

## Town of Harpswell

### SHORELAND PERMIT APPLICATION REQUIREMENTS

(Revised January 2019)

WHEN APPLYING FOR A NEW OR EXPANDED WHARF, THE FOLLOWING DOCUMENTS MUST BE PROVIDED TO THE CODE ENFORCEMENT OFFICE WITH THE PERMIT APPLICATION FEES.

**APPLICATIONS WILL NOT BE REVIEWED UNTIL ALL OF THE FOLLOWING INFORMATION IS SUBMITTED:**

1. A completed **SHORELAND USE PERMIT APPLICATION. (\$420.00)** (as of 01/01/2019)
2. A completed **FLOOD HAZARD DEVELOPMENT PERMIT APPLICATION (\$50.00)**
3. If the applicant is not the property owner, a **LETTER OF AUTHORIZATION**, signed by the property owner and naming all individuals who may act as the owner's agent, must accompany the application.
4. A copy of a **RECORDED DEED WITH BOOK AND PAGE NUMBERS** demonstrating the applicant's right, title or interest to the area between the low-water mark and the high-water mark (the intertidal zone). A purchase and sale agreement or option to lease may be included, if applicable. If the deed does not clearly indicate the applicant's right, title or interest in the intertidal zone, an opinion letter from a Maine Licensed attorney providing further evidence of the applicant's right, title or interest in the intertidal zone will be required.
5. A **DETAILED PLOT PLAN** showing the location of the proposed wharf system. Indicate side line and riparian line setbacks on the plot plan as well as maximum and mean high-water, mean low-water and near edge of navigation channel at mean low-water. Provide haul-out information on the plot plan with setbacks indicated OR provide details regarding storage of seasonal components.
6. A **SKETCH PLAN** showing top and side view of existing and proposed structures extending beyond the high-water line including all length, width and height dimensions. On side views, show elevations above mean high-water.
7. A **SIDE-VIEW DRAWING** of the proposed system.
8. An **INDEX MAP OF HARPSWELL** indicating the location of the site. (A tax map will suffice).
9. A letter to the Code Enforcement Office indicating the necessity of the size of the proposed system.
10. If the proposed system is closer than twenty-five (25) feet to an abutting property owner's property line, the applicant must provide the **ABUTTER'S CONSENT IN WRITING**. If approved, the applicant must record the consent document in the Registry of Deeds.
11. A **STATEMENT** certifying that the applicant is making application to the Department of Environmental Protection, the Army Corps of Engineers and any other relevant agency, and will provide the Code Enforcement Office with copies of the permit or denial that is issued.

For D.E.P. application forms and information, visit:

<http://www.maine.gov/dep/land/nrpa/index.html>

For Army Corps of Engineers application forms and information, visit.

<http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/MaineGeneralPermit.aspx>



TOWN OF HARPSWELL
SHORELAND USE APPLICATION

(CEO APPROVAL STICKER)

COMMENTS OR CONDITIONS OF APPROVAL:

(FLOOD PLAIN APPROVAL STICKER)

NAME & ADDRESS OF CONTRACTOR/BUILDER
PHONE #

SHORELAND USE PERMITS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE AND DO NOT INCLUDE ANY OTHER STATE OR FEDERAL PERMITS.

For Office Use Only: Application Received Permit Fee Payment Received
Approved By

PLOT PLANS, DRAWINGS AND ALL OTHER PERTINENT INFORMATION MUST ALSO BE INCLUDED WITH THIS APPLICATION FORM. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED

Property Owner (s)

Phone

Mailing Address

Map

Lot

Zone

Applicant Name and Address \*\*

Phone

\*\*Note: if the applicant is not the owner of the property, a letter of authorization from the owner(s) must accompany this application.

Location or Physical Address of Site:

Estimated Cost

ACTIVITIES THAT WILL OCCUR TO THE PROPERTY IF THIS PERMIT IS APPROVED
[ ] VEGETATION REMOVAL [ ] EARTH MOVING AND/OR FILLING
[ ] CONSTRUCT A PIER, DOCK, WHARF OR BRIDGE [ ] INSTALL SEAWALL, RIPRAP OR ANY ACTIVITY CONDUCTED BELOW THE HIGH WATER MARK [ ] OTHER

Project Description:

I UNDERSTAND THAT I MAY NOT START ANY PART OF MY PROJECT WITHOUT FIRST RECEIVING MY PERMIT. I HEREBY ATTEST THAT THE ABOVE INFORMATION AND ALL SUPPLEMENTAL INFORMATION SUBMITTED WITH THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION.

Applicant Signature Date

ADDITIONAL PERMITS, APPROVALS AND INSPECTIONS REQUIRED
ARMY CORPS OF ENGINEERS D.E.P. HARBORMASTER PLANNING BOARD
BOARD OF APPEALS SELECTMEN OTHER
ALL OTHER PERMITS ARE REQUIRED TO BE ON FILE WITH THE CODE ENFORCEMENT OFFICE PRIOR TO THE START OF WORK.

## HARPSWELL WHARF APPROVAL

Each applicant who applies for a wharf is required to read, sign and submit this form with a completed application.

When the Harpswell Board of Selectmen gives final approval to a wharf/ramp/float application pursuant to 38 MRSA §1022, **construction cannot begin** until the applicant has met all other legal requirements, which may include, but are not limited to approvals of the:

**U.S. Army Corps of Engineers,**

**Department of Environmental Protection,**

**Submerged Lands Program of the Bureau of Lands and Parks**

as well as relevant property ownership or rights of usage.

I understand as an applicant that I am asserting right, title or interest in the intertidal area, and that the Town, in issuing the permit, has made no judgment as to the accuracy of that claim and therefore, I, as the applicant, assume any and all related risks regarding this claim.

I certify that I will obtain all necessary rights and approvals to construct the wharf system for which I have applied, **before** beginning construction and understand that a false statement may be a violation of 17-A MRSA §456.

**All approvals are required to be on file with the Code Enforcement Office prior to the start of work, or a double fee will be imposed.**

Date \_\_\_\_\_

Applicant

Map # \_\_\_\_\_ Lot # \_\_\_\_\_

## Consent Form

(See #10 on Application Requirements)

To Whom It May Concern:

I, \_\_\_\_\_, owner of property located at

Tax Map \_\_\_\_\_ Lot \_\_\_\_\_, with an address of \_\_\_\_\_

hereby give my consent for \_\_\_\_\_,

to construct a \_\_\_\_\_ closer to my property line than

twenty-five (25) feet as the Ordinance requires.

The structure will be located \_\_\_\_\_ feet from my property line.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

State of Maine \_\_\_\_\_,ss (County)

Subscribed and sworn by the above named \_\_\_\_\_

\_\_\_\_\_ (and \_\_\_\_\_)

this date of \_\_\_\_\_ at \_\_\_\_\_ Maine.

Before me \_\_\_\_\_  
Notary Public

# FLOOD HAZARD DEVELOPMENT APPLICATION

## \_\_\_\_\_, Maine

(All applicants must complete entire application)  
[60.3(e)]

Application is hereby made for a Flood Hazard Development Permit as required under Article II of the Floodplain Management Ordinance of \_\_\_\_\_, Maine, for development as defined in said ordinance. This permit application does not preclude the need for other municipal permit applications.

Owner: \_\_\_\_\_ Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Applicant: \_\_\_\_\_ Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Contractor: \_\_\_\_\_ Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

### LEGAL DESCRIPTION

Is this part of a subdivision?  Yes  No If yes, give the name of the subdivision and lot number:

Subdivision: \_\_\_\_\_ Lot #: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Lot #: \_\_\_\_\_

Address: \_\_\_\_\_  
Street/Road Name

Zip Code: \_\_\_\_\_  
Town/Zip Code

General explanation of proposed development: \_\_\_\_\_

Estimated Value of Proposed Development: \$ \_\_\_\_\_

Proposed Lowest Floor elevation [for new or substantially improved structure]: \_\_\_\_\_

### OTHER PERMITS

Are other permits required from State or Federal jurisdictions?  Yes  No  
If yes, are these other permits attached?  Yes  No  Not Applicable

Federal and State Permits may include but are not limited to: ME/DEP/Natural Resource Protection Act, Site Location of Development Act, Metallic Mineral Exploration, Advanced Exploration and Mining; USACE/Section 9 & 10 of the Rivers and Harbors Act/ Section 404 of the Clean Water Act; Federal Energy Regulation Commission.

### SEWER AND WATER

Sewage Disposal:  Public  Private  
 Existing  Proposed  Not Applicable Type \_\_\_\_\_

Water Supply:  Public  Private



**Attach a Site Plan** – Drawn to scale with north arrow.

- Show property boundaries, floodway, and floodplain lines.
- Show dimensions of the lot.
- Show dimensions and location of existing and/or proposed development on the site.
- Show areas to be cut and filled.

**Attach Statement** – describing in detail how each applicable development standard in Article VI will be met.

**For New Construction or Substantial Improvement also show:**

- Existing and proposed grade elevations adjacent to the walls of the structure done by a Professional land Surveyor, Architect, or Engineer.
- Location and elevation of temporary elevation reference marks on the site.

**Special Note:**

**Substantial Improvement** is defined as any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Please refer to the floodplain management ordinance, Article XIV, for more complete definitions of New Construction and Substantial Improvement.

**Structures in Velocity Zones** are not permitted on fill or excavations. Structures must be built on open foundation systems, i.e., columns, piles, posts. Certification of structural design, specifications, plans and construction methods completed by a Professional Engineer or Architect shall accompany the application as required in Article VII.3. of the floodplain management ordinance.

**The applicant understands and agrees that:**

- The permit applied for, if granted, is issued on the representations made herein;
- Any permit issued may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- Any permit issued on this application will not grant any right or privilege to erect any structure or sue any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The applicant hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain management Ordinance;
- If issued, the permit form will be posted in a conspicuous place on the premises in plain view; and,
- If issued, the permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this application are a true description of the existing property and the proposed development project.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

or

Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

(This section to be completed by Municipal Official)

Date: Submitted \_\_\_\_\_; Fee Paid \_\_\_\_\_; Reviewed by CEO \_\_\_\_\_; Reviewed by Planning Board \_\_\_\_\_

Permit # \_\_\_\_\_ Issued by \_\_\_\_\_ Date \_\_\_\_\_

# FLOOD HAZARD DEVELOPMENT PERMIT For Minor Development

\_\_\_\_\_, Maine  
(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Article V.F.3. of the Floodplain Management Ordinance of \_\_\_\_\_, Maine, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map: \_\_\_\_\_ Lot #: \_\_\_\_\_

Project Description: \_\_\_\_\_

### The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

or

Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Issued by: \_\_\_\_\_ Date: \_\_\_\_\_

Permit #: \_\_\_\_\_

## Town of Harpswell Wharf Application Overview

**Three approvals** are needed at the local level before a land use permit is issued by the Code Enforcement Officer to construct a pier, dock, wharf, ramp or float in the Town of Harpswell.

1. **The Code Enforcement Officer or Planning Board** has reviewing authority pursuant to the Shoreland Zoning Ordinance.
  - Code Enforcement Officer has responsibility for review of wharves used for *non-commercial (residential)* purposes in all zones except Resource Protection zone.
  - Planning Board has responsibility for review of all wharves used for *commercial* purposes and for *non-commercial* purposes in Resource Protection zone.
2. **The Code Enforcement Officer** has reviewing authority pursuant to the Town of Harpswell's Floodplain Management Ordinance.
3. **The Board of Selectmen** has reviewing authority pursuant to State Law, 38 M.R.S.A. §1022.

In addition, there is a minimum of **two other application** processes and permits required from the following entities:

1. **Maine Department of Environmental Protection** under the Natural Resources Protection Act is required.
2. **Army Corps of Engineers** is required
3. **Maine Department of Conservation** may be required.

**Town of Harpswell**  
**Procedures for Review of Wharf Applications**  
(under Town of Harpswell Land Use Ordinances and  
the Wharves and Weirs statute, 38 M.R.S.A. §1021 *et seq.*)

1. Application Submitted. A combined land use/Title 38 wharves and weirs permit application is submitted to Town.
2. CEO Initial Review. CEO determines land use approval authority (CEO or Planning Board) and makes preliminary determination regarding completeness of the application.
  - (a) If application is complete, the application is forwarded to the Assessing Department for review of deed or other information for sufficient evidence of applicant's right, title or interest ("RTI") in the property to be developed (including the intertidal zone).
  - (b) If application is incomplete, the applicant is contacted and additional information is sought. Process repeated until application is complete.
3. RTI Review.
  - (a) If, after review by the Assessing Department (with any outside assistance as needed), sufficient evidence of RTI is determined to exist, then the application is forwarded to CEO or Planning Board, as applicable.
  - (b) If, after review by the Assessing Department (with any outside assistance as needed), insufficient evidence of RTI is determined to exist, then the applicant is contacted and additional information is sought. Process repeated until sufficient evidence provided or a determination of insufficient evidence is made.
4. CEO Preliminary Review, If Applicable. If CEO is Shoreland Zoning Ordinance review authority, CEO conducts preliminary, non-appealable review of application for compliance with applicable standards.

5. Planning Board Review, If Applicable.

(a) If Planning Board is Shoreland Zoning Ordinance review authority, it sends appropriate meeting notices and schedules application for review. Planning Board then conducts its review, which may include a Planning Board site visit if so desired by Board members.

(b) Once Planning Board renders a decision on the application, the decision may be appealed to Board of Appeals within forty (40) days.

6. Wharves and Weirs Statute Onsite Public Hearing.

(a) CEO is Board of Selectmen's designee for purposes of conducting the statutorily required onsite public hearing. Once a date has been set for the hearing, the Code Enforcement Office notifies the applicant of the date and provides appropriate public notice, in a local newspaper of general circulation, of the date and time of the onsite public hearing. In addition, the Code Enforcement Office notifies, by first class mail, owners of property within two-hundred fifty (250) feet of the lot on which the wharf, pier, ramp and/or float is being proposed, as identified by the Town's assessing database. The Code Enforcement Office also notifies the Marine Resources Committee and the Harbormaster of the application and requests comment on the same.

(b) The Harbormaster is strongly encouraged to attend the hearing and to provide written comment to the Board of Selectmen on the application, particularly with regard to whether the proposed construction would be "an obstruction to navigation."

(c) At the hearing, CEO takes minutes of the proceeding. Meeting minutes should include the names of the attendees, a summary of issues or comments mentioned by the attendees, the time of the hearing and the time of low tide for that day.

(d) Another site visit may be conducted later in the process if so desired by the Board of Selectmen.

7. Board of Selectmen Wharves and Weirs Statute Review.

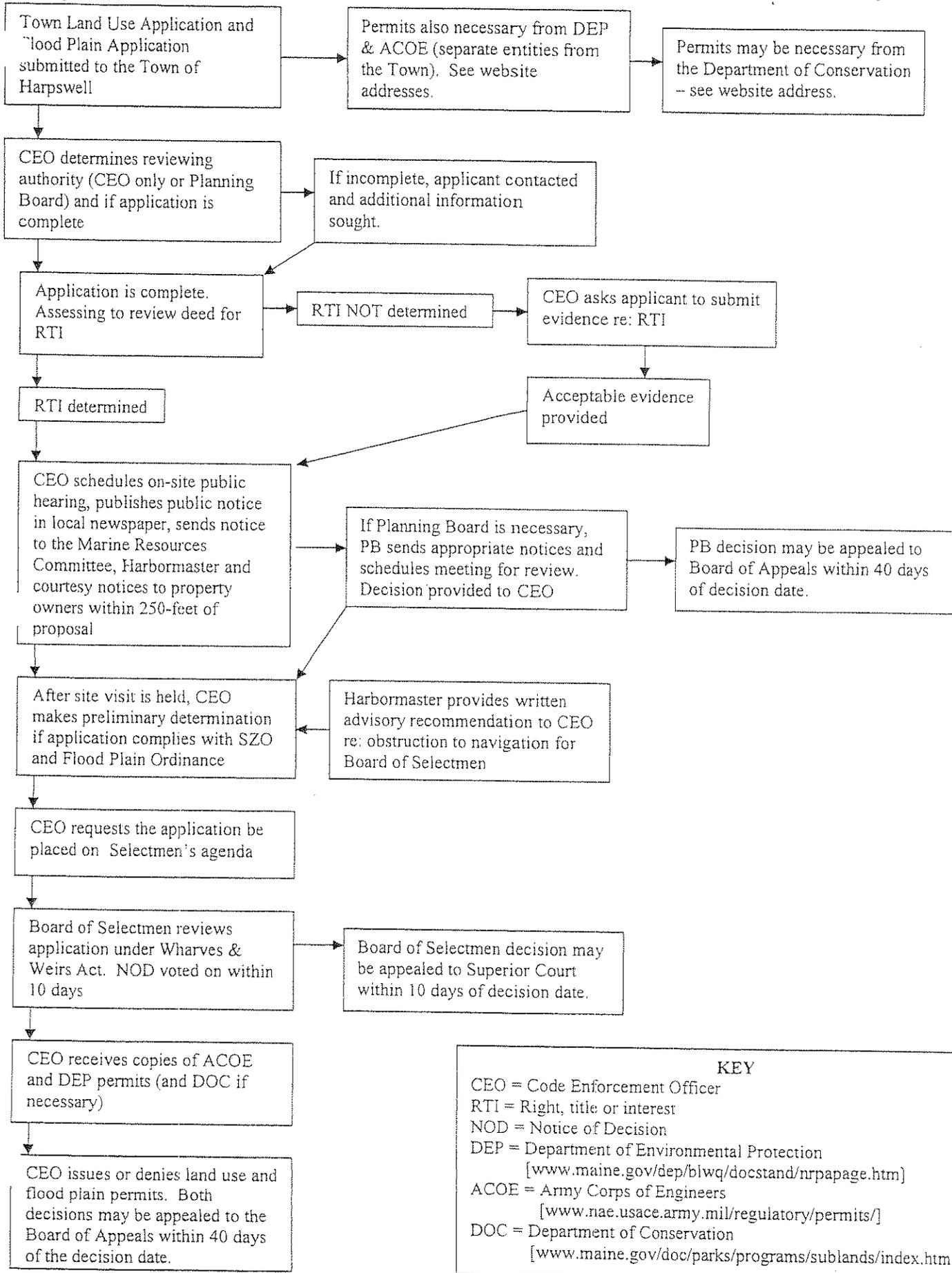
(a) CEO works with the Town Administrator's Office to schedule a public hearing at a Board of Selectmen meeting and to provide the Board of Selectmen with relevant application information, including, without limitation, any comment from the Harbormaster or Marine Resources Committee.

- (b) At the Board of Selectmen meeting, before the agenda item is opened for public comment, CEO orally presents a summary of the project location and scope; an overview of the onsite hearing; and a status report of CEO's preliminary review or the Planning Board's review, as applicable. The applicant, or authorized agent, is responsible for answering any questions from the Board of Selectmen about the proposed application during the public hearing.
- (c) The Board of Selectmen may decide to table the matter in order to conduct a site visit or seek additional information. If so, the Board of Selectmen will then reconvene the public hearing at a later date.
- (d) Within ten (10) days of the date of the vote on the application, the Board of Selectmen issues a written Notice of Decision – approved by the Board of Selectmen – by mail to all interested parties.
- (e) Once the Board of Selectmen renders a decision on the application, the decision may be appealed to Superior Court within ten (10) days.

8. CEO Permit Issuance.

- (a) Prior to the issuance of any building or other land use permits, CEO first confirms that the Town has received copies of any other required agency approvals, such as Army Corps of Engineers, Maine Department of Environmental Protection or Maine Department of Conservation approvals before any local land use permits are issued.
- (b) If CEO is Shoreland Zoning Ordinance review authority, CEO makes final determination on application.
- (c) Once CEO renders a decision on the application, the decision may be appealed to Board of Appeals within forty (40) days.

# TOWN OF HARPSWELL WHARF APPLICATION PROCESSING FLOWCHART



### KEY

- CEO = Code Enforcement Officer
- RTI = Right, title or interest
- NOD = Notice of Decision
- DEP = Department of Environmental Protection  
[[www.maine.gov/dep/blwq/docstand/nrpapage.htm](http://www.maine.gov/dep/blwq/docstand/nrpapage.htm)]
- ACOE = Army Corps of Engineers  
[[www.nae.usace.army.mil/regulatory/permits/](http://www.nae.usace.army.mil/regulatory/permits/)]
- DOC = Department of Conservation  
[[www.maine.gov/doc/parks/programs/sublands/index.html](http://www.maine.gov/doc/parks/programs/sublands/index.html)]