



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

DARRYL N. BROWN
COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection
FROM: Colin A. Clark, Bureau of Land & Water Quality, Augusta
RE: Consent Agreement for George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust
DATE: April 21, 2011

Statute and Rule Reference: *The Natural Resources Protection Act*, 38 M.R.S. § 480-C, prohibits placing fill in and adjacent to a coastal wetland without first obtaining a permit from the Department.

Location: South Thomaston, Maine

Description: On April 16, 2008 the Department approved Permit by Rule notification #45501 submitted by George Conrades and Patsy Conrades, beneficiaries of the Muscle Ridge Purchase Trust, pursuant to *Permit by Rule Standards*, 06-096 CMR 305(2) and (8). George Conrades and Patsy Conrades proposed to install riprap, access stairs, repair the lawn on the southwest side of the property, and plant trees and ground cover on the site. On May 28, 2009, I inspected the property owned by Muscle Ridge Purchase Trust which is located off Ferry Road in South Thomaston, Maine. The inspection of the property revealed that Muscle Ridge Purchase Trust failed to follow permit by rule standards pursuant to Chapter 305 of Department rules during the placement of riprap and access stairs along the shoreline of the property. Approximately 14 inches of fill was placed behind the permitted riprap and within 25 feet of the coastal wetland which is prohibited by 06-096 CMR 305(2)(C)(2). In addition, fill in the form of a stepping stone was placed in the coastal wetland. *Permit by Rule Standards* 06-096 CMR 305(2)(C)(1)(e) allows an access way to, but not in, the protected natural resource.

Environmental Issues: The placement of fill in a coastal wetland results in the permanent loss of the intertidal marine habitat. Many marine organisms depend on the use of the intertidal area for a portion of their life cycle. Department standards for the installation of riprap and an access way in the coastal environment strike a delicate balance between protecting shorefront property and the intertidal environment.

Department Recommendation: The Department recommends acceptance of this Consent Agreement stipulating that George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust pay a monetary penalty of \$1,700.00, which has been paid. The fill placed in the coastal wetland has been removed and the disturbed buffer area has been reestablished with native vegetation in accordance with a plan submitted and approved by staff. The penalty is based on the Department's penalty policy reflecting the size of the violation, knowledge of the violator, and that the violation could have been avoided.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

IN THE MATTER OF:

GEORGE CONRADES, PATSY CONRADES)	ADMINISTRATIVE
AND MUSCLE RIDGE PURCHASE TRUST)	CONSENT
SOUTH THOMASTON, KNOX, MAINE)	AGREEMENT
NRPA)	(38 M.R.S.A. § 347-A)
2009-086-L)	

This Agreement by and among George Conrades, Patsy Conrades, Muscle Ridge Purchase Trust, the Maine Department of Environmental Protection (“Department”), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. Muscle Ridge Purchase Trust, 344 Beacon Street, Boston, Massachusetts 02116, owns a parcel of land off Ferry Road in South Thomaston, Maine as described and recorded in Book 3688 on Page 325 of the Knox County Registry of Deeds. Norman J. Benford is a Trustee of Muscle Ridge Purchase Trust.
2. The property described in Paragraph 1 of this Agreement is adjacent to a coastal wetland as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(2).
3. On April 16, 2008, George Conrades and Patsy Conrades, beneficiaries of the Muscle Ridge Purchase Trust, submitted a Permit by Rule notification form to the Department pursuant to *Permit by Rule Standards*, 06-096 CMR 305(2) and (8). George Conrades and Patsy Conrades proposed to install rip rap, access stairs, repair the lawn on the southwest side of the property, and plant trees and ground cover on the site. By signing the Permit by Rule notification form, George Conrades and Patsy Conrades agreed to comply with all applicable standards as set forth in 06-096 CMR 305(2) and (8). The Permit by Rule was assigned PBR # 45501 and approved by the Department on April 25, 2008.
4. Department staff conducted an investigation of the property described in Paragraph 1 of this Agreement as follows:
 - A. On May 28, 2009, an inspection of the property revealed that the site work conducted to date deviated from the permit by rule standards. Fill had been placed immediately adjacent to the coastal wetland and a granite stepping stone had been placed below the highest annual tide and in the coastal wetland. Neither George Conrades nor Patsy Conrades nor Muscle Ridge Purchase Trust first obtained a permit from the Department for these activities. At the time of inspection, the site was stable.

IN THE MATTER OF:

GEORGE CONRADES, *ET AL*) ADMINISTRATIVE CONSENT
SOUTH THOMASTON, KNOX, MAINE) AGREEMENT
NRPA) (38 M.R.S.A. § 347-A)
2009-86-L)

- B. A review of Department records conducted on May 28, 2009, revealed that George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust failed to follow permit by rule standards in accordance with *Permit by Rule Standards*, 06-096 CMR 305 as follows:
- i. George Conrades and Patsy Conrades and Muscle Ridge Purchase Trust added approximately 14 inches of fill behind the permitted rip rap and within 25 feet of the coastal wetland which is prohibited by 06-096 CMR 305(2)(C)(2).
 - ii. George Conrades and Patsy Conrades and Muscle Ridge Purchase Trust placed fill in the form of a stepping stone in the coastal wetland which is prohibited by 06-096 CMR 305(2)(C)(1)(e) which allows an access way to, but not in, the protected natural resource.
5. The activities described in Paragraph 4 of this Agreement constitute the following violations:
- A. By filing a permit by rule notification form and then not following permit by rule standards, George Conrades and Patsy Conrades violated *Permit by Rule Standards* 06-096 CMR 305 and the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
 - B. By placing fill in and adjacent to a coastal wetland without first obtaining a permit from the Department, George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
6. On July 9, 2009, the Department issued a Notice of Violation (#14649) to George and Patsy Conrades regarding the violations described in Paragraphs 4 and 5 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
7. On October 23, 2009, the Department issued a Notice of Violation (#14649) to Muscle Ridge Purchase Trust regarding the violations described in Paragraphs 4 and 5 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
8. On December 16, 2009, Department staff inspected the property described in Paragraph 1 of this Agreement and determined that the stepping stone was removed from the coastal wetland.
9. On August 26, 2010, Muscle Ridge Purchase Trust c/o George Conrades submitted a permit by rule notification to vegetate the disturbed buffer area. The application has been assigned PBR # 50951 and was approved by the Department on September 2, 2010.
10. On October 18, 2010, Department staff inspected the property described in Paragraph 1 of this Agreement and determined that a buffer had been planted immediately adjacent to the

IN THE MATTER OF:

GEORGE CONRADES, *ET AL*
SOUTH THOMASTON, KNOX, MAINE
NRPA
2009-86-L

) ADMINISTRATIVE CONSENT
) AGREEMENT
) (38 M.R.S.A. § 347-A)
)

coastal wetland in accordance to the plan submitted as part of Permit By Rule # 50951. All restoration has been completed to the satisfaction of Department staff.

11. The Department has regulatory authority over the activities described herein.
12. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
13. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
14. In addition to the remediation work described in paragraphs 8 and 10 of this agreement, in connection with the resolution of the violations referred to in Paragraphs 4 and 5 of this Agreement, George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust agree to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of one thousand seven hundred dollars (\$1,700.00) as a civil monetary penalty.
15. The Department and the Office of the Attorney General grant a release of their causes of action against George Conrades, Patsy Conrades, and Muscle Ridge Purchase Trust for the specific violations listed in Paragraphs 4 and 5 of this Agreement on the express condition that payment described in Paragraph 14 of this Agreement is made in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN THE MATTER OF:

GEORGE CONRADES, *ET AL*
SOUTH THOMASTON, KNOX, MAINE
NRPA
2009-86-L

) ADMINISTRATIVE CONSENT
) AGREEMENT
) (38 M.R.S.A. § 347-A)
)

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of four (4) pages.

GEORGE CONRADES

BY: *George Conrades* DATE: 1/24/11
GEORGE CONRADES

PATSY CONRADES

BY: *Patsy Conrades* DATE: 1/24/11
PATSY CONRADES

MUSCLE RIDGE PURCHASE TRUST

BY: *Norman J. Benford* DATE: 2/1/11
NORMAN J. BENFORD, TRUSTEE

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL