

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

PERMIT ISSUED

Permit No: 01-0882	Issue Date: 7-18-2001	CBL: 083 F660
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Location of Construction: 0 Diamond Cove <i>GRT O Island</i>	Owner Name: Diamond Cove, LLC	Owner Address: Diamond Cove	Phone: 207-774-1885
Business Name: n/a	Contractor Name: Waterman Mariner	Contractor Address: 195 Dingley Island Road Harpswell	Phone: 2077258123
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Building Miscellaneous	Zone: <i>IR-3</i>

Past Use: Existing Marina	Proposed Use: Extend Marina by addition of 8 boat slips; install 3 x 35' x 6' floats; 2 x 30' x 6' floats; 1 x 20' x 6' floats; drive 6 pile to support.	Permit Fee:	Cost of Work: \$37,000.00	CEO District: 1
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>IR-3</i> Type:	

Proposed Project Description: Extend Marina	Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		
Signature:		Date:

Permit Taken By: gg	Date Applied For: 07/18/2001	Zoning Approval	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland <i>yes - on the water</i></p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone <i>using water panel - AA el 10</i></p> <p><input type="checkbox"/> Subdivision</p> <p><input checked="" type="checkbox"/> Site Plan <i>see site plan exemption</i></p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p>Date: <i>[Signature]</i> <i>conducting 7/26/01</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied <i>[Signature]</i></p> <p>Date:</p>
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PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

LAND USE - ZONING REPORT

ADDRESS: Diamond Cove, Great Island DATE: 7/26/01

REASON FOR PERMIT: extend marina boat floats

BUILDING OWNER: Diamond Cove LLC C-B-L: 083-F-660

PERMIT APPLICANT: Peter F. Spencer - Waterman Maine Corp

APPROVED: with conditions: #1, #11

CONDITION(S) OF APPROVAL

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. During its existence, all aspects of the Home Occupations criteria, Section 14-410, shall be maintained.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment, and/or revised permit.
4. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
5. Your present structure is legally nonconforming as to setbacks. If you are to demolish this structure on your own volition, you will only have one (1) year to replace it in the same footprint (no expansions), with the same height, and the same use. Any changes to any of the above shall require that this structure met the current zoning standards.
6. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
7. Our records indicate that this property has a legal use of _____ units. Any change in this approved use shall require a separate permit application for review and approval.
8. Separate permits shall be required for any new signage.
9. Separate permits shall be required for future decks, sheds, pool(s), and/or garage.
10. This is not an approval for an additional dwelling unit. You shall not add any additional kitchen equipment including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. without special approvals.

important
return
filled out
signed

11. All of the attached Floodplain forms shall be appropriately filled out, signed, and returned prior to the issuance of any certificates of occupancy. - Flood HAZARD Development Permit appl.
12. Other requirements of condition: (2) Flood proofing permit
(3) Flood proofing certificate

Marge Schmuckal Marge Schmuckal, Zoning Administrator

BUILDING PERMIT REPORT

DATE: 28 July 2001 ADDRESS: 0 Diamond Cove CBL: 083-F-660

REASON FOR PERMIT: Extend Marina boat floats

BUILDING OWNER: Diamond Cove Llc

PERMIT APPLICANT: _____ CONTRACTOR: Waterman Marine

USE GROUP: M CONSTRUCTION TYPE: _____ CONSTRUCTION COST: 37000 PERMIT FEES: 246.00

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
 The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1, *35, #32

- X 1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) "ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."
3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B.H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7) **R-3 (ONE & TWO FAMILY DWELLINGS) GUARD HEIGHT IS 36" MINIMUM.**
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less than 36".
16. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508)mm, and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
17. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
19. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

7/10

20. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements
21. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)
22. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.
23. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.
24. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)
25. Section 25 - 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
26. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
27. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).
28. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. **No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.**
29. All requirements must be met before a final Certificate of Occupancy is issued.
30. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).
31. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)
32. Please read and implement the attached Land Use Zoning report requirements. *See Attached*
33. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.
34. Bridging shall comply with Section 2305.16.
35. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)
36. All flashing shall comply with Section 1406.3.10.
37. All signage shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).

*28. *All requirements set forth by approved agencies shall be followed.*

[Signature]
 P. Samuel Hoffes, Building Inspector
 Lt. McDougall, PFD
 Marge Schmuckal, Zoning Administrator
 Michael Nugent, Inspection Service Manager
[Signature]

PSH 10/1/00

****This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.**

---THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD. (You Shall Call for Inspections)

******ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.**

*******CERTIFICATE OF OCCUPANCY FEE \$50.00**

inspect 101
copies

FLOOD HAZARD DEVELOPMENT PERMIT APPLICATION

Portland, Maine

(All applicants must complete entire application)
[60.3(e)]

Application is hereby made for a Flood Hazard Development Permit as required under Article II of the Floodplain Management Ordinance of Portland Maine, for development as defined in said ordinance. This permit application does not preclude the need for other municipal permit applications.

Owner: Diamond Cove LLC Address: Diamond Cove, GRT Island

Ph. No: 774-1885

Applicant: Peter F. Spencer - Address: 195 Dingley Island Rd.
WATERMAN MARINE CORP

Ph. No: 725-8123 or 798-2600 HARPSWELL, ME 04079

Contractor: see Appl. Address: _____

Ph. No: _____

LEGAL DESCRIPTION

Is this lot a part of a subdivision? Yes No If yes, give the name of the subdivision and lot number:

Subdivision: DIAMOND COVE Lot #: _____

Tax Map: 083-F- Lot #: 660

Address: DIAMOND COVE MARINA
Street/Road Name

Zip Code: _____

General explanation of proposed development: extend boat floats

Estimated value of improvements: \$37,000.00

OTHER PERMITS

Are other permits required from State or Federal Jurisdictions? Yes No
If yes, are copies of these permits attached? Yes No Not Applicable

Federal and State Permits may include but not limited to: ME/DEP/Natural Resource Protection Act, Site Location of Development Act, Metallic Mineral Exploration, Advanced Exploration and Mining; USACE/Section 9 & 10 of the Rivers and Harbors Act/ Section 404 of the Clean Water Act; Federal Energy Regulation Commission.

(This Section to be completed by Municipal Official)

Date Submitted _____ Fee Paid _____ Reviewed by CEO _____ Reviewed by Planning Board _____

Permit # _____ Issued by _____ Date _____

(This section to be completed by Municipal Official)

LOCATION

Flooding source (name of river, pond, ocean, etc) Ocean (Atlantic)

- VI-30 Zone VE Zone AE Zone A1-30 Zone A Zone
- FRINGE FLOODWAY (1/2 width of floodplain in A Zone)

If proposed development is in an "AE" or "A1-A30" Zone and cross section data is available in the Flood Insurance Study please note the Nearest Cross Section References and Elevation of Base Flood at Nearest Cross Section.

Cross Section	Base Flood Elevation
Above Site _____	Above Site <u>el 14</u>
Below Site _____	Below Site <u>el 9</u>

Base Flood Elevation (bfe) at the site el 10 NGVD [Required for New Construction or Substantial Improvements]

Basis of A Zone bfe determination:

- From a Federal Agency: USGS USDA/NRCS USACE Other FEMA
- From a State Agency: MDOT Other _____
- Established by Professional Land Surveyor
- Established by Professional Engineer HEC II HY 7 Quick-2 Other _____
- Highest Known Water level
- Other (Explain) _____

VALUE

If the development involves improvements to an existing structure, the Market Value of existing structure: \$ _____

- New development or Substantial Improvement: Minor improvement or addition to existing development

TYPE OF DEVELOPMENT

Check the appropriate box to the left for the type(s) of development requested, and complete information for each applicable line:

<input type="checkbox"/> 1. Residential Structure	Dimensions		Cubic Yards
<input type="checkbox"/> 1a. New Structure	_____	<input type="checkbox"/> 5. Filling ¹	_____
<input type="checkbox"/> 1b. Add to Structure	_____	<input type="checkbox"/> 6. Dredging	_____
<input type="checkbox"/> 1c. Renovations/other changes	_____	<input type="checkbox"/> 7. Excavation	_____
<input type="checkbox"/> 2. Non-Residential Structure		<input type="checkbox"/> 8. Levee	_____
<input type="checkbox"/> 2a. New structure	_____	<input type="checkbox"/> 9. Drilling	_____
<input type="checkbox"/> 2b. Add to Structure	_____		Number of Acres
<input type="checkbox"/> 2c. Renovations/other changes	_____	<input type="checkbox"/> 10. Mining:	_____
<input type="checkbox"/> 2d. Floodproofing	_____	<input type="checkbox"/> 11. Dam: Water surface to be created	_____
<input type="checkbox"/> 3. Water Dependent use:		<input type="checkbox"/> 12. Water Course Alteration	
<input type="checkbox"/> 3a. Dock	_____	Detailed description must be attached with copies of all applicable state and federal permits.	
<input type="checkbox"/> 3b. Pier	_____	<input type="checkbox"/> 13. Other: Explain _____	_____
<input type="checkbox"/> 3c. Boat Ramp	_____		
<input checked="" type="checkbox"/> 3d. Other	<u>extend boat float</u>		
<input type="checkbox"/> 4. Paving	_____		

¹Certain prohibitions apply in Velocity Zones

Attachment and Site Plan - drawn to scale with north arrow

- Show property boundaries, floodway and floodplain lines.
- Show dimensions of the lot.
- Show dimensions and location of existing and/or proposed development on the site.
- Show areas to be cut and filled.
- For New Construction or Substantial Improvement, also include existing grade elevations done by a Professional Land Surveyor, Architect or Engineer.
- For New Construction or Substantial Improvement, attach statement describing in detail how each applicable development standard in Article VI will be met.

Special Note: Substantial Improvement is defined as any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Please refer to the floodplain management ordinance, Article XIII, for more complete definitions of New Construction and Substantial Improvement.

Structures in Velocity Zones are not permitted on fill or excavations. Structures must be built on open foundation systems, i.e., columns, piles, posts. (Article VI §L)

The Applicant Understands and agrees that:

- The permit applied for, if granted, is issued on the representations made herein;
- Any permit issued may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- Any permit issued on this application will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The applicant hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- If issued, the permit form will be posted in a conspicuous place on the premises in plain view and;
- If issued, the permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and the attachments to this application are a true description of the existing property and the proposed development project.

Owner _____ Date _____
signature

or

Authorized Agent _____ Date _____
signature

fill in & sign

FLOOD HAZARD DEVELOPMENT PERMIT

For FLOODPROOFING

Non-Residential Structures

Portland, Maine

This Flood Hazard Development Permit allows Floodproofing of Non-residential Structures in a Special Flood Hazard Area. Floodproofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

If the floodproofing is to serve as a method of bringing a structure into compliance with National Flood Insurance Program (NFIP) elevation requirements:

- All standards required by NFIP 44 CFR 60.3(c)(3) and all standards required by Article VI.G of the Floodplain Management Ordinance must be met;
- The application for this permit must include a signed statement from a registered professional engineer or architect that the design and methods of construction will be in accordance with accepted standards of practice for meeting the provisions of NFIP 44 CFR 60.3(c)(3) as well as Article VI.G of the Floodplain Management Ordinance; and
- After the development takes place, elevation and engineering certificates must be completed by the registered professional engineer or architect and submitted to the Code Enforcement Officer before a Certificate of Compliance can be issued.

Tax Map: 003-F Lot #: 660

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter the premises and inspect development covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view and;
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and the attachments to this permit are a true description of the existing property and the proposed development project.

Owner _____
signature

Date _____

or
Authorized Agent _____
signature

Date _____

Issued by _____

Date _____

Permit # _____

*please
fill
out
&
sign*

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
FLOODPROOFING CERTIFICATE
FOR NON-RESIDENTIAL STRUCTURES

The floodproofing of non-residential buildings may be permitted as an alternative to elevating to or above the Base Flood Elevation; however, a floodproofing design certification is required. This form is to be used for that certification. Floodproofing of a residential building does not alter a community's floodplain management elevation requirements or effect the insurance rating unless the community has been issued an exception by FEMA to allow floodproofed residential basements. The permitting of a floodproofed residential basement requires a separate certification specifying that the design complies with the local floodplain management ordinance.

BUILDING OWNER'S NAME Diamond Cove LLC		FOR INSURANCE COMPANY USE	
STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER Diamond Cove, Great Diamond Island		POLICY NUMBER	
OTHER DESCRIPTION (Lot and Block Numbers, etc.) 083-F-660		COMPANY NAIC NUMBER	
CITY Portland	STATE MO	ZIP CODE	

SECTION I FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM:

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEVATION (In AO Zones, Use Depth)
230051	0009	B	July 17, 1986	AA	el 10

SECTION II FLOODPROOFING INFORMATION (By a Registered Professional Engineer or Architect)

Floodproofing Design Elevation Information:

Building is floodproofed to an elevation of feet NGVD. (Elevation datum used must be the same as that on the FIRM.)

Height of floodproofing on the building above the lowest adjacent grade is feet.

(NOTE: for insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the Base Flood Elevation to receive rating credit. If the building is floodproofed only to the Base Flood Elevation, then the building's insurance rating will result in a higher premium.)

SECTION III CERTIFICATION (By Registered Professional Engineer or Architect)

Non-Residential Floodproofed Construction Certification:

I certify that, based upon development and/or review of structural design, specifications, and plans for construction, the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions:

The structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation indicated above, with walls that are substantially impermeable to the passage of water.

All structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME	LICENSE NUMBER (or Affix Seal)		
TITLE	COMPANY NAME		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE	DATE	PHONE	

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

All Purpose Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: DIAMOND CUE, CT. DIAMOND ISLAND

Total Square Footage of Proposed Structure	Square Footage of Lot
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Tax Assessor's Chart, Block & Lot Chart# <u>83</u> Block# <u>F</u> Lot# <u>660</u>	Owner: <u>DIAMOND'S EDGE, LLC</u>	Telephone: <u>774-1885</u>
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Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>PETER F. SPENCER</u> <u>WATERMAN MARINE CORP</u> <u>195 DINGLEY ISL. RD</u> <u>HARPSWELL, ME 04079</u>	Cost Of Work: \$ <u>37,000-</u> Fee: \$ <u>2400</u>
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Current use: EXISTING MARINA

If the location is currently vacant, what was prior use: _____

Approximately how long has it been vacant: _____

Proposed use: MARINA

Project description: EXTEND EXISTING MARINA BY ADDITION OF
8 BOAT SLIPS ; INSTALL 3 X 35' X 6' FLOATS ; 2 X 30' X 6' FLOATS ;
1 X 20' X 6' FLOATS ; DRIVE 6 PILE TO SUPPORT

Contractor's name, address & telephone: WATERMAN MARINE CORP 725-8123

Who should we contact when the permit is ready: PETER F SPENCER AT 798-2600

Mailing address: 195 DINGLEY ISL. RD
HARPSWELL, ME. 04079

Phone: Cell

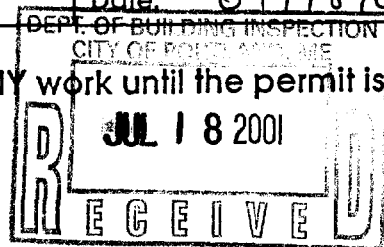
IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>[Signature]</u>	Date: <u>07/18/01</u>
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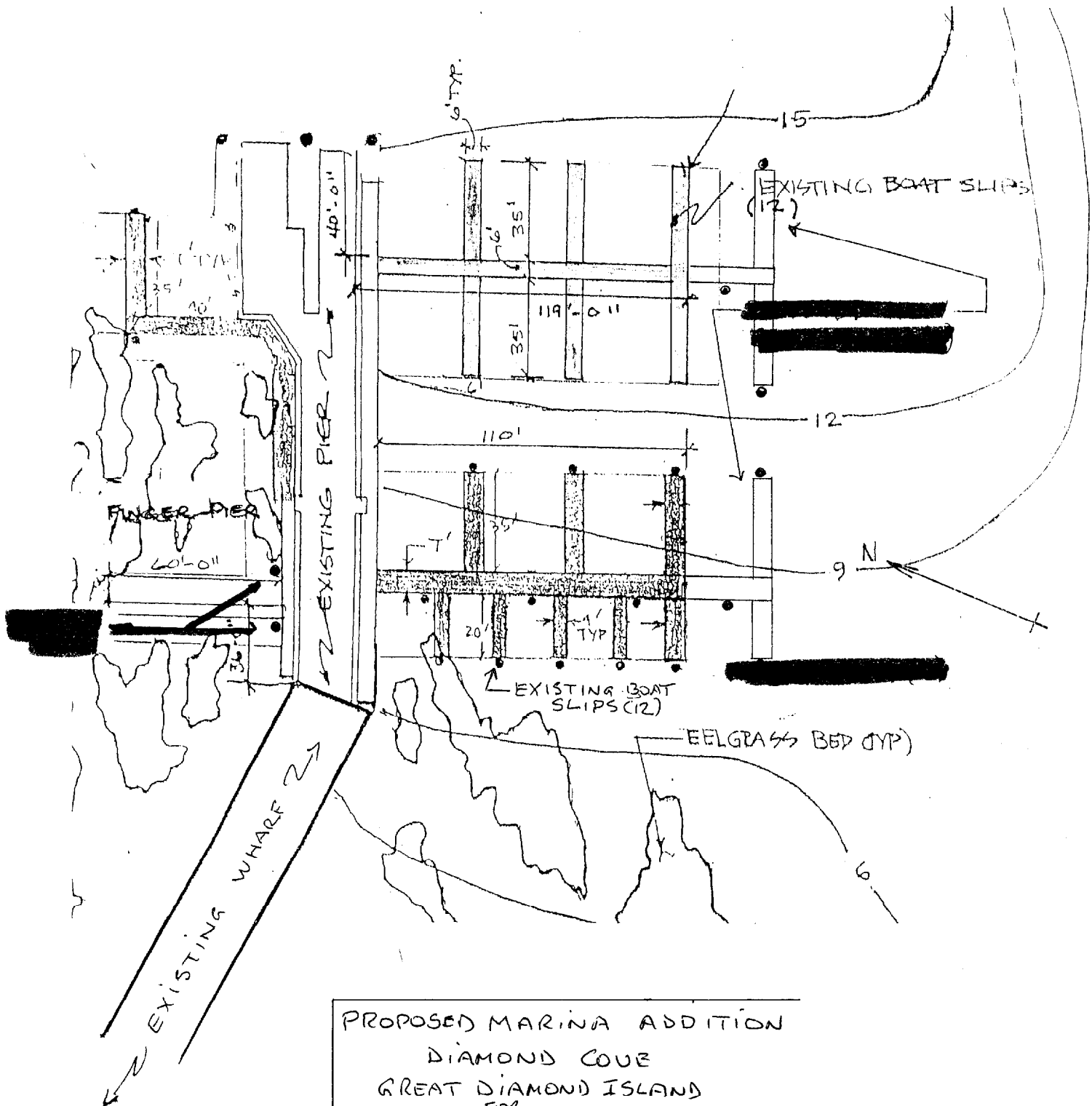
This is not a permit, you may not commence ANY work until the permit is issued

Passed Site Inspection



7/18/01
Guy

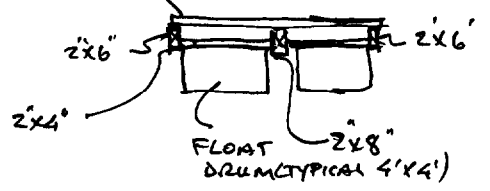
EXISTING TURNING DOLPIN



PROPOSED MARINA ADDITION
 DIAMOND COVE
 GREAT DIAMOND ISLAND
 FOR
 DIAMOND'S EDGE, LLC
 10 NOVEMBER, 2000 SCALE 1" = 50'

CONSTRUCTION PLAN:

5/4 X 6" DECK BOARDS



ALL LUMBER PRESSURE TREATED
 ALL HARDWARE GALVANIZED



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

ANGUS S. KING, JR.
GOVERNOR

DEPARTMENT ORDER
IN THE MATTER OF

DIAMOND'S EDGE, L.L.C.
Portland, Cumberland County
MARINA EXPANSION
L-13160-87/4C-T-M (approval)

-) SITE LOCATION OF DEVELOPMENT
-) NATURAL RESOURCE PROTECTION
-) WATER QUALITY CERTIFICATION
-) MODIFICATION
-) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DIAMOND'S EDGE, L.L.C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 36 military buildings into 134 residential units and renovating five military buildings for commercial uses. In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. The Department approved a number of minor modifications to the project, including Department Order #L-13160-L3-H-T, dated January 31, 1994, which approved the transfer of the permit to McKinley Partners Limited Partnership. In Department Order #L-13160-L3-I-M, dated March 28, 1994, the Department approved the addition of 12 boat slips to the main pier at Diamond Cove, and Department Order #L-13160-L3/4C-K-M, dated June 4, 1997, approved the replacement of fender dolphins and the addition of float sections to the marina. In Department Order #L-13160-4C-S-T, dated June 11, 2001, the Department approved the transfer of the Diamond Cove Marina to Diamond's Edge, L.L.C. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.
2. The applicant proposes to extend the existing marina 30 feet south to create eight new boat slips; and install two 30-foot floats, three 35-foot floats, and one 20-foot float. The applicant also proposes to drive six piles to secure the additional floats and replace two piles on the north side of the pier. The proposal is shown on a sketch entitled "Proposed Marina Addition - Diamond Cove, Great Diamond Island for Diamond's Edge, LLC," dated November 10, 2000.
3. This application has been reviewed by the Department of Marine Resources, which has commented that the proposed slips and floats do not appear to be any closer to the existing eel grass beds than the



existing marina. No other issues will be affected by this modification.

4. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 401 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

BOARD OF HARBOR COMMISSIONERS HARBOR OF PORTLAND PERMIT

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To Diamonds Edge, LLC
c/o Edward Drinan, 100 Silver Street, Portland, Maine 04101
The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, dated the 12th day of March 2001, for a permit authorizing
Extending existing marina by adding eight (8) boat slips;
replacing two piles on north side of pier securing floats.

Having given public notice of this pending application, as required by law, and therein designated the 12th day of April 2001, 5:00 o'clock in the afternoon prevailing time as the time when they would meet at 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

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, namely

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 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 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 12th day of April 2001.

Richard S. Jewell
Christy L. Coon
Arthur J. O'Neil

The work authorized to this permit must be completed on or before the 12th day of April 2002.



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

ANGUS S. KING, JR.
GOVERNOR

RONALD B. LOVAGLIO
COMMISSIONER

SUBMERGED LANDS REVISED LEASE – FINAL FINDINGS AND DECISION

APPLICANT: Diamond's Edge, LLC

PROJECT LOCATION: Portland

APPLICATION: Bureau of Parks and Lands Submerged Lands Application No. SL295

PROJECT DESCRIPTION: The applicant proposes to expand an existing marina by adding six floats and six pilings on submerged lands in Diamond Cove. The applicant has a sublease arrangement with the lessee, McKinley Partners Limited Partnership, for the marina.

FINDINGS: The Bureau of Parks and Lands has reviewed information relative to the above cited application under Title 12 M.R.S.A. Sections 1801 & 1862 and has made the following determinations.

PUBLIC ACCESS WAYS:

The project will not unreasonably interfere with public access ways to submerged lands.

PUBLIC TRUST RIGHTS:

The project will not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

RECREATION:

The project will not unreasonably interfere with recreation.

SERVICES AND FACILITIES NECESSARY FOR COMMERCIAL MARINE ACTIVITIES:

The project will not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

INGRESS AND EGRESS OF RIPARIAN OWNERS:

The project will not unreasonably interfere with ingress and egress of riparian owners.

REVIEW COMMENTS: Notification letters were sent to the town, abutters, and Department of Marine Resources. Comments were received from the Department of Marine Resources. No comments in opposition were received.

DECISION: In accordance with Title 12 M.R.S.A. Sections 1801 & 1862, the Director of the Bureau of Parks and Lands has determined that Submerged Lands Lease #02-24A-L in the name of McKinley Partners Limited Partnership will be revised.

Signed: Thomas Morrison
Thomas A. Morrison, Director

Date: 7/12, 2001





DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
 696 VIRGINIA ROAD
 CONCORD, MASSACHUSETTS 01742-2751

REPLY TO ATTENTION **DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT**
STATE OF MAINE, SUMMARY OF SCREENING AND STATUS

DIAMOND'S EDGE, LLC
 C/O WATERMAN MARINE CONSTRUCTION
 195 DINGLEY ISLAND ROAD
 HARPSWELL, MAINE 04079

CORPS PERMIT # 200100907
 CORPS PGP ID# 01-198
 STATE ID# 13160-4C

DESCRIPTION OF WORK AS ON ATTACHED STATE APPN:

Expand an existing private marina in Diamond Cove, off Great Diamond Island at Portland, Maine. The expansion will consist of two T shaped float complexes that will add 2 finger floats to each of the existing float systems. The eastern T will consist of a 35'x 6' float extending out to 2, 35'x 6' finger floats. The western T will consist of a 35'x 6' float extending out to a 35'x 6' and a 20'x 6' finger float.

UTM GRID COORDINATES N: 4837400 E: 403900 USGS QUAD: PORTLAND EAST, ME

I. STATE ACTIONS: PENDING [], ISSUED [], DENIED [] DATE _____

LEVEL OF STATE REVIEW: PERMIT BY RULE: _____ TIER 1: _____ TIER 2: _____ TIER 3: X. (NRPA)

II. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 4/19/01 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY: SEC 10 X, 404 _____ 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT / N (CIRCLE ONE)

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

CORPS DETERMINATION: We authorize your project as proposed and as shown on the plans submitted to the Corps under the State of Maine PGP.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than two weeks before the anticipated starting date. (FOR PROJECTS REQUIRING MITIGATION, BE SURE TO INCLUDE MITIGATION WORK START FORM)

Additional Special conditions Attached: YES / NO (CIRCLE ONE)

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project; or if you would like any additional information pertaining to the appeals process, please contact Shawn Mahaney or Rod Howe of my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement
 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

David H. Killooy 6/13/01
 DAVID H. KILLOY DATE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION

**ADDITIONAL SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
NO. 200100907**

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

MITIGATION WORK-START NOTIFICATION FORM
(Minimum Notice: Two Weeks Before Mitigation Work Begins)

MAIL TO: U.S Army Corps of Engineers, New England District
Regulatory Branch
Policy Analysis/Technical Support Section
696 Virginia Road
Concord, Massachusetts 01742-2751

Corps of Engineers Permit No. (_____) was issued to [insert name of permittee]. The permit authorized the permittee to [insert brief description of the authorized work and location].

The permit required compensatory mitigation. [Briefly describe the requirements, including, if applicable, submitting a final mitigation plan and monitoring reports.]

Those listed below will do the mitigation, including monitoring and remediation if required. They understand the requirements of the permit and the mitigation and monitoring plan.

PLEASE PRINT OR TYPE

**Environmental
Consultant/Scientist**

**Mitigation
Contractor**

Name of Person/Firm: _____

Business Address: _____

Telephone Number: () _____ () _____

Proposed Mitigation Work Dates: Start _____ Finish _____

PERMITTEE'S SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

Corps PMs: _____

WORK START NOTIFICATION FORM
(Minimum Notice: Two Weeks before Work Begins)

MAIL TO: U.S. Army Corps of Engineers, New England District
Regulatory Branch
Policy Analysis/Technical Support Section
696 Virginia Road
Concord, Massachusetts 01742-2751

A Corps of Engineers Permit (No. _____) was issued to the permittee. The permit authorized the permittee to _____

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Number: (____) _____ (____) _____

Proposed Work Dates: Start: _____ Finish: _____

PERMITTEE'S SIGNATURE: _____ **DATE:** _____

PRINTED NAME: _____ **TITLE:** _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ **Submittals Required:** _____

Inspection Recommendation: _____

Permit No: GP-39

Effective Date: Sept. 29, 2000
Expiration Date: Sept. 29, 2005

Applicant: General Public, State of Maine

**DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine. Activities with minimal impacts, as specified by the terms and conditions of this general permit and on the attached DEFINITION OF CATEGORIES sheets, are either non-reporting (provided required local and state permits are received), or are reporting, to be screened by the Corps and Federal Resource Agencies for applicability under the general permit. This general permit does not affect the Corps individual permit review process or activities exempt from Corps jurisdiction.

Activities Covered: work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act), and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

PROCEDURES:

A. State Approvals

For projects authorized pursuant to this general permit that are also regulated by the State of Maine, the following state approvals are also required and must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state permits and approval have been obtained):

- (a) Maine Department of Environmental Protection (DEP): Natural Resources Protection Act permit, including permit-by-rule and general permit authorizations; Site Location and Development Act permit; and Maine Waterway Development and Conservation Act.
- (b) Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- (c) Maine Department of Marine Resources: Lease.
- (d) Bureau of Public Lands, Submerged Lands: Lease.

Note that projects not regulated by the State of Maine (e.g., seasonal floats or moorings) may still be authorized by this general permit.

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-14 under Paragraph E below.

Category II applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission and/or applicable Indian tribe(s) at the same time, or before, they apply to the DEP, LURC, or the Corps so that the project can be reviewed for the presence of historic/archaeological resources in the project area that may be affected by the proposed work. **Applications to the DEP or the Corps should include information to indicate that this has been done (applicant's statement or copy of cover letter to Maine Historic Preservation Commission and/or Indian tribe(s)).**

The Corps may require additional information on a case-by-case basis as follows:

- (a) purpose of project;
- (b) 8 1/2" by 11" plan views of the entire property including property lines and project limits with existing and proposed conditions (**legible, reproducible plans required**);
- (c) wetland delineation for the site, information on the basis of the delineation, and calculations of waterway and wetland impact areas (see special condition 2);
- (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (e) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (f) area, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters and below the high tide line in coastal waters;
- (g) mean low, mean high water and high tide elevations in navigable waters;
- (h) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits of the proposed work closest to the Federal project;
- (i) on-site alternatives analysis (contact Corps for guidance);
- (j) identify and describe potential impacts to Essential Fish Habitat (contact Corps for guidance);
- (k) for dredging projects, include:
 - 1) the volume of material and area in square feet to be dredged below mean high water,
 - 2) existing and proposed water depths,
 - 3) type of dredging equipment to be used,
 - 4) nature of material (e.g., silty sand),

MINERALS MANAGEMENT SERVICE (MMS) REVIEW

For Category II projects which involve construction of solid fill structures or discharge of fills along the coast which may extend the coastline or baseline from which the territorial sea is measured, coordination between the Corps and Minerals Management Service (MMS), Continental Shelf (OCS) Survey Group, will be needed (pursuant to the Submerged Lands Act, 43 U.S.C., Section 1301-1315, 33 CFR 320.4(f)). During the screening period, the Corps will forward project information to MMS for their review. MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have 15 calendar days from the date MMS is in receipt of project information to determine if the baseline will be affected. No notification to the Corps within 15 day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the Corps may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structure or fills authorized under this general permit.

D. Corps Authorization: Category III (Individual Permit)

Work that is in the INDIVIDUAL PERMIT category on the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at (207) 623-8367 (Maine Field Office), (800) 343-4789, or (800) 362-4367 in Massachusetts. Individual water quality certification and coastal zone management consistency concurrence will be required from the State of Maine before Corps permit issuance.

E. Programmatic General Permit Conditions:

The following conditions apply to activities authorized under the PGP, including all Category I (non-reporting) and Category II (reporting – requiring screening) activities:

GENERAL REQUIREMENTS:

1. **Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. **Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. **Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.

Tribe within 10 days if there are State and/or tribal concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the State or the Corps either a copy of their cover letter or a statement of having sent their application material to the Commission and Tribe(s).

If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Maine Historic Preservation Commission and/or applicable Tribe(s).

8. **National Lands.** Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service.
9. **Endangered Species.** No activity is authorized under this general permit which
 - may affect a threatened or endangered species or a species proposed for such designation as identified under the Federal Endangered Species Act (ESA),
 - is likely to destroy or adversely modify the critical habitat or proposed critical habitat of such species,
 - would result in a 'take' of any threatened or endangered species of fish or wildlife, or
 - would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the Corps if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 14).

10. **Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS regulations (50 CFR Part 600) (address listed on page 14) and on their web site (<http://www.nero.nmfs.gov/ro/doc/webintro.html>).

or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. **Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable, regardless of review category.
16. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible, and if required, shall be placed on mats or other measures taken to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.
17. **Temporary Fill.** Temporary fill in waters and wetlands authorized by this general permit (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their approximate original contours but not higher. No temporary fill shall be placed in waters or wetlands unless specifically authorized by the Corps.
18. **Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

PROCEDURAL CONDITIONS:

25. **Cranberry Development Projects.** For Cranberry development projects authorized under the PGP, the following conditions apply:
 1. If a cranberry bog is abandoned for any reason, the area must be allowed to convert to natural wetlands unless an individual permit is obtained from the Corps of Engineers allowing the discharge of fill for an alternate use.
 2. No stream diversion shall be allowed under this permit.
 3. No impoundment of perennial streams shall be allowed under this permit.
 4. The project shall be designed and constructed to not cause flood damage on adjacent properties.
26. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form should be filled out and returned to the Corps for all Category II projects.**
27. **Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety. Dredging projects: note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written Corps authorization.
28. **Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. **If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.**
29. **Modification, Suspension, and Revocation.** This permit may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7 and any such action shall not be the basis for any claim for damages against the United States.
30. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

37. Previously Authorized Activities.

- (a) Activities which have commenced (i.e., are under construction or are under contract to commence) prior to the issuance date of this general permit, in reliance upon the terms and conditions of the non-reporting category of the previous Maine PGP shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with special condition 4. The applicant must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.
- (b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this general permit, for the previous Maine SPGP and PGP, Nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) This general permit does not affect activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates).

JAC DISTRICT ENGINEER Christine Jeffrey DATE 9/26/00

*Maine Department of Environmental Protection
(For State Permits and Water Quality
Certifications)*

Natural Resources Division
Bureau of Land and Water Quality Control
State House Station 17
Augusta, Maine 04333
207-287-2111

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
201-822-6300

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
207-941-4570

Northern Maine Regional Office
1235 Central Drive
Skyway Park
Presque Isle, Maine 04769
207-764-0477

*Maine Land Use Regulation Commission (LURC)
offices*

22 State House Station
Augusta, ME 04333-0022
207-287-2631
800-452-8711 (call to obtain appropriate LURC
office)
Fax # 207-287-7439

45 Radar Road
Ashland, ME 04732-3600
207-435-7963
Fax # 207-435-7184

Lakeview Drive
P.O. Box 1107
Greenville, ME 04441
207-695-2466
Fax # 207-695-2380

191 Main Street
East Millinocket, ME 04430
207-746-2244
Fax # 207-746-2243

(For CZM Determinations)

State Planning Office
Coastal Program
184 State Street
State House Station 38
Augusta, Maine 04333
207-287-1009

*Maine Department of Marine Resources
(For Aquaculture Leases)*

McKown Point
Boothbay Harbor, Maine 04575
207-633-9500

(For Submerged Lands Leases)

Maine Department of Conservation
Bureau of Parks and Lands
22 State House Station
207-287-3061

A. INLAND WETLANDS (WATERS OF THE U.S.) ¹	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>Less than 4,300 sf inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Includes projects covered by a State Tier One permit with no cumulative impacts over 15,000 sf in inland wetlands from previous permits, unauthorized work, and/or other state permits.</p> <p>--Includes crossing of perennial waterways designated as Essential Fish Habitat (EFH) for Atlantic salmon² if the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 sf of associated wetland impact.</p> <p>--Includes in-stream work of up to 4,300 sf of fill below ordinary high water in waterways not designated as EFH for Atlantic salmon² and performed in accordance with Maine Permit By Rule standards or a LURC permit.</p>	<p>4,300 sf to 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--Includes in-stream work, including crossings (other than spanned crossing as described in Category I) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon².</p> <p>--Time of year restrictions determined case-by-case.</p>	<p>Greater than 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback³.</p> <p>In-stream work exceeding Category II limits.</p> <p>If EIS required by the Corps.</p>

¹ Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds and wetlands.

² Essential Fish Habitat for Atlantic salmon includes all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

³ The larger the impacts, the more likely an individual permit will be required. Projects involving widening, expansion or impacts to degraded or low value wetlands between 1-3 acres may be approved under Category II, subject to the Federal screening. The Corps recognizes and endorses the DEP Tier 2 upper thresholds of 1 acre. Compensatory mitigation is likely to be required at this level of impact.

B. TIDAL WATERS AND NAVIGABLE WATERS ⁶	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) FILL		<p>Up to 1 acre waterway or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts up to 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁷ fill up to 1,000 sf.</p> <p>-- Proactive restoration projects with any amount of impact can be reviewed under Cat. II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.</p>	<p>Greater than 1 acre waterway fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts over 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁶ fill over 1,000 sf.</p>
(b) REPAIR AND MAINTENANCE WORK	<p>Repair or maintenance of existing, currently serviceable, authorized structure or fill with no substantial expansion or change in use.</p> <p>--Work must be in same footprint as original structure or fill.</p>	<p>Repair or replacement of any non-serviceable structure or fill, or repair or maintenance of serviceable fills, with expansion of any amount up to 1 acre, or with a change in use.</p>	<p>Replacement of non-serviceable structures or fill or repair or maintenance of serviceable structures or fill with expansion greater than 1 acre.</p>

⁶ Navigable Waters: waters that are subject to the ebb and flow of the tide and Federally designated navigable waters (Penobscott River to Medway, Kennebec River to Moosehead Lake, and the portion of Umbagog Lake in Maine).

⁷ Vegetated Shallows: subtidal areas that support rooted aquatic vegetation such as eelgrass.

APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

DIAMONDS EDGE, LLC

6/26/01

Applicant

Application Date

C/O 100 SILVER ST. PORTLAND, ME

MARINA EXEMPTION DISTRICT

Applicant's Mailing Address

Project Name/Description COVE

ROBERT SPENCER / 799-2600

DIAMOND COVE CT. DIAMOND ISLAND

Consultant/Agent/Phone Number

Address of Proposed Site

83F-A-66

Description of Proposed Development:

EXTEND EXISTING MARINA BY ADDING 8 BOAT SLIPS

DRIVE 6" PILE TO SECURE NEW FLOATS; INSTALL FLOATS
30' X 0' X 2, 35' X 0' X 3, 20' X 0' X 1 & CONNECT TO EXISTING
FLOATS; PULL 2 PILE ON NORTH FACE OF PIER & REPLACE.

Please Attach Sketch/Plan of Proposal/Development

**Applicant's Assessment
(Yes, No, N/A)**

**Planning Office
Use Only**

Criteria for Exemptions:

See Section 14-523 (4)

a) Within Existing Structures; No New Buildings,
Demolitions or Additions

N/A

OK

b) Footprint Increase Less Than 500 Sq. Ft.

? NO LANDMARK
FOOTPRINT. FLOATS
TOTAL 930 SQ FT

OK

c) No New Curb Cuts, Driveways, Parking Areas

N/A

OK

d) Curbs and Sidewalks in Sound Condition/
Comply with ADA

N/A

N/A

e) No Additional Parking / No Traffic Increase

N/A

OK

f) No Stormwater Problems

N/A

OK

g) Sufficient Property Screening

N/A

OK

h) Adequate Utilities

N/A

OK

Planning Office Use Only:

Exemption Granted

Partial Exemption

Exemption Denied



Custom Docks, Ramps & Float Systems

16 March, 2001
Linda Kokemuller
SMRO Licensing Supervisor
Department of Environmental Protection
312 Canco Road
Portland, ME 04103

COPY

**Diamond Cove Marina, Mckinley Partners
Diamond's Edge, LLC**

Dear Linda,

I refer you to our several conversations with respect to the above referenced marina and the proposed additions thereto. A short historical summary of this project as it relates to the marina only is as follows:

7. By Site Location Order dated 10 December, 1986, Diamond Cove Associates received initial approval inter alia, to reconstruct the pier at Diamond Cove to support access to the proposed development. See para #21 of the Order. (DEP Permit # L-013160-87/03-A-N).
8. By Modification to the Site Location Order dated 28 March, 1994, McKinley Partners Limited Partnership, successor to Diamond Cove Associates, secured permission to construct a marina with access from the existing pier providing boat slips for the use of home owners, visitors and others. (DEP Permit # L-13160-L3-I-M).
9. By Modification to the Site Location Order dated 4 June, 1997, McKinley Partners Limited Partnership secured permission to modify and extend the marina by installing inter alia, 24 new boat slips. (DEP Permit # L-13160-L3-K-M).
10. By Memorandum of Lease dated 15 June, 1997, McKinley Partners Limited Partnership leased from the Bureau of Parks and Lands the submerged lands under which the marina is situate, the said Lease to expire on 31 December, 2024. (Submerged Lands Lease #02-24A-L)
11. By Bill of Sale dated 17 December, 1999, McKinley Partners Limited Partnership sold all of its interest in the marina to Diamond's Edge, LLC.
12. By Sublease Agreement dated 17 December, 1999, McKinley Partners Limited Partnership as Sublessor leased to Diamond's Edge, LLC as

WATERMAN MARINE CORPORATION

195 Dingley Island Road, Harpswell, Maine 04079 • (207) 725-8123 / Fax: (207) 725-8126

Sublessee, that portion of the submerged lands it leases from the Bureau of Parks and Lands necessary for the operation of the Marina only including an Easement to the Sublessee providing access to and from the pier to the marina.

13. By correspondence dated 17 February, 2000, Lambert, Coffin, Rudman & Hochman, by Jonathan T. Harris, attorney for McKinley Partners Limited Partnership requested the Director of the Bureau of Parks and Lands approve the Sublease of certain submerged lands located under the marina to Diamond's Edge, LLC (Submerged Lands Lease #02-24A-L).
14. By correspondence dated 7 March, 2000, the Director, Bureau of Parks and Lands consented to the Sublease of the submerged lands to Diamond's Edge, LLC as provided for in Submerged Lands Lease #02-24A-L.

Diamond's Edge, LLC now wish to extend the existing marina by adding 8 new boat slips as shown on the enclosed sketch and in addition to replace two existing pile located on the north side of the pier which secure floats located there.

In order for your department to consider this proposal we understand that you will require a Transfer Application from McKinley Partners Limited Partnership transferring the existing DEP permits relating to the marina only to Diamond's Edge, LLC and an Application for Project Modification outlining the proposed modifications from the new permit holder, Diamond's Edge, LLC. This is an application for a partial transfer of existing permits. The Applicant seeks to transfer only so much of the Orders as relate to the Marina at Diamond Cove. Those aspects of the Orders that relate to matters other than the Marina are not being transferred. In particular, the existing permit holder is not transferring any part of the Orders related to the pier.

To permit these Applications to be processed I am pleased to enclose;

7. A Transfer Application signed by the appropriate parties transferring the interest of McKinley Partners Limited Partnership to Diamond's Edge, LLC in those DEP Permits relating to the marina, with attachments.
8. An Application for Project Modification requesting a modification to the existing Permits (Orders) to allow the addition of 8 new boat slips to the marina and to allow 2 existing pile to be replaced securing floats on the north face of the pier.
9. Our check in the amount of \$160.00 to cover the balance of the processing fee for both Applications. You will recall that you are holding \$50.00 being the original PBR fee as outlined in your correspondence of 5 December, 2000.

To assist you in the processing of these Applications I am pleased to enclose copies of the following documentation:

1. Site Location Order of 10 December, 1986—DEP Permit # L-013160-87/03-



A-N.

2. NRPA Modification of 28 March, 1994—DEP Permit # L-13160-L3-I-M.
3. NPRA Modification of 4 June, 1997—DEP Permit # L-13160-L3/4C-K-M.
4. Submerged Lands Lease dated 15 June, 1997, lease # 02-24A-L.
5. Bill of Sale dated 17 December, 1999 between McKinley Partners Limited Partnership and Diamond's Edge, LLC.
- 6(a) Sublease Agreement dated 17 December, 1999 between McKinley Partners Limited Partnership and Diamond's Edge, LLC.
- 6(b) Memorandum of Lease dated 2 February, 2000 between McKinley Partners Limited Partnership and Diamond's Edge, LLC, subleasing the submerged Lands with pier easement access.
7. Correspondence dated 17 February, 2000 from Lambert, Coffin, Rudman & Hochman to the Director, Bureau Parks and Lands requesting approval of the Sublease to Diamond's Edge, LLC.
8. Correspondence dated 7 March, 2000 from the Director, Bureau Parks and Lands consenting to the Sublease to Diamond's Edge, LLC.
9. Sketch of proposed marina addition and location of replacement of 2 pile.
10. Letter of authorization from Diamond's Edge to the undersigned respecting securing of the required permits.
11. Photographs showing existing marina (October, 2000).

Your assistance in processing these Applications is appreciated. If there are any inquiries arising out of this material, or if further information is required, please do not hesitate to call. I may be most easily reached at 207-798-2600. I shall await to hear from you.

Yours truly,

Peter F. Spencer

Encls.



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality

FOR DEP USE



#L- _____
Fees Paid _____
Date Received _____

**TRANSFER APPLICATION
FOR**
Site Location (Title 38 M.R.S.A., Sections 481-488)

This form shall be used for the transfer of permit authorization. A fee of \$105 (check payable to Treasurer, State of Maine) must be submitted with this application.

(Please type or print)

Current Permittee: Existing DEP Permit Number: L-013160-87/03-A-N: Original Order
L-013160-L3-I-M: Modification
Name: McKinley Partners Limited Partnership L-013160-L3/4C-K-M: Modification
Address: 16 On the Common, P.O. Box 266, Lyme, NH 03766

Name of Contact or Agent: _____

Telephone: _____

*** This is an application for a partial transfer of existing permits. Applicant seeks transfer of only so much of the Orders as relates to the **New Applicant:** Marina at Diamond Cove. ***

Name: Diamond's Edge, LLC

Address: c/o Commercial Properties, Inc, 100 Silver St., Portland,
ME 04101

Name of Contact or Agent: Edwrd V. Drinan

Telephone: 207-450-4830

Location of Activity

Name of Project: Marina Addition, Diamond Cove

Municipality or Township: Portland, Me County: Cumberland


NOTE: All supporting documents summarized below must be attached to this form and sent to the nearest appropriate DEP Office located as follows:

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-2111	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
--	---	--

REQUIRED INFORMATION

1. Provide a breakdown of costs for any unfinished construction and for project operation. These must include costs resulting from compliance with the Board or Department Order.
2. Provide evidence of the availability and commitment of funds sufficient to complete any unfinished project construction and to operate the project as approved. Submit one of the following three:
 - a. a letter of commitment from a financial institution or funding agency for a specified amount of funds and their use, or
 - b. the most recent corporate annual report and supporting documents indicating sufficient funds to finance the development, or
 - c. copies of bank statements or other evidence indicating availability of the unencumbered funds, when the developer will personally finance the project.
3. Provide a narrative describing new applicant's technical ability to complete or maintain this development.
4. Provide a complete copy of the deed, lease, purchase option or other documented evidence of the new applicant's title, right or interest in the development.

By signing this application, the current permittee certifies that he or she agrees to the transfer of his or her permit to the new applicant named on this form.

 _____
Signature of Current Permittee

_____ Date

_____ Print or Type Name

_____ Title

By signing this application, the new applicant certifies he, she or it is familiar with the DEP project file and will comply with the Board or Department Order being transferred, including all existing amendments to the order and all attached conditions.

 _____
Signature of Applicant

_____ Date

_____ Print or Type Name

_____ Title

#L- _____
Fees Paid _____
Date Received _____

APPLICATION FOR PROJECT MODIFICATION

This form shall be used to request approval of minor changes to: (a) project design or operation; or (b) the conditions of a permit as previously approved by the Board or Department of Environmental Protection.

A processing fee of \$105 (check payable to Treasurer, State of Maine) is required at the time of application submittal. Depending on the degree of review required, additional fees may be assessed. The Department will bill you if additional fees are needed.

If significant changes are proposed, then a complete new or amendment application may be required by the Department.

(Please type or print)

Name of Applicant: Diamond's Edge, LLC

Address: c/o Commercial Properties, Inc, 100 Silver St., Portland, ME 04101

Telephone Number: 207-774-1885

Name of Contact or Agent: Edward V. Drinan

Telephone: 207-450-4830

LOCATION OF ACTIVITY

Name of Project: Marina Addition, Diamond Cove.

Municipality or Township: Portland County: Cumberland

REQUIRED INFORMATION

- Existing DEP permit number: L-013160-87/03-A-N: L-013160-L3-T-M (modification)
L-013160-L3/4C-K-M(modification)
- DEP Project Manager for previous application (if known): Linda Kokemuller
- Description of Proposed Change: Extend existing marina 30' south to create 8 new boat slips: install 2 x 30' floats; 3 x 35' floats; 1 x20' float; Drive 6 pile to secure additional floats; pull 2 pile on north side of pier, drive 2 new pile to replace.

(Attach additional sheet(s), if necessary.)

4. Provide all documentation necessary to support the proposed change. This documentation shall include, as appropriate, revised site plans, construction drawings and technical data. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation for assistance.)
5. Does your proposal involve a significant expansion of the project, change the nature of the project, or modify any Department findings with respect to any licensing criteria? No (If you are unsure how to answer this or if your answer is "yes", please contact the original DEP project manager, or the Division of Land Resource Regulation in either Portland, Augusta, or Bangor for assistance.)

If yes, you must provide public notice (request one from the nearest DEP office). By signing this application, you certify that the completed notice has been sent by certified mail to abutters and municipal officials; and has been published once in a newspaper circulated in the area where the project is located.

NOTE: All supporting documents summarized above must be attached to this form and sent to the nearest appropriate DEP Office located below:

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-2111	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300 -	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

SIGNATURE OF APPLICANT

DATE: _____

PRINT OR TYPED NAME

TITLE

THE APPLICATION FEE IS DUE AT THE TIME OF APPLICATION SUBMITTAL. THE APPLICATION WILL NOT BE PROCESSED UNTIL THIS FEE IS PAID.



Custom Docks, Ramps & Float Systems

6/26/01

To: Richard Knowland
From: Peter Spencer
Subject: Diamonds Edge, LLC
Marina Expansion, Diamond Cove

Enclosed the following:

1. Application for Exemption from Site Plan Review
2. Correspondence to L. Kokeniller with Applications to^{a)} transfer the interest of McKinley Partners in the Marina only to Diamonds Edge, LLC; ^{b)} application for Project Modification to permit the proposed expansion.
3. Correspondence to Ed Orrian outlining matters respecting the submerged lands and various rights.
4. Copy of location map, sketch of proposed Marina extension; location of new floats relative to existing Marina.
5. Letter of authority respecting permits.
6. Copy of correspondence sent to interested parties respecting the proposed Marina expansion.
7. Board of Harbor Commissioners Permit for Marina expansion.
8. Army Corps Permit for Marina expansion.
9. Letter from Submerged Lands re status of Application.
10. Copy of DEP order transferring ownership to Diamonds Edge, LLC in Marina.
11. Copy of DEP order approving Marina expansion.

WATERMAN MARINE CORPORATION

195 Dingley Island Road, Harpswell, Maine 04079 • (207) 725-8123 / Fax: (207) 725-8136



Custom Docks, Ramps & Float Systems

COPY

16 March, 2001
Edward V. Drinan
143 Brook Road
Falmouth, ME 04105

Diamond's Edge, LLC/ McKinley Partners

Dear Ed,

Thank you for forwarding a copy of Jonathan Harris' correspondence of 12 March, 2001 respecting this matter. I have reviewed the comments and suggestions outlined therein and concur with his observations respecting clarity on the first page of his letter. The Transfer Application has been amended as requested and the enclosure correspondence to Linda Kokemuller has been changed to reflect his comments respecting the Sublease at paragraph three. A copy of the Sublease Agreement of 17 December, 1999 has been added to the list of items enclosed.

Comments of Mr. Harris respecting the matters raised at page two however present some difficulties. The 'boundary' of the existing Submerged Lands Lease as it relates to the Marina only, is the footprint or shadow which that structure makes on the sea floor. Jurisdiction over these lands lies solely with the Bureau of Parks and Lands as they are owned by the State and not by private or commercial interests. It will be the responsibility of Diamond's Edge, LLC to apply for and enter into a lease of the submerged lands over which the proposed Marina extension will lie with the Bureau of Parks and Lands. As a result no approval is required from either the Homeowners Association or McKinley Partners for any lease to Diamond's Edge by the Bureau of Parks and Lands for submerged lands beneath the proposed Marina extension.

In due course with the transfer of responsibility to the Diamond Cove Homeowners Association, McKinley Partners will likely enter into a Sublease with the Homeowners Association, subleasing to them all of the remaining submerged lands not sublet to Diamond's Edge, LLC, viz. those submerged lands lying beneath the pier and other structures, excluding the lands previously sublet to Diamond's Edge lying under the Marina.

I trust this is helpful. If you have any questions please give me a call.

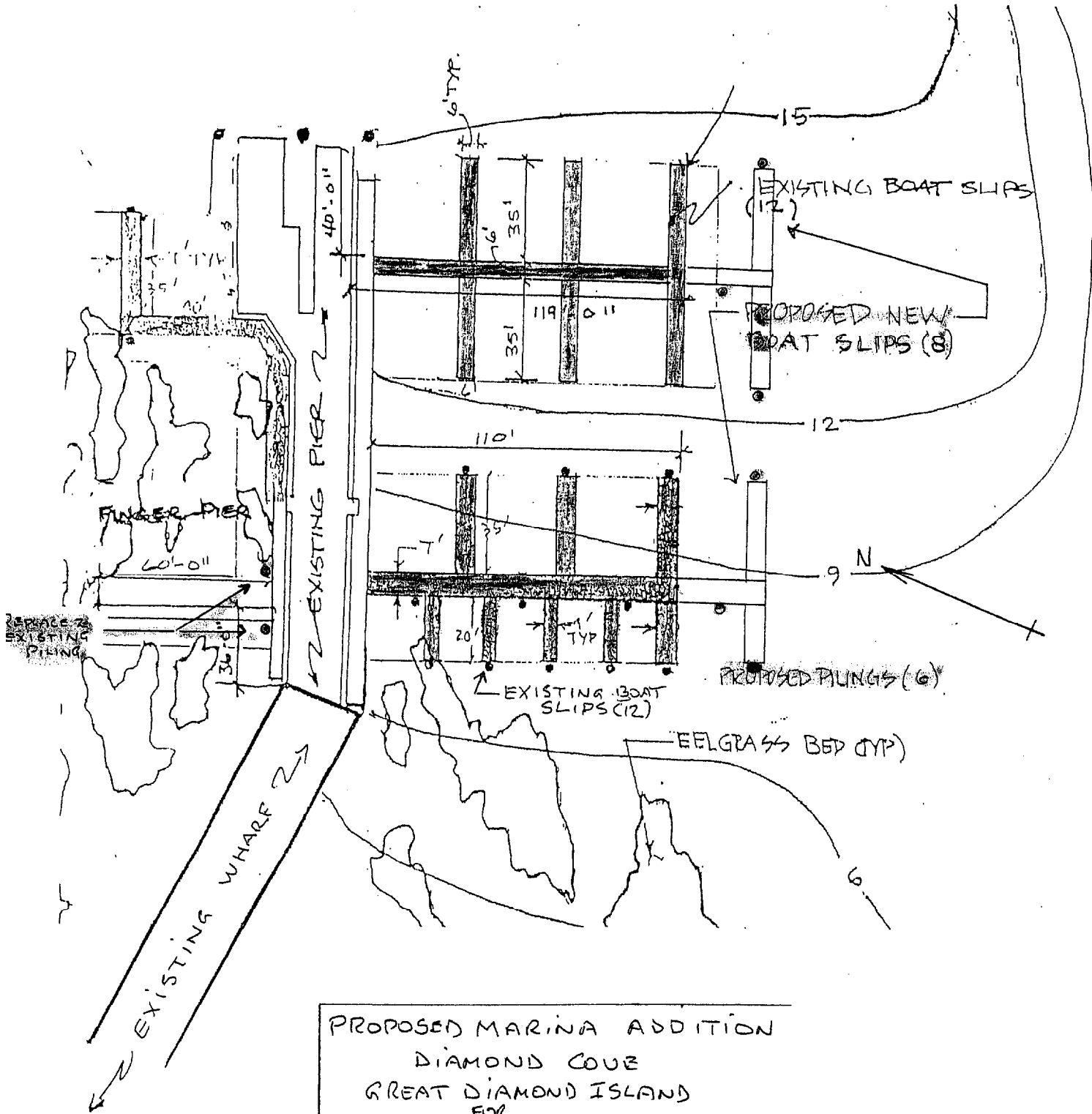
Yours truly,

Peter F. Spencer

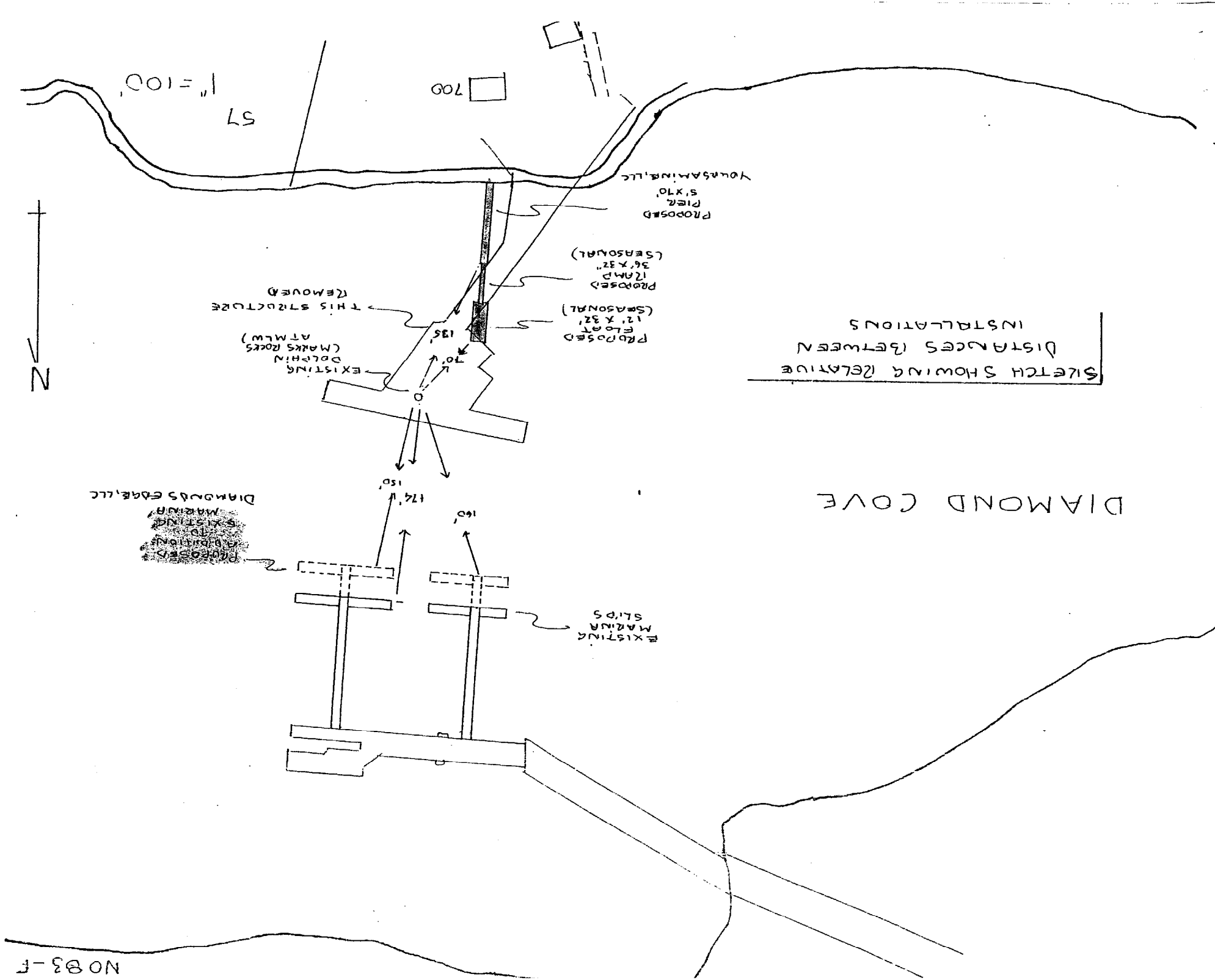
WATERMAN MARINE CORPORATION

195 Dingley Island Road, Harpswell, Maine 04079 • (207) 725-8123 / Fax: (207) 725-8136

EXISTING TURNING HOLM



PROPOSED MARINA ADDITION
 DIAMOND COVE
 GREAT DIAMOND ISLAND
 FOR
 DIAMOND'S EDGE, LLC
 10 NOVEMBER, 2000 SCALE 1"=50'



DISTANCES BETWEEN
INSTALLATIONS

DIAMOND COVE

DIAMOND'S EDGE, LLC
EXISTING MAZINA
SLIP TO
PROPOSED

EXISTING
MAZINA
SLIPS

THIS STRUCTURE
(REMOVED)
EXISTING
DOCK
(MARKS ROCKS
AT MLW)

PROPOSED
FLOAT
12' X 32'
(SEASONAL)

PROPOSED
RAMP
12' X 32'
(SEASONAL)

PROPOSED
PIER
5' X 10'

PROPOSED
PIER
5' X 10'

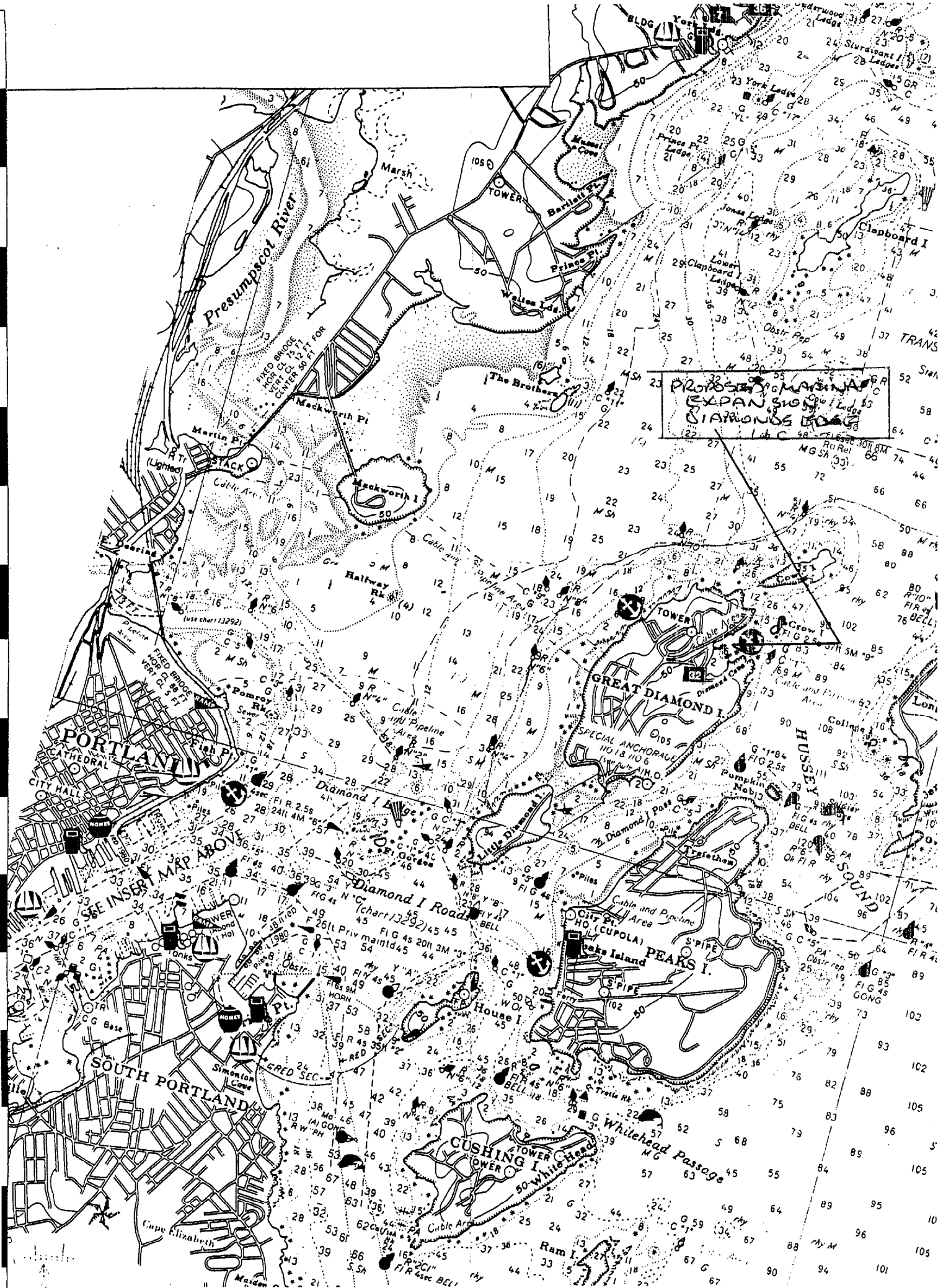
700'

57'

1" = 100'

N

NO 83-F



DIAMONDS EDGE LLC
C/O EDWARD DRINAN
100 SILVER ST
POTLAND, ME 04101
(207) 774 1885

November 13, 2000

To Whom It May Concern:

On behalf of Diamonds Edge LLC, I authorize Peter F. Spencer, Waterman Marine, to proceed with all necessary applications to obtain permits for the construction of a marina expansion on property owned by Diamonds Edge LLC on Great Diamond Island, Portland, Maine.

Sincerely,

A handwritten signature in cursive script that reads "Edward Drinan". The signature is written in black ink and is positioned above the printed name.

Edward Drinan
Managing Director
Diamonds Edge LLC

Diamond's Edge, LLC
100 Silver Street
Portland, Me 04101

April 13, 2001

Linda Kokemuller
Department of Environmental Protection
312 Canco Road
Portland, ME 04103

RE: Diamond Cove Marina

Dear Linda:

The attached notice to abutters for the Project Modification and a copy of the proposal for the additional slips has been sent to:

Lot 26 – Barbara Leiter
Lot 27 – Barbara Leiter
Lot 28 – Barbara Leiter
Lot 40 – E. Thomas & Irene Maas
Lot 41 – Martin & Patricia Nathan
Lot 42 – Gary Smith
Lot 57 – David Roby
Board of Directors & General Manager, Diamond Cove Homeowners
Association.

Sincerely,

Ed Drinan
Diamond's Edge, LLC

Enclosures

Linda Kokemuller
April 13, 2001
Page 2

cc:
Jonathan T. Harris
Lambert, Coffin, Rudman & Hochman
P. O. Box 15215
Portland, Me 04112-5215

Peter F Spencer
Waterman Marine Corp.
195 Dingley Island Road
Harpwell, Me. 04079

Diamond's Edge, LLC

100 Silver Street
Portland, Me 04101

April 13, 2001

Dear Homeowner of abutting property at Diamond Cove,

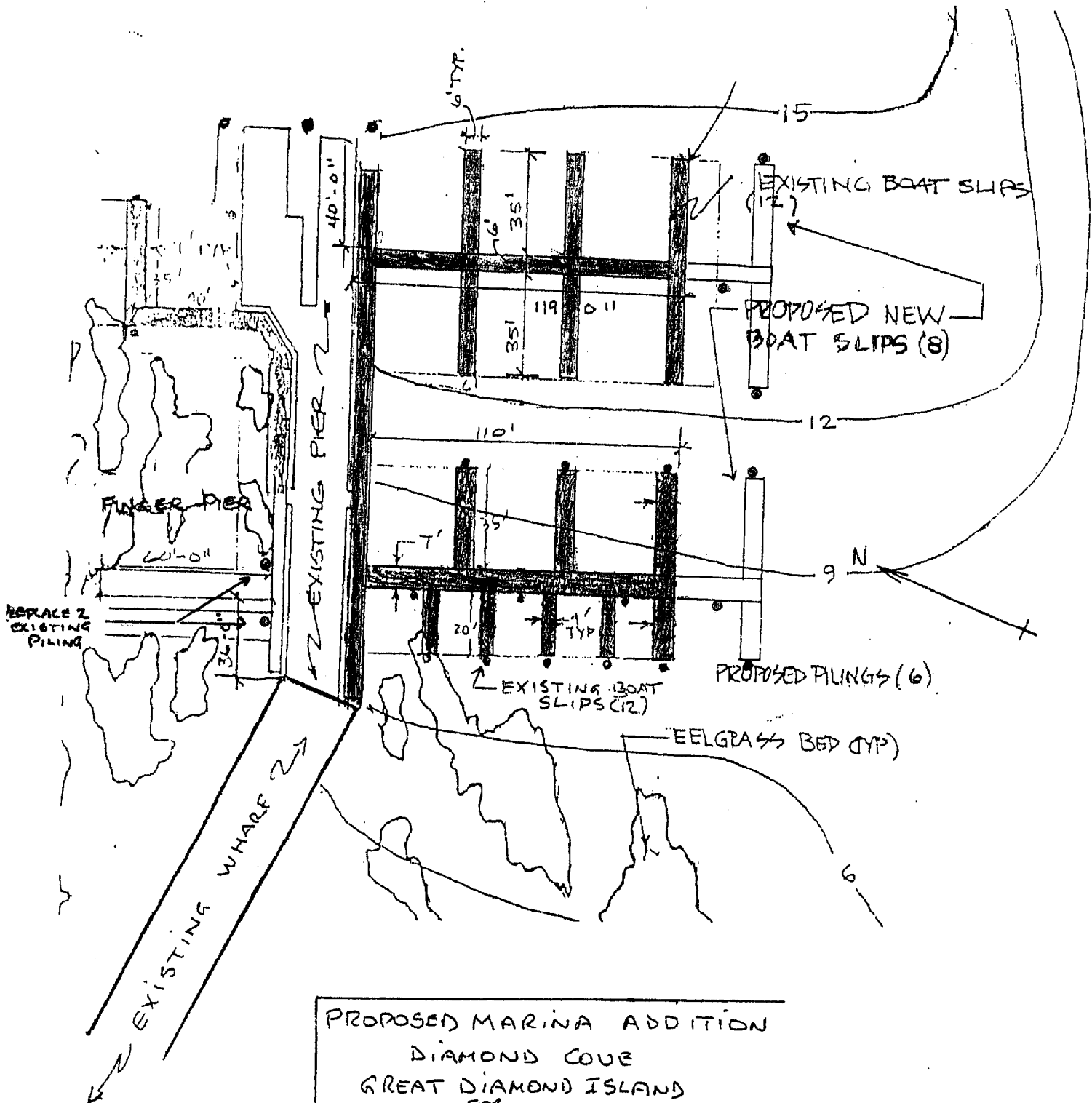
We are in the process of applying for our expansion of the Marina. The Department of Environmental Protection requires abutting property owners be notified of our intent.

Attached you will find a proposal for the additional slips.

Sincerely,

Ed Drinan
Diamond's Edge, LLC

Enclosure



PROPOSED MARINA ADDITION
 DIAMOND COVE
 GREAT DIAMOND ISLAND
 FOR
 DIAMOND'S EDGE, LLC
 10 NOVEMBER, 2000 SCALE 1" = 50'

BOARD OF HARBOR COMMISSIONERS HARBOR OF PORTLAND PERMIT

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To Diamonds Edge, LLC
c/o Edward Drinan, 100 Silver Street, Portland, Maine 04101
The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, dated the 12th day of March 2001, for a permit authorizing
Extending existing marina by adding eight (8) boat slips;
replacing two piles on north side of pier securing floats.

Having given public notice of this pending application, as required by law, and therein designated the 12th day of April 2001, 5:00 o'clock in the afternoon prevailing time as the time when they would meet at 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

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, namely

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 12th day of April 2001.

Edward S. Drinan
Christy L. Coon
Mark J. Odell

The work authorized to this permit must be completed on or before the 12th day of April 2002.



DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
 696 VIRGINIA ROAD
 CONCORD, MASSACHUSETTS 01742-2751

REPLY TO ATTENTION **DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT**
STATE OF MAINE, SUMMARY OF SCREENING AND STATUS.

DIAMOND'S EDGE, LLC
 C/O WATERMAN MARINE CONSTRUCTION
 195 DINGLEY ISLAND ROAD
 HARPSWELL, MAINE 04079

CORPS PERMIT # 200100907
 CORPS PGP ID# 01-198
 STATE ID# 13160-4C

DESCRIPTION OF WORK AS ON ATTACHED STATE APPN:

Expand an existing private marina in Diamond Cove, off Great Diamond Island at Portland, Maine. The expansion will consist of two T shaped float complexes that will add 2 finger floats to each of the existing float systems. The eastern T will consist of a 35'x 6' float extending out to 2, 35'x 6' finger floats. The western T will consist of a 35'x 6' float extending out to a 35'x 6' and a 20'x 6' finger float.

UTM GRID COORDINATES N: 4837400 E: 403900 USGS QUAD: PORTLAND EAST, ME

I. STATE ACTIONS: PENDING [], ISSUED [], DENIED [] DATE _____

LEVEL OF STATE REVIEW: PERMIT BY RULE: _____ TIER 1: _____ TIER 2: _____ TIER 3: X (NRPA)

II. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 4/19/01 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY: SEC 10 X, 404 _____ 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT / N (CIRCLE ONE)

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

CORPS DETERMINATION: We authorize your project as proposed and as shown on the plans submitted to the Corps under the State of Maine PGP.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than two weeks before the anticipated starting date. **(FOR PROJECTS REQUIRING MITIGATION, BE SURE TO INCLUDE MITIGATION WORK START FORM)**

Additional Special conditions Attached: YES / NO (CIRCLE ONE)

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project; or if you would like any additional information pertaining to the appeals process, please contact Shawn Mahaney or Rod Howe of my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement
 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

David H. Killo 6/13/01
 DAVID H. KILLOY DATE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION

**ADDITIONAL SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
NO. 200100907**

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



STATE OF MAINE
 DEPARTMENT OF CONSERVATION
 22 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0022

ANGUS S. KING, JR.
 GOVERNOR

RONALD B. LOVAGLIO
 COMMISSIONER

June 7, 2001

ACKNOWLEDGEMENT OF
 APPLICATION FROM
 SUBMERGED LANDS ADMIN
 & STATUS/TIME FOR
 APPROVAL
 6/7/01

Ed Drinan
 Diamond's Edge, LLC
 100 Silver St.
 Portland ME 04104

RE: Submerged Lands Lease Application

Dear Mr. Drinan:

The Department of Conservation, Bureau of Parks and Lands (Bureau) has received your application for a revised submerged lands lease to expand the existing marina on submerged land adjacent to land owned by McKinley Properties, LLC on Great Diamond Island.

The Bureau has a 30-day review period to determine if the proposed use will not:

unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;

unreasonably interfere with fishing or other existing marine uses of the area;

unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and

unreasonably interfere with ingress and egress of riparian owners.

The review period ends on **July 7, 2001**. Your request for a revised lease may be granted, granted with conditions, or denied. If the Bureau receives comments in opposition or the Bureau denies the application, there will be a 30-day reconsideration period. If the application is approved, a revised lease will be sent to you for execution. The revised lease will replace Submerged Land Lease No. 02-24A-L.

Based on updated property value information obtained from the municipality and your application, the new rental fee for the *non-slip* portion of the lease would be \$437.43 per year for 10,079 square feet of submerged lands. The *slip* area would be calculated in the same way as before, using a percentage of the gross income from slip rentals. Although the non-slip rent has increased, the lease will still be capped at \$1,200 per year.



If you have any questions regarding the review process, please feel free to contact me at (207) 287-4922.

Sincerely,

Carol DiBello
Carol DiBello
Submerged Lands Coordinator



725-8136



ANGUS S. KING, JR.
GOVERNOR

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

ORDER TRANSFERRING
OWNERSHIP IN
MARINA ONLY TO
DIAMOND'S EDGE, LLC
FROM MCKINLEY PARTNERS
LLC.
DATED 6/14/01

DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND'S EDGE, L.L.C.) NATURAL RESOURCES PROTECTION ACT
Portland, Cumberland County)
DIAMOND COVE MARINA) TRANSFER
L-13160-4C-S-T (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 491 et seq. and 06-096 CMR 2.17, Rules Concerning the Processing of Applications, (August 1, 1994), the Department of Environmental Protection has considered the application of DIAMOND'S EDGE, L.L.C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 36 military buildings into 134 residential units and renovating five military buildings for commercial uses. In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. The Department approved a number of minor modifications to the project, including Department Order #L-13160-L3-N-T, dated January 31, 1994, which approved the transfer of the permit to McKinley Partners Limited Partnership. In Department Order #L-13160-L3-I-M, dated March 28, 1994, the Department approved the addition of 12 boat slips to the main pier at Diamond Cove, and Department Order #L-13160-L3/4C-K-M, dated June 4, 1997, approved the replacement of fender dolphins and the addition of float sections to the marina. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.
2. The applicant has applied to transfer Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-13160-L3/4C-K-M as they pertain to the marina only, which are currently held by McKinley Partners Limited Partnership.
3. The applicant has submitted the following information in support of this transfer request:
 - A. Transfer application dated March 22, 2001 and signed by Stuart J. McCampbell, president of USEPPA North Corp., General Partner of McKinley Partners Limited Partnership, and dated March 20, 2001 and signed by Edward V. Drinan on behalf of Diamond's Edge, L.L.C.
 - B. ~~There is no cost associated with unfinished construction for the marina at this time.~~



L-13160-4C-S-T

2 of 2

- C. Diamond's Edge, L.L.C. acquired the Marina at Diamond Cove in December of 1999, as evidenced by a Bill of Sale submitted with the application, and has owned and operated it since that time.

BASED on the above findings of fact, the Department CONCLUDES that Diamond's Edge, L.L.C. has provided adequate evidence of financial capacity and technical ability to comply with all conditions of Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-3160-L3/4C-K-M as they pertain to the marina only, and to satisfy all applicable statutory and regulatory criteria

THEREFORE, the Department APPROVES the above noted application of DIAMOND'S EDGE, L.L.C., for transfer of Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-3160-L3/4C-K-M as they pertain to the marina only, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

1. The Standard Conditions of Approval, a copy attached.
2. The original Board Order #L-13160-87/03-A-N, dated December 10, 1986, and all amendments and modifications thereto.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11 DAY OF June, 2001.

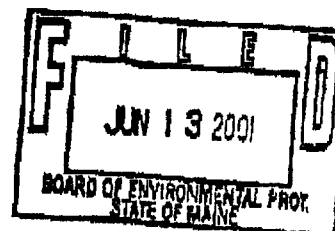
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
MARTHA C. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application 3/27/01
Date of application acceptance 4/3/01

Date filed with Board of Environmental Protection
NR/L13160ST



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 than 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 from 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.



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

ORDER APPROVING
 MARINA EXPANSION
 6/18/01

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER
 IN THE MATTER OF

DIAMOND'S EDGE, L.L.C.) SITE LOCATION OF DEVELOPMENT
Portland, Cumberland County) NATURAL RESOURCE PROTECTION
MARINA EXPANSION) WATER QUALITY CERTIFICATION
L-13160-87/4C-T-M (approval)) MODIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DIAMOND'S EDGE, L.L.C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 36 military buildings into 134 residential units and renovating five military buildings for commercial uses. In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. The Department approved a number of minor modifications to the project, including Department Order #L-13160-L3-H-T, dated January 31, 1994, which approved the transfer of the permit to McKinley Partners Limited Partnership. In Department Order #L-13160-L3-I-M, dated March 28, 1994, the Department approved the addition of 12 boat slips to the main pier at Diamond Cove, and Department Order #L-13160-L3/4C-K-M, dated June 4, 1997, approved the replacement of fender dolphins and the addition of float sections to the marina. In Department Order #L-13160-4C-S-T, dated June 11, 2001, the Department approved the transfer of the Diamond Cove Marina to Diamond's Edge, L.L.C. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.
2. The applicant proposes to extend the existing marina 30 feet south to create eight new boat slips; and install two 30-foot floats, three 35-foot floats, and one 20-foot float. The applicant also proposes to drive six piles to secure the additional floats and replace two piles on the north side of the pier. The proposal is shown on a sketch entitled "Proposed Marina Addition - Diamond Cove, Great Diamond Island for Diamond's Edge, LLC," dated November 10, 2000.
3. This application has been reviewed by the Department of Marine Resources, which has commented that the proposed slips and floats do not appear to be any closer to the existing eel grass beds than the



existing marina. No other issues will be affected by this modification.

4. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

D. The proposed development meets the standards for stormwater management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of DIAMOND'S EDGE, L.L.C. to expand the marina at Diamond Cove as described in Finding 2, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15th DAY OF June, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

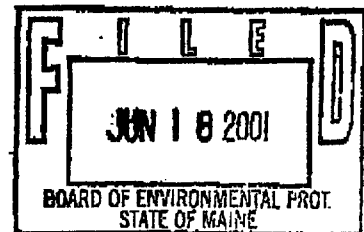
By: 
MARTHA G. KIRKPATRICK, COMMISSIONER

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

Date of initial receipt of application 3/27/01

Date of application acceptance 4/3/01

Date filed with Board of Environmental Protection
MR/L13160TM



STANDARD CONDITIONS

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- 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 than 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 from 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)



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

ANGUS S. KING, JR.
GOVERNOR

RONALD B. LOVAGLIO
COMMISSIONER

SUBMERGED LANDS REVISED LEASE – FINAL FINDINGS AND DECISION

APPLICANT: Diamond's Edge, LLC

PROJECT LOCATION: Portland

APPLICATION: Bureau of Parks and Lands Submerged Lands Application No. SL295

PROJECT DESCRIPTION: The applicant proposes to expand an existing marina by adding six floats and six pilings on submerged lands in Diamond Cove. The applicant has a sublease arrangement with the lessee, McKinley Partners Limited Partnership, for the marina.

FINDINGS: The Bureau of Parks and Lands has reviewed information relative to the above cited application under Title 12 M.R.S.A. Sections 1801 & 1862 and has made the following determinations.

PUBLIC ACCESS WAYS:

The project will not unreasonably interfere with public access ways to submerged lands.

PUBLIC TRUST RIGHTS:

The project will not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

RECREATION:

The project will not unreasonably interfere with recreation.

SERVICES AND FACILITIES NECESSARY FOR COMMERCIAL MARINE ACTIVITIES:

The project will not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

INGRESS AND EGRESS OF RIPARIAN OWNERS:

The project will not unreasonably interfere with ingress and egress of riparian owners.

REVIEW COMMENTS: Notification letters were sent to the town, abutters, and Department of Marine Resources. Comments were received from the Department of Marine Resources. No comments in opposition were received.

DECISION: In accordance with Title 12 M.R.S.A. Sections 1801 & 1862, the Director of the Bureau of Parks and Lands has determined that Submerged Lands Lease #02-24A-L in the name of McKinley Partners Limited Partnership will be revised.

Signed: Thomas Morrison
Thomas A. Morrison, Director

Date: 7/12, 2001

BUREAU OF PARKS AND LANDS
THOMAS A. MORRISON, DIRECTOR



PHONE: (207) 287-3821
FAX: (207) 287-3823
TTY: (207) 287-2213