, 21B	Elise Hood	154 Shaw Street	Manchester, NH	03104
I01, 19-1	No address found			
I01, 19B	Ann Bowman	P.O. Box 11	Chebeague Island, ME	04017
I01, 19A	Benjamin Horowicz	626 South Road	Chebeague Island, ME	04017
I01, 22	Joan Dayton	1800 IDS Center	Minneapolis, MN	55402
I01, 18	Town of Chebeague Island	P.O. Box 22	Chebeague Island, ME	04017
I01, 21A	Joan Dayton	1800 IDS Center	Minneapolis, MN	55402
I01, 23	Cheryl Ann and Benjamin Darren Hillicoss	670 South Road	Chebeague Island, ME	04017
I01, 25	Joan and Jonathan Torres, Lee Holley, and Cathleen Nash	15 Sandy Brook Lane	Yarmouth, ME	04096

Title, Right, or Interest

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT

CHARLOTTE POMEROY HATFIELD, with a mailing address of 8 Curtis Lane, Topsham, Maine 04086, for consideration paid, grant to RENÉE Z. NOTTEBOHM as Trustee of the RENÉE Z. NOTTEBOHM REVOCABLE TRUST U/T/A dated September 25, 2008, which trust has a mailing address of 35 W. Old Gulph Road, Gladwyne, PA 19035, with WARRANTY COVENANTS, a certain lot or parcel of land located on the westerly side of Jenks Road in the Town of Chebeague Island, County of Cumberland, State of Maine, bounded and described as follows:

MAINE REAL ESTATE TAX PAID

BEGINNING AT a capped 5/8" rebar set on the apparent westerly sideline of Jenks Road at the southeasterly corner of land now or formerly of Martha Hatfield Poell as described in deeds recorded in the Cumberland County Registry of Deeds in Book 11037, Page 325, and Book 11261, Page 16, and Book 11995, Page 199; thence S 26°55'00" E by said Jenks Road a distance of Fifty and 00/100 (50.00) feet to a point and the northeasterly corner of land now or formerly of Jennifer H. Merritt-Hackel as described in a deed recorded in said Registry in Book 25639, Page 94; thence S 63°16'40" W by land of said Merritt-Hackel a distance of Four Hundred Seventy-One and 40/100 (471.40) feet to a 1½" pipe found; thence S 27°20'14" E by land of said Merritt-Hackel a distance of One Hundred Ninety-Seven and 05/100 (197.05) feet to a 1" pipe found in stones; thence S 43°08'14" E by land of said Merritt-Hackel a distance of One Hundred Seventy-Four and 10/100 (174.10) feet to a 1½" pipe found in stones; thence S 35°54'34" E by land of said Merritt-Hackel a distance of One Hundred Fifty-Nine and 67/100 (159.67) feet to a capped 5/8" rebar set; thence S 35°54'34" E by land of said Merritt-Hackel a distance of Seventy-Two (72) feet, more or less, to a point at the mean high water line; thence Westerly, following the mean high water line, a distance of Three Hundred Twenty-Five (325) feet, more or less, to a point and land now or formerly of the Robert Jackson Dayton Exemption Trust ("Dayton") as described in a deed recorded in said Registry in Book 10911, Page 167; thence N 07°50'27" W by land of said Dayton a distance of Fifty-Six (56) feet, more or less, to a capped 5/8" rebar set, said point being located N 77°58'38" W a distance of Two Hundred Eighty-Eight and 40/100 (288.40) feet from the capped 5/8" rebar set last mentioned herein; thence N 07°50'27" W by land of said Dayton a distance of Two Hundred Seventy-Five and 00/100 (275.00) feet to a capped 5/8" rebar set; thence N 27°20'14" W by land of said Dayton a distance of One Hundred Thirty and 97/100 (130.97) feet to a capped 5/8" rebar set; thence N 21°47'14" W by land of said Dayton a distance of Two Hundred Seventy-Three and 13/100 (273.13) feet to a pile of stones and the southwesterly corner of land now or formerly of the Trustees of the Elise G. Hood 2006 Trust ("Hood") as described in a deed recorded in said Registry in Book 24995, Page 106; thence N 73°36'20" E by land of said Hood a distance of One Hundred Sixty-Six and 03/100

(166.03) feet to a capped 5/8" rebar set and the northwesterly corner of land of said Poell; thence S 25°31'33" E by land of said Poell a distance of Two Hundred Forty-Two and 40/100 (242.40) feet to a capped 5/8" rebar set; thence N 63°16'40" E by land of said Poell a distance of Three Hundred Fifty and 00/100 (350.00) feet to the point of beginning.

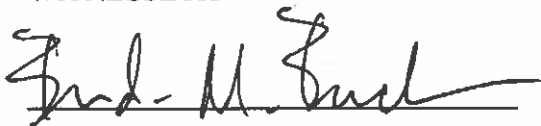
The above described parcel contains 3.2 acres, more or less. Reference is herein made to a Standard Boundary Survey of Higgins Farm made for Charlotte Hatfield by Titcomb Associates dated August 20, 1993. Bearings are referenced to magnetic north 1986.

ALSO CONVEYING all of the Grantor's right, title or interest in and to the area southerly of the above-described premises lying between mean high water and low water.

MEANING AND INTENDING to describe and convey and hereby conveying a portion of those premises described in a deed by Alden H. Hayden to Cameron A. Hatfield and Charlotte P. Hatfield by deed dated December 30, 1980 and recorded in the Cumberland County Registry of Deeds, Book 4720, Page 310. The said Cameron A. Hatfield has died, leaving the Grantor herein as surviving joint tenant.

Executed at Yarmouth, Maine this fifteenth day of January, 2010.


WITNESSETH


CHARLOTTE POMEROY HATFIELD

STATE OF MAINE
CUMBERLAND, ss

Date: *Jan. 15, 2010*

Then personally appeared the above-named CHARLOTTE POMEROY HATFIELD and acknowledged her execution of the foregoing deed to be her free act and deed.

Before me

Brenda M. Buchanan
Attorney at Law
Maine Bar #7042

Received
Recorded Register of Deeds
Jan 20, 2010 09:15:47A
Cumberland County
Pamela E. Lovley

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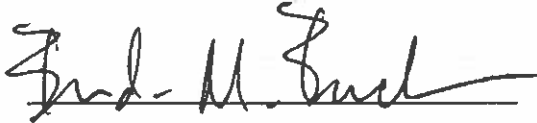
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Pamela E. Lovley



JANET T. MILLS
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

KIRK F. MOHNEY
DIRECTOR

August 30, 2023

Mr. Tim Forrester
Flycatcher
Lower Falls Landing
106 Lafayette St
Suite 2A
Yarmouth, ME 04096

Project: MHPC# 1201-23 Nottebohm; 32 Sandy Point Road
Shoreline Stabilization
Town: Chebeague Island, ME

Dear Mr. Forrester:

In response to your recent request, I have reviewed the information received August 15 and August 21, 2023 to initiate consultation on the above referenced projects in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information submitted, I have concluded that the proposed work will have **no adverse effect** upon historic properties.

However, our finding is *conditional* upon the following:

- 1) Post-construction photographs should be taken and sent to our office for our files as suggested in Dr. Arthur Spiess's email dated August 21, 2023.

Please contact Megan M. Rideout at (207) 287-2992 or megan.m.rideout@maine.gov if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney
State Historic Preservation Officer

Rideout, Megan M

From: Spiess, Arthur
Sent: Monday, August 21, 2023 12:29 PM
To: Coyne, Claudette
Cc: Rideout, Megan M
Subject: FW: Nottebohm, 32 Sandy Pt Rd, Chebeague, erosion control archaeological site MHPC 1201-23

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Claudette:
Please log this email in to the appropriate R&C file. Thanks

Arthur Spiess, PhD
Senior Archaeologist, MHPC
Desk phone: 207-287-2789

From: Spiess, Arthur
Sent: Monday, August 21, 2023 12:27 PM
To: Tim Forrester <tim@flycatcherllc.com>
Subject: RE: Nottebohm, 32 Sandy Pt Rd, Chebeague, erosion control archaeological site

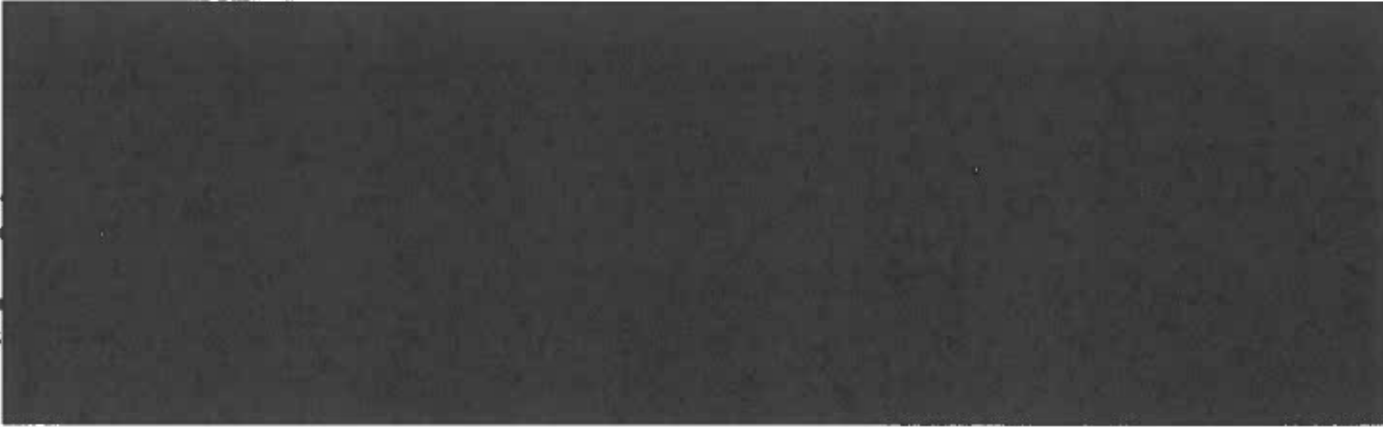
Thank you, Tim. OK – I will “sign off” on the project here at MHPC.



Art

Arthur Spiess, PhD
Senior Archaeologist, MHPC
Desk phone: 207-287-2789

From: Tim Forrester <tim@flycatcherllc.com>
Sent: Monday, August 21, 2023 11:59 AM
To: Spiess, Arthur <Arthur.Spiess@maine.gov>
Cc: Lisa Vickers <lisa@flycatcherllc.com>
Subject: RE: Nottebohm, 32 Sandy Pt Rd, Chebeague, erosion control archaeological site





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

DEPARTMENT ORDER

IN THE MATTER OF

RENEE NOTTEBOHM PERSONAL RESIDENCE TRUST) NATURAL RESOURCES PROTECTION ACT
Chebeague Island, Cumberland County) ACTIVITY ADJACENT TO WETLAND
SHORELINE STABILIZATION) SIGNIFICANT WILDLIFE HABITAT
L-30467-2F-A-N (approval)) WATER QUALITY CERTIFICATION
) 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 RENEE NOTTEBOHM PERSONAL RESIDENCE TRUST (applicant) with the supportive data, agency review comments, public comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes riprap to stabilize eroding shoreline to protect their residential structure, which is located 54 feet from the top of the bank. The project will consist of three sections referred to as Sections A(1), B, and A(2). Section A(1) will consist of 60 linear feet of riprap stacked approximately three feet high, resulting in 180 square feet of impacts adjacent to the coastal wetland. Section B will consist of 150 linear feet of riprap stacked approximately four to six feet high. Section B will also include three areas of backfill consisting of riprap less than one foot in diameter packed into five-foot to ten-foot deep holes due to scour along the bank. Section B will result in a minimum of 600 square feet and a maximum of 900 square feet of impacts adjacent to the coastal wetland due to necessary backfill. Section A(2) will consist of 45 linear feet of riprap stacked approximately three feet high, resulting in 135 square feet of impacts adjacent to the coastal wetland. Assuming the maximum amount of backfill will be required, this project will result in approximately 1,215 square feet of impacts adjacent to the coastal wetland. The proposed project is located adjacent to Tidal Waterfowl and Wading Bird Habitat, a designated Significant Wildlife Habitat. The proposed project is shown on a set of plans titled “Proposed Shoreline Stabilization for Renee Nottebohm, 32 Sandy Point Road, Chebeague Island, Maine”, prepared by Flycatcher, LLC and dated August 2, 2023 with a last revision date of May 21, 2024. The project site is located at 32 Sandy Point Road in the Town of Chebeague Island.

B. Current Use of the Site: The project site is currently developed with a residential structure and associated development including a driveway and an access stairway. There is also an existing shell midden on the parcel. The parcel is identified as Lot 21C on Map 101 of the Town of Chebeague’s tax maps.

C. Public Comments: During the process of review, the Department received public comment from approximately 16 individuals; 15 of the submitted comments were in support of the proposed project, and one comment from the Town of Chebeague Selectboard was against the proposed project. The selectboard's main concerns involved the potential impact that the project would have on the beach system and coastal marine habitat, which is listed as a Coastal Barrier Resource System (CBRS). Because the Natural Resources Protection Act (NRPA) does not lay out specific protections for the CBRS, the Department reviewed this system based on NRPA standards and made findings described in each section of this Order.

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 December 20, 2023 and August 28, 2024.

The proposed project is located 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. There is riprap along the shoreline to the southwest of the project site that is visible from the resource. The area surrounding the project site is developed with residences and other associated structures. The applicant proposes to minimize visual impacts by planting a ten-foot wide buffer at the top of the bank, and by installing the smallest amount of riprap possible to complete the project purpose. 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.

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 and 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 that the applicant monitors and maintains the plantings as described above.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), 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.

The site will be accessed by barge at high tide and construction will take place at low tide or in the dry. The riprap will be stockpiled on the barge to avoid disturbing additional areas within the intertidal. The contractor will have a Maine DEP Erosion Control Certified Individual onsite during construction. The contractor will delineate the shell midden areas along the shoreline and those areas will not be graded to allow the midden to remain undisturbed. In all sections of the project, geotextile fabric and six-inch or less stone will be placed behind the riprap during construction. The toe stone will be dug into a trench at the base of the slope in each area, (A(1),A(2)and B. The applicant proposes to establish a ten-foot wide buffer of native plants at the top of the slope and in areas that are disturbed during construction. The plants will be spaced approximately three feet on center and species may include, but not be limited to: Creeping Juniper (*Juniperus horizontalis*), Northern Bayberry (*Myrica pensylvanica*), and Virginia Rose (*Rosa virginiana*).

The applicant will install erosion and sediment controls prior to the start of construction. 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 Best Management Practices (BMPs) published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.

The proposed project was reviewed by Maine Geological Survey (MGS) in multiple rounds of comments, the first of which was dated February 28, 2024. MGS stated that the project was located in a Coastal Barrier Resource System (CBRS) designated by the U.S. Fish and Wildlife Service (USFWS), and is only one of 32 designated systems in Maine. MGS further stated that the shoreline at the project site is receding at a rate of 2 to 6 feet per year, which indicates an extremely dynamic environment. MGS recommended that the bluff be allowed to move landward in response to storms and sea level rise in a natural way. MGS voiced concern about the riprap end-effect on the adjacent natural bluff and dune areas, and recommended that the applicant consider soft stabilization techniques. MGS noted that poor upland land management (e.g. lawn to the edge of the bluff, a lack of a thick vegetative buffer at the top of the bluff) was exacerbating bluff erosion, and cited photos included in the application, that provided evidence of groundwater flowing through the face of the bluff. MGS recommended the consideration of infrastructure relocation. Finally, MGS recommended two conditions; firstly, the requirement of beach compatible sediment to be placed along the entire

footprint of the permitted structure on an annual basis to maintain natural functionality. Secondly, MGS recommended a condition that would not allow any future extension or increase in the size of riprap in the future.

The applicant responded to these comments by revising plans to include less riprap in two areas (Sections A(1) and A(2)) and a wider vegetative buffer at the top of the slope. The applicant responded to the concern about the site's location in a CBRS, stating that stabilization efforts had occurred in the past within the CBRS on Chebeague, specifically within an area called "The Hook", where a vertical wall was installed and has since failed. The applicant emphasized that they were not proposing a wall, and the use of riprap with a height of 5-6 feet in most severely eroding areas should not be considered "extensive" in their opinion. The applicant responded to MGS' end-effect erosion concern, noting that the riprap will stop 50 feet from the abutting sand dune boundary and that the riprap will taper at the end. The applicant stated that relocating the house is not an option given the shape of the parcel and setbacks from lot lines.

MGS provided a second round of comments on August 9, 2024, stating that they remained highly concerned about the precedent of placing riprap within both a state and federally designated CBRS, especially one in which there are no such structures currently. MGS further stated that the placement of riprap on a beach within a CBRS would change the scenic, recreational, and natural importance of this area, and would limit the ability of the barrier to serve as a natural storm protective buffer and allow for natural shoreline recession. MGS reiterated concerns about the proposed project's impact on adjacent coastal sand dunes, stating that a perched dune has existed on the beach on the south side of Sandy Point for a long time before being washed away in recent storms in 2023 and 2024. A site visit on August 9, 2024, showed that the shoreline receded another 5 to 8 feet from summer 2023 to summer 2024; thus, MGS stated that outflanking of any riprap is highly likely and would require additional riprap placement. MGS restated that they still advocated for the sole use of nature-based solutions at this site and reiterated the two conditions previously suggested in their initial round of comments.

The applicant responded to these comments, stating that Federal and State funds are restricted from use in a CBRS, and that a private landowner can pay for riprap projects without restriction. The applicant noted that they took MGS' initial round of comments into consideration when redesigning the plans, such that the riprap will follow the toe of the slope and has been reduced in length and height as much as possible. The applicant stated that MGS amended the location of the adjacent sand dune after the application was accepted for processing by the Department, and at the time of submission, the dune did not extend onto the Nottebohm property. The applicant noted that they amended the proposed design to maintain greater than 50 feet from the edge of the newly mapped dune. The applicant stated that the severe erosion that resulted from the most recent storm events highlights the critical need for protecting the house and to maintain as much of a buffer as possible. In regard to the two recommended conditions, the applicant argued that they did not propose to remove any sand from the site, and that any excavated sand will be incorporated directly into the riprap and permitted to move with wind and wave action. The applicant additionally stated that sediment will continue to enter the

system from undisturbed upland soils above the riprap and from adjacent locations. The applicant argued that the Department has never required any applicant to apply sand in this way. In regard to the second recommended condition, the applicant questioned the legality of any license could be burdened by a restriction of future action on behalf of an applicant, therefore did not agree with this recommendation.

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.

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 project site consists of eroding coastal bluff grading to sand beach in the intertidal and eelgrass flats in the subtidal. This area is a mapped Coastal Barrier Resources System (CBRS).

In its review, the Department of Marine Resources (DMR) stated that the project as proposed would not cause any significant adverse impact to marine resources; however, DMR noted that the project location is moderately to possibly suitable for a living shoreline stabilization project, and that they would welcome consideration of green solutions as there was a concern that hardening the shoreline would reduce the sediment source to the intertidal zone along the eastern shore of Chebeague Island.

The applicant responded to these comments, stating that soft stabilization techniques would not be effective in this severely eroding and exposed site.

According to the Department's Geographic Information System (GIS) database there is mapped Tidal Waterfowl and Wading Bird Habitat, a designated Significant Wildlife Habitat, located adjacent to the site.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and confirmed that there is mapped Tidal Waterfowl and Wading Bird Habitat (TWWH), located adjacent to the site. MDIFW recommended minimizing vegetation removal to the greatest extent possible. MDIFW additionally recommended that construction vessels not be allowed to ground out on the substrate and that construction not occur from May 1 through July 15, as this is a sensitive period for wading bird breeding, nesting, and brood rearing.

The applicant responded to these comments and agreed to all recommendations.

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 provided no construction occur between May 1 through July 15 of any given year.

5. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 3, the applicant proposes to use erosion and sediment control 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:

The proposed project will result in approximately 1,215 square feet of impacts adjacent to the coastal wetland. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts 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 projects are among the activities specifically provided for in Chapter 310, § 5(A)(1)(h).

The applicant submitted an alternatives analysis for the proposed project completed by Flycatcher, LLC and dated August 21, 2023. The purpose of the proposed project is to stabilize the shoreline to protect the existing structure and ensure the safety of the bank. The applicant considered doing nothing; however, this would result in further erosion to the shoreline and thus was rejected as a feasible alternative. The applicant considered designing a soft stabilization project consisting of vegetation and coir logs; however, this site is classified as exposed and the erosion is primarily due to storm surge, clay and sandy soils and runoff. Given the need to protect against severe and frequent storms,

vegetation and soft-engineered techniques would likely fail so were rejected. The applicant considered constructing riprap with a less steep slope; however, given the existing grade of the shoreline, a 2H:1V or 3H:1V slope would result in direct impacts below the HAT and would require additional amounts of fill. Therefore, this alternative was also rejected. Finally, the applicant considered relocating the house further back from the bluff; however, after extensive research, the applicant determined that this alternative would be too cost-prohibitive due to the location of a second building within the moving path, all utilities being imbedded in the foundation, and the changing elevations and presence of ledge on the lot.

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 proposes to minimize environmental impacts by establishing a ten-foot vegetative buffer at the top of the bluff, by minimizing the amount of proposed riprap to the smallest amount necessary and at the most severely eroded areas to stabilize the slope, and by keeping all impacts above the HAT.

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. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

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.

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 that the applicant monitors and maintains vegetation 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.
- 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 work does not occur between May 1 through July 15 of any given year.
- 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 is not on or adjacent to a sand dune.
- 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 RENEE NOTTEBOHM MAINE PERSONAL RESIDENCE TRUST to construct a shoreline stabilization 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 the plantings and the plantings must be replaced or maintained as necessary to achieve 85% survival after one full growing season.
5. No construction shall occur between May 1 through July 15 of any given year.

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 25TH DAY OF MARCH, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

PCS/L30467AN/ATS#91393



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

November 21, 2023

Regulatory Division
File No. NAE-2023-01908

Renee Nottebohm
32 Sandy Point Rd
Chebeague Island, Maine 04017

Dear Renee Nottebohm:

We have determined that a Department of the Army authorization is not required for your proposed project under the authorities stated below. Our determination is based on the information described in your application and on the enclosed plans titled, "OVERVIEW OF PROJECT AREA," on 4 sheets, and dated, 8/4/2023. The work involves stabilizing 300-ft of shoreline along the applications property. It is located above the Highest Annual Tide line of Casco Bay at 32 Sandy Point Rd, Chebeague Island, Maine.

Our regulatory jurisdiction encompasses all work in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of dredged or fill material into all waters of the United States, including adjacent wetlands, as well as discharges associated with excavation and grading within those waters, under Section 404 of the Clean Water Act. Since your proposal does not include any of the aforementioned activities, a Department of the Army authorization is not required.

Our U.S. Army Corps of Engineers permit process does not supersede any other agency's jurisdiction. Therefore, other Federal, State, and/or local authorizations may be required for your proposed activity. Please note that performing work within our jurisdiction without a Department of the Army authorization can result in prosecution by the U.S. Government.

If you have any questions regarding this letter, please contact Zachary Normile at (978) 318-8496.

Sincerely,

A handwritten signature in cursive script that reads "Peter D. Olmstead".

Peter Olmstead
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure

cc:
Tim Forrester