Inspections Division
Date: 02/26/18

BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND

Application for Marine Construction Permit
Findings of Fact and Conclusions of Law

DECISION

Date of public hearing: **December 14th, 2017**

Name and address of applicant: **Canal Landing New Yard**
400 West Commercial Street, Portland, Me. 04101

Location of project for which permit is requested: **Same as above**

Description of project: **Shorefront construction along the Fore River waterfront**

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Exhibits admitted (e.g. renderings, reports, etc.):
Marine Construction permit application packet prepared by Sebago Technics

Stantec

Summary of testimony presented:
Applicant outlined the proposed project and answered questions from the board.

Findings of Fact and Conclusions of Law:

1) Waiver of 25ft rule as defined in Rule 16.2(b):

The Board of Harbor Commissioners may grant a waiver of the 25-foot rule if it finds that it would be unfair, inappropriate or unnecessary to apply the rule in a particular situation.

Granted ___ Not Granted ____ Not Applicable__XX___

Reason:

Factors to be considered by the Board:

a. Whether the particular marine structure or obstruction under consideration, even if allowed to be constructed or placed within 25 feet of a sideline, will permit a channel that will adequately allow the passage of vessels;

b. Whether existing marine structures or obstructions make it impossible for a channel wide enough to allow the passage of vessels to exist, regardless of the placement or construction of the marine structure under consideration;

c. The intended use of the marine structure of obstruction;

d. Whether granting a waiver would significantly reduce an abutting property owner's use of that abutting property, including but not limited to the owner's ability in the future to attach a marine structure to that abutting property;

e. Any boundary lines between properties that extend into the harbor as described in deeds, maps or plans; and

f. Any other factor the Board believes is relevant to whether a waiver should be granted in a particular case.

2) The marine structure or obstruction will not substantially or unreasonably interfere with navigation, including its impact on convenient channels for the passage of vessels.

Satisfied __**XX**___ Not Satisfied ____

Reason: **The project is over 50 feet from the Federal Channel and will not obstruct or interfere with navigation.**

3) The marine structure or obstruction will not injure the rights of others.

Satisfied __**XX**___ Not Satisfied ____

Reason: **The project does not obstruct or interfere with the rights of others**

4) The marine structure or obstruction will not threaten public safety.

Satisfied __**XX**___ Not Satisfied ____

Reason: **Proposed project meets of exceeds all safety standards as presented.**

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Conclusion: **(check one)**

XXX Option 1: The Board finds that the standards described above have been satisfied and therefore GRANTS the permit.

The applicant will notify the Harbor Master of Start Construction Date of the project as well as agree to ongoing sight inspections from the Harbor Master during the duration of this construction project.

___ Option 2: The Board finds that while the standards described above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on navigation and/or public safety, and therefore GRANTS the permit SUBJECT TO THE FOLLOWING CONDITIONS:

___ Option 3: The Board finds that the standards described have NOT all been satisfied and therefore DENIES the permit.

Dated:

Thomas W. Dobbins
Chair, Board of Harbor Commissioners

Inspections Division
Date: 02/26/18

BOARD OF HARBOR COMMISSIONERS FOR THE PORT OF PORTLAND

MARINE CONSTRUCTION PERMIT

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To..... Canal Landing – Attn: Phin Sprague, 400 West Commercial St. Portland Me. 04101

The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, dated the **14th** day of **December 2017** for a permit authorizing: **The shorefront stabilization, pier rehabilitation, construction of a second boat ramp, floats, a new travel lift basin, building construction, utilities, and overall site stabilization. Along with the removal of a portion of the existing piles and pier remnants where in conflict with the New Yard shorefront elements and some dredging (12,924 SF) at the above location.**

Having given public notice of this pending application, as required by law, and therein designated the **14th day of December, 2017 at 5 o'clock** in the afternoon prevailing time as the time when they would meet in the **South Portland City Council Chambers** to examine this issue and here all interested parties, and having met at the time and place mentioned and examined the location of this proposed construction project and having heard all interested parties, the Board of Harbor Commissioners for the Harbor of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned.

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Harbor of Portland has waved this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

This permit is limited authorization, which contains a stated set of conditions with which the permit holder must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will be performing the work has read and understands these conditions.

Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your authorization. Any change must be approved by the Harbor Commission before it is undertaken.

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable statute. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland hereunto set their hands and affix their corporate seal on this **14th** day of **December, 2017**

The work authorized to this permit must be completed on or before the **14th** day of **December, 2018.**

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Board of Harbor Commissioners for the Harbor of Portland