



AMENDMENT TO MAJOR SITE PLAN PERMIT

MOOSE LANDING MARINA: 8,000
GALLON FUEL TANK
AT
MOOSE LANDING TRAIL, NAPLES, MAINE

PREPARED FOR: MLM REALTY, LLC

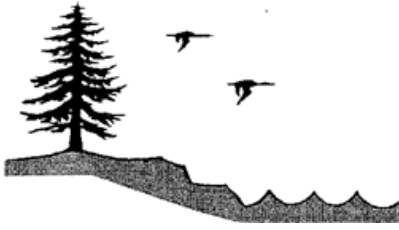
MAY 29, 2024

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
PO BOX Q | 69 MAIN ST
LIVERMORE FALLS, MAINE 04254
367 US 1, SOUTH BUILDING
FALMOUTH, ME 04105
(207) 897-6752

TABLE OF CONTENTS

***Moose Landing Marina: New 8,000 Gallon Fuel Tank
Naples, Maine
MLM Realty, LLC***

Tab Number	Section
1.	Project Information <i>Application Form</i> <i>Agent Authorization</i> <i>Cover Letter & Submission Requirements</i>
2.	Property Deed Good Standing
3.	Tax Map Abutter List Aerial Site Map
4.	Spill Prevention Pollution Control and Countermeasure Plan
5.	DEP Approval Order
6.	Erosion & Sedimentation Control Plan
Attached	Drawings <i>C2.1 Layout Plan</i> <i>Tank Schematic</i> <i>Tank Pad Layout Detail</i>



TOWN OF NAPLES PLANNING BOARD APPLICATION

P.O. Box 1757, Naples, Maine 04055
Phone: (207) 693-6364 / Fax: (207) 693-3667
www.townofnaples.org

Major Site Plan Review Application

Date: May 29, 2024

Owner/Applicant Name: MLM Realty, LLC

Mailing Address: 72 Lafayette St., Yarmouth, ME 04096

Telephone: 207-846-9050 Email: steve@ybyboats.com

Property Owner: MLM Realty, LLC

Property Location: Moose Landing Trail, off Route 302 Map & Lot: U3, Lot 23

Any easements, covenants, or deed restrictions related to the property? Yes, walking easement across property. See Survey Plan

Zoning District: Commercial, Residential & Shoreland Waivers requested: See letter in Section 1

A list must be submitted for waivers

Name, address, & phone # of applicants engineer, land surveyor or planner: _____

Main-Land Development Consultants, Inc. (Esther Bizier, P.E., Charles Buker PLS)

PO Box Q, Livermore Falls, ME 04254, Phone: 207-897-6752

The undersigned, being the applicant, owner or legally authorized representatives, states that all 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, statues, and regulation of the Town, State and Federal governments.

Date: 2024-05-29 Signature: Esther K Bizier

All applications will be reviewed by a town-contracted planner to ensure all information necessary is provided. After your submission, we will contact you with the total price and the date that your application will be reviewed by the Planning Board.

Fee Schedule:

Advertising: \$50.00 Aquatic Structure (non-commercial): \$50.00

Fee per abutter: \$10.00

Under 1,000 sq. ft. gross floor area: \$300.00

1,000 – 10,000 sq. ft. gross floor area: \$400.00

Over 10,000 sq. ft. gross floor area: \$400.00

**Plus \$25.00 for each 1,000 sq. ft. over 10,000

Development without building: \$400.00

Review Escrow: \$2,000.00

Modification of approved plan: \$100.00

Commercial Annual Renewal: \$50.00

Applicants Total: \$ _____

Please include one hard copy, and one digital copy of all supporting documents, including a letter of intent when submitting your application. After it is reviewed by a town-contracted planner, 9 final copies will be needed before your hearing date is scheduled.

TOWN OF NAPLES
Planning Board Checklist of Submitted Materials
For
SITE PLAN REVIEW

Preliminary Application		Submitted by Applicant	Not Applicable	Applicant Request to be waived	Rcvd. By PB	Waived by PB
Required						
	Letter of Intent	x				
	Application form	x				
	Fees	x				
	List of any waivers requested	x				
	8 copies of plans	x				
Final Application						
	Site Plan (drawn at a scale sufficient to review items in section 6 of the ordinance but not more than 100 feet to the inch and showing:	x				
	Owners name, address and signature	x				
	Perimeter survey of parcel made and certified by a registered land surveyor	x				
	Total area of any land within 500 feet of the proposed project which is owned by the applicant	x				
	Zoning classifications of the property and location of zoning district boundaries if the property is located in two or more zoning districts	x				
	Soil types and location of soil boundaries as certified by a registered engineer or certified soil scientist	x				
	Location of all building setbacks as required by town ordinances	x				
	Location, size and character of all signs in exterior lighting	x				
	Lots area of the parcel, street frontage and minimum lot size and frontage	x				
	Location of all existing and proposed buildings, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements and landscaping	x				
	Location of all buildings within 50 feet of the parcel and the location of intersecting roads are driveways within 200 feet of the parcel	x				
	Existing and proposed topography of the site at 2 foot print to war intervals if major changes to the existing topography are being proposed		x			
	All surface water features within 500 feet of the project boundaries including perennial streams and wetlands	x				
	Location and dimensions of on-site pedestrian and vehicle or vehicle dealer	x				

	access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site on to public streets, curve and sidewalks	x				
	Location of all Wells and septic systems within 150 feet of the property boundary	x				
	Existing land cover and vegetation conditions	x				
	Drainage plan to describe the location and size of road culprits, road drainage, ditches, phosphorus and run off control measures and other similar features	x				
	On-site soil and investigation report by a DHS licensed site evaluator		x			
	Statement from the Fire Chief that the property is accessible by present fire apparatus and detailing any additional on-site fire protection facilities required	x				
Soil and erosion control plan app approved by the Cumberland County soil and water conservation District show when						
	Existing and proposed method of handling storm water runoff	x				
	Direction and flow of the run off through the use of air rose		x			
	Location, location and size of all catch basins, dry wells, drainage ditches, Swales, retention basins and storm sewers	x				
	Engineering calculation used to determine drainage requirements based upon a 25 year storm frequency, if the project will significantly alter the existing patterns due to such factors such as the amount of new impervious surfaces being proposed		x			
	Phosphorus and analysis; required if the proposed project is within the Shoreland zone or the non-vegetative areas exceed 40,000 ft. ² . If required, the analysis of prosperous loading shall utilize the methods contained in the latest revised edition of the manual underlying phosphorus control and Lake watersheds and underline, published by the main DTP, and shall require third-party review		x			
	A utility plan showing provisions for the water supply and wasteland disposal, including the size and location of all piping, holding tanks, leach field, etc.	x				
	Building plan showing all of the floors and elevations		x			
	Evidence of applicants right and or title to the property, and copies of any proposed or existing easements, convey ends and deed restrictions	x				
	Description and he sign a proposed temporary and permanent signs, including location, size and lighting		x			
	Copies of all required state approvals and permits	x				

Any of the requirements may be waived by the planning board if it is deemed that because of the special circumstances of the site as long as the burden is upon the applicant and would not adversely affect a building landowners and the general health, safety and welfare of the town. Please note any request for waivers will be requested as part of the application process, and any waivers that are granted must be listed on the final plan.

DECISION

Based upon the applicant's presentation and the application materials and supporting documents submitted by the applicant, the Planning Board approved/denies the application for Major Site Plan approval.

Approval with conditions:

The application is approved, subject to the meeting the following conditions:

A. Standard conditions of approval:

1. This approval is limited to development only as described and shown on the plans and documents presented.
2. The project must comply at all times with all applicable federal, state and local approval to which it is subject.
3. Copies of all required State permits and/or letters of approval (DOT, Fire Marshall, DEP, etc.) shall be submitted to the Naples Code Enforcement Officer prior to completion of project.
4. Any required stormwater and phosphorus controls shown on the site plan must be inspected by a licensed engineer or other certified individual and a signed statement that the controls were installed as presented in the plans is to be provided to the Naples CEO prior to the building being placed in service.
5. For amendment to previously approved site plan, all previously conditions of approval, if any, shall remain in force unless explicitly changed by the Planning Board.

B. Project- Specific Conditions of Approval:

Naples Planning Board Chairman

Date:

Specific conditions of approval for this project are enumerated in Appendix I.

April 06, 2017

Main-Land Development Consultants, Inc.
42 Church Street
PO Box Q
Livermore Falls, ME 04254

SUBJECT: Agent Authorization

To Whom It May Concern:

I, Steve Arnold, declare Main-Land Development Consultants, Inc. (Main-Land) as my authorized agent and representative for the Moose Landing Marina in Naples, Maine. Main-Land is authorized to pursue local, state, and federal permitting, including signing application forms and attending meetings.

Sincerely,

Signed



Printed

Steven Arnold
Steve Arnold



MAIN-LAND

DEVELOPMENT
CONSULTANTS, INC.

ENGINEERS, SURVEYORS, SCIENTISTS

P.O. BOX Q LIVERMORE FALLS, ME 04254
367 US ROUTE 1, S. BUILDING, FALMOUTH, ME 04105
TEL: (207) 897-6752/FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

May 29, 2024

Naples Planning Board
Town of Naples
15 Village Green Lane
PO Box 1757
Naples, ME 04055

Subject: Site Plan Review Letter of Intent & Project Description for Moose Landing Marina

Dear Town of Naples Planning Board,

Main-Land Development Consultants, Inc. is representing MLM Realty, LLC in an amendment to their Major Site Plan Permit for a fuel tank replacement at Moose Landing Marina located at Moose Landing Trail off of Route 302. Moose Landing Marina has been in operation for many years and recent projects include construction of new showroom, boat storage and maintenance buildings. The existing 13-acre property currently contains:

- A small sales building and clubhouse building for use by marina members.
- An Office/Parts building
- A large covered “boat storage rack”
- A maintenance garage building
- A boat storage building for inside storage
- A boat sales showroom
- Gravel parking for employees and marina patrons
- Docks to provide 179 boat slips.
- A boat launch area
- Gasoline for boating activities
- A stormwater wetpond and stormwater filter pond to provide phosphorus removal from developed area on site
- Two drilled wells and one abandoned dug well
- Private subsurface wastewater disposal system in the north east corner of the site and a pump station for conveying wastewater from the buildings clustered by Brandy Pond to the leachfield

As part of the Site Plan Application approved in 2021 a new 4,000-gallon above ground gasoline storage tank was permitted to replace the existing 3,000 gallon below ground gasoline storage tank. The 4,000-gallon tank has not yet been installed. In 2023, the Applicant decided to change the permitted 4,000-gallon tank to an 8,000-gallon tank to provide more fuel capacity and have fewer fuel deliveries.

The proposed 8,000-gallon gasoline storage tank will be double walled and situated in the same location as the previously permitted 4,000-gallon tank. The tank will be protected from vehicle traffic by bollards and will be placed on a concrete pad. Piping from the tank to fuel pump will remain as previously permitted. No changes other than upsizing of the tank are proposed at this time. The Applicant applied for a Maine DEP Minor Revision to their Site Location of Development Permit in 2023 and this was approved in October 2023. A copy of the DEP approval is included in the application. A copy of the Spill Prevention Pollution Control and Countermeasure Plan (SPPCC) is also included in Section 4 of the Application. DEP reviewed the SPPCC as part of the Minor Revision review process.

The applicant has prepared this letter and the attached materials and plans in accordance with the Town of Naples Site Plan Review submission procedures. For ease of review, please see the list of submission requirements from Section 907 and responses listed below:

a. WRITTEN INFORMATION

- i. **A fully executed and signed copy of the application for Site Plan Review**
Please see the application form in Section 1.
- ii. **Owners name, address and signature**
MLM Realty, LLC
72 Lafayette Street
Yarmouth, ME 04096
See signature on agent authorization letter
- iii. **Name and addresses of all abutting property owners plus a description of the project, to be used by the Planning Board to notify the abutters by certified mail.**
Please see the abutter list in Section 2 of the Application.
- iv. **If the site is not served by a public sewer line, then an on-site soils investigation report by a DHS licensed site evaluator shall be provided.**
MLM has an existing subsurface wastewater disposal system on site. There are no changes proposed by this project that would affect the system.
- v. **A list of waivers of any town requirements or ordinance provisions**
One waiver is requested from:

907.b.iv. Existing and proposed topography at 2 foot intervals
A waiver from this submission requirement is requested because there are no changes to existing or proposed topography as part of this project.
- vi. **A statement from the Fire Chief that the property is accessible by fire apparatus**
There is no change to accessibility of any structures or the proposed fuel tank from the previous approval.
- vii. **Copies of proposed or existing easement, covenants and deed restrictions**
No easements, covenants or deed restrictions are proposed. See existing property deed in Section 2 of the application.
- viii. **Copies of required state approvals and permits, provided however, that the planning board may approve site plans subject to the influence of specific state licenses and permits in cases where it is not feasible for the applicant to obtain at the time of Site Plan Review.**
Please see a copy of the DEP Approval Order in Section 5 of the Application.
- ix. **A description and design of proposed temporary and permanent signs, including location, size and lighting.**
No new signage or lighting is proposed as part of this application.
- x. **A phosphorus analysis is required if proposed project is within the Shoreland Zone or the non-vegetated area exceeds 40,000 square feet. The analysis of phosphorus loading shall utilize the methods contained in the latest revised edition of the manual Phosphorus Control in Lake Watersheds, published by the Maine Department of Environmental Protection, and shall require third party review.**



There is no change to non-revegetated or developed area as part of this project and therefore the no update to the Phosphorus Control Plan is required.

- xi. A soil and erosion control plan approved by the Cumberland County Soil and Water Conservation District.**

Please see the Erosion and Sedimentation Control Plan in Section 6 of the Application.

b. SITE PLAN INFORMATION

- i. A site plan drawn at a scale sufficient to allow review of items listed under Criteria and Standards, but not more than one hundred feet to the inch for that portion of the total tract of land being proposed for development.**

Please see the plan set attached to the application.

- ii. Perimeter survey of the parcel made and certified by a registered Land Surveyor.**

Please see S1.1 Standard Boundary Survey by Charles Buker, PLS of Main-Land Development in the plan set attached to the Application.

- iii. The lot area of the parcel, street frontage and the Town Land Use Ordinances requirements for minimum lot size and frontage.**

	Existing MLM Parcel	Code
Acreage	13 Ac	40,000 sf (apprx. 1AC)
Road Frontage	719 ft	100 ft
Shore Frontage	300 ft	659.68 ft

Portions of the parcel are located within the Commercial, Residential and Shoreland Zone districts as shown on the Site Layout Plan C2.1. The parcel meets all zoning size requirements and there are no changes to the parcel area.

- iv. Existing and proposed topography of the site at two-foot contour intervals.**

There are no changes in topography from plans provided for the previous site plan approval.

- v. Existing land cover and vegetation conditions**

See Site Layout Plan C2.1 for ground cover types. The site is generally covered by gravel, buildings or lawn with a small portion of undisturbed woods.

- vi. Soil types and location of soil boundary as certified by a registered engineer or certified soil scientist.**



A soil map and soil survey has been submitted in previous applications and was not included in this application as the site is already developed and the town has the information from previous applications.

vii. Zoning classifications of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.

As described in section b. iii, the property is located within 3 zoning districts: Commercial Zone, Residential Zone and the Shoreland Zone. District boundaries are defined on Site Layout Plan C2.1.

viii. Total area of any land within 500 feet of the proposed project which is owned by the applicant.

The Applicant does not own land within 500 feet of this parcel.

ix. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

Please see the Site Layout Plan C2.1 and Aerial Photo Site Map in Section 3 for adjacent buildings and roads.

x. All surface water features within 500 feet of the project boundaries including perennial streams and wetlands.

The property has frontage on Brandy Pond.

xi. Location of all wells and septic systems within 150 feet of the property boundary.

See Site Layout Plan C2.1.

xii. Location of existing and proposed buildings...

Please see the Site Layout Plan C2.1. No new buildings are proposed.

xiii. The location of all building setbacks as required by the Town Land Use Ordinances.

Please see Site Layout Plan C2.1 for building setbacks.

xiv. The location, size and character of all signs and exterior lighting.

Please see Site Layout Plan C2.1 for sign and lighting locations. No new signs or lighting is proposed in this application.

xv. Location and dimension of on site pedestrian and vehicular access ways, parking areas, loading and unloading facilities.

Please see Site Layout Plan C2.1 for access and parking.

xvi. Drainage plan to describe the location and size of road culverts, drainage ditches, phosphorus and runoff control measures and other similar features.



A drainage plan has not been provided in this application as there are no proposed site changes which affect the existing drainage patterns, infrastructure or stormwater control measures.

xvii. A utility plan showing provisions for water supply and wastewater disposal.

Please see Site Layout Plan C2.1 for the well location and septic field. The proposed fuel tank upsizing does not affect these utilities.

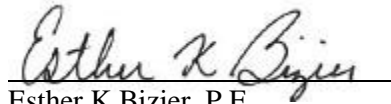
xviii. Building plans showing plans of all floors and all elevations.

No new buildings are proposed as part of this project.

Main-Land looks forward to discussing this project with you at the next available Planning Board Meeting. If you have any questions or feedback, please do not hesitate to reach out to me directly.

Sincerely,

Main-Land Development Consultants, Inc.



Esther K Bizier, P.E.

Senior Engineer

Tel: 207-897-6752

Cell: 207-931-8484

esther@main-landdci.com



WARRANTY DEED - CORPORATE

KNOW ALL MEN BY THESE PRESENTS,

THAT M.E.C., LLC a limited liability company duly organized and existing under the laws of the State of Maine, and having a mailing address at 37 Beach Road, Casco, Maine 04015,

for consideration paid,

grants to **MLM REALTY, LLC**, a limited liability company also duly organized under the laws of the State of Maine, and having a mailing address of 72 Lafayette Street, Yarmouth, Maine 04096,

with **WARRANTY COVENANTS**, certain real estate located in the Town of Naples, County of Cumberland and State of Maine, described as follows:

PARCEL ONE:

A certain lot or parcel of land together with the buildings and improvements thereon, situated Southwesterly of Route 302 in the Town of Naples, County of Cumberland and State of Maine. bounded and described as follows:

Beginning at the intersection of the Southwesterly sideline of said Route 302 and the Northwesterly line of a thirty (30) foot strip of land conveyed by Effie M. Knight, et al., to Gilbert R. Knight by deed dated April 27, 1962 and recorded in the Cumberland County Registry of Deeds in Book 2670, Page 44;

Thence running South fifty-two degrees thirty-eight minutes forty seconds (52° 38' 40") West along said land now or formerly of Gilbert R. Knight a distance of eight hundred forty (840) feet, more or less, to the Northerly shore of Brandy Pond;

Thence running Northwesterly along the Northerly shore of said Brandy Pond a distance of four hundred fifty (450) feet, more or less, being four hundred twenty (420) feet measured along a straight line, to land now or formerly of John H. Geiser and Nancy B. Geiser;

Thence running North thirty-one degrees thirty-two minutes zero seconds (31° 32' 00") East by said other land of said Geiser a distance of nine hundred thirty-five (935) feet, more or less, to the Southwesterly sideline of said Route 302;

MAINE REAL ESTATE TAX PAID

Thence running Southeasterly by the Southwesterly sideline of said Route 302, along a curve to the right with a radius of two thousand eight hundred and fourteen and seventy-nine hundredths (2,814.79) feet, a distance of two hundred eighty-three and eighty-five hundredths (283.85) feet, to a granite monument;

Thence running South fifty-one degrees twenty-four minutes and zero seconds (51° 24' 00") East along the Southwesterly sideline of said Route 302, a distance of four hundred thirty-six and fifteen hundredths (436.15) feet to the point of beginning; containing eleven and zero tenths (11.0) acres, more or less.

Reference is made to "Plan of Land in Naples, Maine for Myron Michals" by Owen Haskell, Inc. dated March 19, 1979.

Meaning and intending to convey and hereby conveying the same premises conveyed to M.E.C., LLC (the Grantor herein) by Warranty Deed of Myron Michals dated April 29, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19625, Page 97.

PARCEL TWO:

Also another certain lot or parcel of land situated on the southerly side of Route 302, but not adjacent to, in the Town of Naples, County of Cumberland and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at an iron rebar to be set on the westerly side of land now or formerly of M.E.C., LLC (Book: 19625, Page: 97) and the southeasterly corner of land of D.P.C., LLC, said point of beginning also being South 31 degrees-32 minutes-00 seconds West a distance of six hundred forty-five and no hundredths (645.00) feet from a 1 1/2" iron pipe found on the southerly sideline of Route 302 and the northeasterly corner of said land of D.P.C., LLC;

Thence South 31 degrees-32 minutes-00 seconds West a distance of two hundred fifty-seven and seventy-nine hundredths (257.79) feet along said land now or formerly of M.E.C, LLC to an iron rebar to be set;

Thence, continuing, South 31 degrees-32 minutes-00 seconds West a distance of fifteen and no hundredths (15.00) feet, more or less, along said land now or formerly of M.E.C, LLC to the shore of Brandy Pond;

Thence, generally westerly a distance of two hundred seventy-five and no hundredths (275.00) feet, more or less along the shore of said Brandy Pond to a point on the easterly side of land now or formerly of Bay Village (Plan Book: 86, Page 26);

Thence North 15 degrees-47 minutes-44 seconds East a distance of fifteen and no hundredths (15.00) feet, more or less, along said land now or formerly of Bay Village to an iron pipe found, said iron pipe being North 86 degrees-00 minutes-44 seconds West a distance of two hundred forty-nine and forty-three hundredths (249.43) feet, on a tieline from the last mentioned iron rebar to be set;

Thence, continuing, North 15 degrees-47 minutes-44 seconds East a distance of two hundred forty-eight and forty-seven hundredths (248.47) feet along said land now or formerly of Bay Village to an iron rebar to be set at the southwesterly corner of said land of D.P.C., LLC;

Thence South 83 degrees-22 minutes-27 seconds East a distance of three hundred eighteen and fourteen hundredths (318.14) feet to the southeasterly corner of said land of D.P.C., LLC, to the point of beginning.

Together with any right, title, and interest M.E.C., LLC any have to the land, which lies between the High Water Mark and Low Water Mark of Brady Pond.

All bearings and distances as recited in this description are a result of a Boundary Retracement Survey prepared by Kenneth F. Farrar, PLS #2021 and are based on Magnetic North 1971.

All iron rebars described as to be set are 5/8" rebar with a surveyors cap marked "PLS 1284".

The above described parcel of land contains 1.75 Acres, more or less.

Also conveying a certain easement for the purpose of a walkway to the shore of Brandy Pond, situated on, but not adjacent to, the southerly side of Route 302, so-called, in the Town of Naples, County of Cumberland and State of Maine, the centerline of said easement being more particularly described as follows, to wit:

Beginning at point, on the northerly line of land now or formerly of M.E.C., LLC (Book 28600, Page 177) and the southerly line of land now or formerly of DPC, LLC (Book 21569, Page 255), said point being South 83 degrees-22 minutes- 27 seconds East, along said south line of land now or formerly of DPC, LLC, a distance of one hundred fifty-eight and twenty-two hundredths (158.22) feet, from a 5/8-inch rebar, capped "PLS 1284" at the southwesterly corner of said land now or formerly of DPC, LLC, on the easterly line of land now or formerly of Bay Village (Plan Book 86, Page 26);

Thence, from the Point of Beginning, South 33 degrees-28 minutes- 21 seconds West, a distance of sixty-three and sixty-five hundredths (63.65) feet to a point;

Thence, by a curve to the left, having a radial bearing of South 56 degrees-31 minutes- 39 seconds East, a radius of sixty and zero hundredths (60.00) feet, and an arc distance of forty-five and eighty-six hundredths (45.86) feet to a point;

Thence, South 10 degrees-19 minutes- 22 seconds East, a distance of seventy and twenty-five hundredths (70.25) feet to a point;

Thence, by a curve to the right, having a radial bearing of South 79 degrees-40 minutes- 38 seconds West, a radius of sixty and zero hundredths (60.00) feet, and an arc distance of fifty-two and sixty-two hundredths (52.62) feet to a point;

Thence, South 39 degrees-55 minutes- 34 seconds West, a distance of eighty-two and nine hundredths (82.09) feet, more or less, to a point at the shore of Brandy Pond, said point being South 65 degrees-46 minutes- 08 seconds East, a distance of one hundred thirty-nine and ninety-three hundredths (139.93) feet, from an iron pipe on said easterly line of land now or formerly of Bay Village and South 71 degrees-42 minutes- 14 seconds West, a distance of one hundred twenty-seven and sixty-eight hundredths (127.68) feet, from 5/8-inch rebar, capped "PLS 1284" on the easterly line of said land now or formerly of M.E.C., LLC.

All bearings are referenced to a Boundary Retracement Survey prepared by Kenneth F. Farrar and are based on Magnetic North 1971.

All Book and Pages refer to the Cumberland County Registry of Deeds.

Meaning and intending to convey a ten (10) foot wide walkway easement, five (5) feet on both sides of the above described centerline. The Grantor grants to the Grantee, its successors and assigns, the right to relocate at Grantee's expense the walkway easement to a comparable location across this same property.

MEANING AND INTENDING TO CONVEY and hereby conveying the same premises conveyed to M.E.C, LLC (the Grantor herein) by warranty deed of D.P.C., LLC dated March 18, 2011 and recorded in the Cumberland County Registry of Deeds in Book 28600, Page 177.

The above described parcel of land is subject to a certain Visual Screening Buffer bounded and described as follows, to wit:

Beginning at an iron rebar to be set, being the northwesterly corner of the above described parcel of land;

Thence South 83 degrees-22 minutes East a distance of twenty-five and three tenths (25.3) feet along the southerly side of said other land to be conveyed by the Grantor herein to a point;

Thence South 15 degrees-48 minutes West a distance of two hundred fifty-eight and one tenth (258.1) feet through said above described parcel of land to a point on the shore of said Brandy Pond;

Thence, generally southwesterly a distance of twenty-seven and no tenths (27.0) feet, more or less, along the shore of said Brandy Pond to a point on the easterly side of said land now or formerly of Bay Village;

Thence North 15 degrees-48 minutes East a distance of two hundred sixty-eight and five tenths (268.5) feet along said land now or formerly of Bay Village to the point of beginning.

IN WITNESS WHEREOF, the said M.E.C., LLC has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Daniel P. Craffey, its sole Member, this 1st day of February, 2013.

Signed, Sealed and Delivered
in the presence of:

M.E.C., LLC

By: Daniel P. Craffey
Its: Sole Member

STATE OF MAINE
Oxford, ss.

February 1, 2013

On this 1st day of February, 2013, before me, the undersigned Notary Public, personally appeared Daniel P. Craffey, Sole Member of M.E.C., LLC, and known to me to be the Sole Member of the limited liability company who executed the deed and acknowledged the deed to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute this Deed and in fact executed the Deed on behalf of the limited liability company.

Notary Public - Attorney at Law

Print Name: DANA C. HAWLEY

My commission expires: NOV #7782

Received
Recorded Register of Deeds
Feb 01, 2013 03:42:38P
Cumberland County
Pamela E. Lovley



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Dec 15 2020 16:17:55. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
MLM ACQUISITIONS, LLC	20130564DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
08/23/2012	N/A	MAINE

Other Names **(A=Assumed ; F=Former)**

MOOSE LANDING MARINA A

Clerk/Registered Agent

HAWLEY R. STRAIT
PO BOX 9729
PORTLAND, ME 04104 5029

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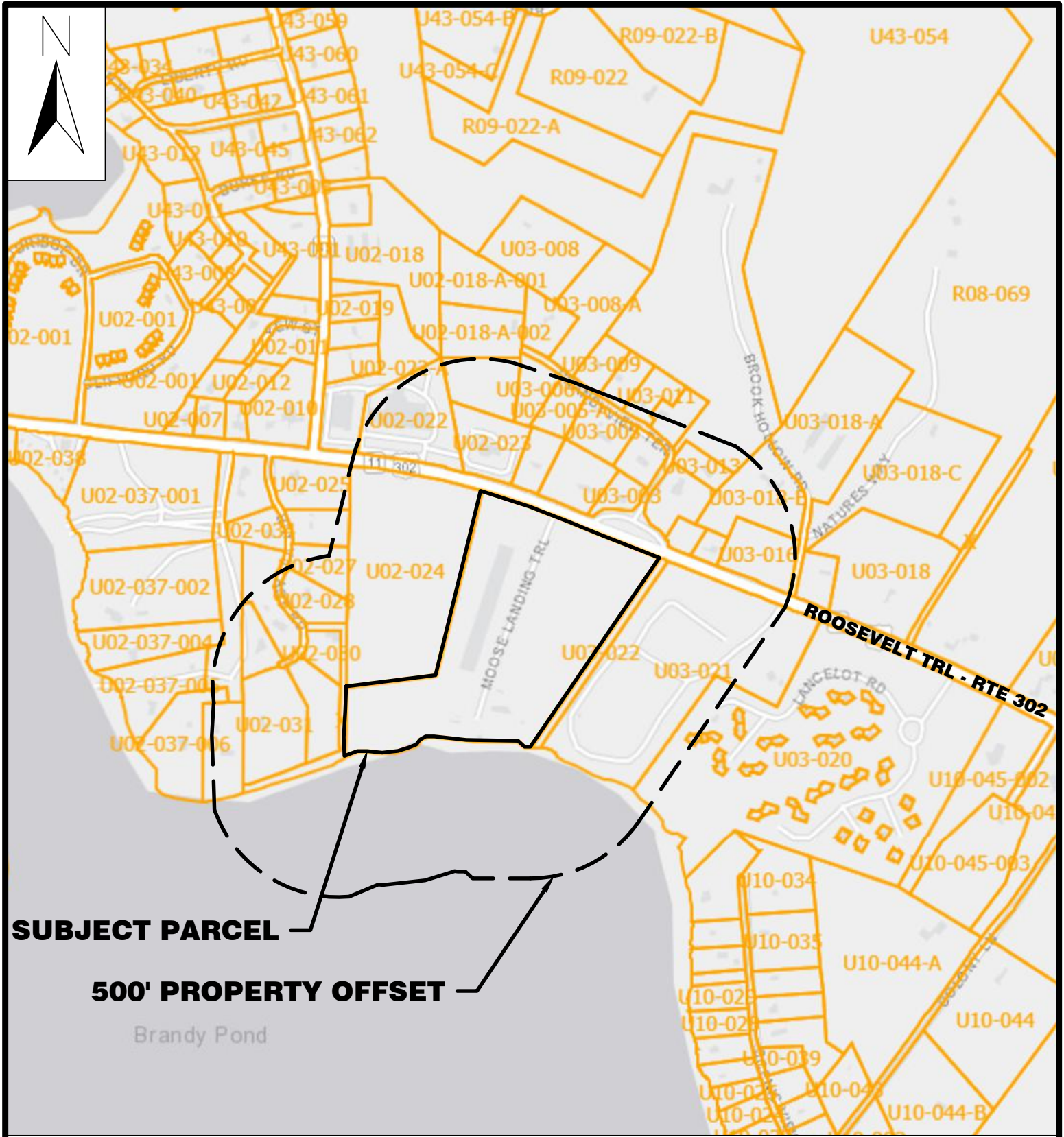
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please contact the Bureau's Reporting and Information Section at 207-624-7752 or [e-mail](#) or visit our [Feedback](#) page.

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SUBJECT PARCEL

500' PROPERTY OFFSET

Brandy Pond

NOTES

1. TOWN OF NAPLES: TAX MAP U03 LOT 23
2. TAX MAP DOWNLOADED FROM TOWNOFNAPLES.ORG
3. ALL LINES SHOWN ARE BASED ON TOWN TAX MAP DATA AND ARE AN APPROXIMATION ONLY.

NOT FOR CONSTRUCTION

PROJECT: **FUEL TANK UPDATE**
32 MOOSE LANDING TRAIL, NAPLES, MAINE

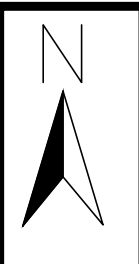
MLDC NO. 19-072
 PROJ. MGR: EKB
 DRAWN BY: LMB
 CHECKED BY: EKB
 REVISION NO. N/A
 ISSUE DATE: 2024-05-23
 ISSUED FOR: REVIEW

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
 69 MAIN ST. LIVERMORE FALLS, MAINE
 367 US ROUTE 1 FALMOUTH, MAINE
 PH: (207) 897-6752 FAX: (207) 897-5404
 WWW.MAIN-LANDDCI.COM



DRAWING: **TOWN TAX MAP**
 SCALE: 1" = 500'

First Name	Last Name	Address	City	State	Zip Code	Tax Map	Lot Numb
Stephen P.	Somers	500 Hoyd Street	Ocean View	DE	19970	U02	18-A-3
Ace Height Realty, LLC		16 Andrews Brook Road	West Paris	ME	04289	U02	22
Goofy Corp.		PO Box 1159	Deerfield	IL	60015	U02	22-A
DPC, LLC		PO Box 704	Harrison	ME	04040	U02	24
Checkpoint 70, LLC		678 Roosevelt Trail	Naples	ME	04055	U02	25
Sylvain	Therault	198 Old Post Road	Arundel	ME	04046	U02	26
Scott	Pollack	40 Fay Street #405	Boston	MA	02118	U02	27
Kenneth	Foley	215 Middle Street	West Newbury	MA	01985	U02	28
Karen S.	Burrell	34 Bay Village Road	Naples	ME	04055	U02	29
Edmund D.	Lipson	30 Bay Village Road	Naples	ME	04055	U02	30
David	Miller	PO Box 84	Englewood	FL	34295	U02	31
Kelly	Luce	35 Bay Village Road	Naples	ME	04055	U02	32
Jonathan	Buck	89 Heath Street	Somerville	MA	02145	U02	33
Kent Maine Trust		3 Herrick Road	Lynnfield	MA	01940	U02	37
Todd	Norwood	PO Box 195	Naples	ME	04055	U02	37-4
Madonna	Falk	2707 Morningdale Drive	Southport	NC	28461	U02	37-6
(Private Road)						U02	37-A
Chad	Burnham	PO Box 4	Naples	ME	04055	U03	1
Patrick	Babcock	8 W. Etna Road	Etna	ME	04434	U03	2
Frank H.	Vansaford	PO Box 4112	Naples	ME	04055	U03	3
Stephen L.	Dearborn	1121 Deleisseline Bl	Mt. Pleasant	SC	29464	U03	4
Adam	Laneau	PO Box 493	Naples	ME	04055	U03	5
David	Gerrish	PO Box 397	Naples	ME	04055	U03	5-A
Nancy J.	Verrill	PO Box 196	Naples	ME	04055	U03	6
Christine	Nurnberger	37 Brandyview Terrace	Naples	ME	04055	U03	9
Robert R.	Caron	PO Box 1542	Naples	ME	04055	U03	10
Amy	Leavitt	23 Brandyview Terrace	Naples	ME	04055	U03	11
Irene	Furlong	21 Brandyview Terrace	Naples	ME	04055	U03	12
Donald F.	Vose	24 Brook Hollow Road	Naples	ME	04055	U03	12-A
Richard H.	Spicer	142 Prospect Street	Portland	ME	04103	U03	13
Philip	Hanson	219 Granite Heights	Farmington	ME	04938	U03	14
Maine Telephone Co.		121 South 17th Street	Mattoon	IL	61938	U03	15
Shane Complex, LLC		PO Box 1151	Naples	ME	04055	U03	16
Maurice	Gemme	PO Box 807	Naples	ME	04055	U03	18-B
(Condo Property)						U03	20
Lois A.	O'Connor	40 Lancelot Road	Naples	ME	04055	U03	20-1
Beth	Hennessy	150 Jupiter Key Road	Jupiter	FL	33477	U03	20-2
Brandy Pond Park Inc.		PO Box 1617	Naples	ME	04055	U03	21
Brandyview Homeowners Assoc. Inc. (Cemetery)		PO Box 1542	Naples	ME	04055	U03	22 (no lot #)



SUBJECT PARCEL



ROOSEVELT TRL - RTE 302

BRANDY POND

NOTES

- TOWN OF NAPLES: TAX MAP U03 LOT 23
- AERIAL PHOTO DOWNLOADED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY

NOT FOR CONSTRUCTION

PROJECT:
FUEL TANK UPDATE
 32 MOOSE LANDING TRAIL, NAPLES, MAINE

MLDC NO. 19-072
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DRAWING:
AERIAL PHOTO
 SCALE: 1" = 500'

S.P.C.C. PLAN

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Moose Landing Marina

32 Moose Landing Trail
Naples, ME 04055

Contact:

Jason Allen

Moose Landing Marina
32 Moose Landing Trail
Naples, ME 04055
(207) 693-6264

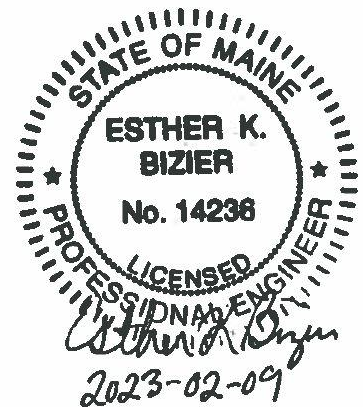
Prepared By:

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.

P.O. Box Q
Livermore Falls, Maine 04254
(207) 897-6752

CERTIFICATION:

ENGINEER: ESTHER K. BIZIER, PE # 14236



DATE OF PLAN: APRIL 2008 – REVISED SEPTEMBER 2008; NOVEMBER 2016;
MARCH 2021, **FEBRUARY 2023**

1. RIGHT, TITLE, OR INTEREST

The Moose Landing Marina is owned and operated by MLM Realty, LLC. The property is located between U.S. Route 302 and Brandy Pond in the Town of Naples, Maine.

2. PERSONNEL:

All workers of Moose Landing Marina will be trained in fuel spill prevention and containment procedures and materials. Moose Landing Marina will have the SPCC Plan readily available at the on-site office. Jason Allen will be the responsible party to ensure implementation of this Plan.

All spills occurring on the site shall be viewed by personnel as emergencies and cleaned up immediately. All spill events shall be reported to Jason Allen, and to the Maine Department of Environmental Protection within two hours of the spill event. The address and phone number for all parties are as follows:

Jason Allen
Moose Landing Marina
32 Moose Landing Trail
Naples, ME 04055
(207) 693-6264

Maine Department of Environmental Protection
State House Station 17
Augusta, Maine 04333
Phone # 1-800-482-0777

3. DESCRIPTION OF PROJECT

Moose Landing Marina is a full-service Marina, offering boat storage, boat docking, boat repairs, and fueling to its customers. Fuel will be contained in a double walled 8,000-gallon tank. Materials used in the repair or maintenance of boats are all stored inside the buildings on site. No materials are exposed to the elements.

4. MATERIALS INVENTORY:

Fuel Storage:

An 8,000-gallon gasoline storage tank is proposed. The tank will be situated in the parking lot near the Boat Ramp. This tank is a certified, double-walled tank. The tank

will be set on a concrete pad, and protected from vehicle traffic by bollards. There are no other fuel storage areas on the project site.

This fuel storage tank replaces a 3,000-gallon underground storage tank which will be removed from the site.

Hazardous Materials:

The MSDS sheets for materials stored within the buildings will be attached to this Plan and kept on site. These materials include cleaning materials, paints and solvents used in the maintenance and repair of boats.

All of these materials are stored under cover, inside the buildings located on site.

5. POTENTIAL SPILL LOCATIONS:

There are two locations where the potential for spills is evident. The first is on the Fueling Dock, where the boats are fueled from the storage tank. The second is at the storage tank, during filling from the fuel supply truck.

6. SPILL PREVENTION MEASURES:

A. SPILL PREVENTION - STORAGE TANK

1. The storage tank is a double-walled, 8,000-gallon, above ground storage tank.
2. The piping to the Fueling Dock is also double-lined from the tank to the dock. A fuel leak detection system is installed in the tank and between the double-walls of the tank.
3. The tank is equipped with a direct-reading gauge.
4. All Maine State Fire Marshall and National Fire Protection Associations codes for fuel storage have been met.

B. PERSONNEL

All personnel shall be instructed and rehearsed in the following spill prevention and countermeasure plans:

1. The tank shall not be filled without prior checking of reserves.

2. Warning signs are displayed to check for line disconnection before vehicle departures.
3. Instruction shall be held on fuel-spill prevention, containment, retrieval methods, and a "dry-run" drill for an on-site spill shall be conducted.
4. Instructions and phone numbers shall be publicized and posted at the office regarding the report of a spill to the DEP.
5. Instructions and company regulations shall be posted conspicuously which relate to fuel spills prevention and countermeasure procedures.

A routine inspection program with a check-off listing of the tank, piping, valves, and hoses shall be developed for the prevention of both major and minor spills and leakage through proper maintenance.

7. SPILL CONTAINMENT MEASURES:

The office shall house a Spill Control Kit consisting of the following materials:

Absorbent materials - There shall be on hand enough absorbent materials (such as pillows) to absorb at least 100 gallons of petroleum-based liquid and 100 gallons of water-based liquids.

Staff will be trained in the use of the Spill Control Kit.

Material Safety Data Sheets - The MSDS shall pertain to all materials used within the project site.

8. SPILL RESPONSE AND COUNTERMEASURES:

The operator of the facility or the person responsible for operations shall be trained in the proper procedure to contain spills. All information on spill containment shall be posted in the office near the Material Safety Data Sheets.

Any soils that may have come in contact with contaminants shall be removed from the site. These contaminated soils shall be handled and disposed of in accordance with DEP requirements for the handling of contaminated soil.

Any soils removed due to contamination shall be replaced and stabilized.

Any other spill related problems that may develop that are not covered in this Plan should be handled through consultations with the Department of Environmental Protection.

9. FACILITY SITE LOCATION MAP:

Refer to the location and site plan attached to this application for location of the project site. The Site Plan shows the location of the fuel storage tank and the fueling dock.

10. FACILITY SITE PLAN:

Refer to the location and site plan attached to this application for location of the project site. The Site Plan shows the location of the fuel storage tank and the fueling dock.

11. GROUNDWATER MONITORING:

There are no groundwater monitoring plans proposed for this project.

12. PLAN PREPARATION: Esther K Bizier, PE #14236, reviewed and approved this Plan.

13. SPECIAL INSTRUCTIONS:

1. THIS PLAN WILL BE KEPT IN THE OFFICE OF MOOSE LANDING MARINA.
2. THIS PLAN IS FOR THE DELIVERY OF FUEL TO THE SITE, AND THE FUELING OF BOATS.
3. THIS S.P.C.C. PLAN MUST BE UPDATED EVERY THREE YEARS.

LICENSE REVIEW ROUTING SHEET

PROJECT MANAGER: Rylan Bytnar
ORDER TYPE:

					DRAFT
	ORIGINAL ORDER (N)		CONDITION COMPLIANCE (C)		3PI
X	MINOR REVISION (M)		TRANSFER (T)	X	SEND TO REGISTRY
	AMENDMENT (A)		AFTER-THE-FACT		CORRECTED ORDER

All Site Orders **must** be sent to the registry.


APPLICANT NAME:	MLM Realty LLC Attn: Steve Arnold		
APPLICANT ADDRESS:	72 Lafayette St. Yarmouth, ME 04096	TEL#:	207-846-9050
E-MAIL ADDRESS: (License will be e-mailed to this address when decision is made)	steve@ybyboats.com		
PROJECT LOCATION:	Naples, Cumberland County	PROJECT #:	L-23140-26-N-M
APPLICATION TYPE: (Use Site/NRPA or NRPA/SW)	Site, minor revision	ATS#:	90635
ISSUES/COMMENTS:	No statutory deadline.		
ACCEPTANCE DATE:	Accepted for review on March 7, 2023.		
AGENT NAME:	Main-Land Development Consultants		
AGENT ADDRESS:	PO Box Q Livermore Falls, ME 04210	TEL#:	207-897-6752 207-931-8484
E-MAIL ADDRESS: (License will be e-mailed to this address when decision is made)	esther@main-landdci.com		

Final copies of Site orders go automatically to the **Registry & Town**. List others to receive a copy:

--	--	--

ABSTRACT (follow sample format below, then delete sample)

- *MLM Realty, LLC (Naples) (approval):* In Department Order #L-23140-26-N-M, the Department approved the replacement of the existing, 4,000-gallon, double-walled, aboveground gasoline storage tank with an 8,000-gallon, double-walled, aboveground gasoline storage tank. The project will not result in any changes to the existing developed or impervious area at the site. The project is located on a 13-acre parcel on the south side of Route 302 in the Town of Naples. (Bytnar)

REVIEWED BY:	SIGNATURE	OK DATE
ENFORCEMENT STAFF (if enforcement involved):		
REGIONAL SUPER:		10/23/2023
Ret'd to PROJ. MGR:		
Div. Director:		



DEPARTMENT ORDER

IN THE MATTER OF

MLM REALTY, LLC) SITE LOCATION OF DEVELOPMENT ACT
Naples, Cumberland County)
Aboveground Storage Tank Addition) MINOR REVISION
L-23140-26-N-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 481–489-E, and Chapter 371, 372, and 375 of the Department of Environmental Protection (Department) rules, the Department has considered the application of MLM REALTY, LLC (applicant) with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: Moose Landing Marina was established in the late 1970s on the shoreline of Brandy Pond in the Town of Naples. In Department Order #L-23140-2B-B-N, dated May 30, 2007, the Department approved the after-the-fact installation of wooden piles to support a seasonal dock and a slip dock, which altered 1,671 square feet of area below the normal high water line of Brandy Pond. In Department Order #L-23140-28-C-N/L-23140-2B-D-N, dated December 26, 2008, the Department approved after-the-fact development at the marina that resulted in over three acres of structure area on the project site, thereby triggering review under the Site Location of Development Act. As part of that project, the Department also approved the construction of boat storage barns, gravel boat display area, the expansion of an existing boat ramp, and a launch well on the shoreline of Brandy Pond.

The Department subsequently approved several minor revisions to the development. In Department Order #L-23140-28-K-A, dated October 5, 2017, the Department approved the construction of three new buildings, gravel drives, and associated parking. In Department Order #L-23140-26-M-A, the Department approved the construction of a boat showroom building with associated gravel drive and parking; the removal of the failing subsurface wastewater disposal system, replacing it with a larger Eljen leach field; and the replacement of a 3,000-gallon underground gasoline storage tank and appurtenant piping system with a new 4,000-gallon, double-walled, gasoline aboveground storage tank (AST). The project resulted in the creation of 0.41 acres of new impervious area on existing developed land. The development is located on the south side of Route 302 in the Town of Naples.

B. Summary: The applicant is seeking Department approval for the replacement of a previously approved, but not installed, 4,000-gallon gasoline AST with a new 8,000-gallon, double-walled gasoline AST. The new tank will be located in the same location as the previously approved tank. The proposed replacement will not result in any

changes to the existing developed or impervious area at the site. The proposed project is shown on a set of plans, the first of which is titled "Site Layout Plan," prepared by Main-Land Development Consultants, Inc., and dated February 9, 2023.

C. Current Use of Site: The site of the proposed project is currently developed with Moose Landing Marina. The property includes frontage on Brandy Pond and is identified as Lot 23 on Map U-3 on the Town of Naples' tax maps.

2. FINDING:

The application included a revised Spill Prevention Control and Countermeasure Plan, dated February 9, 2023, that includes measures for addressing possible spills from the larger AST fuel station. The containment tank for the system will be double-walled, and the piping that leads from the tank to the dock will be double-lined. The fuel tank will be equipped with a direct-reading gauge. The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality.

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-123140-26-A-N, and subsequent Orders.

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. §§ 481–489-E:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in 38 M.R.S. § 420-D and the standard for erosion and sedimentation control in 38 M.R.S. § 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of MLM REALTY, LLC to replace the previously approved 4,000-gallon aboveground gasoline storage tank with an 8,000-gallon, double-walled aboveground gasoline storage tank as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation 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. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-123140-26-A-N , and subsequent Orders, and are incorporated herein.

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 23rd DAY OF OCTOBER 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
 For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

RB/L2314026NM/ATS#90635

<p>FILED October 23rd, 2023 State of Maine Board of Environmental Protection</p>

DEP SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development ([35-A M.R.S. § 3451\(4\)](#)) or a general permit for an offshore wind energy demonstration project ([38 M.R.S. § 480-HH\(1\)](#)) or a general permit for a tidal energy demonstration project ([38 M.R.S. § 636-A](#)) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in [Chapter 2 § 24](#).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see [38 M.R.S. § 346\(1\)](#); 06-096 C.M.R. ch. 2; [5 M.R.S. § 11001](#); and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

EROSION AND SEDIMENTATION CONTROL PLAN

Moose Landing Marina
Naples, Maine

Prepared By:

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
Livermore Falls, Maine
May 29, 2024

1. INTRODUCTION:

“A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S.A. §480-B. Sediment control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.” – Maine DEP Chapter 500 Rules, Appendix A.

This Plan has been developed to ensure that construction activities on this project site utilize sound erosion and sedimentation control measures. These measures will prevent or reduce the potential for the deposition of sediments down stream of site. The methods of control consist of preventive measures and remedial measures. Preventive measures are aimed at keeping the soils in their present location through mulching and through the reestablishment of vegetation. Remedial measures deal with the trapping and/or filtering of sediment laden stormwater run-off. Both types of measures will be utilized on this project.

The Erosion and Sedimentation Control Plan is best broken down into Temporary Measures and Winter Stabilization.

2. TEMPORARY EROSION CONTROL:

Temporary control measures may consist of a combination of measures where appropriate and/or as shown on the plans.

A. Silt Fencing:

Silt fencing may be used in place of, or together with, the sediment filter barriers. The silt fencing will also be anchored at least four inches into the ground and placed along an even contour. Turn the ends of the fence up-grade to avoid runoff flowing around the fence. During frozen conditions, furnish and install Sediment Filter Berms in lieu of silt fencing or hay bales if frozen soil prevents the proper installation of silt fences and hay bales.

B. Maintenance of Temporary Measures:

All temporary measures described above shall be inspected weekly and before/after every significant storm event (1/2 inch of rain or greater) throughout the construction of the project. Repairs or replacements of temporary measures will be made as necessary. Once the site is stable, all temporary devices such as hay bale barriers and silt fencing will be removed.

A log shall be kept summarizing the inspections and any corrective action taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken.

The log must be made accessible to department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

3. WINTER STABILIZATION:

The winter construction period is from November 1 through April 15. If the construction site is not stabilized with a combination of pavement, a road gravel base, 90% mature vegetation cover or riprap by November 1 then the site needs to be protected with winter stabilization.

Winter excavation and earthwork shall be completed such that no more than 1 acre of the site is denuded at any one time. Limit the exposed area to those areas in which work is expected to be under taken during the following 15 days. Exposed area shall not be so large that it cannot be mulched in one day prior to any snow event.

Areas shall be considered to be denuded until the subbase gravel is installed in roadway areas or the areas of future loam and seed have been loamed and mulched. Hay and straw mulch rate shall be a minimum of 200 lbs./1,000 s.f. (3 tons/acre) and shall be properly anchored.

The contractor must install any added measures which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

Continuation of earthwork operations on additional areas shall not begin until the exposed soil surface on the area being worked has been stabilized, in order to minimize areas without erosion control protection.

1. Soil Stockpiles

Stockpiles of soil or subsoil will be mulched for over winter protection with hay or straw at twice the normal rate or at 200 lbs/1,000 s.f. (3 tons per acre) or with a four-inch layer of woodwaste erosion control mix. This will be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.

Any new soil stockpile will not be placed (even covered with hay or straw) within 100 feet of any natural resources.

2. Natural Resource Protection

Any areas within 100 feet from any natural resources, if not stabilized with a minimum of 90 % mature vegetation catch, shall be mulched by December 1 and anchored with plastic netting or protected with erosion control mats.

During winter construction, a double line of sediment barriers (i.e. silt fence backed with hay bales or erosion control mix) will be placed between any natural resource and the disturbed area. Silt fencing may not be placed on frozen ground.

Projects crossing the natural resource shall be protected a minimum distance of 100 feet on either side from the resource. Existing projects not stabilized by December 1 shall be protected with the second line of sediment barrier to ensure functionality during the spring thaw and rains.

3. Mulching

Areas shall be considered denuded until loamed, seeded and mulched. Hay and straw mulch shall be applied at a rate of 200 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate) and shall be properly anchored. Mulch shall not be spread on top of snow. The snow will be removed down to a one-inch depth or less prior to application.

An area shall be considered stabilized when exposed surfaces have been either mulched with straw or hay at a rate of 200 lb. per 1,000 square feet and adequately anchored, such that the ground surface is not visible through the mulch.

Between the dates of November 1 and April 15, all mulch shall be anchored by either peg line, mulch netting, or wood cellulose fiber. The ground surface shall not be visible through the mulch.

After November 1th, mulch and anchoring of all bare soil shall occur at the end of each final grading work day.

4. Mulching on Slopes and Ditches

Slopes shall not be left exposed for more than 7 days unless fully mulched and anchored. Slopes within 75 feet of a natural resource shall not be left exposed for more than 48 hours. Mulching shall be applied at a rate of 300 lbs/1,000 sq ft on all slopes greater than 8%. Erosion Control mesh shall be used to anchor mulch in all drainage ways and ditches, for slopes exposed to direct winds, and for all other slopes greater than 8%. Erosion control blanket and check dams (or permanent Rip-Rap) shall be used in lieu of mulch in all drainage ways with slopes of 8% or more.

A six inch layer of erosion control mix can be used to substitute erosion control blankets on all slopes except ditches.

5. Seeding

Between the dates of October 15 and April 1st, loam or seed will not be required. During periods of above freezing temperatures, finished areas shall be fine graded and either protected with mulch or temporarily seeded (see table below) and mulched until such time as the final treatment can be applied. If after November 1st the exposed area has been final graded and loamed, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

TEMPORARY SEED MIX

TYPE	% BY WEIGHT	% PURITY	% GERMINATION
Domestic Rye Grass	60	69.75	90
Perennial Rye Grass	20	28.00	85
Aroostook Rye Grass	20	28.00	85

Dormant seeding may be placed prior to the placement of mulch and fabric netting anchored with staples.

If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5lbs/1000 s.f. All areas seeded during the winter will be inspected in the spring for adequate catch. Areas not sufficiently vegetated

(less than 90 % catch) shall be revegetated by replacing loam, seed and mulch.

If dormant seeding is not used, all disturbed areas shall be revegetated in the spring.

6. Trench Dewatering and Temporary Stream Diversion

Water from construction trench dewatering or temporary stream diversion will pass first through a filter bag or secondary containment structure (e.g. hay bale lined pool) prior to discharge. The discharge site shall be selected to avoid flooding, icing, and sediment discharges to a protected resource. In no case shall the filter bag or containment structure be located within 100 feet of a protected natural resource.

7. Inspection and Monitoring

Maintenance measures shall be applied as needed during the entire construction season. After each rainfall, snow storm or period of thawing and runoff, the site contractor shall perform a visual inspection of all installed erosion control measures and perform repairs as needed to insure their continuous function.

In the spring, following the temporary/final seeding and mulching, the contractor shall inspect and repair any damages and/ or un-established spots. Established vegetative cover means a minimum of 90 % of areas vegetated with vigorous growth.

8. Standard for the timely stabilization of ditches and channels

All stone-lined ditches and channels shall be constructed and stabilized by November 1. All grass-lined ditches and channels shall be constructed and stabilized by September 1. Failure to stabilize a ditch or channel to be grass-lined by September 1, will require one of the following actions to stabilize the ditch for late fall and winter.

Install a sod lining in the ditch – Sod lining shall be installed in ditches by October 1. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, watering the sod to promote root growth into the disturbed soil, and anchoring the sod with jute or plastic mesh to prevent the sod strips from sloughing during flow conditions.

Install a stone lining in the ditch –Ditches shall be lined with stone riprap by November 1, as presented below. If necessary, the applicant will regrade the ditch prior to placing the stone lining so to prevent the stone lining from reducing

the ditch's cross-sectional area.

9. Standard for the timely stabilization of disturbed slopes

Construct and stabilize stone-covered slopes by November 1. The applicant will Seed and mulch all slopes to be vegetated by September 1. Slopes will be considered any area having a grade greater than 15% (6H:1V). If the applicant fails to stabilize any slope to be vegetated by September 1, then the applicant will take one of the following actions to stabilize the slope for late fall and winter.

Stabilize the soil with temporary vegetation and erosion control mats -- Seed the disturbed slope with winter rye at a seeding rate of 3 pounds per 1000 square feet and apply erosion control mats over the mulched slope October 1. The applicant will monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or cover at least 90% of the disturbed slope by November 1, cover the slope with a layer of wood waste compost or with stone riprap as described below.

Stabilize the slope with sod -- Stabilize the disturbed slope with properly installed sod by October 1. Proper installation includes pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. Sod stabilization shall not be used late-season to stabilize slopes having a grade greater than 33% (3H:1V).

Stabilize the slope with wood waste compost (erosion control mix) --Place a six-inch layer of wood waste compost on the slope by November 1. Prior to placing the wood waste compost, remove any snow accumulation on the disturbed slope. Wood waste compost will not be used to stabilize slopes having grades greater than 50% (2H:1V) or having groundwater seeps on the slope face.

Stabilize the slope with stone riprap -- Place a layer of stone riprap on the slope by November 1, similar to the Stone Lined Ditch the permanent erosion control section.

10. Standard for the timely stabilization of disturbed soils

Seed and mulch all disturbed soils on areas having a slope less than 15% by September 1. Failure to stabilize these soils by this date will require one of the following actions to stabilize the soil for late fall and winter.

Stabilize the soil with temporary vegetation -- Seed the disturbed soil with winter

rye at a seeding rate of 3 pounds per 1000 square feet, lightly mulch the seeded soil with hay or straw at 75 pounds per 1000 square feet, and anchor the mulch with plastic netting by October 1. Growth of the rye will require monitoring over the following 30 days. If the rye fails to grow at least three inches or cover at least 75% of the disturbed soil before November 1, then mulch the area for over-winter protection as described below.

Stabilize the soil with sod -- Stabilize the disturbed soil with properly installed sod by October 1. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.

Stabilize the soil with mulch -- Mulch the disturbed soil by spreading hay or straw at a rate of at least 150 pounds per 1000 square feet on the area so that no soil is visible through the mulch by November 1. Prior to applying the mulch, remove any snow accumulation on the disturbed area. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.