

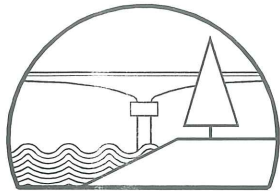
87-00-007

2007-0050

14 Centennial St.  
Peaks Island

Pier Extension

William Zimmerman



BAKER DESIGN CONSULTANTS  
Civil, Marine and Structural Engineering

July 6, 2009

City of Portland  
Attn: Barbara Barhydt-Development Review Services Manager  
Planning and Development Department  
389 Congress Street  
Portland, ME 04101

RECEIVED

Subject: Portland Site Plan Application  
**Zimmerman Pier**  
14 Centennial Street, Peakes Island

JUL 6 2009

City of Portland  
Planning Division

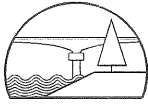
Dear Barbara,

I have enclosed seven (7) copies of an application and attachments for a Site Plan Amendment and a \$450 fee to support modifications to the Zimmerman Pier located at 14 Centennial Street on Chebeague Island. A brief narrative of the proposed amendment is provided below.

**Narrative of the Work Activity:** Waterman Marine obtained all necessary regulatory permits for a fixed pier and float that provided a boat landing on the Zimmerman property with a 4-ft water depth at mean low water. These permits included a minor site plan approval issued by the Portland Planning Authority dated April 10, 2007.

Following construction of the pier in 2008, it was determined that the pier was not long enough to achieve the permitted depth at the float. Baker Design Consultants was retained to obtain the necessary regulatory approvals for modifications to the existing (tabulated below) needed to reach the originally intended depth of water at the float.

| Description of Modification  | Reasons for Request   | Support Information  |
|--|---|--|
| 1. Extend fixed pier 34'-5" to Low water= 0.0 (chart datum). New pier length =139'-1". | <ul style="list-style-type: none"> <li>Consistency with original plans/permits: (Compare appended Waterman Marine plan and Sheet C-2 by Baker Design Consultants).</li> </ul> | Proposed facility is well inside projection with adjacent piers. (Refer to appended Sheet C-3 by Baker Design Consultants). <ul style="list-style-type: none"> <li>Proposed fixed pier is 25-ft inside line with adjacent piers</li> <li>Proposed float location is 50-ft inside line with adjacent floats.</li> </ul> |
| 2. Substitute new 50-ft gangway for existing 42-ft gangway.                            | <ul style="list-style-type: none"> <li>Eliminate direct float impact on seabed.</li> </ul>  |  |
| 3. Increase size of float to 12-ft x 32-ft float and relocate to deeper water.         | <ul style="list-style-type: none"> <li>Increase tidal window usability of the float. Cannot currently be used either side of low water.</li> </ul>                            |  |
| 4. Substitute 2 transverse float piles with 4 (2 pair) end piles.                      | <ul style="list-style-type: none"> <li>Docking improved with revised pile layout.</li> </ul>  |  |



**Zimmerman Pier**  
Peakes Island, Maine

To date, permits have been obtained from the Board of Harbor Commissioners, The Maine Bureau of Submerged lands, the Army Corps of Engineers and the Maine Department of Environmental Protection. All that remains before construction can begin is approval of a Site Plan Amendment form the Portland Planning Authority.

Please contact me with any questions or comments concerning this application for Site Plan Amendment and the appended support documents as noted below.

**Support Documents (with page reference):**

|                                     |    |
|-------------------------------------|----|
| Development Review Application..... | 3  |
| Site Plan Checklist.....            | 8  |
| AGENT AUTHORIZATION.....            | 10 |
| PROJECT PERMITS .....               | 11 |
| PROJECT PLANS.....                  | 12 |

Please contact me with any questions regarding this application.

Sincerely,

BAKER DESIGN CONSULTANTS, Inc.

Barney Baker PE  
Principal

BJB  
JN: 08029



RECEIVED

JUL 6 2009

**Development Review Application  
Portland, Maine**

City of Portland  
Planning Division

Department of Planning and Development, Planning Division and Planning Board

|   |   |   |
|---|---|---|
| <p><b>Address of Proposed Development: 14 Centennial Street</b><br/> <b>Zone: Island residential 2 with Shoreland Overlay</b><br/> <b>Project Name: Zimmerman Pier</b></p>  |   |   |
| <p><b>Existing Building Size: NA sq. ft.</b><br/> <b>Existing Acreage of Site: NA sq. ft.</b></p>   | <p><b>Proposed Building Size: NA sq. ft.</b><br/> <b>Proposed Acreage of Site: NA sq. ft.</b></p>   |   |
| <p><b>Proposed Total Disturbed Area of the Site: NA sq. ft. *</b><br/>         * If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).</p>  |   |   |
| <p><b>Tax Assessor's Chart, Block &amp; Lot:</b><br/> <b>Chart # 087</b><br/> <b>Block #</b><br/> <b>Lot # 007</b></p>  | <p><b>Property Owners Name/ Mailing address:</b><br/>         Zimmerman, William B<br/>         14 Centennial Street<br/>         Peaks Island, Maine 04108</p> | <p><b>contact agent</b><br/>         207.846.9724 (office)<br/>         207.838.3636 (cell)</p> |
| <p><b>Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone # :</b><br/>         Barney Baker PE<br/>         Baker Design Consultants<br/>         11 Stony Brook Lane<br/>         Yarmouth, Maine 04096<br/>         207.846.9724 (office)<br/>         207.838.3636 (cell)</p>  | <p><b>Applicant's Name/ Mailing Address:</b><br/>         Same as Property Owner.</p>   | <p><b>contact agent</b><br/>         207.846.9724 (office)<br/>         207.838.3636 (cell)</p> |
| <p><b>Fee for Service Deposit (all applications) \$200 (\$200.00)</b></p> <p><b>Proposed Development (check all that apply)</b><br/> <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail<br/> <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot<br/> <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable<br/> <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)<br/> <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00)<br/> <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)<br/> <input checked="" type="checkbox"/> Other <u>Pier Extension</u></p> |   |   |
| <p>~ Please see next page ~</p>   |   |   |

**Major Development (more than 10,000 sq. ft.)**

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

**Minor Site Plan Review**

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

**Plan Amendments**

**Per 10.8.08 Letter - Amended Site Plan \$250** Planning Staff Review (\$250.00)

- Planning Board Review (\$500.00)

**Billing Address: (name, address and contact information)**

**Check with application**


Submittals shall include **seven (7) folded** packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: [www.portlandmaine.gov](http://www.portlandmaine.gov) Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

**This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.**

|  |                                  |
|--|----------------------------------|
| Signature of Applicant:<br><br> | Date:<br><br><u>July 6, 2009</u> |
|--|----------------------------------|



# PORTLAND MAINE

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## To All Development Applicants and Consultants:

The City of Portland has instituted the following fees in 2005 to recover the costs of reviewing development proposals under the Zoning Code, Site Plan Ordinance and Subdivision Ordinance. The fee structure includes application fees for the various types of development review; fee for service deposit, public notice costs, and engineering services/third party review fees. The fee structure is found on page (6) of this application packet. A performance guarantee, inspection fee, and a defect guarantee are also required by ordinance to cover all site work proposed.

The **Application Fee** covers general administrative processing costs, and is paid at the time of application.

A **Fee for Service Deposit** of \$200.00 is paid at the time of application for all development and zoning proposals. Should the planner or City Attorney spend over four hours combined on the review of a project, the deposit will be drawn down to cover that cost. When the \$200.00 deposit has been expended, the applicant will receive a monthly invoice for reimbursement of review services rendered. These charges will be billed at an hourly rate based on actual review costs to the City. At present, the billing rate for planning services is \$30.00 per hour, and the rate for legal services is \$40.00. These rates and the deposit amount are subject to change on an annual or as-needed basis to reflect then-current cost structures.

The Planning Division is required to send **Public Notices** to neighbors upon receipt of an application and prior to public meetings. In addition, all development review projects are posted in a legal in the Portland Press Herald as well as on our web site. Rezoning/Text Amendment proposals require individual notices to be posted in the Portland Press Herald. The applicant will be billed for actual or apportioned costs for advertising and mailed notices.

The City contracts with a local engineering firm to conduct the engineering reviews of development proposals. The cost of all **engineering services or third-party consultant reviews**, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's ordinances, will be included in the monthly invoices for reimbursement.

A **Performance Guarantee** will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for calculating the amount of the performance guarantee, as well as sample form letters to be filled out by your financial institution. Upon completion of a development project, the performance guarantee is released, and a Defect Guarantee in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year, assuming all project improvements are satisfactory. Defect Guarantees are not released in the winter months between October and April.

An **Inspection Fee** must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the Planning or Public Works engineer. The minimum inspection fee is \$300 for development,

Department of Planning and Development ~ Portland City Hall ~ 389 Congress St. ~ Portland, ME 04101 ~ ph (207) 874-8721 or 874-8719 - 4 -

unless no site improvements are proposed. Public Works inspects work within the City right-of-way and

Planning inspects work within the site including pipe-laying and connections. The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of a final inspection.

**All fees** shall be paid prior to the issuance of any building permit. For more information on the fees or review process, please call the Planning Division at 874-8721 or 874-8719.

As we strive to provide efficient and timely review services, it is necessary to provide a funding mechanism that does not unduly burden the property taxpayer. Nationally, more municipal services are being converted to a user fee basis. We commit to doing our best to provide efficiency in the process in order to keep the costs reasonable, and we will work with you to make the most efficient use of the billable time. We continually strive to improve the quality of our customer services to the development community.

If you have any questions, please do not hesitate to call us at the Planning Division at 874-8721 or 874-8719.

Sincerely,

Barbara Barhydt    Alexander Jaegerman, AICP Development Review Services Manager  
Planning Division Director

## Development Review Fee Schedule (effective July 15, 2005)

- Fee for Service Deposit (all applications) \$200.00
  - Planning Services \$30.00/hour
  - Legal Services \$40.00/hour
- Major Site Plan Review (more than 10,000 sq. ft.)

|                              |            |
|------------------------------|------------|
| Under 50,000 sq. ft.         | \$500.00   |
| 50,000 - 100,000 sq. ft.     | \$1,000.00 |
| Parking Lots over 100 spaces | \$1,000.00 |
| 100,000 - 200,000 sq. ft.    | \$2,000.00 |
| 200,000 - 300,000 sq. ft.    | \$3,000.00 |
| Over 300,000 sq. ft.         | \$5,000.00 |
- After-the-fact Major Site Plan Review \$1,000.00 + applicable application fee
- Minor Site Plan Review (less than 10,000 sq. ft.) \$400.00 (or up to 20,000 in an industrial zone)
- After-the-fact Minor Site Plan Review \$1,000.00 + applicable application fee
- Minor-Minor Site Plan Review (Single Families) \$300.00
- Amendment to Plans Planning Board Review \$500.00 Planning Staff Review \$250.00
- Subdivision Fee \$500.00 + \$25.00 per lot
- Section 14-403 Review \$400.00 + \$25.00 per lot
- Site Location of Development \$3,000.00 (except for residential projects which shall be \$200.00 per lot)
- Traffic Movement Permit \$1,000.00
- Storm water Quality Permit \$250.00
- Street Vacation \$2,000.00
- **Engineering Fees**
- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.
- **Zone Change**
- Zoning Map Amendments \$2,000.00
- Text Amendments \$2,000.00
- Contract/Conditional Rezoning: Under 5,000 sq. ft. \$1,000.00 5,000 sq. ft. and over \$3,000.00
- Conditional Use \$100.00
- **Historic Preservation**
- Administrative Review \$50.00
- Minor Projects - Committee Review \$100.00
- Major Projects - Committee Review \$500.00
- After-the-fact Review \$750.00
- HP Special Exception Sign Review \$35.00
- **Noticing/Advertisements for Historic Preservation and Planning Board Review**
- Legal Advertisement: Percent of total bill (Legal Ads are placed in the newspaper for workshop and public hearing meetings)
- Notices: .75 cents each (Notices are sent to abutters upon receipt of an application, workshop mtgs. and public hearing mtgs.)



Site Plan Checklist

Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

**Project Name, Address of Project      Application Number**

**The form is to be completed by the Applicant or Designated Representative:**

| Check Submitted                              | Site Plan Item | Required Information      Section 14-525 (b,c)  |
|--|----------------|---|
| <input checked="" type="checkbox"/> .....    | (1)            | Standard boundary survey (stamped by a registered surveyor, at a 1 scale of not less than 1 inch to 100 feet and including:   |
| <input checked="" type="checkbox"/> .....    | (2)            | Name and address of applicant and name of proposed development a  |
| <input checked="" type="checkbox"/> .....    | (3)            | Scale and north points b  |
| <input checked="" type="checkbox"/> .....    | (4)            | Boundaries of the site c  |
| <input checked="" type="checkbox"/> .....    | (5)            | Total land area of site d   |
| <input checked="" type="checkbox"/> .....    | (6)            | Topography - existing and proposed (2 feet intervals or less) e   |
| <input checked="" type="checkbox"/> .....    | (7)            | Plans based on the boundary survey including: 2   |
| <input checked="" type="checkbox"/> NA ..... | (8)            | Existing soil conditions a  |
| <input checked="" type="checkbox"/> .....    | (9)            | Location of water courses, wetlands, marshes, rock outcroppings and wooded areas b  |
| <input checked="" type="checkbox"/> .....    | (10)           | Location, ground floor area and grade elevations of building and other c structures existing and proposed, elevation drawings of exterior facades, and materials to be used |
| <input checked="" type="checkbox"/> .....    | (11)           | Approx location of buildings or other structures on parcels abutting the site d and a zoning summary of applicable dimensional standards (example page 9 of packet)         |
| <input checked="" type="checkbox"/> NA ..... | (12)           | Location of on-site waste receptacles e   |
| <input checked="" type="checkbox"/> NA ..... | (13)           | Public utilities e  |
| <input checked="" type="checkbox"/> NA ..... | (14)           | Water and sewer mains e   |
| <input checked="" type="checkbox"/> NA ..... | (15)           | Culverts, drains, existing and proposed, showing size and directions of flows e   |
| <input checked="" type="checkbox"/> NA ..... | (16)           | Location and dimensions, and ownership of easements, public or private f rights-of-way, both existing and proposed  |
| <input checked="" type="checkbox"/> NA ..... | (17)           | Location and dimensions of on-site pedestrian and vehicular access ways g   |
| <input checked="" type="checkbox"/> NA ..... | (18)           | Parking areas g   |
| <input checked="" type="checkbox"/> NA ..... | (19)           | Loading facilities g  |
| <input checked="" type="checkbox"/> NA ..... | (20)           | Design of ingress and egress of vehicles to and from the site onto public streets g   |
| <input checked="" type="checkbox"/> NA ..... | (21)           | Curb and sidewalks g  |
| <input checked="" type="checkbox"/> NA ..... | (22)           | Landscape plan showing: h   |
| <input checked="" type="checkbox"/> NA ..... | (23)           | Location of existing vegetation and proposed vegetation h   |
| <input checked="" type="checkbox"/> NA ..... | (24)           | Type of vegetation h  |
| <input checked="" type="checkbox"/> NA ..... | (25)           | Quantity of plantings h   |
| <input checked="" type="checkbox"/> NA ..... | (26)           | Size of proposed landscaping h  |
| <input checked="" type="checkbox"/> NA ..... | (27)           | Existing areas to be preserved h  |
| <input checked="" type="checkbox"/> NA ..... | (28)           | Preservation measures to be employed h  |
| <input checked="" type="checkbox"/> NA ..... | (29)           | Details of planting and preservation specifications h   |
| <input checked="" type="checkbox"/> NA ..... | (30)           | Location and dimensions of all fencing and screening i  |

- NA..... (31) Location and intensity of outdoor lighting system j
- NA..... (32) Location of fire hydrants, existing and proposed (refer to Fire Department checklist) k
- NA..... (33) Written statements to include: c
- NA..... (34) Description of proposed uses to be located on site cl
- NA..... (35) Quantity and type of residential, if any cl
- NA..... (36) Total land area of the site c2
- NA..... (37) Total floor area, total disturbed area and ground coverage of each proposed c2  
Building and structure
- NA..... (38) General summary of existing and proposed easements or other burdens c3
- NA..... (39) Type, quantity and method of handling solid waste disposal c4
- NA..... (40) Applicant's evaluation or evidence of availability of off-site public facilities, c5  
including sewer, water and streets
- NA..... (41) Description of existing surface drainage and a proposed stormwater management c6  
plan or description of measures to control surface runoff. c6
  
- (42) An estimate of the time period required for completion of the development 7
  
- (43) A list of all state and federal regulatory approvals to which the development may be 8 subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. h8
  
- (47) Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.
  
- (48) Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
  
- (49) A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
  
- (50) A jpeg or pdf of the proposed site plan, if available.
  
- (51) Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*,dwg), release AutoCAD 2005 or greater.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities -an environmental impact study
- erosion and sedimentation controls to be used during construction -a sun shadow study
- a parking and/or traffic study -a study of particulates and any other noxious emissions -a noise study
- a wind impact analysis

Other comments:

**AGENT AUTHORIZATION**

Bill Zimmerman  
14 Centennial Street  
Peaks Island, Maine 04108

By signing below, I authorize Barney Baker PE of Baker Design Consultants and Charlie Poole of Custom Float Services to act as agent for the purpose of permit communication on applications filed for pier improvements at my property on Peaks Island, Maine.

Signed:

  
Bill Zimmerman

## PROJECT PERMITS

The following Documentation is appended. In addition, the Portland Harbor Commissioners approved the revised plans at their 12March2009 meeting.

1. City of Portland Permits Documentation
  - Minor Site Plan and Shoreland review; CBL 097-OO-007001 ;4-10-1987.
  - City of Portland letter dated 10.8.2008; Site Plan Amendment submittal.
2. US Army Corps of Engineers Permit Amendment #CENAE-R-NAE-2006-03673; 2Mar2009
3. Maine DEP NRPA Permit # L-23320-4P-D-N & L-23320-TW-E-N dated 6June2009.
4. Maine Submerged Lands Lease approval letter dated 6May2009.



# PORTLAND MAINE

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Planning & Urban Development Department  
Penny St. Louis Littell, Director

Planning Division  
Alexander Jaegerman, Director

October 8, 2008

Barney Baker, P.E.  
Backer Design Consultants  
11 Stony Brook Lane  
Yarmouth, ME 04096

Re: William Zimmerman Pier, 14 Centennial Street, Peaks Island, Maine  
Application Number: 2007-0050, Pier and Erosion Control

Dear Mr. Baker:

I received your correspondence and a copy of the DEP application for a project modification. Enclosed is a copy of the Portland's Development Review Application. Please apply for an amended site plan clearly delineating the proposed modification from the approved plan. You will need to submit seven sets of the materials and pay the fee for service fee of \$200.00 and the amended minor site plan fee of \$250.00.

Thank you for forwarding this material to me and your attention to the matter.

Sincerely,

Barbara Barhydt  
Development Review Services Manager

Attachments:  
Development Review Application

April 10, 2007

Mr. William Zimmerman  
14 Centennial Street  
Peaks Island  
Portland, Maine 04108

RE: Minor Site plan and Shoreland Review  
CBL: 087- OO-007001

Dear Mr. Zimmerman,

On April 10, 2007 the Portland Planning Authority approved a minor site plan for pier construction and erosion control located in the Shoreland zone at 14 Centennial Street on Peaks Island.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater.
2. An inspection fee payment \$300 and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building

contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Bill Needelman, Senior Planner at 874-8722.

Sincerely,

Alexander Jaegerman  
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Senior Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Jessica Hanscom, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File



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

REPLY TO  
ATTENTION OF

March 2, 2009

Regulatory Division  
CENAE-R-NAE-2006-03673

William Zimmerman  
14 Centennial Street  
Peaks Island, Maine 04108

Dear Mr. Zimmerman:

In accordance with your request, your Department of the Army permit, is hereby amended as shown on the attached plans entitled "Zimmerman pier extension", dated 9/26/08, and described as follows: The original permit authorized the construction of a stairway leading to a 6' x 115' pile and timber supported pier with an attached 3' x 36' bottom moored float extending west in Diamond Island Roads off Centennial Street on Peaks Island, at Portland, Maine. This amendment authorizes extending the pier 34' 5" and attaching a new 3' x 50' ramp leading to a 12' x 32' pile secured float. We have updated our files accordingly.

The conditions of the original permit remain in full force and effect, and no further action is required.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

*Michael Feir*  
for Philip T. Feir  
Colonel, Corps of Engineers  
District Commander

Attachments





STATE OF MAINE  
Department of Environmental Protection

JOHN ELIAS BALDACCI  
GOVERNOR

David P. Littell  
COMMISSIONER

June, 2009

William Zimmerman  
14 Centennial St  
Peaks Island ME 04108

RE: Natural Resource Protection Act Application, Portland, #L-23320-4P-D-N & #L-23320-TW-E-N

Dear Mr. Zimmerman:

Your application for the above referenced permit has been reviewed by the Department of Environmental Protection pursuant to current statutes and associated rules. Based on this review, the Department has determined that your proposed project is acceptable based on current permitting criteria. Your permit is enclosed. The permit is presented in a format that includes findings of fact relevant to the permitting criteria of the law under which the permit is issued, conclusions based on those facts and conditions of approval. Please carefully read your permit, especially the conditions of approval. If an error has occurred, please let us know and a corrected order will be issued.

Also find attached a copy of the Department's appeal procedure for your information. Project modification, condition compliance, and transfer applications are available upon request at the regional Department offices listed below. If you have any questions about your permit please call me at (207) 822-6324 or email me at [Dawn.Hallowell@maine.gov](mailto:Dawn.Hallowell@maine.gov).

Yours sincerely,

A handwritten signature in cursive script that reads "Dawn Hallowell".

Dawn Hallowell, Project Manager  
Division of Land Resource Regulation  
Bureau of Land & Water Quality

pc: File

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 624-6550 FAX: (207) 624-6024  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-6477 FAX: (207) 764-1507



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

DEPARTMENT ORDER

IN THE MATTER OF

WILLIAM ZIMMERMAN  
Portland, Cumberland County  
PIER EXPANSION  
L-23320-4P-D-N  
L-23320-TW-E-N (approval)

) NATURAL RESOURCES PROTECTION  
) COASTAL WETLAND ALTERATION  
) TIDAL WATERFOWL & WADING BIRD  
) WATER QUALITY CERTIFICATION  
) FINDINGS OF FACT AND ORDER

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

1. PROJECT DESCRIPTION:

A. History of Project: Department Order L-23320-4E-A-N dated March 6, 2007, approved the construction of a 5 foot wide by 115 foot long pile-supported pier with a 3 foot wide by 36 foot long seasonal ramp and a 12 foot wide by 24 foot long seasonal float. Also included in the approval are a set of access stairs with two landings and the replacement of a seawall with rock rip rap. The approved pier was designed to provide all-tide access to the water. The project was constructed in 2008. After it was finished it became clear to the applicant that there was an error in the datum used to determine the location of mean low water. The existing pier does not provide all-tide access, as there is no water under the float during periods of low water.

B. Summary: The applicant now proposes to construct a 34 foot, 5 inch addition to the pile-supported pier, lengthen the seasonal ramp to 50 feet and increase the dimensions of the float to 12 feet by 32 feet. The proposed pier expansion will be supported by six additional piles. The float will be anchored with four piles. The applicant is a businessman and commutes to the mainland on his 24 foot long boat, which has a 2 foot draft, during times when the regular ferry service is not available. The project site is located on Centennial Street, Peaks Island in the City of Portland.

The Department of Conservation, Bureau of Parks and Lands has issued Submerged Land lease #1239-L-38 for the proposed project.

C. Current Use of the Site: The property contains a single family residence, a set of stairs leading to the existing pier, ramp and float. The project site is an unconsolidated shoreline. The intertidal zone is approximately 100 feet wide with a slope of 5 degrees. The intertidal area is composed of sand, gravel, cobble and stone. The subtidal area is sand and drops off to deeper water.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site.

The proposed project is located in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The site of the proposed project and the surrounding area is already developed with pile-supported piers of similar lengths. To reduce the visibility of the proposed addition the applicant proposes to construct the addition similar to the existing pier and other surrounding piers. Overall, the enlarged pier will not extend as far from shore as adjacent piers.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to marine resources, navigation or recreation.

The coastal wetland is mapped as a Tidal Waterfowl and Wading Bird Habitat. The Maine Department of Inland Fisheries and Wildlife reviewed the proposed project and stated that the proposed project will not negatively impact the habitat.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA treated lumber must be cured on dry land in a manner

that exposes all surfaces to the air for 21 days prior to the start of construction. Provided the CCA treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The proposed project will directly impact 10 square feet of coastal wetland with the installation of proposed piles. It will indirectly impact 310 square feet of coastal wetland due to shading by the expansion of the pier, ramp and float. The cumulative direct impacts now total 24 square feet. Cumulative indirect impacts total 1,229 square feet.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for an individual permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by Baker Design Consultants. The applicant intended to build a pier that provided all tide access allowing him to commute to the mainland during hours when the regular ferry service is not available. Unfortunately the pier that was constructed under L-23320-4E-A-N does not provide all tide access. It is the applicant's belief that there was an error in the datum used to determine mean low water during the initial design. Before the pier was constructed, the applicant would keep his boat on a mooring and drag a skiff across the intertidal area. He can no longer access his boat in this manner due to a chronic arthritic condition in his knees and hips. For the applicant, there is no other alternative to the proposed project.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. In order to minimize permanent impacts on the coastal wetland, the applicant proposes to gap some of the distance to low water by lengthening the temporary ramp and float. The applicant proposes to store the ramp on the pier during the winter months. The float will be taken away by a marine contractor and stored off site.

C. Compensation. In accordance with Chapter 310(5)(C)(6), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.





OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

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 or adjacent upland 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 provided that all CCA treated lumber is cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.
- 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 Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of WILLIAM ZIMMERMAN to construct an addition on an existing pier and expand an existing ramp and float, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

deh/l23320dnen



08029



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

JOHN ELIAS BALDACCI  
GOVERNOR

PATRICK K. MCGOWAN  
COMMISSIONER

May 6, 2009

William Zimmerman  
14 Centennial St.  
Peaks Island ME 04108

RE: Submerged Lands Lease Application

Dear Mr. Zimmerman:

The Bureau of Parks and Lands (Bureau) has completed its review of your application for a submerged lands lease and has determined that a lease will be granted. Enclosed are copies of the Bureau's Final Findings and Decision, two copies of the standard lease for signature, and comments received from the Department of Marine Resources for your information.

Rental for the current year, due and payable at this time, is \$312.56 for 8 months through December 31, 2009. The yearly lease rental fee for the period from January 1st through December 31st, based on the assessed land value and leased area will be \$468.89.

**Please sign both copies of the lease and return them to the Bureau, along with your payment for the current year.** A check should be made payable to **Treasurer, State of Maine**. Once executed by the Bureau, a signed lease will be returned to you.

If you have any questions, please feel free to contact me at (207)287-4922 or by email to [carol.dibello@maine.gov](mailto:carol.dibello@maine.gov). Thank you.

Sincerely,

Carol DiBello  
Submerged Lands Coordinator

enc: findings, invoice, DMR comments & leases (2)

cc: B. Baker w/ findings and DMR comments





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

JOHN ELIAS BALDACCI  
GOVERNOR

PATRICK K. MCGOWAN  
COMMISSIONER

## SUBMERGED LANDS LEASE – FINAL FINDINGS AND DECISION

**APPLICANT:** William Zimmerman

**PROJECT LOCATION:** Portland (Peaks Island)

**APPLICATION:** The Bureau of Parks and Lands accepted Department of Environmental Protection NRP Application No. L-23320-4P-C-N as an application for a submerged lands conveyance.

**PROJECT DESCRIPTION:** The applicant proposes to extend an existing 104 ft. long pier by 34 feet, replace the existing gangway with a 50 ft. long gangway and relocate the existing 12 ft. by 32 ft. float to the end of the new gangway. The float would be anchored with four pilings. The proposal would extend approximately 80 feet beyond the mean low-water mark on submerged lands in Casco Bay and would be for private recreational purposes.

**REVIEW COMMENTS:** Notification letters were sent to the municipality, abutters and Department of Marine Resources (DMR). The DMR commented that as proposed, the project should not cause any significant adverse impacts to marine resources, traditional fishing, recreation, navigation, or riparian access. No comments in opposition were received.

**FINDINGS:** Based upon its review of all information in the administrative record, the Bureau of Parks and Lands makes the following findings in accordance with Title 12 M.R.S.A. Sections 1801 & 1862 and pertinent regulations.

*PUBLIC ACCESS WAYS:*

The project will be associated with the applicant's private property and not on or adjacent to a public access point to the shore. As such, the Bureau finds that the project will not unreasonably interfere with public access ways to submerged lands.

*PUBLIC TRUST RIGHTS:*

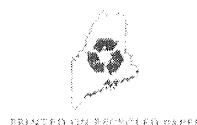
The project will not unreasonably interfere with fishing, fowling, navigation, or other existing marine uses of the area.

*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.

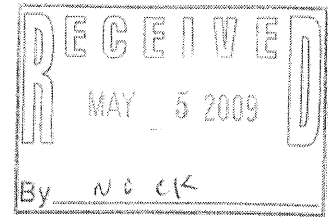
**DECISION:** In accordance with Title 12 M.R.S.A. Sections 1801 & 1862, the Director of the Bureau of Parks and Lands has determined that Submerged Lands Lease No. 1239-L-38 will be granted to William Zimmerman.

**APPEAL RIGHTS:** In accordance with 5 M.R.S.A. section 11002 and Maine Rules of Civil Procedure 80C, this decision may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person.

Signed:   
\_\_\_\_\_  
 Willard R. Harris, Jr., Director

Date: May 4, 2009

TO: Carol DiBello, Submerged Lands Coordinator  
Dept. of Conservation,  
Bureau of Parks & Lands



FROM: Department of Marine Resources (DMR)

SUBJECT: REQUEST FOR PROJECT REVIEW,

PROJECT: Applicant: William and Patty Zimmerman  
Location: Portland (Peaks Island, West Side)  
Type of Project: Pier Extension

The above proposed project has been carefully reviewed and considered by DMR personnel.

DMR understands that the applicant is proposing to extend an existing 6 ft. x 115 ft. pile supported walkway pier by 34 ft. The existing 42 ft. ramp would be replaced with a 50 ft. ramp and the existing 12 ft. x 32 ft. float would be reused / relocated with four securing piles to be installed (a pair at either end of the float). The new float location would provide 1 ft. 5 in. of water at the landward end at Mean Low Water (MLW) and 2 ft. 11 in. at the seaward end of the float at MLW. The entire structure would extend approximately 80 ft. beyond MLW.

The site is a moderate energy unconsolidated shore. The intertidal zone is approximately 100 ft. wide with a slope of 5°. The upland is developed with a house and lawn. The supratidal is the base of an ~ 25 ft. high vegetated and partially erosional bluff. The intertidal is sand, gravel, cobble and stone. The subtidal is sand and drops of gradually to deeper water. There is sparse rockweed cover, and scattered mussels, with the remains of a granite crib pier just to the north of the proposed project site. There are other pile supported piers similar in length ~ 35 yds. to the north and ~ 100 yds. to the south.

This project as proposed should not cause any significant adverse impacts to marine resources, traditional fishing, recreation, navigation, or riparian access. DMR reviewed and commented to the Dept. of Environmental Protection (DEP) on the originally proposed 115 ft. pier.<sup>1</sup>

A handwritten signature in black ink, appearing to read "George D. LaPointe".

GEORGE D. LAPOINTE  
COMMISSIONER OF DMR

Date: May 1, 2009

<sup>1</sup> DMR comments to Dawn Hallowell (DEP) on DEP Application #: L-23320-4E-A-N on December 26, 2006.

## **PROJECT PLANS**

### Baker Design Consultants

T-1 Title Sheet

C-1 Site Plan

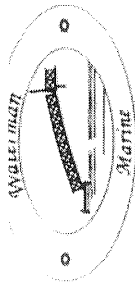
C-2 Existing Pier Plan & Profile

C-3 Proposed Pier Extension Plan & Profile

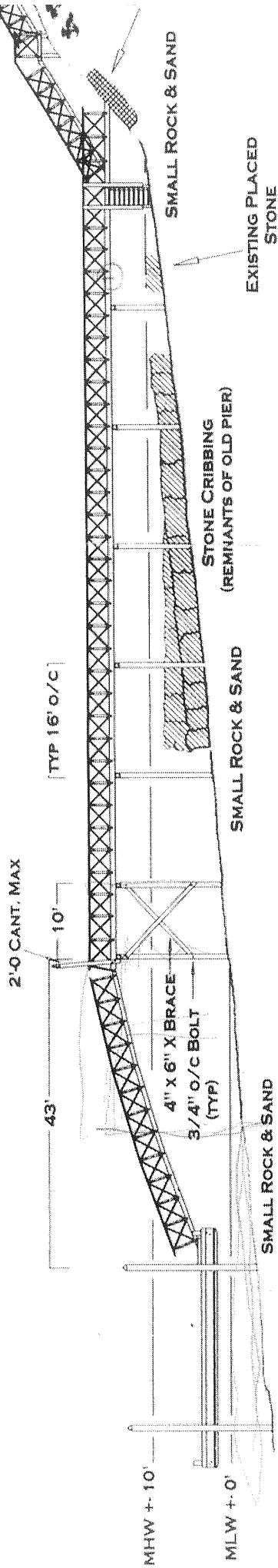
### Waterman Marine

Existing Pier Plan & Elevation

# PROPOSED DOCK SYSTEM & STAIRCASE FOR WILLIAM ZIMMERMAN PEAKS ISLAND



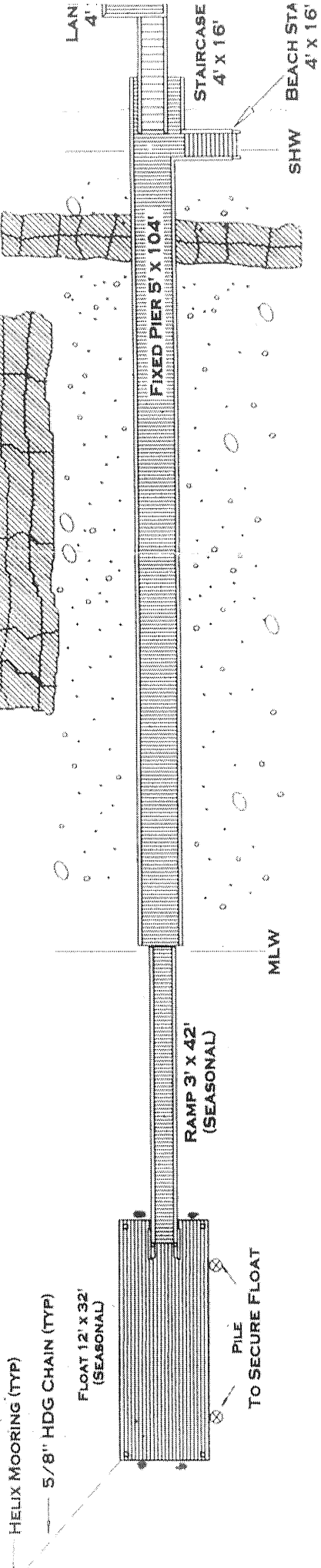
CUSTOM DOCKS, RAMPS & FLOAT SYSTEMS



\* +4' OF WATER UNDER END OF FLOAT AT MLW

\* NO EEL GRASS

PROFILE  
PLAN  
SCALE 1" = 20'



This drawing remains the property of Waterman Marine Corp. (the company) and may not be reproduced in whole or in part without the express written permission of the company.



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

*copy to*

DEPARTMENT ORDER

IN THE MATTER OF

*10/1/09*

WILLIAM ZIMMERMAN  
 Portland, Cumberland County  
 PIER EXPANSION  
 L-23320-4P-D-N  
 L-23320-TW-E-N (approval)

) NATURAL RESOURCES PROTECTION  
 ) COASTAL WETLAND ALTERATION  
 ) TIDAL WATERFOWL & WADING BIRD  
 ) WATER QUALITY CERTIFICATION  
 ) FINDINGS OF FACT AND ORDER

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

1. PROJECT DESCRIPTION:

A. History of Project: Department Order L-23320-4E-A-N dated March 6, 2007, approved the construction of a 5 foot wide by 115 foot long pile-supported pier with a 3 foot wide by 36 foot long seasonal ramp and a 12 foot wide by 24 foot long seasonal float. Also included in the approval are a set of access stairs with two landings and the replacement of a seawall with rock rip rap. The approved pier was designed to provide all-tide access to the water. The project was constructed in 2008. After it was finished it became clear to the applicant that there was an error in the datum used to determine the location of mean low water. The existing pier does not provide all-tide access, as there is no water under the float during periods of low water.

B. Summary: The applicant now proposes to construct a 34 foot, 5 inch addition to the pile-supported pier, lengthen the seasonal ramp to 50 feet and increase the dimensions of the float to 12 feet by 32 feet. The proposed pier expansion will be supported by six additional piles. The float will be anchored with four piles. The applicant is a businessman and commutes to the mainland on his 24 foot long boat, which has a 2 foot draft, during times when the regular ferry service is not available. The project site is located on Centennial Street, Peaks Island in the City of Portland.

The Department of Conservation, Bureau of Parks and Lands has issued Submerged Land lease #1239-L-38 for the proposed project.

C. Current Use of the Site: The property contains a single family residence, a set of stairs leading to the existing pier, ramp and float. The project site is an unconsolidated shoreline. The intertidal zone is approximately 100 feet wide with a slope of 5 degrees. The intertidal area is composed of sand, gravel, cobble and stone. The subtidal area is sand and drops off to deeper water.

**RECEIVED**

JUN 16 2009

City of Portland  
 Planning Division

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site.

The proposed project is located in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The site of the proposed project and the surrounding area is already developed with pile-supported piers of similar lengths. To reduce the visibility of the proposed addition the applicant proposes to construct the addition similar to the existing pier and other surrounding piers. Overall, the enlarged pier will not extend as far from shore as adjacent piers.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to marine resources, navigation or recreation.

The coastal wetland is mapped as a Tidal Waterfowl and Wading Bird Habitat. The Maine Department of Inland Fisheries and Wildlife reviewed the proposed project and stated that the proposed project will not negatively impact the habitat.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA treated lumber must be cured on dry land in a manner



that exposes all surfaces to the air for 21 days prior to the start of construction. Provided the CCA treated lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The proposed project will directly impact 10 square feet of coastal wetland with the installation of proposed piles. It will indirectly impact 310 square feet of coastal wetland due to shading by the expansion of the pier, ramp and float. The cumulative direct impacts now total 24 square feet. Cumulative indirect impacts total 1,229 square feet.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for an individual permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by Baker Design Consultants. The applicant intended to build a pier that provided all tide access allowing him to commute to the mainland during hours when the regular ferry service is not available. Unfortunately the pier that was constructed under L-23320-4E-A-N does not provide all tide access. It is the applicant's belief that there was an error in the datum used to determine mean low water during the initial design. Before the pier was constructed, the applicant would keep his boat on a mooring and drag a skiff across the intertidal area. He can no longer access his boat in this manner due to a chronic arthritic condition in his knees and hips. For the applicant, there is no other alternative to the proposed project.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. In order to minimize permanent impacts on the coastal wetland, the applicant proposes to gap some of the distance to low water by lengthening the temporary ramp and float. The applicant proposes to store the ramp on the pier during the winter months. The float will be taken away by a marine contractor and stored off site.

C. Compensation. In accordance with Chapter 310(5)(C)(6), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

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 or adjacent upland 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 provided that all CCA treated lumber is cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.
- 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 Title 38 M.R.S.A. Section 480-P.

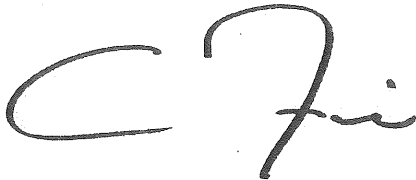
THEREFORE, the Department APPROVES the above noted application of WILLIAM ZIMMERMAN to construct an addition on an existing pier and expand an existing ramp and float, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All CCA treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read 'A. C. Fisk', is positioned to the left of the digital signature text.

This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date 2009.06.11 12:44:20 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

deh/123320dnen



## Natural Resource Protection Act (NRPA) Standard Conditions

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

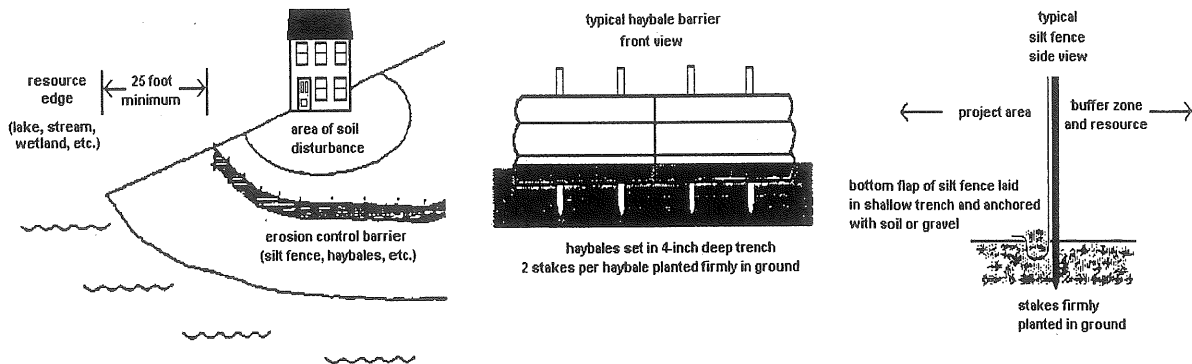
- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject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

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Erosion Control for Homeowners

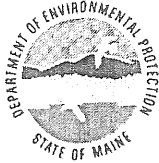
#### Before Construction

1. If you have hired a contractor, make sure you discuss your permit-by-rule with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit-by-rule.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



#### During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.



# DEP INFORMATION SHEET

## Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

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### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### **LEGAL REFERENCES**

DEP's General Laws, 38 M.R.S.A. § 341-D (4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

#### **HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### **WHAT YOUR APPEAL PAPERWORK MUST CONTAIN**

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5)

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

#### **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

## **II APPEALS TO MAINE SUPERIOR COURT**

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

**ADDITIONAL INFORMATION:** If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

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July 17, 2009

To: Shukria Wiar

From: David Margolis-Pineo

Re: Public Services Review Comments – Zimmerman Pier Extension

Public Services has no comments on this project.



**From:** "Dan Goyette" <DGoyette@woodardcurran.com>  
**To:** "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>  
**Date:** 7/15/2009 1:51:35 PM  
**Subject:** Zimmerman Pier, Peaks Island

Shukria,

I have no comments for the above mentioned project. Please let me know if you have any questions.

Daniel Goyette, PE

41 Hutchins Drive  
Portland, Maine 04102  
Phone: 800-426-4262  
Fax: 207-774-6635  
Email: [dgoyette@woodardcurran.com](mailto:dgoyette@woodardcurran.com)

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 09-99600002      **Application Date:**

**Project Name:** ZIMMERMAN PIER

**Address:**

**Project Description:** Site Plan Amendment -14 Centennial Street, Peaks Island, Pier Extension

**Zoning:** IR-2

**Other Reviews Required:**

**Review Type:** ADMINISTRATIVE AMENDED SITE PLAN

William B. Zimmerman  
14 Centennial St

Peaks Island Me 04108  
Barney Baker  
Baker Design Consultants

Yarmouth Me 04096

**Distribution List:**

|  |                      |   |                      |
|--|----------------------|---|----------------------|
| <input checked="" type="checkbox"/> Planner              | Shukria Wiar         | <input checked="" type="checkbox"/> City Arborist         | Jeff Tarling         |
| <input checked="" type="checkbox"/> Zoning Administrator | Marge Schmuckal      | <input checked="" type="checkbox"/> Design Review         | Alex Jaegerman       |
| <input checked="" type="checkbox"/> Traffic              | Tom Errico           | <input checked="" type="checkbox"/> Corporation Counsel   | Danielle West-Chuhta |
| <input checked="" type="checkbox"/> Inspections          | Tammy Munson         | <input checked="" type="checkbox"/> Sanitary Sewer        | John Emerson         |
| <input checked="" type="checkbox"/> Fire Department      | Keith Gautreau       | <input checked="" type="checkbox"/> Stormwater            | Dan Goyette          |
| <input checked="" type="checkbox"/> Parking              | John Peverada        | <input checked="" type="checkbox"/> Historic Preservation | Deb Andrews          |
| <input checked="" type="checkbox"/> Engineering          | David Margolis-Pineo | <input type="checkbox"/> Outside Agency                   |                      |
| <input checked="" type="checkbox"/> DRC Coordinator      | Phil DiPierro        |   |                      |

**Preliminary Comments needed by:**

**Final Comments needed by:**

- Marge  
- David  
Dan

City of Portland  
Development Review Application  
Planning Division Transmittal form

Number will be assigned on Monday

Application Number:                      Application Date: July 6, 2009

Project Name: Zimmerman Pier - Extension

Address: 14 Centennial St  
Peaks Island CBL: 087-00-007

Project Description: Extending existing pier by 34' 5" + a new 50' gangway

Zoning: Shoreland Zoning

Other Reviews Required:

Review Type: MINOR SITE PLAN - Amendment

Applicant: William Zimmerman  
14 Centennial St  
Peaks Island, ME 04108

Representative: Barney Baker P.E.  
Baker Design Consultants  
11 Stone Brook Lane  
Yermouth, ME 04096  
207-846-9724  
207-838-3636-cell

Distribution List:

|  |                      |   |                      |
|--|----------------------|---|----------------------|
| <input checked="" type="checkbox"/> Planner              | Barbara Barhydt      | <input checked="" type="checkbox"/> City Arborist         | Jeff Tarling         |
| <input checked="" type="checkbox"/> Zoning Administrator | Marge Schmuckal      | <input checked="" type="checkbox"/> Design Review         | Alex Jaegerman       |
| <input checked="" type="checkbox"/> Traffic              | Tom Errico           | <input checked="" type="checkbox"/> Corporation Counsel   | Danielle West-Chuhta |
| <input checked="" type="checkbox"/> Inspections          | Tammy Munson         | <input checked="" type="checkbox"/> Sanitary Sewer        | John Emerson         |
| <input checked="" type="checkbox"/> Fire Department      | Keith Gautreau       | <input checked="" type="checkbox"/> Stormwater            | Dan Goyette          |
| <input checked="" type="checkbox"/> Parking              | John Peverada        | <input checked="" type="checkbox"/> Historic Preservation | Deb Andrews          |
| <input checked="" type="checkbox"/> Engineering          | David Margolis-Pineo | <input type="checkbox"/> Outside Agency                   |                      |
| <input checked="" type="checkbox"/> DRC Coordinator      | Phil DiPierro        |   |                      |

Preliminary Comments needed by:

Final Comments needed by:

Shoreland zoning - requirement for piers  
Zimmerman's Pier @ Peaks Island

City of Portland  
Code of Ordinances  
Sec. 14-450

Land Use  
Chapter 14  
Rev. 4-16-09

(b) *Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line of a water body or within a wetland:*

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion;
2. The location shall not interfere with existing developed or natural beach areas;
3. The facility shall be located so as to minimize adverse effects on fisheries;
4. The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with existing conditions, use and character of the area;
5. Except in the W-C, W-PD, W-SU, and I-B zones, no new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity;
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

(c) *Clearing of vegetation:*

1. In all shoreland areas in resource protection zones, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.
  - a. In all other areas, a buffer strip of vegetation shall be preserved, except where clearance is required for development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal

plan filed with the building authority.

(m) *General site plan features:* The Planning Board or planning authority shall approve a site plan located within a shoreland zone if it finds that the following standards, in addition to the standards set forth in section 14-526, are met:

1. The proposal will maintain safe and healthful conditions;
2. The proposal will not result in water pollution, erosion, or sedimentation to surface waters;
3. The proposal will adequately provide for the disposal of all wastewater;
4. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. The proposal will protect archaeological and historic resources;
7. The proposal will not adversely affect existing commercial fishing or maritime activities;
8. The proposal will avoid problems associated with flood plain development and use; and
9. The proposal is in conformance with the standards set forth in this section.

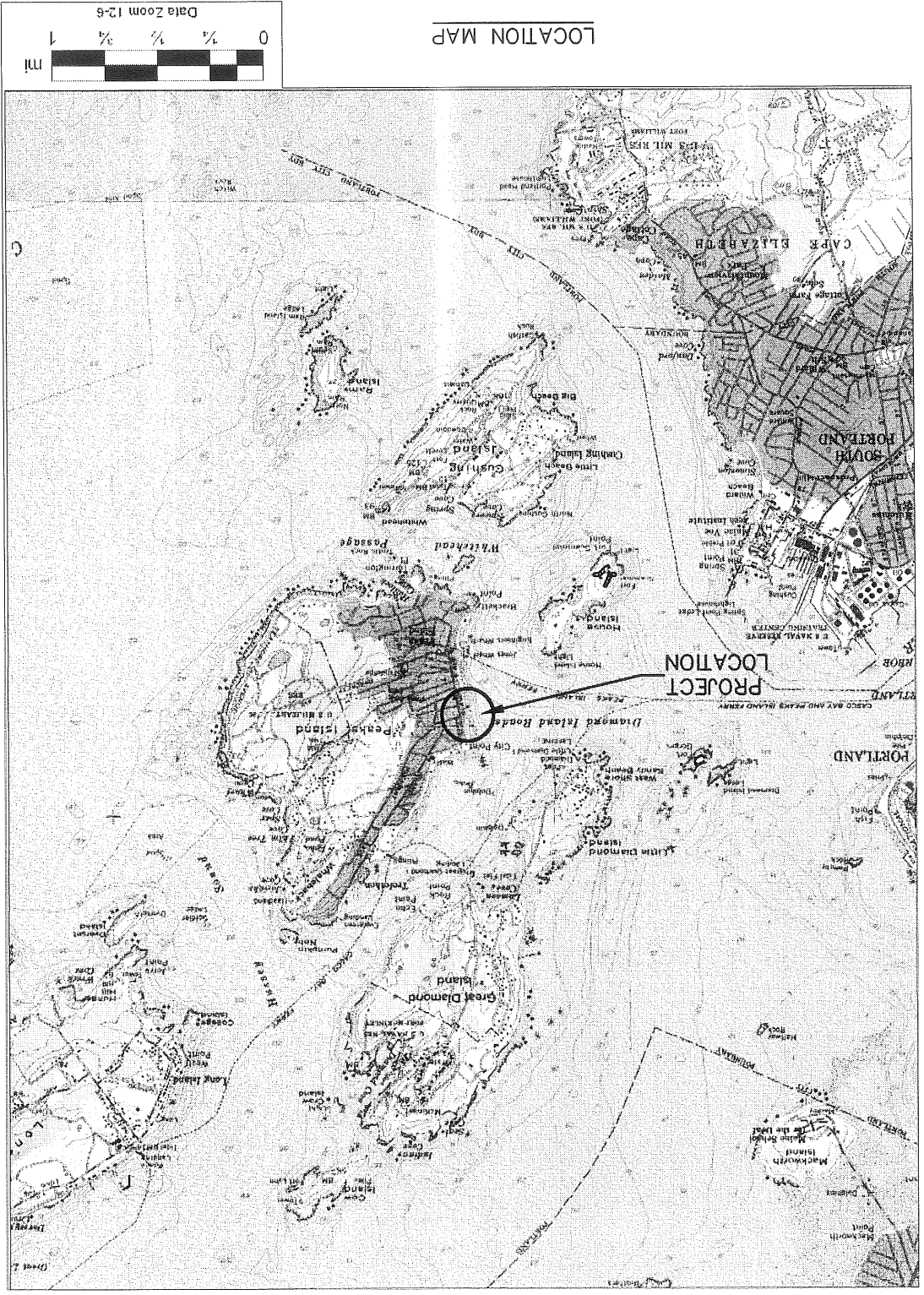
(Code 1968, § 602.19A.D; Ord. No. 499-74, § 10, 8-19-74; Ord. No. 38-85, § 1, 7-15-85; Ord. No. 15-92, § 29, 6-15-92; Ord. No. 164-97, § 12, 1-6-97)

**Sec. 14-450. Reserved.**

DIVISION 26.5. FLOOD PLAIN MANAGEMENT REGULATIONS\*

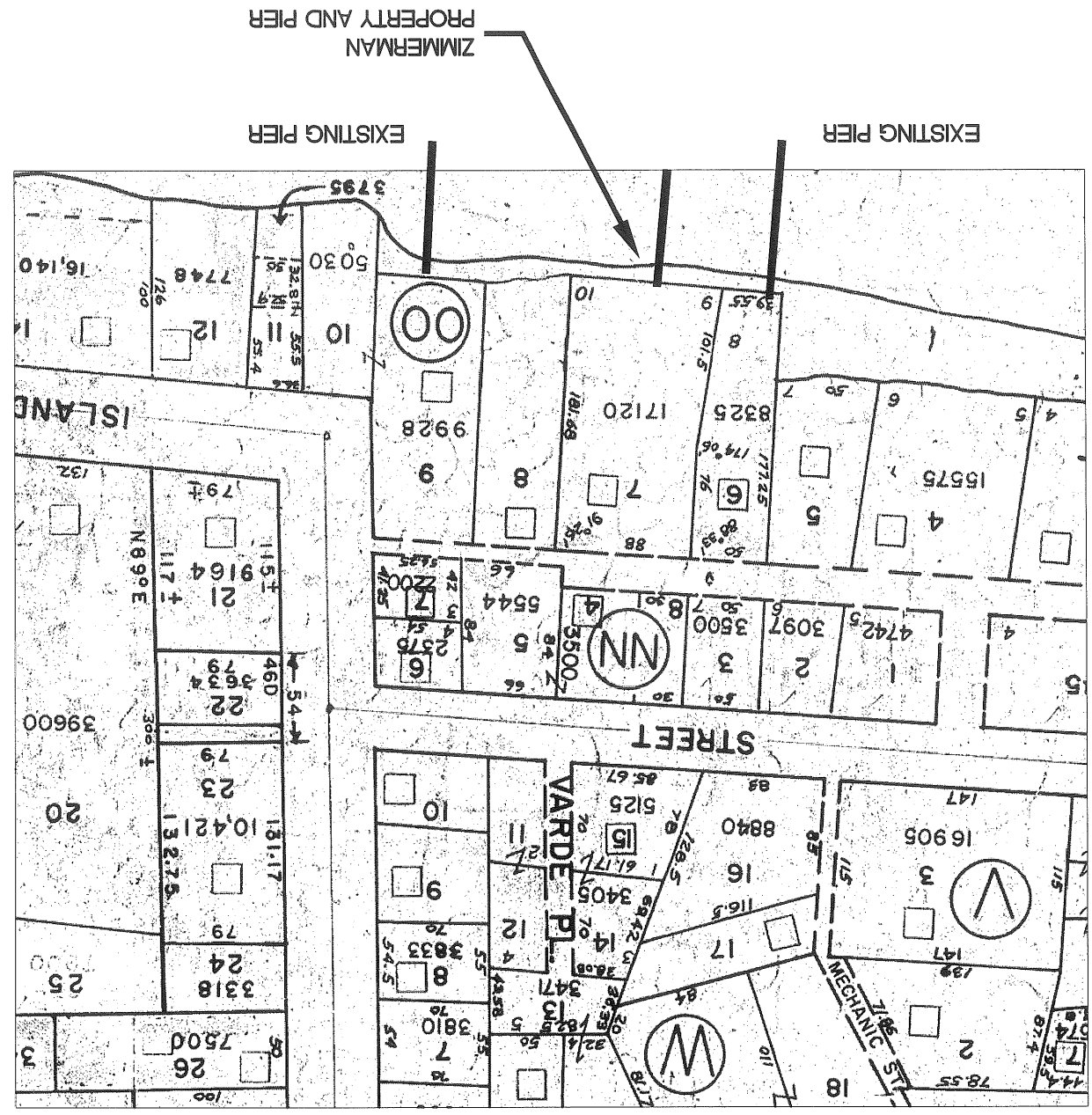
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\*Editor's note—Ord. No. 660-86, adopted July 7, 1986, amended Ch. 14, Art. III, by the addition of Div. 26A, §§ 14-450.1-14-450.8, which provisions have

# ZIMMERMAN - PIER EXTENSION PEAKS ISLAND, MAINE PROJECT NO. 08029



## INDEX OF SHEETS

- 1-1 - TITLE SHEET
- C-1 - SITE PLAN
- C-2 - EXISTING PIER PLAN & PROFILE
- C-3 - PROPOSED PIER EXTENSION PLAN & PROFILE



|   |  |  |  |                          |  |
|---|--|--|--|--------------------------|--|
| SHEET NO. REV. <b>T-1</b>                             |  | CONTRACT NO. 08029                       |  | DATE 9-10-08             |  |
| SHEET TITLE: <b>TITLE SHEET</b>                       |  | PROJECT: <b>ZIMMERMAN PIER EXTENSION</b> |  | DESIGNED BY: <b>BJB</b>  |  |
| PROJECT: <b>WILLIAM ZIMMERMAN PEAKS ISLAND, MAINE</b> |  | CHECKED BY: <b>BJB</b>                   |  | DRAWN BY: <b>MSH</b>     |  |
| SCALE: <b>AS SHOWN</b>                                |  | STATE OF MAINE PROFESSIONAL ENGINEER     |  | BAKERY J. BAKER No. 5737 |  |
| NO. 1   |  | SUBMISSION                               |  | DATE: 9.12.08            |  |
| NO. 2   |  | Permit Modification                      |  | DATE: 9.26.08            |  |
| NO. 3   |  | Review                                   |  | DATE: 9.12.08            |  |
| NO. 4   |  | SUBMISSION                               |  | DATE: 9.12.08            |  |

**BAKER DESIGN CONSULTANTS**  
Civil, Marine, and Structural Engineering  
11 Stony Brook Lane, Yarmouth, Maine 04096 Tel: (207) 846-9724 Fax: (207) 846-3620

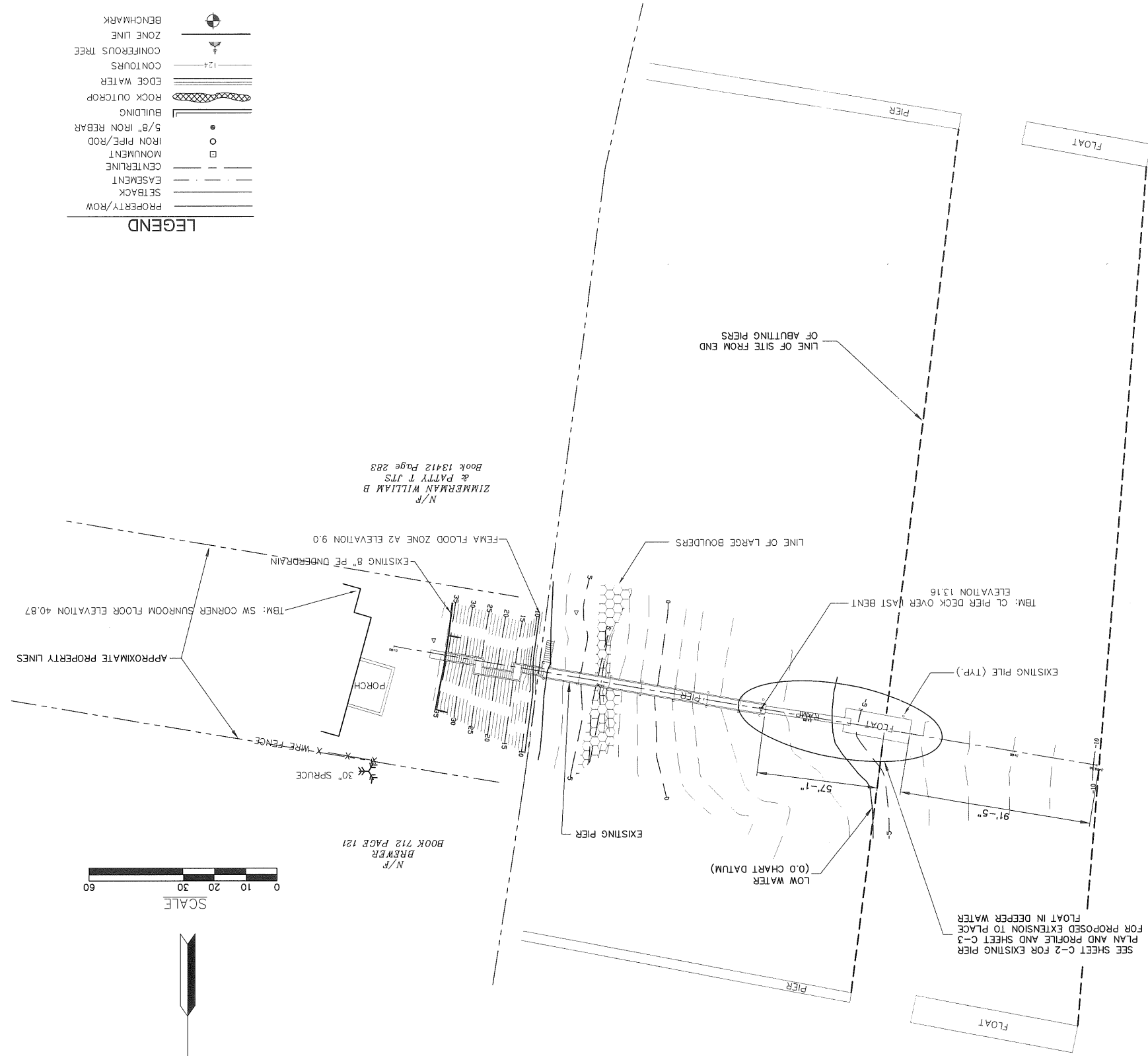
**SITE NOTES**

1. The Contractor shall be governed by the Construction Safety Rules as adopted by the State Board Of Construction Safety, Augusta, Maine.
2. The project is subject to the Safety And Health Regulations Of The Occupational Safety And Health Act (OSHA) as promulgated by the US Department Of Labor.
3. The plan is based on a partial Topographic Survey of the Property by Royal River Survey Inc., Professional Land Surveyors, File: Zimmerman.dwg.
4. All elevations are to NGVD.
5. Base flood/tidal information was taken from MEDEP, FEMA and NOAA published data for Cumberland and Portland and respectively (NGVD datum).

| Elevation             | Chart Datum | NGVD | Notes              |
|-----------------------|-------------|------|--------------------|
| FEMA Base Flood       | 14.6        | 9.0  | FEMA A2            |
| Highest               | 11.6        | 7.2  | Based on Peaks Is. |
| Spring Tide Elevation | 10.8        | 6.2  | Maine DEP          |
| MHHW                  | 9.9         | 5.3  | Based on Portland  |
| MHW                   | 9.5         | 4.9  | "                  |
| Mean Tide Level       | 4.9         | 0.3  | "                  |
| NGVD                  | 4.6         | 0.0  | "                  |
| MLW                   | 0.3         | -4.2 | "                  |
| MLLW                  | 0.00        | -4.6 | "                  |
| Lowest                | -3.4        | -8.0 | "                  |

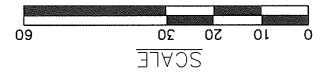
**OWNER(S):** William Zimmerman  
 Map 87, Lot 7  
 Peaks Island, Maine  
**ZONING:** SZ - Shoreland Zone,  
 No Change from Existing  
**SETBACKS:**

**PROPERTY INFORMATION**



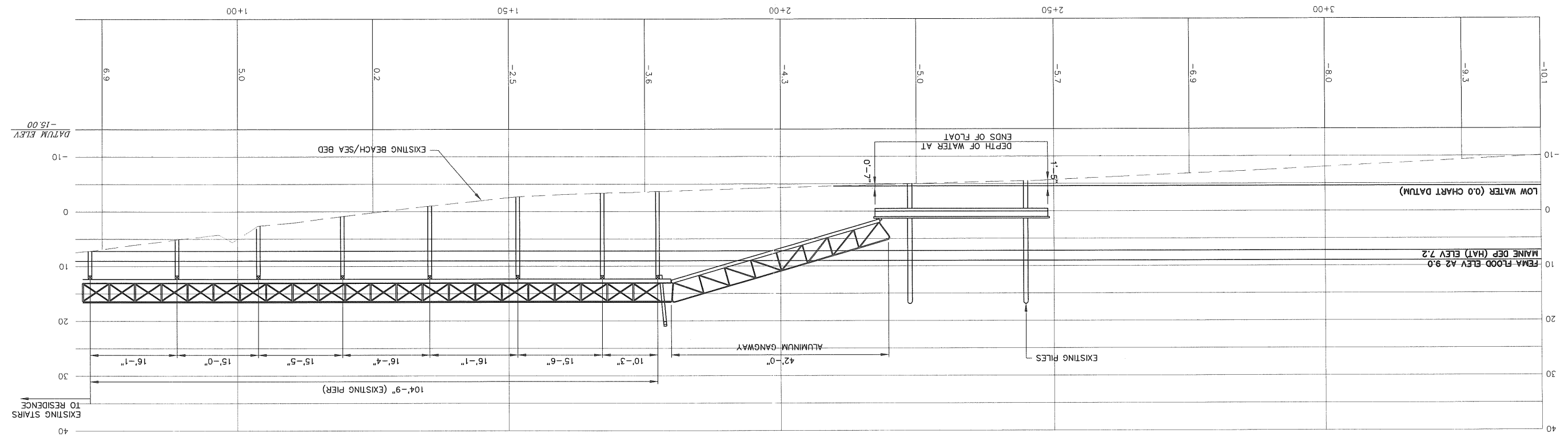
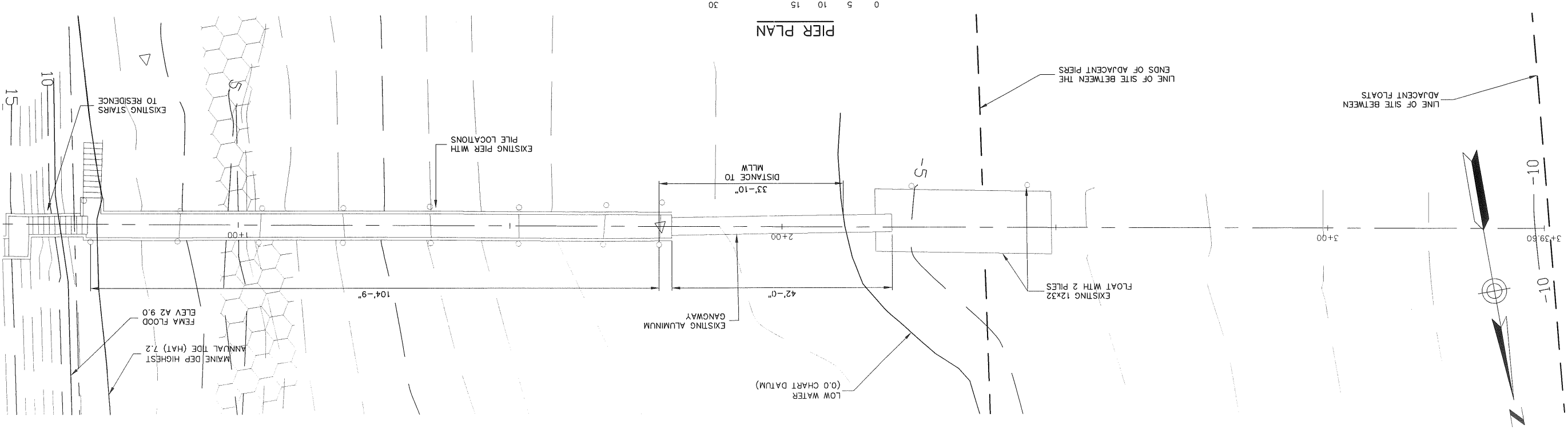
**LEGEND**

- PROPERTY/ROW
- SETBACK
- EASEMENT
- CENTERLINE
- MONUMENT
- IRON PIPE/ROD
- 5/8" IRON REBAR
- BUILDING
- ROCK OUTCROP
- EDGE WATER
- CONTOURS
- CONIFEROUS TREE
- ZONE LINE
- BENCHMARK



|     |               |        |  |              |     |         |      |
|-----|---------------|--------|--|--------------|-----|---------|------|
| C-1 | SHEET NO. REV | DATE   | SHEET TITLE:                             | DESIGNED BY: | NO. | DATE    | INT. |
|     | 08029         | 9-9-08 | <b>SITE PLAN</b>                         | BUB          | 2   | 9.26.08 | BUB  |
|     | CONTRACT NO.  |        | PROJECT:                                 | DRAWN BY:    | 1   | 9.10.08 | BUB  |
|     |               |        | <b>ZIMMERMAN PIER EXTENSION</b>          | MSH          |     |         |      |
|     |               |        | WILLIAM ZIMMERMAN<br>PEAKS ISLAND, MAINE | CHECKED BY:  |     |         |      |
|     |               |        |  | SCALE:       |     |         |      |
|     |               |        |  | AS SHOWN     |     |         |      |

**BAKER DESIGN CONSULTANTS**  
 Civil, Marine, and Structural Engineering  
 11 Stony Brook Lane  
 Yarmouth, Maine 04098 Tel: (207) 846-9724 Fax: (207) 846-3020



**C-2**

SHEET NO. 08029

CONTRACT NO. 9-9-08

DATE 9-9-08

SHEET TITLE: **EXISTING PIER PLAN AND PROFILE**

PROJECT: **ZIMMERMAN PIER EXTENSION**

WILLIAM ZIMMERMAN  
PEAKS ISLAND, MAINE

DESIGNED BY: BJB  
DRAWN BY: MSH  
CHECKED BY: BJB  
SCALE: AS SHOWN

DESIGNED BY: BJB  
DRAWN BY: MSH  
CHECKED BY: BJB  
SCALE: AS SHOWN

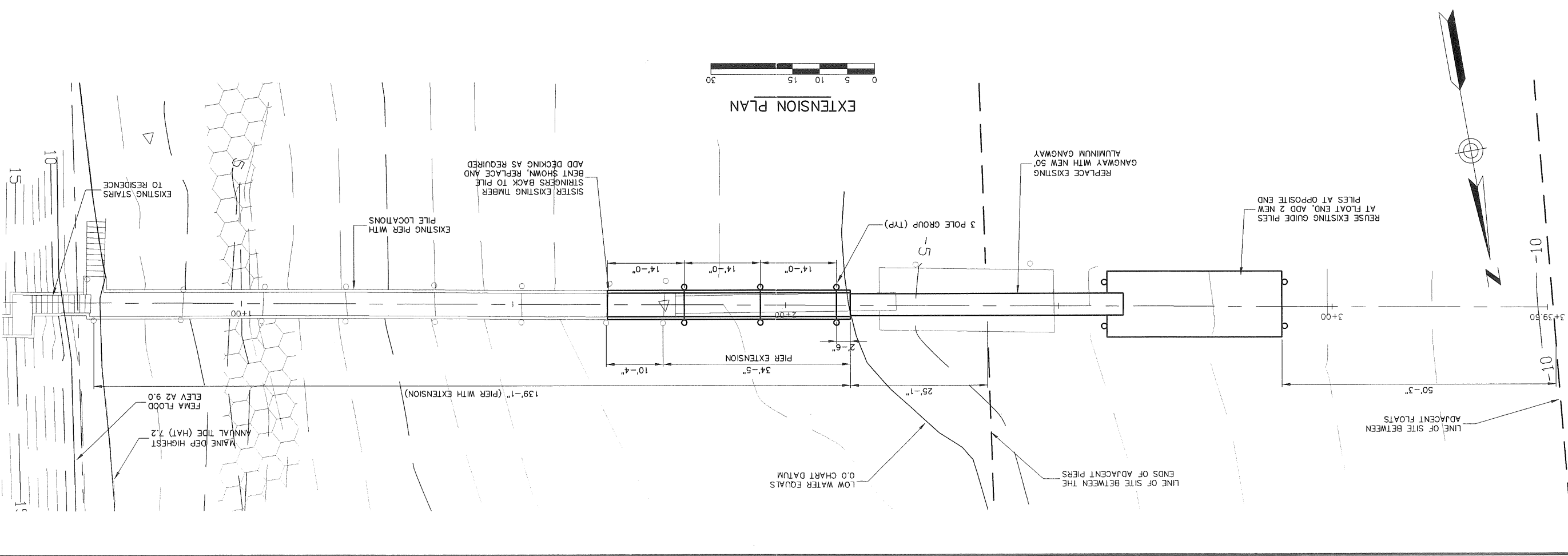
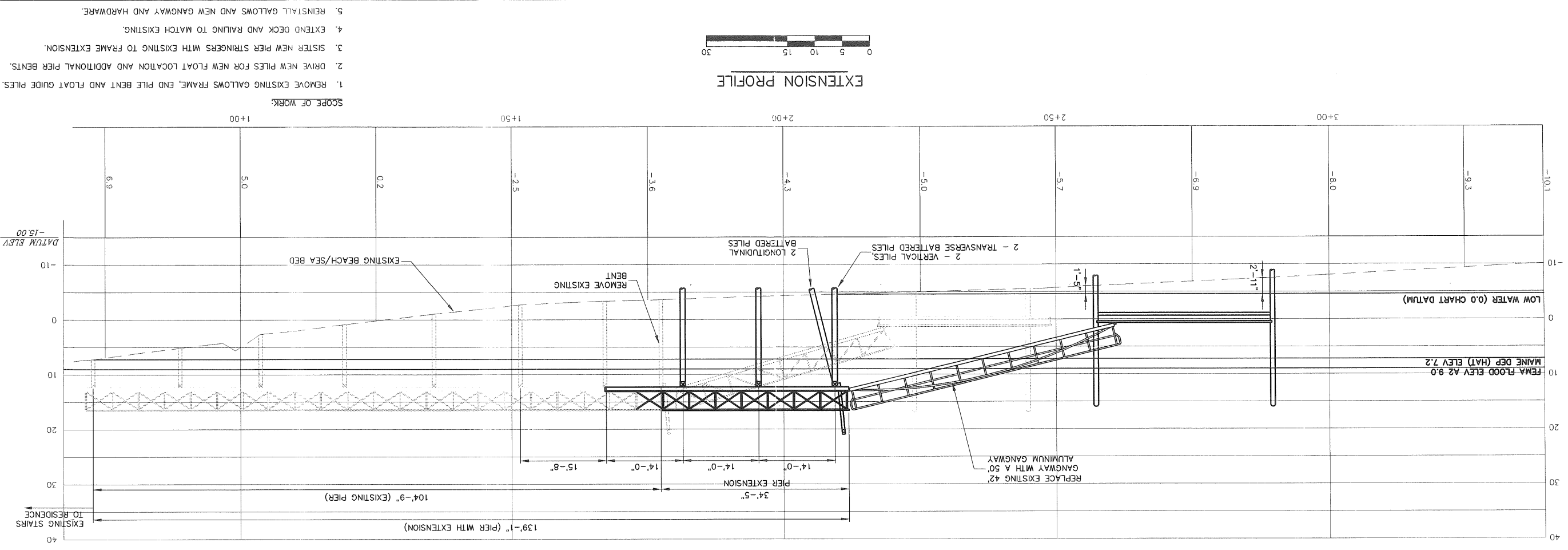
BAKER J. BAKER  
LICENSED PROFESSIONAL ENGINEER  
STATE OF MAINE  
NO. 5737

|     |         |       |                            |
|-----|---------|-------|----------------------------|
| NO. | DATE    | INIT. | DESCRIPTION                |
| 1   | 9.12.08 | BJB   | SUBMISSION                 |
| 2   | 9.26.08 | BJB   | Permit Modification Review |

11 Stony Brook Lane  
Yarmouth, Maine 04096 Tel: (207) 846-9724 Fax: (207) 846-9620

**BAKER DESIGN CONSULTANTS**  
Civil, Marine, and Structural Engineering





- SCOPE OF WORK:
1. REMOVE EXISTING GALLOWES FRAME, END PILE BENT AND FLOAT GUIDE PILES.
  2. DRIVE NEW PILES FOR NEW FLOAT LOCATION AND ADDITIONAL PIER BENTS.
  3. SISTER NEW PIER STRINGERS WITH EXISTING TO FRAME EXTENSION.
  4. EXTEND DECK AND RAILING TO MATCH EXISTING.
  5. REINSTALL GALLOWES AND NEW GANGWAY AND HARDWARE.

|  |               |         |   |                                       |           |                        |          |
|--|---------------|---------|---|---------------------------------------|-----------|------------------------|----------|
| <b>C-3</b>                               | SHEET NO. REV | DATE    | SHEET TITLE:                                    | DESIGNED BY:                          | DRAWN BY: | CHECKED BY:            | SCALE:   |
|  | 08029         | 9-10-08 | <b>PROPOSED PIER EXTENSION PLAN AND PROFILE</b> | BUB                                   | MSH       | BUB                    | AS SHOWN |
| PROJECT: <b>ZIMMERMAN PIER EXTENSION</b> |               |         |   | WILLIAM ZIMMERMAN PEAKS ISLAND, MAINE |           |                        |          |
| CONTRACT NO. 08029                       |               |         |   |                                       |           |                        |          |
| NO.                                      |               | DATE    |   | INT.                                  |           | SUBMISSION             |          |
| 1  |               | 9.12.08 |   | BUB                                   |           | REVIEW                 |          |
| 2  |               | 9.24.08 |   | BUB                                   |           | REVISED PIER EXTENSION |          |
| 3  |               | 9.26.08 |   | BUB                                   |           | PERMIT MODIFICATION    |          |

**BAKER DESIGN CONSULTANTS**  
Civil, Marine, and Structural Engineering  
Tremont, Maine 04090 Tel: (207) 846-9294 Fax: (207) 846-3620

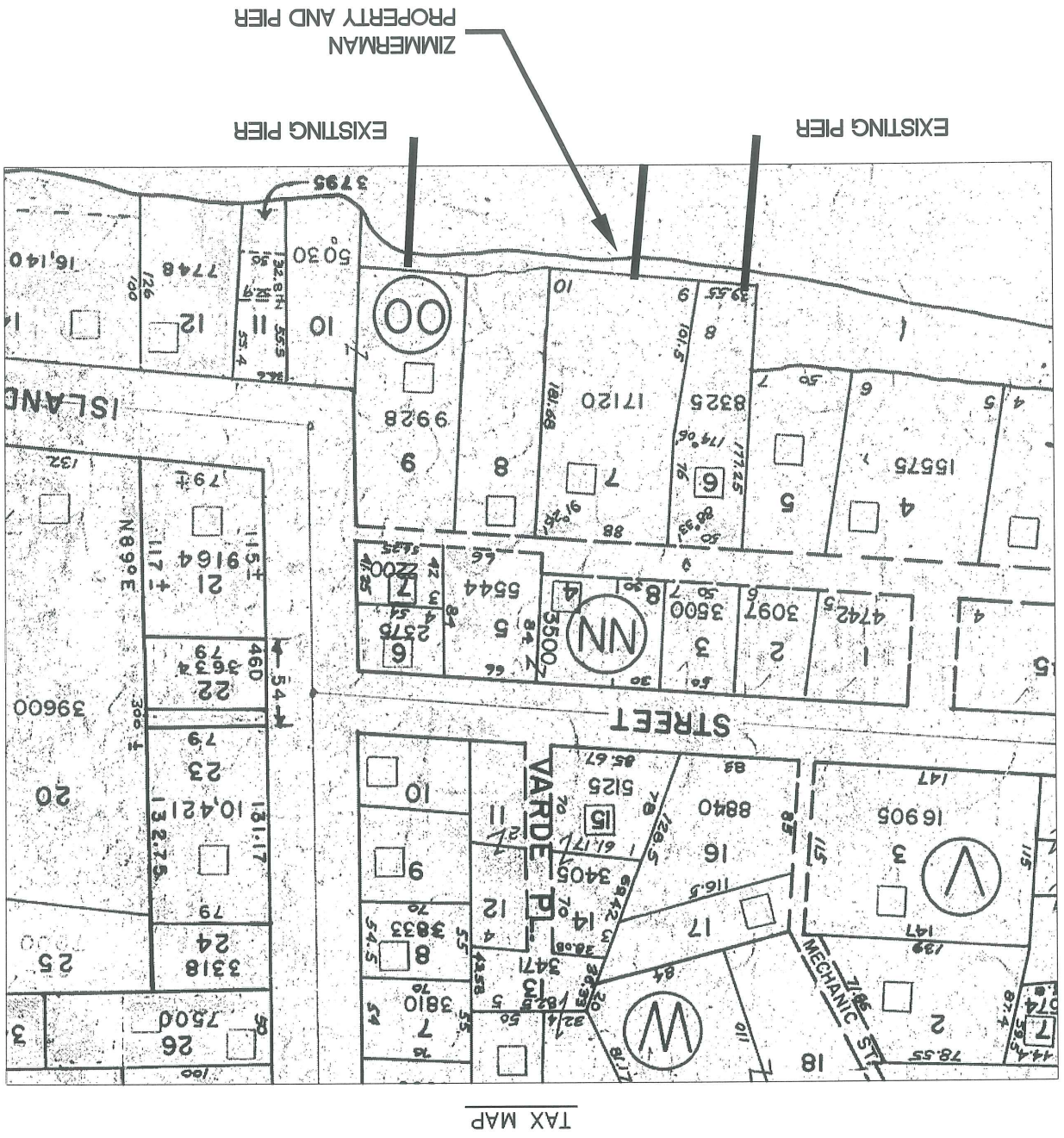
STATE OF MAINE  
BARREY J. BAKER  
No. 573  
Professional Engineer

# ZIMMERMAN - PIER EXTENSION PEAKS ISLAND, MAINE PROJECT NO. 08029



INDEX OF SHEETS

- T-1 - TITLE SHEET
- C-1 - SITE PLAN
- C-2 - EXISTING PIER & PROFILE
- C-3 - PROPOSED PIER EXTENSION PLAN & PROFILE



CITY OF PORTLAND  
APPROVED SITE PLAN  
Subject to Dept. Conditions  
Date of Approval APPROVED JUN 17 2009

|   |                    |      |
|---|--------------------|------|
| SHEET NO. 08029   | REV. T-1           |      |
| DATE 9-10-08  | CONTRACT NO. 08029 |      |
| SHEET TITLE: TITLE SHEET  |                    |      |
| PROJECT: WILLIAM ZIMMERMAN<br>ZIMMERMAN PIER EXTENSION<br>PEAKS ISLAND, MAINE   |                    |      |
| DESIGNED BY: BAB  | DRAWN BY: MSH      |      |
| CHECKED BY: BAB   | SCALE: AS SHOWN    |      |
|   |                    |      |
| NO. 1   | DATE               | INT. |
| 2   | 9.26.08            | BAB  |
|   | 9.12.08            | BAB  |
|   |                    |      |
|   |                    |      |
| BAKER DESIGN CONSULTANTS<br>Civil, Marine, and Structural Engineering<br>11 Stony Brook Lane, Yarmouth, Maine 04096 Tel: (207) 846-9294 Fax: (207) 846-3620 |                    |      |

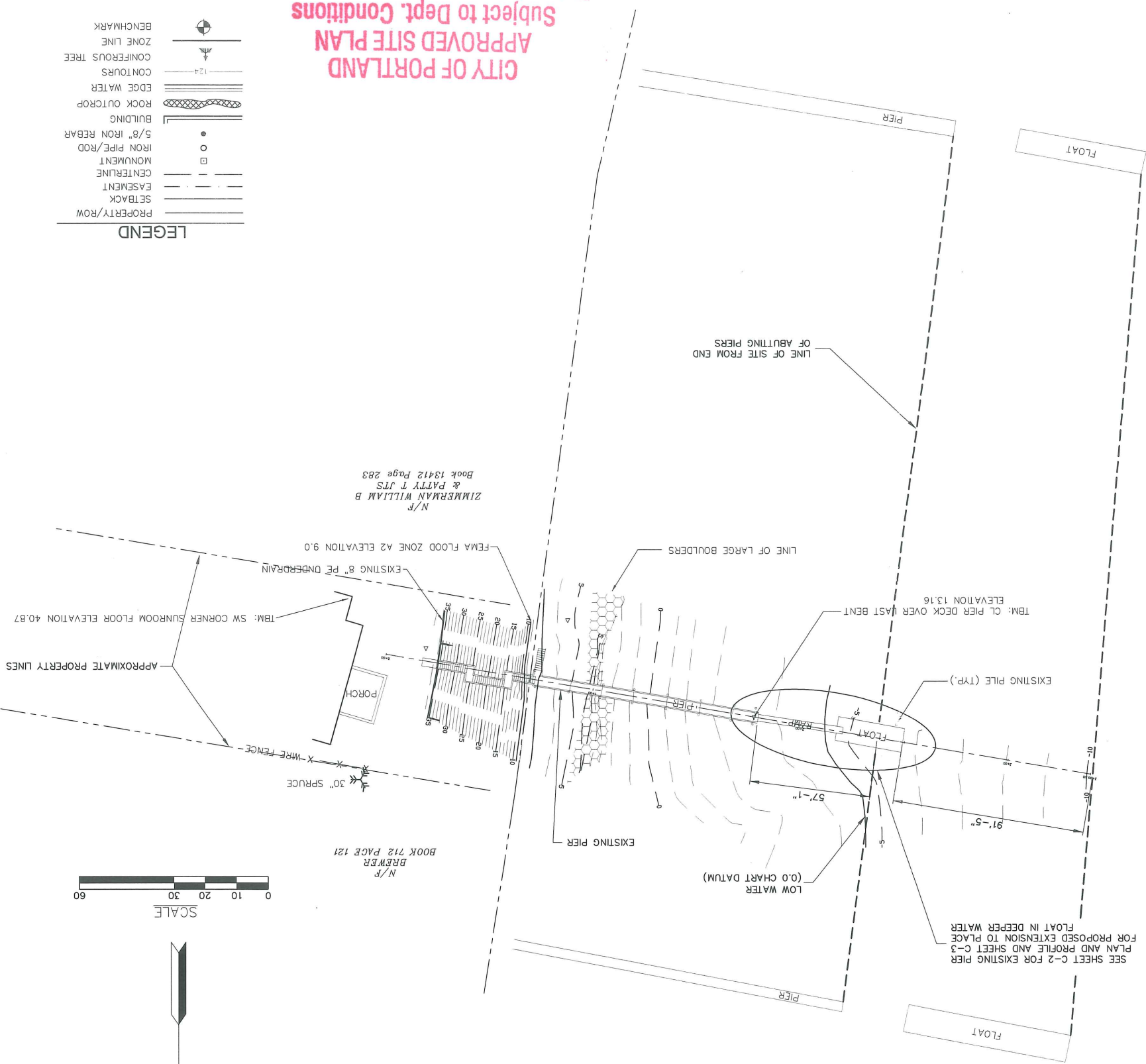
**SITE NOTES**

1. The Contractor shall be governed by the Construction Safety Rules as adopted by the State Board Of Construction Safety, Augusta, Maine.
2. The project is subject to the Safety And Health Regulations Of The Occupational Safety And Health Act (OSHA) as promulgated by the US Department Of Labor.
3. The plan is based on a partial Topographic Survey of the Property by Royal River Survey Inc., Professional Land Surveyors, File: Zimmerman.dwg.
4. All elevations are to NGVD.
5. Base flood/tidal information was taken from MEDEP, FEMA and NOAA published data for Cumberland and Portland respectively (NGVD datum).

| Elevation             | Chart Datum | NGVD | Notes              |
|-----------------------|-------------|------|--------------------|
| FEMA Base Flood       | 14.6        | 9.0  | FEMA A2            |
| Highest               | 11.6        | 7.2  | Based on Peaks Is. |
| Spring Tide Elevation | 10.8        | 6.2  | Maine DEP          |
| MHHW                  | 9.9         | 5.3  | Based on Portland  |
| MHW                   | 9.5         | 4.9  | "                  |
| Mean Tide Level       | 4.9         | 0.3  | "                  |
| NGVD                  | 4.6         | 0.0  | "                  |
| MLW                   | 0.3         | -4.2 | "                  |
| MLLW                  | 0.00        | -4.6 | "                  |
| Lowest                | -3.4        | -8.0 | "                  |

**OWNER(S):** William Zimmerman  
Map 87, Lot 7  
Peaks Island, Maine  
**ZONING:** SZ - Shoreland Zone,  
No Change from Existing  
**SETBACKS:**

**PROPERTY INFORMATION**



**CITY OF PORTLAND**  
**APPROVED SITE PLAN**  
**Subject to Dept. Conditions**  
**APPROVED JUN 17 2009**  
**Date of Approval:**

**LEGEND**

|                 |       |
|-----------------|-------|
| PROPERTY/ROW    | ---   |
| SETBACK         | ---   |
| EASEMENT        | ---   |
| MONUMENT        | ---   |
| IRON PIPE/ROD   | ○ ○ ○ |
| 5/8" IRON REBAR | ● ● ● |
| BUILDING        | ▭     |
| ROCK OUTCROP    | ▨     |
| EDGE WATER      | ▬     |
| CONTOURS        | ▬▬▬   |
| CONIFEROUS TREE | ▲     |
| ZONE LINE       | ▬     |
| BENCHMARK       | ⊕     |

**BAKER DESIGN CONSULTANTS**  
Civil, Marine, and Structural Engineering  
Yarmouth, Maine 04096 Tel: (207) 846-9724 Fax: (207) 846-5820  
11 Stony Brook Lane

**PROJECT:** WILLIAM ZIMMERMAN  
**ZIMMERMAN PIER EXTENSION**  
**PEAKS ISLAND, MAINE**

**DATE:** 9-9-08  
**CONTRACT NO:** 08029  
**SHEET NO. REV:** C-1

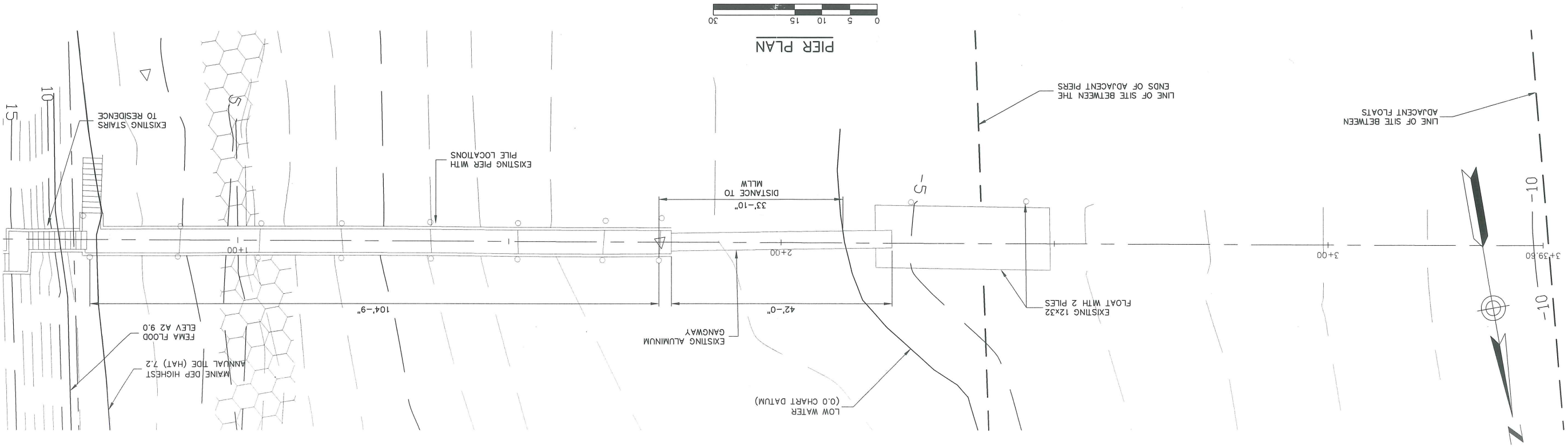
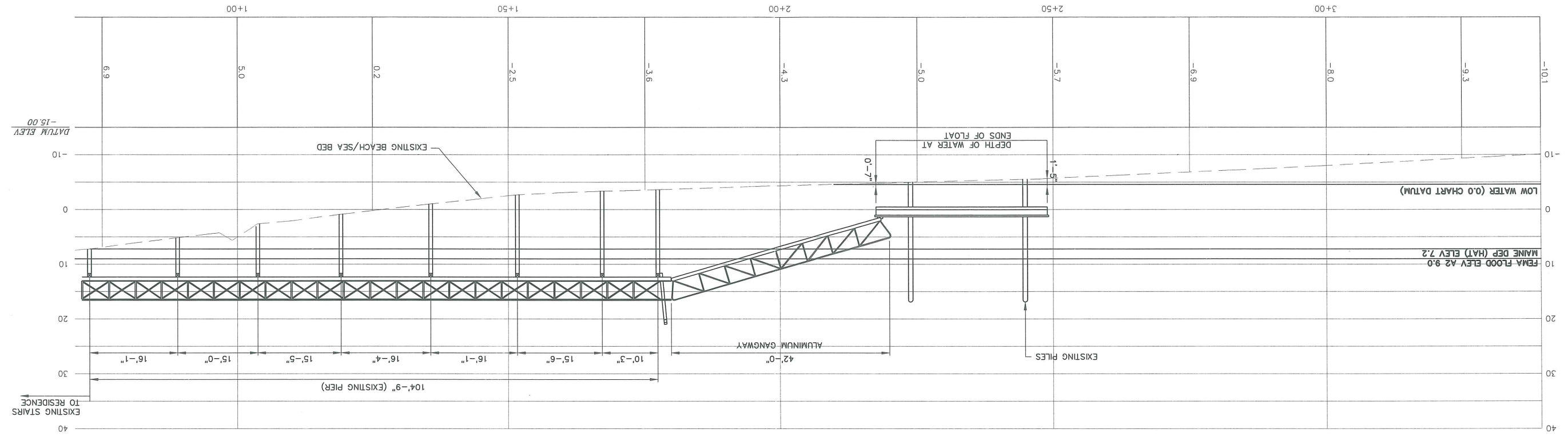
**DESIGNED BY:** BJB  
**DRAWN BY:** MSH  
**CHECKED BY:** BJB  
**SCALE:** AS SHOWN

**NO.** 1  
**DATE:** 9.26.08  
**DESCRIPTION:** Permit Modification

**NO.** 2  
**DATE:** 9.10.08  
**DESCRIPTION:** Review Set SUBMISSION

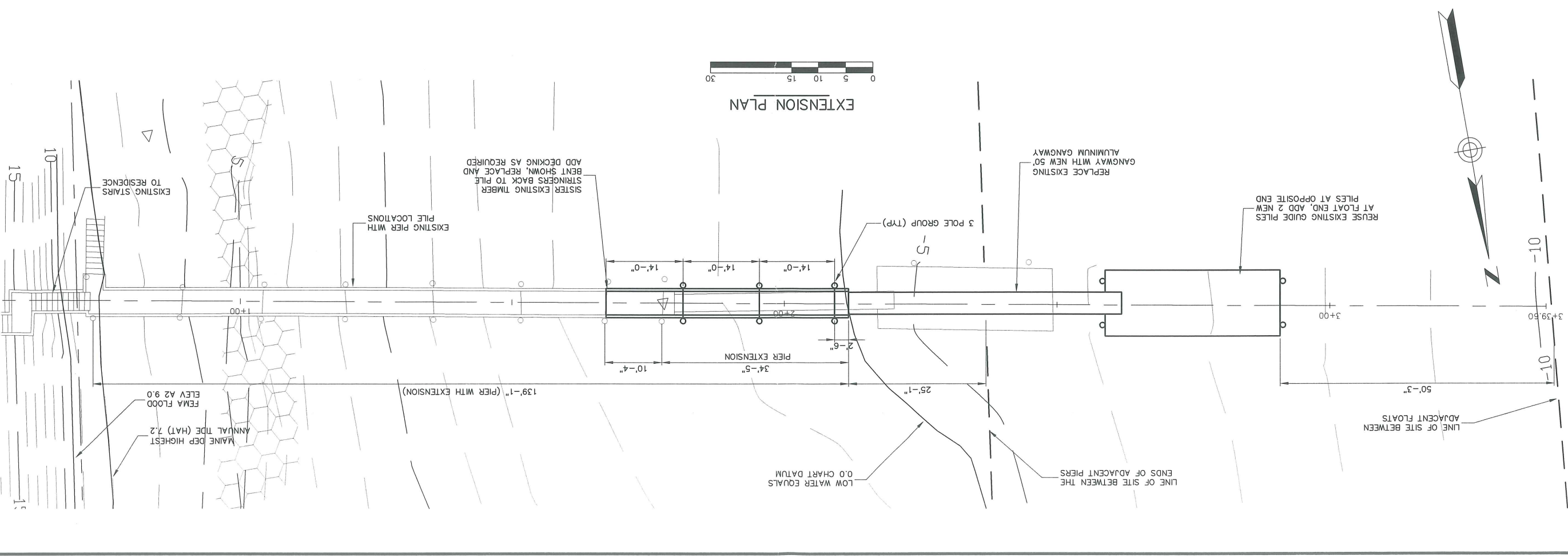
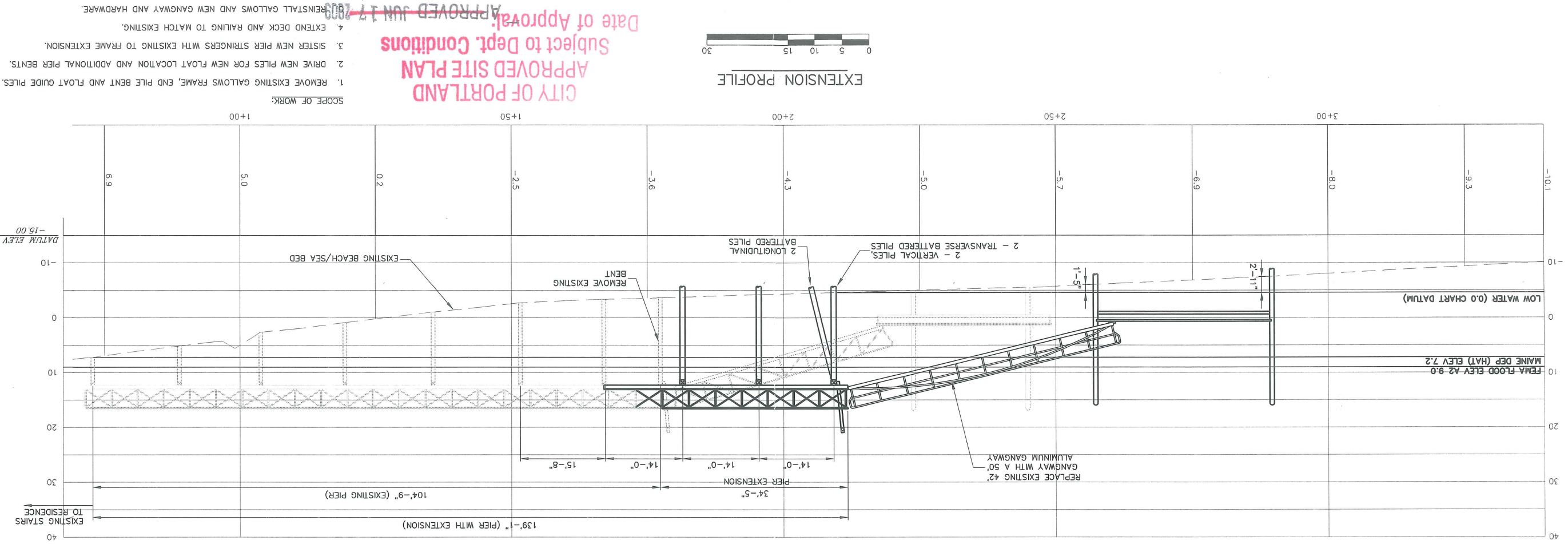
**PROFESSIONAL ENGINEER**  
STATE OF MAINE  
BAKER J. BAKER  
No. 5737

CITY OF PORTLAND  
 APPROVED SITE PLAN  
 Subject to Dept. Conditions  
 Date of Approval: ~~APPROVED JUN 17 2009~~



| SHEET NO. 08029  |                     | SHEET TITLE: EXISTING PIER PLAN AND PROFILE   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
|--|---------------------|---|------|-----|-------------|------|------|---|--------|---------|-----|---|---------------------|---------|-----|
| CONTRACT NO. 9-9-08  |                     | PROJECT: WILLIAM ZIMMERMAN ZIMMERMAN PIER EXTENSION   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
| DATE: 9-9-08   |                     | PEAKS ISLAND, MAINE   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
| DESIGNED BY: BJB   |                     | CHECKED BY: BJB   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
| DRAWN BY: MSH  |                     | SCALE: AS SHOWN   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
|  |                     | <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>INT.</th> </tr> <tr> <td>1</td> <td>Review</td> <td>9.12.08</td> <td>BJB</td> </tr> <tr> <td>2</td> <td>Permit Modification</td> <td>9.26.08</td> <td>BJB</td> </tr> </table> |      | NO. | DESCRIPTION | DATE | INT. | 1 | Review | 9.12.08 | BJB | 2 | Permit Modification | 9.26.08 | BJB |
| NO.  | DESCRIPTION         | DATE  | INT. |     |             |      |      |   |        |         |     |   |                     |         |     |
| 1  | Review              | 9.12.08   | BJB  |     |             |      |      |   |        |         |     |   |                     |         |     |
| 2  | Permit Modification | 9.26.08   | BJB  |     |             |      |      |   |        |         |     |   |                     |         |     |
|  |                     |   |      |     |             |      |      |   |        |         |     |   |                     |         |     |
| BAKER DESIGN CONSULTANTS<br>Civil, Marine and Structural Engineering<br>11 Stony Brook Lane, Yarmouth, Maine 04096 TEL: (207) 846-9724 FAX: (207) 846-3020 |                     |   |      |     |             |      |      |   |        |         |     |   |                     |         |     |

C-2



**CITY OF PORTLAND**  
**APPROVED SITE PLAN**  
**Subject to Dept. Conditions**  
**Date of Approval: APPROVED JUN 17 2009**

SCOPE OF WORK:  
 1. REMOVE EXISTING GALLOW'S FRAME, END PILE BENT AND FLOAT GUIDE PILES.  
 2. DRIVE NEW PILES FOR NEW FLOAT LOCATION AND ADDITIONAL PIER BENTS.  
 3. SISTER NEW PIER STRINGERS WITH EXISTING TO FRAME EXTENSION.  
 4. EXTEND DECK AND RAILING TO MATCH EXISTING.  
 5. REINSTALL GALLOW'S AND NEW GANGWAY AND HARDWARE.

|   |              |                      |   |   |               |                 |                 |       |              |       |              |       |                     |
|---|--------------|----------------------|---|---|---------------|-----------------|-----------------|-------|--------------|-------|--------------|-------|---------------------|
| SHEET NO. 08029   | DATE 9-10-08 | CONTRACT NO. 9-10-08 | SHEET TITLE:<br><b>PROPOSED PIER EXTENSION PLAN AND PROFILE</b> | DESIGNED BY: BJB  | DRAWN BY: MSH | CHECKED BY: BJB | SCALE: AS SHOWN |       |              |       |              |       |                     |
| PROJECT: WILLIAM ZIMMERMAN ZIMMERMAN PIER EXTENSION PEAKS ISLAND, MAINE |              |                      |   | <div style="border: 1px solid black; border-radius: 50%; padding: 5px; text-align: center;">                 STATE OF MAINE<br/>                 REGISTERED PROFESSIONAL ENGINEER<br/>                 BAKER, No. 5737<br/>                 No. 5737             </div> |               |                 |                 | NO. 1 | DATE 9/12/08 | NO. 2 | DATE 9/24/08 | NO. 3 | DATE 9/26/08        |
|   |              |                      |   |   |               |                 |                 | NO. 1 | SUBMISSION   | NO. 2 | REVIEW       | NO. 3 | PERMIT MODIFICATION |
|   |              |                      |   |   |               |                 |                 | NO. 1 | SUBMISSION   | NO. 2 | REVIEW       | NO. 3 | PERMIT MODIFICATION |

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 11 Stony Brook Lane, Yarmouth, Maine 04096 Tel: (207) 846-9724 Fax: (207) 846-3820