



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

ROCKLAND HARBOR PARK, LLC
Rockland, Knox County
ROCKLAND HARBOR PARK CENTER
L-20386-4C-D-T (approval)

) SITE LOCATION OF DEVELOPMENT ACT
) NATURAL RESOURCES PROTECTION ACT
) TRANSFER
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and Department Rules (Chapter 2, April 1, 2003) Concerning the Processing of Applications, the Department of Environmental Protection has considered the application of ROCKLAND HARBOR PARK, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Department Order #L-20386-4C-C-N, the Department approved the rehabilitation and widening of an existing dry laid granite pier that also serves as a breakwater. The Department also approved extending the existing breakwater by constructing a wooden pier and dredging an area adjacent to the granite breakwater to provide access for watercraft. The project is located in Rockland Harbor in the City of Rockland.

In Department Order #L-20386-4E-B-N, the Department approved the development of an Operations Center in the City of Rockland. The development consists an approximate 78,000 square foot two-story office building, an approximate 7,800 square foot daycare center, an approximate 1,300 square foot boathouse, an approximate 1,500 square foot one-story, open-air pavilion, and an approximate 1,350 linear foot boardwalk. The combined building area is approximately 50,100 square feet and the combined paved area is approximately 186,900 for a total of 237,000 square feet. The project is located adjacent to Ocean and Water Streets in the City of Rockland.

2. The applicant is applying to transfer Department Order #L-20386-4C-C-N and Department Order #L-20386-4E-B-N, currently held by Bracebridge Corporation.

3. The applicant submitted the following information in support of this transfer request:
 - A. Transfer application dated February 25, 2008 and signed by Terence J. Farrell on behalf of Bracebridge Corporation and dated February 8, 2008 and signed by Stuart Smith on behalf of Rockland Harbor Park, LLC and dated February 15, 2008.
 - B. Financial Capacity: The property is 100% wholly-owned by Rockland Harbor Park, LLC. There is no mortgage on the property. The project is complete and the members of the LLC have paid for the construction and project operation costs via capital contributions to the LLC.
 - C. Technical Ability: The construction of the development is complete. William Gartley of Gartley and Dorsky Engineering and Surveying, Inc. of Camden, ME will address the ability to maintain the project.
 - D. A Certificate of Good Standing issued by the Maine Secretary of State for Rockland Harbor Park, LLC, dated February 5, 2008.

BASED on the above findings of fact, the Department CONCLUDES that Rockland Harbor Park, LLC has provided adequate evidence of financial capacity and technical ability to comply with all conditions of Department Order #L-20386-4C-C-N and Department Order #L-20386-4E-B-N, and to satisfy all applicable statutory and regulatory criteria.

THEREFORE, the Department APPROVES the above noted application of Rockland Harbor Park, LLC to transfer of Department Order #L-20386-4C-C-N and Department Order #L-20386-4E-B-N, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

1. The Standard Conditions of Approval, a copy attached.
2. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable

3. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-20386-4C-C-N and Department Order #L-20386-4E-B-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11TH DAY OF March, 2008.

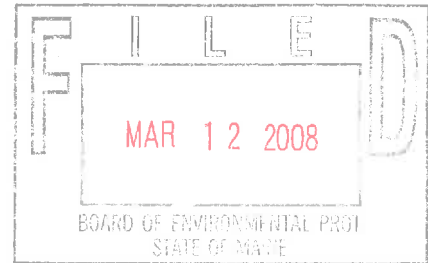
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application February 25, 2008
Date of application acceptance February 26, 2008

Date filed with Board of Environmental Protection
LV/L20386DT





NATURAL RESOURCE PROTECTION ACT (NRPA) STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years form the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (4/92)

DEP LW0428

SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

DEPLW 0429