

Hand-Delivered

October 4, 2016

Planning Board
Town of St. George
3 School Street
PO Box 131
Tenants Harbor, ME 04860-0131

COPY

Re: Application for Float and Ramp, Bryce and Gail Molloy
542 Wallston Road, Tax Map 221, Lot 22

Dear Board Members:

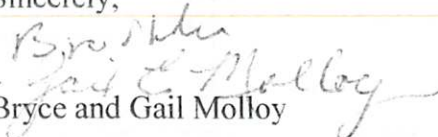
We are filing a new application for a seasonal ramp and float to be located on our property at 542 Wallston Road, Tenants Harbor, St. George (the "Application").

Enclosed please find:

- Our completed Application for Building or Use Permit form, with site plan and elevations;
- A photograph of our property with the proposed ramp and float shown;
- A copy of e-mail correspondence with Maine DEP indicating non-jurisdiction of Maine DEP and Maine DIFW for this permit application
- An addendum explaining how this application meets the standards in Section 15C and Section 16 D of the Shoreland Zoning Ordinance for the Town of St. George; and
- Our application fee in the amount of \$28.00 (\$2 per \$1,000 of estimated cost, with estimated cost of \$14,000).

We understand that the Planning Board will hear this Application at its Tuesday, October 11, 2016 meeting. We look forward to presenting our Application to you at that time.

Sincerely,


Bryce and Gail Molloy

cc: John M. Falla, Town Manager, Town of St. George
Terry Brackett, Code Enforcement Officer, Town of St. George
James N. Katsiaficas, Esq., Perkins Thompson
Stantec

APPLICATION FOR BUILDING OR USE PERMIT
Town of St. George
 3 School St. | PO Box 131 | Tenants Harbor, ME 04860
 Tel. 207 372.6363 | FAX 207 372.8954

For Office Use Only	
Rec'd: Date _____	Time _____
Fee Paid _____	TR# _____
Site Plan Review Fee Paid _____	
Public Hearing Fee _____	
Permit No. _____	
Date Issued _____	

Application Fee: \$2 per \$1,000 of estimated cost or minimum of \$20
Commercial projects subject to Site Plan Review Fee of \$50

Commercial Use: Yes ☐ No ☐

APPLICANT NAME Bryce & Gail Molloy

MAILING ADDRESS 877 N Hwy A1A, #702, Indialantic, FL 32903

PHONE 207-372-1188 ALTERNATE PHONE 321-505-3364 E-MAIL brycelym@gmail.com

PROPERTY OWNER Bryce & Gail Molloy, Trustees of The Molloy Family Trust

MAILING ADDRESS 877 N Hwy A1A, #702, Indialantic, FL 32903

PHONE 207-372-1188 ALTERNATE PHONE 321-505-3364 E-MAIL brycelym@gmail.com

CONTRACTOR Victor Fabrication

MAILING ADDRESS 114 Long Cove Rd, St. George, ME 04860

PHONE 207-372-8208 ALTERNATE PHONE 207-275-4937 E-MAIL _____

PHYSICAL ADDRESS 542 Wallston Rd, St George, ME 04860 MAP 221 LOT 22

SHORELAND ZONE DISTRICT MR/RP FLOODPLAIN DESIGNATION AE12

PROJECT DESCRIPTION

Placing a seasonal ramp and float approx 8-12 feet from east of ledge on shoreline ~ 80 feet east from northwest corner property line at Mean High Water mark. Aluminum ramp to be adequate to maintain the 12' X 16' float at location 8' to 12' feet gap from east side of ledge located at 43 degrees 59.262 minutes North, 69 degrees 13.235 minutes West.

EXISTING USE Residential PROPOSED USE Same

ESTIMATED COST \$14,000

PROPERTY INFORMATION

Lot Size (in sq. ft. or acres) <u>~4 acres</u>	Total sq. ft. of all buildings Present <u>3260</u> Proposed <u>0</u> Total <u>3260</u>	Lot Coverage (in percent) Present <u>2%</u> Proposed <u>0</u> Total <u>2%</u>
Frontage Road <u>500'+</u> Shore <u>500'+</u>	Setbacks Front <u>25'+</u> Side <u>20'+</u> Right of Way <u>25'+</u>	Number of Dwelling Units Present <u>1</u> Proposed <u>0</u> Total <u>1</u>
Number of Stories Present <u>2</u> Proposed <u>0</u> Total <u>2</u>	Height of Buildings Present <u>28'</u> Proposed <u>0</u> Total <u>28'</u>	Use (either year-round or seasonal) Present Use <u>Year round</u> Proposed Use <u>Year round</u>
Number of Bedrooms Present <u>3</u> Proposed <u>0</u> Total <u>3</u>	Number of Bathrooms Present <u>4</u> Proposed <u>0</u> Total <u>4</u>	Septic System Design Bedrooms Present <u>4</u> Bedrooms Proposed <u>0</u> Total <u>4</u>

SHORELAND ZONE INFORMATION

A. Square ft. of portion of structure which is less than required setback as of 1/1/89:

zero

B. Square ft. of expansion of portion of structure which is less than required setback from 1/1/89 to present:

zero

C. Square ft. of proposed expansion of portion of structure which is less than required setback:

zero

D. Percent increase of square ft. of actual and proposed expansion of portion of structure which is less than required setback since 1/1/89:

zero

(% increase = $\frac{B \& C \times 100}{A}$)

A

A. Cubic ft. of portion of structure which is Less than required setback as of 1/1/89:

zero

B. Cubic ft. of expansion of portion of structure which is less than required setback from 1/1/89 to present:

zero

C. Cubic ft. of proposed expansion of portion of structure which is less than required setback:

zero

D. Percent increase of cubic ft. of actual and proposed expansion of portion of structure which is less than required setback since 1/1/89:

zero

(% increase = $\frac{B \& C \times 100}{A}$)

A

ADDITIONAL PERMITS, APPROVALS AND/OR REVIEWS REQUIRED

- ☐ Planning Board
- ☐ Flood Hazard Development Permit
- ☐ DEP (Site Location, Natural
- ☐ Resources Protection Act
- ☐ Army Corp of Engineers
- ☐ Others _____

- ☐ Board of Appeals
- ☐ Exterior Plumbing Permit (approved HHE 200 form)
- ☐ Internal Plumbing Permit
- ☐ Select Board

Note: Applicant is advised to agencies to determine whether

and appropriate state and federal e required.

Town of Saint George
----- R e c e i p t -----

Telephone: (207) 372-6363

10/04/16 12:12 PM ID:BAS #3215-1
TYPE----- REF--- AMOUNT
PB-Building Permi SAME

Building Permit 28.00

Total: 28.00*
Paid By: Bryce Molloy
COPY

Thank You!

Check : 28.00
524 - 28.00

SITE PLAN

Please include: Lot lines; area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out-buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.

See ATTACHED PLANS + PAGES

FRONT OR REAR ELEVATION

See Attached

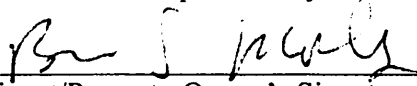
SIDE ELEVATION

See Attached

Draw a simple sketch showing both the existing and proposed structures.

I certify that all information given in the application is accurate. All proposed uses shall be in conformance with the application and the Shoreland Zoning Ordinance ordinance of the Town of St. George.

I agree to future inspections by the Code Enforcement Officer at reasonable hours.


Applicant/Property Owner's Signature

10/4/16
Date

Agent's Signature

Date

APPROVAL OR DENIAL OF APPLICATION

This application is: ☐ Approved ☐ Denied

If denied, reason for denial:

If approved, the following conditions are prescribed:

Code Enforcement Officer

Date

Planning Board

Date

Harbormaster

Date

BUILDING AND USE PERMIT CHECKLIST

- ☐ Complete permit application
- ☐ Pay appropriate fee
- ☐ Lot area
- ☐ % of lot covered by non-vegetated surfaces if in Shoreland Zone
- ☐ Height of structure
- ☐ Setback from high water mark
- ☐ Setback from side and rear lot lines
- ☐ % increase of expansions of portion of structure which is less than required setback
- ☐ Copy of internal and external plumbing permits
- ☐ Elevation of lowest floor to 100 year flood elevation
- ☐ Copy of additional permits as required

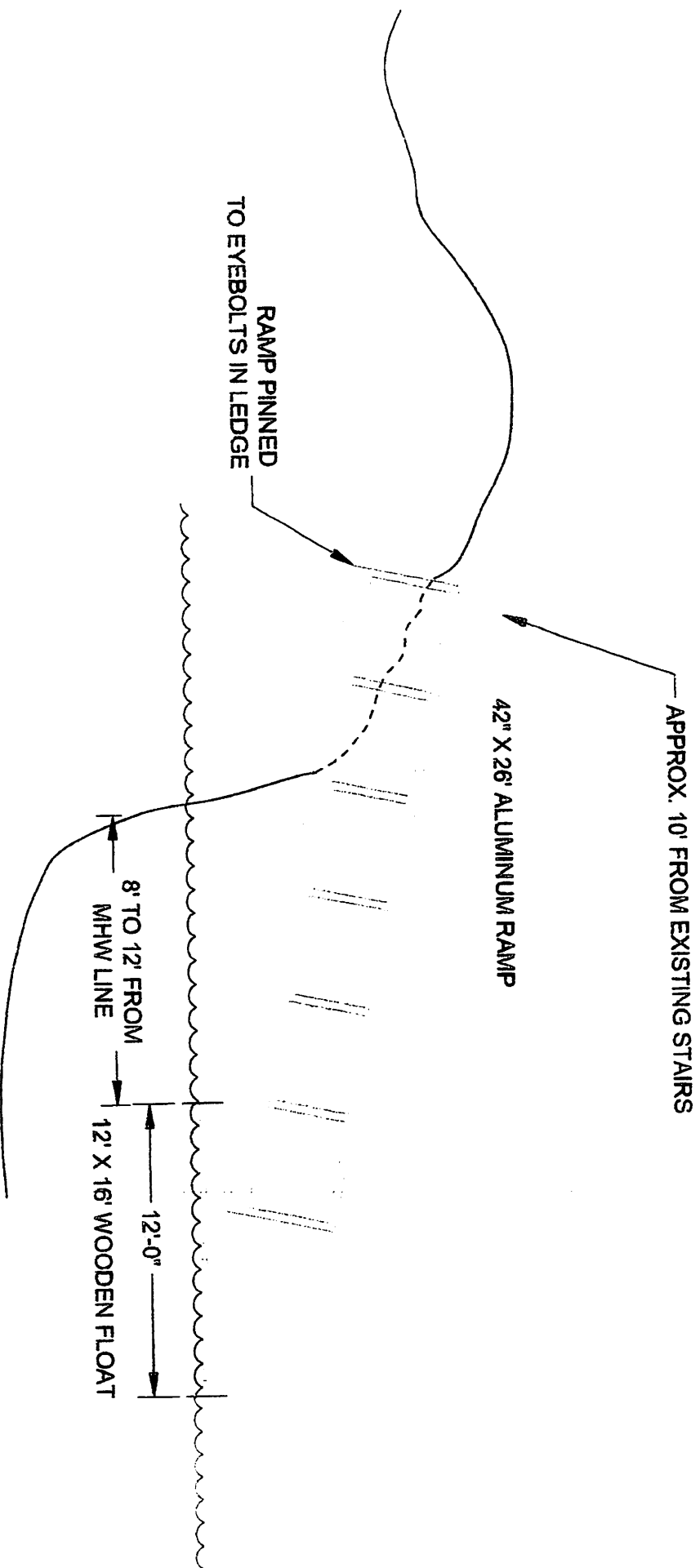
FURTHER REVIEW CHECKLIST

- ☐ Copy of file to Board of Appeals if variance or appeal is required
- ☐ Copy of file to Planning Board if Planning Board review is required
- ☐ Copy of file to the Select Board if their review is required
- ☐ Copy of file to the appropriate Water District if applicable
- ☐ Copy to the Harbormaster if applicable

SITE VISITS BY CEO

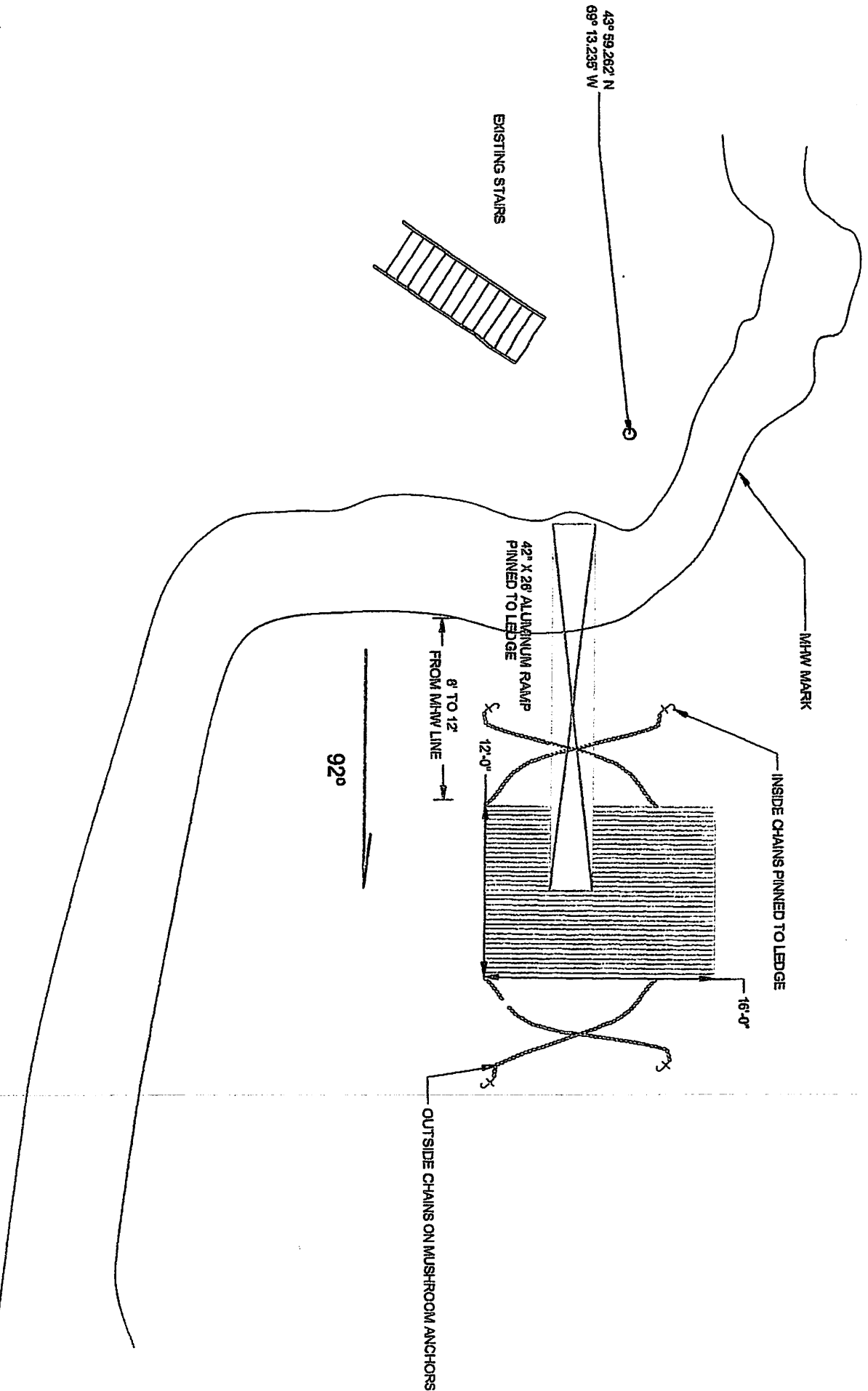
- ☐ Prior to clearing and excavation
- ☐ Prior to foundation pour
- ☐ Prior to final landscaping
- ☐ Prior to occupancy

ELEVATION AT HALF-TIDE



N

SITE PLAN



Bryce Molloy seasonal float and ramp

Inbox x

Emerson, Bryan
to jamie.hoover, me

8:36 AM (1 hour ago)

Hello Jamie.

Thanks for speaking with me this morning. As discussed, here is a little more information about the seasonal ramp and float that my client, Bryce Molloy, wishes to put in at his home in St. George. As I said on the phone, it would be seasonal, so in place for less than 7 months. The float is proposed to be 16' x 12', with an approximately 26' ramp that would extend from existing ledge on the shoreline and overlap with the float. The outer edge of the float would extend a maximum of ~28' from the mean high water line. The landward side of the float would be attached with chains to pins in the ledge, and the seaward side of the float would be attached with chains to mushroom anchors in the mudflat. The float would be on skids to minimize disturbance to the mudflat.

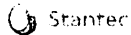
As we understand it, because the ramp and float will be seasonal, and will be in place for less than 7 months, this structure is not jurisdictional to MDEP, and no permit is required from the Department for the float or ramp. Further to that, because MDEP does not have jurisdiction, similarly MDIFW would not have any regulatory review of the float/ramp.

Can you please confirm that we are understanding this correctly and that a MDEP permit is not required for this float and ramp?

Thank you so much for your help. Please give me a call at the phone number below if you have any questions.

--Bryan

Bryan Emerson, PWS
Wetland Scientist | Project Manager
Stantec
30 Park Drive, Topsham, ME 04086
Phone: (207) 406-5462
Cell: (207) 355-1082
Fax: (207) 729-2715
bryan.emerson@stantec.com



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

U Please consider the environment before printing this email.

Hoover, Jamie <Jamie.Hoover@maine.gov>
to Bryan, me

9:36 AM (53 minutes ago)

Good morning Bryan,

You are correct. A floating dock, in place for a period not exceeding a period of 7 months, would not require a Maine Department of Environmental Protection permit.

Here is the reason why:

As per the Natural Resources Protection Act (NRPA), 38 M.R.S § 480-C (2-D), Any construction, repair or alteration of any **permanent** structure requires a permit. And the definition of a permanent structure can be found in NRPA, 38 M.R.S § 480-B (7), "Permanent structure" means any structure that is designed to remain at or that is constructed or erected with a fixed location or that is attached to a structure with a fixed location for a period exceeding 7 months within any 12-month period, including, but not limited to, causeways, piers, docks, concrete slabs, piles, marinas, retaining walls and buildings.

I have included the links to both NRPA rules I quoted below.

<http://legislature.maine.gov/legis/statutes/38/title38sec480-C.html>

<http://legislature.maine.gov/legis/statutes/38/title38sec480-B.html>

I hope this is helpful.

Jamie Hoover
Environmental Specialist, Central Maine Region
Bureau of Land Resources | Land Division
Maine Department of Environmental Protection
(207) 441-1729 | Jamie.Hoover@maine.gov

542 Wallston Rd- Seasonal float and ramp permit application addendum

10/4/2016

St. George Shoreland Zoning Ordinance applicable sections and application conformity to ordinance shown below.

MHW = Mean High Water tide shoreline

Section 15 C

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot.

Only a single ramp and float is requested in application, therefore this application conforms to ordinance criteria.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

Access from shore from application ramp is directly attached to granite ledge, thereby controlling erosion, therefore this application conforms to ordinance criteria.

3. The location shall not interfere with existing developed or natural beach areas.

Proposed float and ramp location is ledge both above and below MHW shoreline, with nearby ledge and salt marsh shoreline. Non ledge areas below MHW are mud as demarked by USGS maps.

Per definition of beach as "a predominantly sand and/or small stone based shoreline extending above and below Mean High Water", no natural or developed beach areas are present in the vicinity of the proposed float and ramp. Therefore, this application conforms to ordinance criteria.

4. The facility shall be located so as to minimize adverse effects on fisheries.

No fisheries impacted in location chosen for proposed ramp and float, therefore this application conforms to ordinance criteria.

5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.

The total length over water of the proposed float and ramp is 22' – a length no longer than necessary to provide access from the granite ledge to the float and to use the float to tie up four small watercraft. That it is not longer than necessary for this purpose can be seen in the site plan and elevations and in the fact that the floats on neighboring properties (explained below) extend 21' to 27' from NHW.

In the immediate area of Watts Cove above the old mill dam, 2 floats have been operated in recent times on neighboring residential properties:

1. The Bulanchek float on neighboring property to North consisting of an ~27' protrusion from MHW at a cove width location of ~200' with a 16' ramp and 12' float length extension into cove, hinge type float/ramp connection. This seasonal float and ramp has been in use periodically for over 16 years.
2. The Stern float located ~21' protrusion total from MHW at location of ~130' cove width adjacent to narrow mill stream entrance to cove. Duration of use in recent years unclear, but shown to be in use between 2006 and 2012 as evidenced in Satellite photos.
3. For comparison, this application calls for a total ~22' protrusion in a 300'+ cove width location for a single seasonal ramp and float incidental to a residential use, and so is consistent with the surrounding character and uses in Watts Cove, which include similarly protruding ramps and floats incidental to residential uses on the lots immediately abutting ours..

Examples also exist of literally dozens of similar or larger size ramp and floats (both permanent and seasonal) permitted in St George in identical "tidal waterfowl and wading bird habitat" designation areas. An abbreviated list of 10 float and ramp examples of similar or larger proportions can be presented and will show 3 cases of such ramps and floats permitted by town, DEP and USACOE in last 4 years alone.

Given the limited amount by which the proposed float and ramp would protrude and given immediate cove area two float and ramp dimensions and history, combined with documented existence of numerous other equivalent floats and ramps recently permitted in the identical wildlife category and similar dimensions of tidal areas St George, this application also conforms to ordinance criteria.

Section 16 D

After the submission of a complete application to the Planning Board, Code Enforcement Officer or Local Plumbing Inspector, the application shall be approved, or approved with conditions, if a positive finding is made based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;

The proposed ramp and float will have a minimal presence in the Watts Cove area, will protrude into the cove no more than existing floats on neighboring properties, is a permitted use with Planning Board approval in the MR and RP shoreland zoning districts in which it is located, is not located in a fishery area, and will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat, including "tidal waterfowl and wading bird habitat"; therefore, the proposed ramp and float will maintain safe and healthful conditions.

- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;

The proposed ramp and float will not generate or create any water pollution, erosion or sedimentation. surface waters. Like other floats and docks permitted by the St. George Planning Board and in use throughout the Town, the float will rest upon tidal flats for a portion of the day when the tide is out and the Cove "muds out," but the amount of float contact with mud will be minimized by the use of runners on the float and so will not result in water pollution, erosion, or sedimentation to surface waters.

- (3) Will adequately provide for the disposal of all wastewater;

Not applicable, as the ramp and float will not generate wastewater.

4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat;

As shown on prior recent permitted floats in "Tidal waterfowl and wading bird habitat" designated locations of similar size and all with longer extensions from shoreline MHW, no adverse impact has been determined by either DEP or DIFW for the seasonal floats. The recently permitted permanent walkways, ramps associated with floats located in "Tidal waterfowl and wading bird habitat" have been also specifically deemed to create no adverse impact by DEP and DIFW. Therefore, this comparable application also conforms to ordinance criteria.

- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

The proposed ramp and float will not interfere with shore cover at all since it will be attached to a granite ledge. There are no public or private rights of access to coastal waters on the subject property, and so the proposed ramp and float cannot interfere with such rights. The proposed ramp and float will not protrude any further into the cove than existing floats on immediately abutting properties and protrudes less into the total cove width than those existing floats (see answer to Section 15 C 5 above), the proposed ramp and float will not interfere with public or private points of visual access to coastal waters.

- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;

Not applicable, as no archaeological and historic resources are identified on the subject property in the Comprehensive Plan.

- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

No fisheries are impacted in the location chosen for the proposed ramp and float, and the proposed location is not in a Commercial Fisheries/Maritime Activities district; therefore, the proposed ramp/float will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

- (8) Will avoid problems associated with floodplain development and use; and

Not applicable, as the proposed ramp and float will not be located in a floodplain.

- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

As stated above, the application meets the applicable standards in Section 15C of the Ordinance.

September 26, 2016

Terry Brackett
Code Enforcer Office
Town Of St. George
3 School Street
P.O. Box 131
Tenants Harbor, ME 04860-0131

RE: Application for Float and Ramp, Bryce & Gail Molloy
542 Wallston Rd., Tax Map 221, Lot 22

My name is Jeanne Bulanchuk, resident of 590 Wallston Rd. and owner of the lots adjoining either side of the Molloy's lot. This letter is a reminder of the facts and opinions stated by myself at the site visit at Mr. Molloy's property on July 25, 2016.

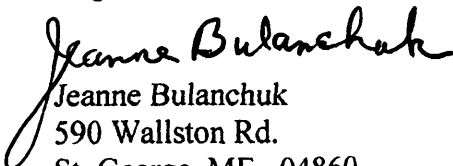
I have had a seasonal float in the cove on my residential property immediately north of the Molloy's lot since I bought the property 16 years ago. This float was part of the property from the prior owner, who used it for recreation. Though this float has not been in the water for several years, since my children left home, it was enjoyed for many years in the cove for recreational purposes. I expect to keep the privilege of using this float or a similar one in future years.

My float remains where it has been stored when not floating in the cove, for approximately 2 decades or more, directly on my shoreline and tied to the trees. This float is plainly visible from the shoreline location where the site visit was held on the Molloy's property on July 25, 2016.

I can also attest to the abundance of wildlife in our cove, even when my float was in use. As an example, I have observed moose crossing my property, deer, & wild turkeys grazing, fox and numerous wild birds.

I am not very mobile these days and was unable to attend the hearings at the Town Hall, but wish to make my experiences and wishes known. It is clear from my experience that a seasonal recreational float does no harm to cove wildlife and should be allowed as the Town by-laws provide allowance for and local cove history demonstrates.

Regards,


Jeanne Bulanchuk
590 Wallston Rd.
St. George, ME 04860