

**Board of Selectmen**

Steven C. Lewis, Chairman  
Dale C. Harmon, Vice Chairman  
Kristina Ford  
Michael Tomacelli  
Desiree Scordia

**Town Manager**

Daniel Bryer



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, October 23<sup>rd</sup>, 2019  
7:00 PM  
Agenda**

1. **Pledge of Allegiance**
2. **Public Hearing**
3. **Public Comment**
4. **Approve Minutes-** October 9<sup>th</sup>, 2019
5. **Reports-** Town Office Reports  
**BOS Action Items**
  1. The landscaping around rte. 27 - Dormant
  2. The Common project- Current
  3. The Umaine Aqua Ventus project - Dormant
  4. Potential grant for electric vehicle charging station- Ongoing
  5. Clifford Park Committee- Ongoing**Pending BOS Action Items**
  1. Broadband- Ongoing
  2. The housing group is continuing to discuss availability of land or subdivisions near municipal water and sewer for the analysis of affordable, workforce, and elder housing options. - Ongoing
6. **Old Business-** 1. Joint Economic Development Discussion
7. **New Business-** 1. Coastal Maine Botanical Gardens re: field test results for water quality

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**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, October 23<sup>rd</sup>, 2019  
7:00 PM  
Agenda**

2. Wharf and Weir application- Anne and Peter Weller, 13 Nason Road, Boothbay  
Map R-5, lot 62

8.      **Public Comment**
9.      **Review Warrants**
10.     **Adjourn Meeting**

**Board of Selectmen**

Steven Lewis – Chairman  
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Daniel Bryer Jr.



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, October 9<sup>th</sup>, 2019  
7:00 PM  
MINUTES**

**Present:** Steven Lewis, Dale Harmon, Michael Tomacelli, Desiree Scorcio, Kristina Ford, Town Manager Dan Bryer

**Pledge of Allegiance:**

**Public Hearing:** Dale Harmon made motion to adopt and sign the MMA General Assistance Ordinance and Appendices A-D & H for the period of of October 1, 2019-September 30, 2020 in compliance with M.S.R.A 4305 (4) and Mike Tomacelli seconded the motion Vote: 5-0 in favor.

A few factors come into play for this not to be used often: it is not easily accessible, we have the Boothbay Region Community Resources (fuel assistance, food bank, and Woodchucks) and we are also in a relatively strong economy. There is a slight increase on what the town could budget for this year.

**Public Comment:** no comment

**Approve Minutes:** September 25<sup>th</sup>, 2019- Kristina Ford made a motion to approve the minutes and Dale Harmon seconded the motion. Vote: 5-0 in favor.

Sarah Wade has replaced Sherry Tibbetts as secretary

**Reports:**

**Town Office Reports:**

**Code Office:** 1 Building Permit, 1 Shoreland Building Permit, 3 Internal Plumbing, 3 Subsurface/Waste Water Permits, 1 Board of Appeals Application, 4 Shoreland/Vegetation Removal Permits, 1 Demolition Permit and 1 Final Inspection

**Board of Appeals:** BOA application requested administrative appeal the code officer's conditions attached to a Shoreland/Vegetation Removal permit. BOA is currently down 2 members.

**Planning Board:** Currently there is an application for Planning Board up for review along with some other applicants showing interest.

**Public Works:** Public Works is currently busy with ledge, rock removal and culvert repair on King Phillips trail as a result of paving. hauling Grimes Cove float, mowing, patching and trash routes. Currently at point in the season for a strategic plan to continue to pull floats out.

**Business Office:** Business as usual, lots of registrations.

**Clifford Park:** There has been work done along edges and the mounds have been leveled off, hayed and seeded. Thanks to Pat Farrin & Son for donating time and machinery along with Justin Wood for donating time and hay, and the water district for rolling the field and donating time and seed for project. Dan Bryer will be meeting this Friday at 4:30 to go over potential help with writing the grant from Sebago Technics that needs to be done by November 22, 2019. This is federal dollars and it becomes complicated and competitive. Dog park question arises. It is currently not in this phase and we need to look further into it due to the proximity to the playground and watershed. If the dog park does not happen at Clifford Park then we could find some spot to make it happen.

**Housing Group:** There will be a meeting at Congregational Church at 10:30 on Saturday, October 12, 2019. Dan Bryer will be doing presentation to begin with and to go over some of the pertinent pieces and hopefully discussion will go from there.

#### **BOS Action Items –**

#### **Pending BOS Action Items -**

**Old Business:** Broadband- no action needed to take for discussion of this so could we move this to under town reports?

Dale Harmon made motion to sign Joint Economic Development Committee and enter into this agreement Mike Tomacelli seconded the motion. Vote: 5-0 in favor

#### **New Business:**

-Lincoln Health is not in attendance tonight.

-Steve Lewis would like to have a follow-up on how the testing is going at the Botanical Gardens and what the results are. Jason Lorraine (code enforcement officer) has been present at every test. We could look into having Adam Harkins from the Botanical Gardens come and discuss testing, results, and is the DEP is using the Botanical Gardens as an example.

-Last week at joint selectman's board meeting Wendy Wolfe would like to revisit wayfinding report again and this may tie into our sign ordinance. Is there a possibility down to road to incorporate some regional wayfinding signs as a provision to the ordinance in the future? Mike Tomacelli with report back to planning board meeting at the next workshop about discussion.

**Public Comment:** no comment

**Review Warrants and sign:** Kristina Ford made a motion to review the warrants and sign them and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

**Adjourn meeting:** At 7:30 Dale Harmon made a motion to adjourn the meeting and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.



**Findings of Fact  
Town of Boothbay Planning Board  
Wharves and Weirs Zoning Permit Application**

October 16, 2019

Peter & Anne Weller  
71 Denton Road  
Wellesley, MA 02482

RE: Property Located at 13 Nason Road, Boothbay, ME, Map/Lot: R05/62.

Dear Mr. & Mrs. Weller,

On October 16, 2019 the Town of Boothbay Planning Board acted on your Wharves and Weirs Zoning Permit application and made the following findings and conclusions;

**Findings of Fact:**

1. The applicants, Anne & Peter Weller, represented by Leblanc Associates, Inc. relating to the property located at 13 Nason Road, Tax Map R-5, Lot 62. Property taxes on account of the premises for which the approval is requested have been paid in full.
2. The property is located at 13 Nason Road. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #1096 on Page #85. The property is in the General Residential District within the Shoreland Overlay. It contains 33 acres.
3. Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster has inspected the site and given his approval; of which the CEO has a copy.
4. Applicant wishes to rebuild and modify an existing 162' L x 5' W x 4' H stone walkway/pier, add rip rap protection along a raised embankment.

**Conclusions**

Based on the above stated facts, the Planning Board makes the following conclusions:

**Right, Title or Interest in the Property**

The applicant has demonstrated Right, Title or Interest in the property in question.

← Add the applicant has demonstrated

Motion made by Dimsie, seconded by \_\_\_\_\_

W

Vote \_\_\_\_\_ In Favor \_\_\_\_\_ Against \_\_\_\_\_

**Review Criteria**

**General** The Code Enforcement Officer and Planning Board shall consider the following criteria and, before granting approval, must determine that the application is in conformance with the land use goals and objectives of Section 1.8, the standards of Section 3 and that the proposed development or use:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion or sedimentation to surface waters;
- C. Will adequately provide for the disposal of wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; {38 § 440-A}
- F. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
- G. Will not adversely affect existing commercial fishing or maritime activities in the Maritime Commercial District; and
- H. Will avoid problems associated with floodplain development and use. {DEP § 16 D}

The applicant ✓ has/ has not demonstrated that this proposal meets the criteria set forth in Section 3.6, Review Criteria, of the Town of Boothbay Zoning Ordinance.

Motion made by Dimsie, seconded by Rob

Vote 3-0 ✓ In Favor \_\_\_\_\_ Against \_\_\_\_\_

**Additional Review Criteria**

**3.10.9 Docks, Piers, Wharves, Bridges** and other structures and uses extending over or below the highwater line of a great pond, stream, and outlet stream or within a wetland shall meet the following standards:

- A. Access from shore shall be developed on soils appropriate for such use and constructed so that erosion is controlled by employing Best Management Practices;
- B. The location shall not interfere with existing developed or natural beach areas;
- C. The facility shall be located so as to minimize adverse effects on fisheries;
- D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. Non-commercial docks, piers and wharves shall not exceed 6 feet in width and commercial docks, piers and wharves shall not exceed 12 feet in width;
- E. The structure/use shall not have an unreasonable adverse effect on the value or enjoyment of abutting property owners;
- F. The structure/use shall not be a threat to public safety, health or welfare;



G. The structure shall conform to all local, state and federal regulations in existence at the time of construction or change. {DEP § 15 C}

The applicant ☒ has/ ☐ has not demonstrated that this proposal meets the criteria set forth in Sections 3.10.9 Docks, Piers, Wharves, Bridges of the Town of Boothbay Zoning Ordinance.

Motion made by Dimsie, seconded by Sam

Vote 3-0 ☒ In Favor ☐ Against

**1.8.5 Shoreland** The Town should adopt, administer, and enforce land use regulations consistent with the Department of Environmental Protection's guidelines for municipal shoreland zoning ordinances to:

- A. Provide the required zoning and subdivision standards while at the same time preserving those activities, within the zoned areas, that are indigenous to the region;
- B. Further the maintenance of safe and healthful conditions;
- C. Prevent and control water pollution;
- D. Protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
- E. Protect buildings and lands from flooding and erosion caused by development and use;
- F. Protect archaeological and historic sites;
- G. Protect commercial fishing and maritime industries;
- H. Protect freshwater and coastal wetlands;
- I. Control building sites, placement of structures and land uses;
- J. Conserve shore cover, and visual as well as actual points of access to inland and coastal waters;
- K. Conserve natural beauty and open space; and
- L. Anticipate and respond to the impacts of development in shoreland areas. {DEP § 1}

The applicant ☒ has/ ☐ has not demonstrated that this proposal meets the criteria set forth in Section 1.8.5, Shoreland, of the Town of Boothbay Zoning Ordinance.

Motion made by Dimsie, seconded by Rob

Vote 3-0 ☒ In Favor ☐ Against

### Decision

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence submitted at the Planning Board meetings on the application, on motion made by Dimsie and seconded by Rob, the Planning Board ☒ approved/ ☐ denied the wharves and weirs/shoreland zoning permit application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions.

Vote 3-0

☒ In Favor ☐ Against

**Conditions of Approval**

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None. This application was approved as presented.

**Appeal**

Any appeal from this decision must be made to the Board of Appeals within 30 days after the date of the decision of the Planning Board, in accordance with the Section V of the Zoning Ordinance.

Date: October 16, 2019

By: \_\_\_\_\_

Chair: Sam Morris

\_\_\_\_\_  
Rob Ham

\_\_\_\_\_  
Bruce Bowler

\_\_\_\_\_  
Annette Stormont

\_\_\_\_\_  
Dimesie McBride

\_\_\_\_\_  
Peggy Kotin

cc: Board of Selectmen  
Code Enforcement Officer



**TOWN OF BOOTHBAY  
WHARVES AND WEIRS APPLICATION**

original

For Office Use Only

Applicant \_\_\_\_\_

Date received \_\_\_\_\_

Purpose \_\_\_\_\_

This application is for proposals requiring Planning Board approval to construct or modify a dock, pier and other structure extending beyond a high-water line. If any structure inland from the high-water line other than the land end of the structure is to be constructed, a Development Application must also be submitted. This application and all accompanying submissions must be completed in accordance with the requirements of the Zoning Ordinance of the Town of Boothbay. Copies of the Zoning Ordinance are available for use or purchase at the Town Office and on the Town's web site. The original signed copy of pages 1 and 2 of this form must be accompanied by the required application fee and proof that all accounts with the Town are current as required in item 1 of Section III of this form. Responses to the other applicable information requests in Section III are required for the application to be complete and may be provided in writing, by sketch, plan or drawing, or in person, or by a designated representative, in a public hearing. Eight copies of pages 1 and 2 of this form and the other information required to be on paper must be submitted before the application can be considered.

The Boothbay Planning Board normally meets to hear new applications the third ~~Tuesday~~ <sup>Wednesday</sup> of each month. Applications must be submitted to the Code Enforcement Officer a minimum of three (3) weeks before a Planning Board meeting. The applicant and/or a representative must be present for the Planning Board to consider an application. Failure to appear for two consecutive meetings may result in Planning Board denial of the application. The Planning Board will normally approve, approve with conditions or deny non-commercial Wharves and Weirs Applications the first time it considers an application. If appropriate, an on site visit will be scheduled. The Planning Board may require the submission of additional information at any time while it is considering an application. All plans and written material requested after the initial submission must be submitted to the Code Enforcement Officer no later than 4:00 PM of the Thursday before a Planning Board meeting for it to be considered at the meeting.

**SECTION 1 – TO BE COMPLETED BY ALL APPLICANTS**

1. Street Location/Address of the Property: 13 Nason Road, Boothbay, ME 04537 33 acres  
Tax Map # R-5 Lot # 62 Zoning District: shoreland residential  
Is lot in the Resource Protection Area? Yes \_\_\_\_\_ No X Stream Protection Area? Yes \_\_\_\_\_ No X
2. Owner of Property: Anne & Peter Weller  
Authorized Representative (if corporation): \_\_\_\_\_  
Mailing Address: 71 Denton Road, Wellesley, MA 02482  
Telephone Number: Daytime: 617-997-3544 Evening: \_\_\_\_\_  
Fax Number: --- Email Address: pweller@bidmc.harvard.edu
3. Applicant (if different from Owner): LEBLANC ASSOCIATES, INC. – Joseph D. LeBlanc, President  
Mailing Address: 67 Dipper Cove Road, Orr's Island, ME 04066 (please see Exhibit 4)  
Telephone Number: Daytime: 207-833-6462 Evening: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email Address: leblancjd@comcast.net
4. Right, Title or Interest in the Property Owner's Deed: Book 1096 Page 85 (please see Exhibit 3A)  
Contract to purchase or option to lease: Date \_\_\_\_\_
5. Interest of applicant in any abutting property:  
Tax Map # R-5 Lot # 66B & 63  
Interest owners
6. Existing use of property: residential
7. Proposed development (pier, ramp, float(s), haul-out, etc.): Rebuild & modify an existing 162' L x 5' W x 4' H stone walkway / pier, raising the average height to 5' +/- H; also add rip rap protection along a raised embankment near the existing entry bridge 90' +/- L x 3' to 4' H (please see Exhibits 2 and 2A)



## Wharves and Weirs Application

8. All applicants must provide information in writing, or in person or by a designated representative in a public hearing, that the proposed development and/or use: (Section 3.6.1)
- Will maintain safe and healthful conditions;
  - Will not result in water pollution, erosion or sedimentation to surface waters;
  - Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
  - Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
  - Will protect archaeological and historic resources as designated in the Comprehensive Plan;
  - Will not adversely affect existing commercial fishing or maritime activities in the Maritime Commercial District;
  - Will avoid problems associated with flood plain development and use; and
  - Is in conformance with all land use standards of the Zoning Ordinance.
9. In addition all applicants must provide information in writing or in person, or by a designated representative, in a public hearing that the proposed structure and/or use will meet the following standards: (section 3.10.9)
- a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion;
  - b. The structure/use shall be located so as not to interfere with navigation and navigational aids, developed beach areas and other uses within the area;
  - c. The structure/use shall be located so as to minimize adverse effects on fisheries;
  - d. The structure/use shall not be detrimental to water quality;
  - e. The structure/use shall not have an unreasonable adverse effect on the value or enjoyment of abutting property owners;
  - f. The structure/use shall not be a threat to public safety, health or welfare;
  - g. The structure shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area; provided, however, that non-commercial docks, piers and wharves shall not exceed six (6) feet in width and commercial docks, piers and wharves shall not exceed twelve (12) feet in width;
  - h. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body, tributary stream or within a wetland described in Section VI(A)(2) unless the structure requires direct access to the water as an operational necessity;
  - i. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body, tributary stream or within a wetland described in Section VI(A)(2) shall be converted to residential dwelling units;
  - j. Except in the Maritime Commercial District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body, tributary stream or within a wetland described in Section VI(A)(2) shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure; and
  - k. The structure shall conform to all local, state and federal regulations in existence at the time of construction or change.

## SECTION II - SIGNATURE

In order for the Planning Board to approve this application, the Zoning Ordinance requires the Planning Board to find that the requirements of the Zoning Ordinance have been complied with and the proposal is consistent with the goals and objectives for development in Boothbay as stated in Section III of the Zoning Ordinance. The applicant has the responsibility of proving the proposed development and/or use is in conformity with the purposes and provisions of the Zoning Ordinance.

The applicant and owner affirm that they are willing and able, in the event of approval, to undertake and complete all activities in accordance with the approved application and in conformance with all regulations of the Town of Boothbay and in accordance with all conditions for approval required by the Planning Board. In addition, the applicant and owner affirm that they will not make changes to the approved development and/or use unless approval is obtained from the Planning Board or Code Enforcement Officer in accordance with Section IV(K) on page 8 of the Zoning Ordinance of the Town of Boothbay, Maine.

The undersigned consent to this application and agree to abide by all terms and conditions set forth in this application or required by the Planning Board. A letter of authorizing the development and/or use from the owner to the applicant, if different from the owner, is attached.

The Owner consents to this application (Signature) Anne & Peter Weller (Please see Exhibit 4) Date \_\_\_\_\_

Permits Agent: LEBLANC ASSOCIATES, INC., Joseph D. LeBlanc, President

Applicant's signature (if other than owner) Joseph D. LeBlanc Date 6-26-19

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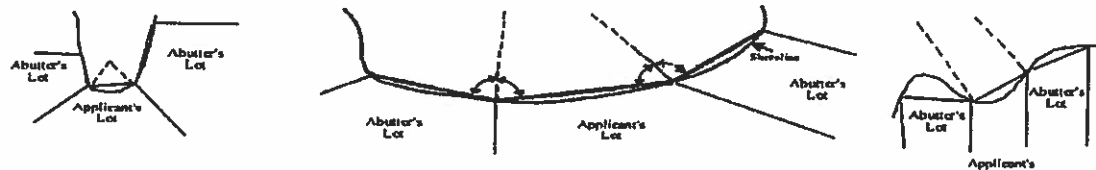
### SECTION III REQUIRED INFORMATION

Applications must include as a minimum all of the following information that may be reasonably required in order that the Planning Board may make an informed determination pursuant this Ordinance.

Where appropriate, the name, registration number, and seal of the professional land surveyor and/or engineer responsible for preparing the document is required on the document.

1. Certificate or receipt from the Town that (One copy attached to the original signed copy of the application.):
  - A. Real and personal property taxes plus any other accounts of the applicant payable to the Town have been paid in full; (Section 3.5.2.4.1.1)
  - B. Real and personal property taxes for the property described in Section I number 1 above have been paid in full; (Section 3.5.2.4.1.2)
  - C. Application fees have been paid; (Section 3.5.2.2.2) and
  - D. There is no outstanding notice of violation issued by the Code Enforcement Officer to the applicant that (i) has not been appealed to the Board of Appeals within the required time period, (ii) is pending before the Board of Appeals or a reviewing court, or (iii) the decision of the Board of Appeals or a reviewing court has not been fully complied with. (Section 3.5.2.4.2)
2. A location map showing the relation of the lot to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of the property lines and at least one Town road.
3. Copy of Secretary of State's Registration if corporation.
4. Copy of most recent deed showing ownership and, if applicable, contract to purchase or option to lease.
5. Copy of any variation from an Ordinance standard previously granted by the Planning Board, the Board of Appeals or Superior Court, or State or Federal agency or department.
6. Copy of any deed granting easements on or beneficial to lot.
7. A survey showing the lot to be developed or on which the use will occur and the abutting water front properties. Show the location of the proposed structures, normal high-water and low-water lines and near edge of navigation channel at normal low-water. Show the distance of the proposed structures from the property lines, riparian rights lines and from any structures on abutting properties that extend beyond the shoreline.

This submission must include Riparian Rights Lines in accordance with the following diagram unless specifically defined by deed or the applicant can demonstrate that different lines are supported by other Maine legislative or judicial precedent. If defined by deed, attach copy.



Step 1: Extend lot lines to Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Step 2: Connect points found in Step 1.

Step 3: Bisect angles formed by the connections in Step 2 and extend to the line of navigation (Three foot depth at lowest tide level of the year as identified in tide table published by the National Ocean Service.)

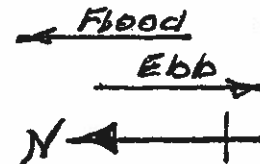
8. Sketch or plan showing top and side view of existing and proposed structures extending beyond the high-water line including all length, width and height dimensions. On vertical views, show elevations above normal high-water line.
9. Photographs at low tide from high-water line at point of proposed pier looking toward both abutters and in direction of proposed pier. Photographs at low tide from high-water line at both property lines toward location of proposed pier, runway and float.
10. Copy of approved/granted Department of Environmental Protection Permit.
11. Copy of approved/granted submerged land lease from Department of Conservation if pier is to extend beyond normal low tide.
12. Copy of approved/granted submission to Army Corp of Engineers Permit.
13. Copy of cover sheets sent to the Maine Historic Preservation Commission and Tribal Historic Preservation Officers in accordance with Army Corp of Engineers regulations.
14. Any other information that may be reasonably required in order to make an informed determination pursuant the Zoning Ordinance



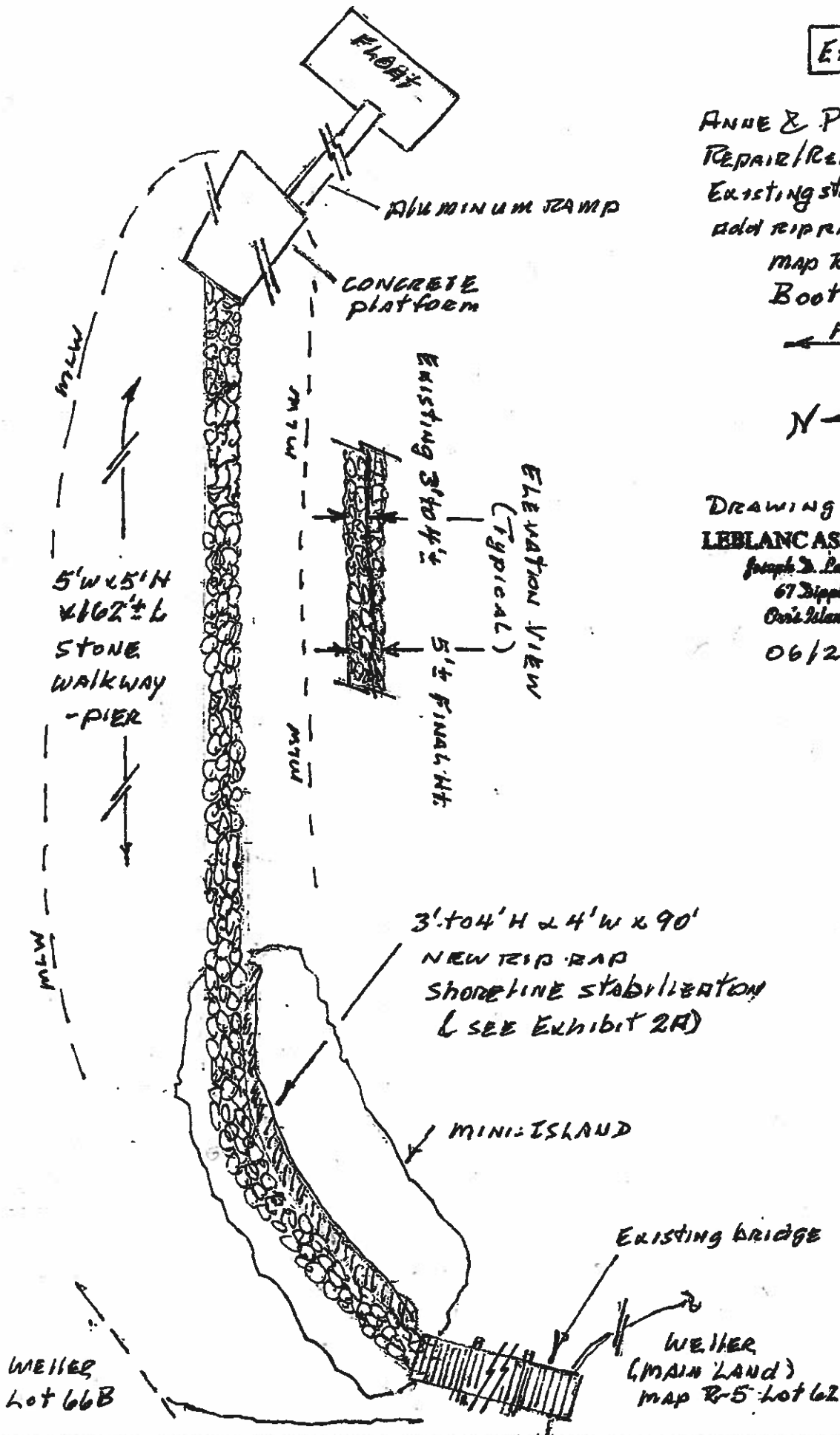


Exhibit 2

ANNE & PETER WELER  
REPAIR/REBUILD & MODIFY AN  
EXISTING STONE WALKWAY-PIER;  
ADD RIPRAP PROTECTION  
MAP R-5 LOT 62  
BOOTHBAY, MAINE



DRAWING BY:  
LEBLANC ASSOCIATES, INC.  
Joseph D. LeBlanc, President  
67 Dippin Cove Road  
Oris Island, ME 04066  
06/20/19 JDL





DRAWING By:

LEBLANC ASSOCIATES, INC.

Joseph D. LeBlanc, President

67 Dipper Cove Road

Orin's Island, ME 04066

06/20/19 JDL

Exhibit 2A

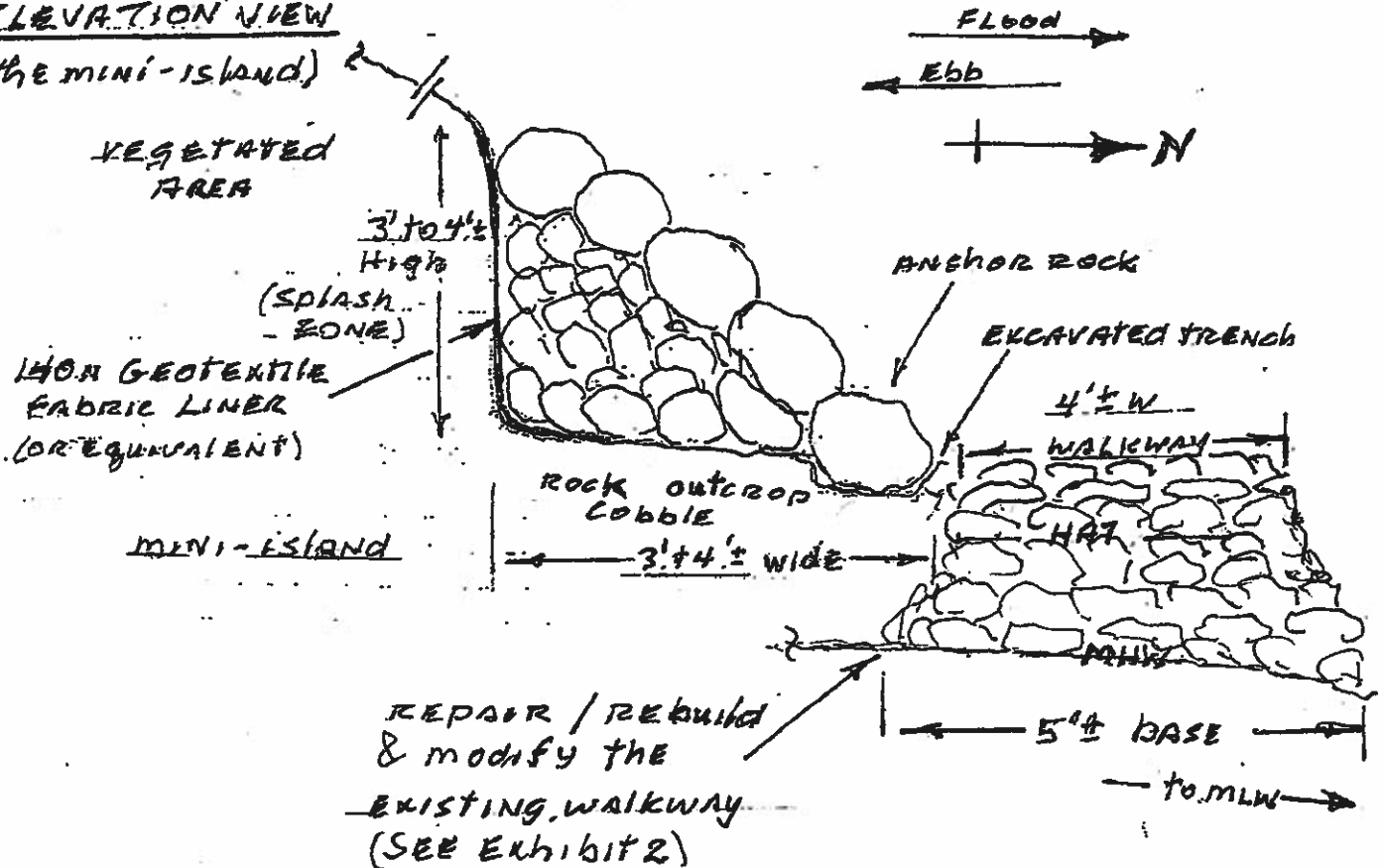
ANNE & PETER WELER

RIP RAP / Shoreline Stabilization

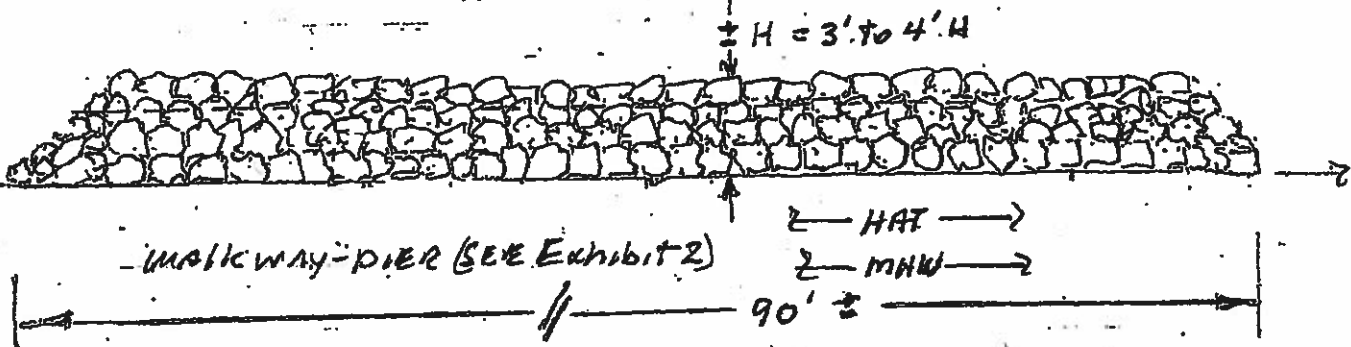
Boothbay, MAINE

MAP R-5 LOT 62

ELEVATION VIEW  
(ON THE MINI-ISLAND)



PLAN VIEW  
(RIP RAP)







July 22, 2019,

Dear; Town Manager, Board of Selectmen & Planning Board;

The public on-site hearing for the Wharves and Weirs application by Anne & Peter Weller, to rebuild and modify an existing stone walkway and pier, was held as advertised on Monday July 22nd at 9:23 A.M. The project is located on 13 Nason Road in Boothbay.

Joe LeBlanc was the owner's representative. The town of Boothbay was represented by Harbor Master Peter Ripley and Selectman Mike Tomacelli.

There does not seem to be any effect of diminished or restricted ingress or egress by riparian owners. There is no evidence that this project will cause injury to others that use this area of Pleasant Cove in the Damariscotta River. I have received no objections oral or written about this project.

This project will NOT interfere with navigation in the Pleasant Cove or Damariscotta River area.

I see no problems with this proposed project as submitted by Anne & Peter Weller.

Respectfully submitted,

Peter B. Ripley

Harbor Master



