

From: Patrick Carroll [<mailto:pcarroll@carroll-assoc.com>]
Sent: Wednesday, June 12, 2013 12:45 PM
To: Nathan Poore
Cc: Ethan Croce; Faith Varney; Teresa Pierce
Subject: RE: 30-32 Carroll St Seasonal Docks

Dear Mr. Poore,

Thank you for your response. I have a call into Ethan and see where we can go with this request. I am still hopeful that some type of agreement can be worked out such that the proposed docks can be installed this summer, but please be assured we want to work closely with the Town to insure your concerns are being met.

Regarding your initial comments, they are all valid and we have responded below in red:

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

 Please consider the environment before printing this email.

From: Nathan Poore [<mailto:npoore@town.falmouth.me.us>]
Sent: Tuesday, June 11, 2013 4:00 PM
To: 'pcarroll@carroll-assoc.com'
Cc: Ethan Croce; Faith Varney; Teresa Pierce
Subject: FW: 30-32 Carroll St Seasonal Docks

Dear Mr. Carroll,

Melissa Tryon submitted your request to be placed on the next Town Council agenda. The June 17 agenda is considered a special annual business meeting where the Council selects leadership, votes on committee assignments and considers other organizational matters. They do not typically take up other business at this meeting however they will consider a couple of minor items that are a continuation of old business. We typically need more advanced notice to place an item on the agenda as it requires scheduling with the Chair, preparation of orders and supporting documentation and legal review for matters similar to your request. The next meeting will be July 22 and the length of this meeting is already looking like a challenge.

We recommend you consider the following suggestions to help you be better prepared for a Council discussion in the future:

- The land on which some or all of the permanent or temporary structures (wooden stairs and stone steps) may be on Town owned land but it is difficult to be certain from the materials we have seen. The ramp out to the float appears to be over Town owned land and will be supported by structure that will rest on Town owned land. The precise nature of the project and how it impacts Town owned land should be clear.

The proposed improvements are all situated on Town owned land (Map U02, Lot 003) which runs along the waterside of these properties as well as approximately 5 others in this neighborhood (see attached GIS Map). Please note that the dock and float sections are installed extending out approximately 80 ft beyond the HAT line. The dock structures are seasonal and there are no permanent installations for the docks- they extend across the Town owned sanitary sewer line, but are supported on pads at the surface and will not compromise the sewer line (See attached brochure from Sebago Dock and Lift Co). We believe there is minimal impact to the Town land resulting from these improvements. The steps down to the docks are also minimal in nature and proposed only to negotiate the steep riprap slope that was recently completed as part of the shoreline stabilization. They do not interfere with the stability or function of the slope stabilization, and could be removed for Town access if necessary. I am also including a revised Site Plan that indicates where the proposed improvements would be located, along with production drawings from the dock company- I would be glad to submit more detailed installation procedures if that helps in understanding the full impact of the project on Town land or beyond.

- I assume these projects have been before the Falmouth Planning Board but you should confirm this with supporting information. It will also be important to understand all other required permits (Town, Army Corps and/or Maine DEP). If the Town, as landowner, is not going to be the permit applicant then Bush/Conway will need some authority from the Town in order to be an applicant. What type of "authority" are they seeking?

The stabilization projects were approved by the Falmouth Planning Board and also received a NRPA Permit from the Maine DEP in 2012. I am attaching copies of these Permit approvals for your information. The docks are seasonal in nature and as such exempt from any further permits from the Army Corp or Maine DEP.

- I assume that the Town will not consider conveying the ownership of this land to the Bush/Conway. Is the Council being asked to authorize conveyance of an easement over its land? Will there be conditions relating to accessing the sewer line if needed? Will there be monetary payment for the easement? Alternatively, is the Town being asked to convey a license (revocable at will)?

The Owners are not requesting conveyance of the ownership of the land to make the proposed improvements, only the ability to install and use a seasonal dock to provide access to the waterfront. A revocable license might be the least burdensome on the property and allow the Town flexibility with any future plans for this property, but the Town Attorney would probably be the best resource for determining the type of agreement is in the best interest of the Town. The Owners are open to any form of agreement that the Town is most comfortable with. My understanding is that similar projects have been approved in the past and there is a precedence in Town for allowing this use. The intent with the portable/ seasonal dock is that there would not be an impedance to Town access to the sewer line or any other necessary access along the shoreline, and the Owners would agree to bear the costs of any removal/ replacement of the dock sections if necessary to accommodate any Town work on the sewer line. A monetary payment has never been discussed, but if that is being considered we would like to understand how that fee might be established. Please note that the Conway's did grant

the Town a drainage easement and repaired a section of storm drainage that was broken and causing erosion as part of their stabilization project.

- There may be other policy related questions for the Council including whether it will be an issue of concern that the public will be blocked from walking along this small section of shoreline owned by the Town when the ramps are in place.

As indicated above, we understand there is precedence in granting this use in other locations, and know of at least two other docks in the neighborhood that have been installed. The mudflat area below high tide is difficult to walk on and there is adequate room within the Town land above the stone riprap and proposed dock that the public could easily walk on without being blocked by the docks.

I understand you were hoping to have some action that will allow your clients to install the docks for this season. Had we been informed about this request earlier, we may have been able to accommodate consideration for your request. I understand the timing is short, the Owners just recently decided to move forward with this project. Our hope was to discuss this with the Council and perhaps seek conditional approval based on a final Agreement being negotiated between the Town and the Owners, allowing installation and use prior to the July 22 Council Meeting if such Agreement can be put together in a timely manner.

I have copied Ethan Croce. Ethan is best positioned to be your point of contact in the future for this matter. Ethan is very knowledgeable about this type of subject matter and can offer you guidance. Ethan will also know when it is appropriate to bring the Town Attorney into the conversation to make sure we are ready for a productive conversation with the Town Council. I have reached out to Ethan and am awaiting his return call.

I have also copied Councilor Faith Varney (Outgoing Council Chair) and Councilor Teresa Pierce (Senior Councilor). It will be important for you to contact either Faith, Teresa or any other Councilor if you object to my recommendation that this matter is not ready for a June 17 Town Council meeting. I will discuss this with Ethan.

Please let Ethan or me know if you have any questions or concerns.

Best regards,

Nathan A. Poore, Town Manager
Town of Falmouth
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Falmouth Maine 04105

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From: Patrick Carroll [<mailto:pcarroll@carroll-assoc.com>]

Sent: Monday, June 10, 2013 12:57 PM

To: Melissa Tryon

Subject: 30-32 Carroll St Seasonal Docks

Hi Melissa,

This is a follow-up to our conversation this morning regarding installation of seasonal docks at the properties at 30 and 32 Carroll Street. The Owners (Matthew and Kathy Bush, Thomas and Nancy Conway) have recently decided to move forward with installing docks at their properties and it appears that this will require Town Council Approval as they will be located on Town land which runs between their properties and the water. As you remember, the two properties undertook a significant shoreland stabilization project over the winter, resulting in a stable, vegetated shoreline that protects the Town property as well as their back yards from future erosion and damage. The project also rebuilt and corrected a Town owner stormwater discharge onto the banking that has contributed to the erosion over the years.

Both Owners would now like to install seasonal docks and have contracted (as of today) with Sebago Docks in Naples, ME to install and remove the docks on a seasonal basis. The designs for each dock are included with this email. The docks will be accessed by a short wooden stair on the Conway property (32 Carroll Street), and informal stone steps for the Bush property. The schedule would be to have the docks installed before July 4 and removed sometime after Labor Day, consistent with Maine DEP regulations regarding seasonal docks and floats, and other seasonal docks that have been installed in the neighborhood.

I am hopeful we can be added to the June 17 agenda to allow the Owners full use of these facilities over the summer season. Please review this request with the Town Manager and let me know if we can move forward with the fabrication in anticipation of an installation in late June. I am more than glad to meet with Nathan or members of the Town Council in advance of the June 17 meeting.

Regards, Pat

Patrick J. Carroll

Carroll Associates Landscape Architects

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