

SPEAR WHARF CASCO BAY



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AUGUSTA, MAINE 04330
IN THE MATTER OF

Approved

FILE
SPEAR WHARF - Casco Bay
Peaks Island Portland
ROBERT R. SPEAR
#03-0735-05170

Wetlands

FINDINGS OF FACT AND ORDER

After a review of the application and Supporting Documents submitted by Robert R. Spear, under the provisions of Title 12, Chapter 421, in the matter of Spear's Wharf on Peaks Island, in Casco Bay, the Board finds the following facts:

- (1) The applicant proposes a wooden dock 24 x 60 feet on 15 wood pilings braced with 2" x 6" timbers, in Casco Bay, Peaks Island in Portland.
- (2) The wharf will extend from an existing building out on the tidal zone.
- (3) Distance from the building to mean low-water is 118 feet, and the wharf will extend eight (8) feet above mean high-water.
- (4) The wharf is to be used to load and unload fishing gear by Mr. Spear, and storage for his lobster traps.
- (5) The Board of Harbor Commissioners of Portland Harbor issued a permit for this construction on February 3, 1973.
- (6) The wharf will be for private, year-round use by the owner, Mr. Spear.
- (7) The Soil and Water Conservation Commission has no objections or recommendations to the project as proposed.
- (8) The Town Planning Board unanimously approved the project at its March 13 meeting.
- (9) The Department of Sea and Shore Fisheries has no objections or recommendations for the project.
- (10) The Department of Inland Fisheries and Game has no objections or recommendations for the project.
- (11) The Greater Portland Council of Governments has expressed no objections or recommendations for this project.

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FINDINGS OF FACT AND ORDER

Based upon the above Findings of Fact, the Board concludes that the applicant has complied with the provisions of Title 12, Chapter 421.

Therefore, the Board approves Robert R. Spear's application to build a permanent wharf, according to the plans submitted, on Peaks Island in Casco Bay, Portland.

DONE AND DATED AT AUGUSTA, MAINE, THIS 13th day of APRIL, 1973

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By 
William R. Adams, Jr., Commissioner

STATE OF MAINE

APPROVED

MAR 29 '73

BY GOVERNOR

CHAPTER

143

PUBLIC LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

H. P. 1190 — L. D. 1456

AN ACT Relating to Removal of Dilapidated Wharves or Piers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 17, § 2851, amended. The first paragraph of section 2851 of Title 17 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 401 of the public laws of 1967, is amended to read as follows:

Whenever the municipal officers shall find a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof which is or was located on or extending from land within the boundaries of the municipality, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; or is unsuitable or improper for the use or occupancy to which it is put, is a hazard to health or safety because of inadequate maintenance, or because of obsolescence or abandonment or is otherwise dangerous to life or property, the municipal officers may after notice and hearing on this matter, adjudge the same to be unsafe or dangerous and may make and record an order prescribing what abatement shall be made thereof.

Sec. 2. R. S., T. 17, § 2853, amended. Section 2853 of Title 17 of the Revised Statutes, as repealed and replaced by chapter 281 of the public laws of 1965, and as amended, is further amended by adding at the end a new sentence to read as follows:

In the case of any claim for expenses incurred in the abatement or removal of any wharf, pier, pilings or any portion thereof which extends beyond the low water mark, the special tax authorized by this section shall apply to the land from which such wharf, pier or pilings extended or to which they were adjacent, provided the owner of the land is also the owner of the said wharf, pier, pilings or portion thereof.