Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 10/16/15

BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND, MAINE

Application for a Marine Construction Permit

DECISION

Date of public hearing:
June 11th, 2015

Name and address of applicant:
Cianbro
101 Cianbro Square
Pittsfield, ME 04967

Location of project for which permit is requested:
Rickers Wharf
Cassidy Point Drive

Description of project:
Restoration project of a deteriorating Seawall at Rickers Wharf;

For the Record:

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

Exhibits admitted (e.g. renderings, reports, etc.):
Marine Construction permit application packet prepared by Woodard and Curran

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 ____

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 10/16/15

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 ✓ Not Satisfied ____

Reason:

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

Satisfied ✓ Not Satisfied ____

Reason:

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

Satisfied ✓ Not Satisfied ____

Reason:

Conclusion: (check one)

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 10/16/15

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

___ 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: 6-12-15

Jeff C. Mick
Harbor Master
Port of Portland
By Direction

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 10/16/15

BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND

PERMIT-A

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To: Cianbro
101 Cianbro Square
Pittsfield, ME 04967

The Board of Harbor Commissioners for the Port of Portland has carefully considered your application, dated the 5th day of May, 2015 for a permit authorizing:

Restoration project of a deteriorating Seawall at Rickers Wharf;

Having given public notice of this pending application, as required by law, and therein designated the 11th day of June 2015, at 5:00 o'clock in the afternoon prevailing time as the time when they would meet at South Portland City Hall, to examine this issue and hear 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 Port 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 the permit application.

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Port of Portland has waived 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 your 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, of the Board of Harbor Commissioners for the Port of Portland hereunto affix their corporate seal on this 11th day of June, 2015. The work authorized to this permit must be completed on or before the 11th day of June 2016.