

February 14, 2018

Portland Harbor Master
2 Portland Fish Pier
Marine Trade Center, Suite 5
Portland, Maine 04010

**RE: Trefethen Evergreen Improvement Association Shoreline Stabilization
10 Trefethen Avenue
Peaks Island
Portland, Maine 04108**

Dear Harbor Master,

On behalf of Paul Castle and the Trefethen Evergreen Improvement Association (TEIA), Walsh Engineering Associates, Inc. (WEA) is pleased to submit the enclosed Application for Marine Construction Permit for the shoreline stabilization project at the TEIA property at 10 Trefethen Avenue on Peaks Island. The project will consist of approximately 60 linear feet of rip-rap revetment shoreline stabilization, replacement of an existing boat ramp and protection of the existing deck piers with a minimized disturbance in the areas below the highest annual tide to be less than 500 square feet.

The following additional permits for this project have been applied for:

- City of Portland Level II Site Plan Application
- Maine DEP Natural Resources Protection Act Permit
- US Army Corps of Engineers Maine General Permit

Copies of these permit applications are included in Exhibit 6.

WEA respectfully requests that this project be placed on the agendas for the March 27, 2018 Workshop and the April 12, 2018 Public Hearing. Please let us know if you require any additional information.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

enc: Application Fee (\$250.00)
Application for Marine Construction (6 copies)

cc: Paul Castle and Trefethen Evergreen Improvement Association



**BOARD OF HARBOR COMMISSIONERS
PORT OF PORTLAND**

Application for Marine Construction Permit

PLEASE PRINT

1. Name of Applicant: Paul Castle, Trefethen Evergreen Improvement Association (TEIA)

2. Mailing Address of Applicant: PO Box 87 Peaks Island, Maine 04108

3. Applicant's Telephone Number: (404) 502-9729 Applicant's Fax Number: _____

Applicant's Email Address: popocastle@gmail.com

4. Location of project for which permit is requested: 10 Trefethen Avenue, Peaks Island, Maine 04108

a. Attach enlargement of Portland Harbor chart showing exact location. **EXHIBIT 1**

5. Description of project for which permit is requested. (Use a separate sheet if necessary)

Shoreline stabilization, deck pier protection and boat ramp replacement.

6. Attach the following: **EXHIBIT 2**

a. For projects under \$10,000 - A **comprehensive drawing or drawings** (as necessary) of the item(s) to be built or installed that contains the following minimum details and information:

1. Dimensions of all major components (to scale) with the scale clearly marked on each drawing;
2. All distances between the item(s) being built/installed and any existing structures and property lines;
3. A "plan" (overhead) view of the entire project;
4. A description of the construction methods, connection points and materials to be used (i.e. types of fasteners, mooring systems, decking, framing, etc.).

b. For projects over \$10,000 - A **detailed scale drawing or drawings** prepared by a registered engineer that contains the following minimum details and information:

1. Dimensions of all major components (to scale) with the scale clearly marked on each drawing;
2. All distances between the item(s) being built/installed and any existing structures and property lines;
3. A "plan" (overhead) view of the entire project;
4. A description of the construction methods, connection points and materials to be used (i.e. types of fasteners, mooring systems, decking, framing, etc.).

Applicants are encouraged to submit technical data/specification sheets, photos or other materials in support of the project's drawing(s). EXHIBIT 3

7. All applications must be accompanied by a tax assessor's map and/or an engineer's drawing which shows the distances between the project and abutters' landmarks (piers, floats, dolphins, etc.) and a clear demarcation of the applicant's property lines. **EXHIBIT 4**

8. List the names and address of all abutters and lessees or other persons having an interest in property on which the project is located. (Use a separate sheet if necessary)

- a. See Exhibit 4 for abutter list.
- b. _____
- c. _____
- d. _____

9. Estimated cost of the project: \$30,000

10. For all permit applications involving projects that cost more than \$10,000, the applicant must submit a survey, **EXHIBIT 5** certified by a registered engineer or a registered land surveyor, which shows the location of the proposed project. The Board, at its discretion, may require surveys to be submitted regarding other projects in cases where the project is close to a channel, in a congested area, close to a property line, or in cases where similar factors are present.

11. Attach copies of all applications, regarding this project, which have been submitted to the U.S. Army Corps of Engineers, Maine Department of Environmental Protection, Maine Bureau of Submerged Lands, City Planning Board, Etc. **EXHIBIT 6**

12. Please note:

- a. Applications and Plans must be submitted no less than **14 days** before the Harbor Commission's next Workshop. Workshops are held on the **last Tuesday** of each month. However, there is no Workshop in December.
- b. The permit application fee and legal advertisement fee must be paid when the application is submitted. (See attached fee schedule)
- c. The applicant is required to submit **one** original and **five** copies of all applications, plans, drawings, letters, etc.

13. Notice to abutters: **EXHIBIT 7**

a. By filing this application with the Harbor Commission, the applicant certifies that a copy of the application (without exhibits), as well as information about the time, date, and location of the pertinent Harbor Commission Public Hearing, will be sent to all abutters, lessees, and other persons having an interest in the property on which the project is located. Notification must be made no less than **7 days** before the Harbor Commission's next Public Hearing. Public Hearings are held on the **second Thursday** of each month.

1. In the case of real property, the owners will be considered to be the parties listed by the Assessor of the City in which such property is located as the persons to whom taxes are assessed.

2. In the case of vessels, the owners will be considered to be the parties listed as the owners by the United States Coast Guard, the Maine Inland Fisheries & Wildlife Department, or any other governmental entity, whether foreign or domestic, with which the vessel is registered and which has jurisdiction over the vessel.

b. Notice to abutters, lessees and other users will be made by registered or certified mail, return receipt requested, and the Commission may determine when notice by publication or other means may be utilized.

14. Right, Title and Interest: **EXHIBIT 8**

a. Attach copy of documentation of right, title or interest in the property where the proposed marine construction is to occur. This may include a deed, option, purchase and sales contract, contract for sale, lease, or other appropriate documentation. A complete copy of the document must be provided; financial information may be deleted.

15. If this application is approved and a permit is issued:

- a. The permit must be posted at the construction site;
- b. The permit will require that the construction project be surrounded by a containment boom, unless the requirement has been waived, in writing, by the Harbor Commission;
- c. The permit may be limited by restrictions specific to the project;
- d. The permit will be subject to all applicable Local, State and Federal Laws & Rules;
- e. Nothing in the permit shall be construed to justify or authorize any invasion to the private rights of others;
- f. Nothing in the permit will limit or modify the authority of the Board of Harbor Commissioners within their applicable rules;
- g. Unless otherwise stipulated, the permit has an automatic expiration date of one year from the date of approval. Only if the Harbor Master has been notified in advance of the expiration date, may he/she issue a six-month extension upon review of the project;
- h. An as built set of construction plans will be required to be submitted on all projects.

16. The following statement appears on all permits granted by the Board of Harbor Commissioners:

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

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

Date: 2/14/18

Paul Castle, TEIA
Name of Applicant (please Print)


Silas Canavan, PE, Walsh Engineering Associates, Inc.

Signature and Title of applicant or agent

(207) 553-9898 - Applicant's or Agent's Telephone Number

(207) 692-2273 - Applicant's or Agent's Fax Number

silas@walsh-eng.com - Applicant's or Agent's Email Address

PERMIT APPLICATION FEE SCHEDULE

Permits required under Section 5(1) of the State Enabling Act for the Board of Harbor Commissioners P & SL 1981, c. 98 (creation and maintenance of any obstruction in the harbor)

• If the project has an estimated cost of less than \$10,000	\$100.00
• If the project has an estimated cost of between \$10,000 and \$50,000	\$250.00
• If the project has an estimated cost of between \$50,001 and \$250,000	\$500.00
• If the project has an estimated cost of between \$250,001 and \$500,000	\$1000.00
• If the project has an estimated cost of between \$500,001 and \$750,000	\$1500.00
• If the project has an estimated cost of between \$750,001 and \$1,000,000	\$2000.00
• If the project has an estimated cost of between \$1,000,001 and \$1,500,000	\$2500.00
• If the project has an estimated cost of between \$1,500,001 and \$2,000,000	\$3000.00
• If the project has an estimated cost of between \$2,000,001 and \$2,500,000	\$3500.00
• If the project has an estimated cost of between \$2,500,001 and \$3,000,000	\$4000.00
• If the project has an estimated cost of between \$3,000,001 and \$3,500,000	\$4500.00
• If the project has an estimated cost of between \$3,500,001 and \$5,000,000	\$5000.00
• If the project has an estimated cost of between \$5,000,001 and \$7,500,000	\$7500.00
• If the project has an estimated cost of between \$7,500,001 and \$10,000,000	\$10,000.00

The Board of Harbor Commissioners will determine the proper permit application fee after reviewing and project in which the estimated cost exceeds \$10,000,000.

MARINE CONSTRUCTION PERMIT

EXHIBIT CHECKLIST

Please mark each exhibit in the application as follows:

Date			
<u>2/14/18</u>	EXHIBIT	1	Portland Harbor Chart
<u>2/14/18</u>	EXHIBIT	2	Drawings
<u>2/14/18</u>	EXHIBIT	3	Technical Data, Specifications, Photos
<u>2/14/18</u>	EXHIBIT	4	Tax Map
<u>2/14/18</u>	EXHIBIT	5	Survey
<u>2/14/18</u>	EXHIBIT	6	Copies of other applications
<u>2/14/18</u>	EXHIBIT	7	Notice to abutters
<u>2/14/18</u>	EXHIBIT	8	Right, title and interest

EXHIBIT 1

PORTLAND HARBOR CHART

EXHIBIT 2

DRAWINGS

Plan List:

Cover Sheet

Partial Boundary and Topographic Survey

C1.0 – Existing Conditions Plan

C2.0 – Site Layout Plan and Sections

C2.1 – Construction Management Plan

C3.0 – Details

C3.1 – Details

EXHIBIT 3
SITE PHOTOGRAPHS

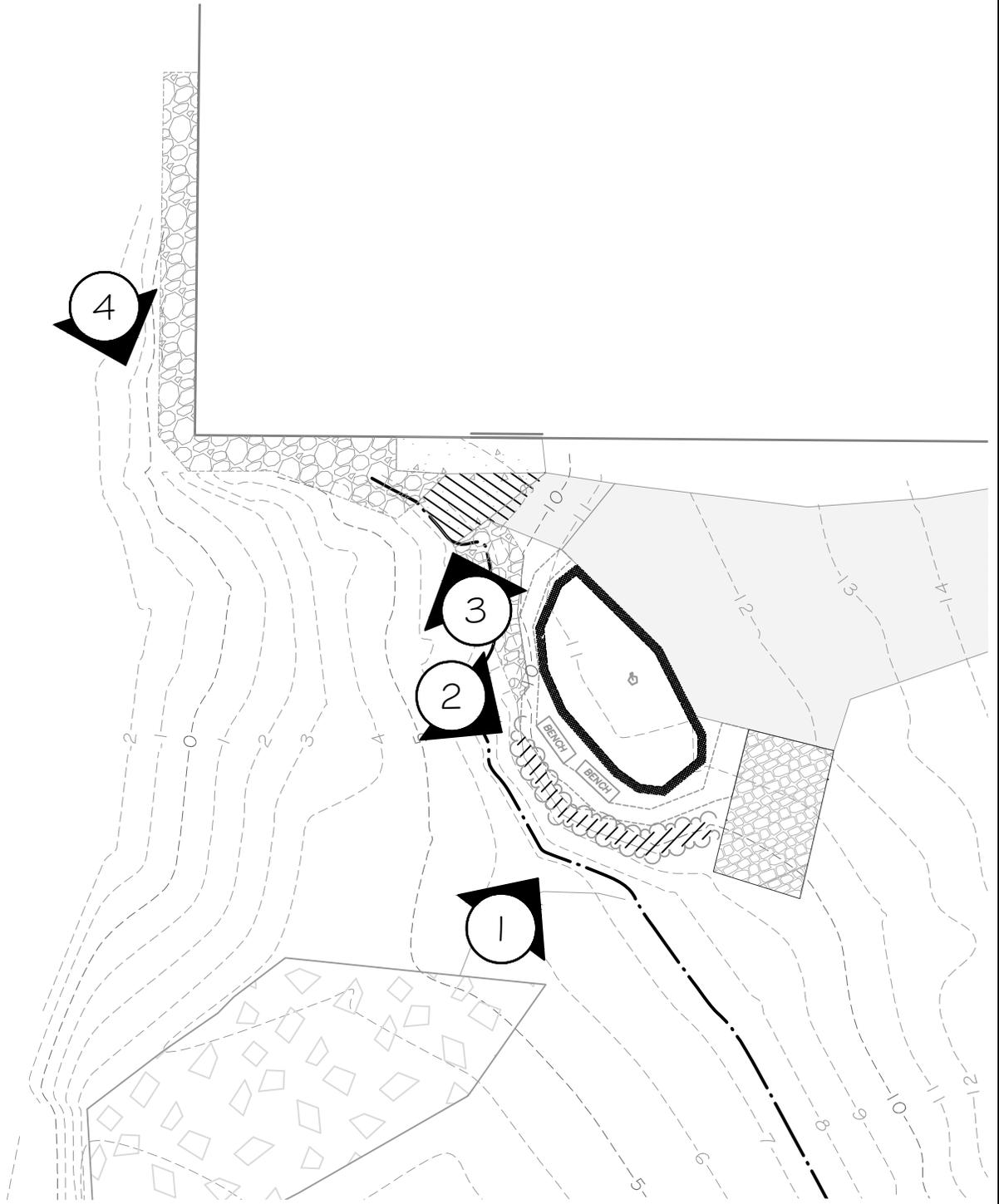
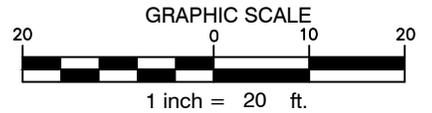


PHOTO LOCATION AND DIRECTION



WALSH
 ENGINEERING ASSOCIATES, INC.

One Karen Dr., Suite 2A | Westbrook, Maine 04092
 ph: 207.553.9898 | www.walsh-eng.com

Copyright © 2018

SITE IMPROVEMENTS

10 Trefethen Avenue
 Peaks Island
 Portland, ME 04108

Sheet Title:

Photo Location Plan

Job No.: 404

Date: Feb 2018

Scale: AS NOTED

Drawn: FRT

Checked: SWC

Trefethen Evergreen Improvement Association
Shoreline Stabilization
10 Trefethen Avenue, Peaks Island, Maine



Photo 1: View of shoreline looking northeast.



Photo 2: View of shoreline looking southeast.



Photo 3: View of boat ramp looking north.



Photo 4: View of deck piers looking south.

EXHIBIT 4

**CITY OF PORTLAND TAX MAP
AND ABUTTER LIST**



Direct Abutter List
for
10 Trefethen Avenue, Portland, Maine

Map-Block-Lot	Number	Street Name	Owner	Owner Address	City	State	Zip
92-A-1	548	ISLAND AVE	MONICA L STEVENSON	548 ISLAND AVE	PEAKS ISLAND	ME	04108
92-B-2-3-6	549	ISLAND AVE	MARIAN T FRIEDMAN, ELIZABETH F HAYS JTS	549 ISLAND AVE	PEAKS ISLAND	ME	04108
90-R-5	541	ISLAND AVE	SHELLA LOWRY DUNBAR	1819 PATRICK HENRY AVE	ARLINGTON	VA	22205
90-R-3-4-6-7	539	ISLAND AVE	MARGARET BURKE, DAVID A MOORS II JTS	65 KING ST	UXBRIDGE	MA	01569
90-R-1-2	531	ISLAND AVE	KRISTEN J MACLEOD	2730 HOLCOMB RANGH LN	RENO	NV	89511
90-Q-8	525	ISLAND AVE	WESLEY C & SHEILA M GUSTAFSON	66 OAK HILL RD	WEYMOUTH	MA	02189
90-AA-4	522	ISLAND AVE	THEODORE W HAYKAL	522 ISLAND AVE	PEAKS ISLAND	ME	04108
90-AA-1-2-5	512	ISLAND AVE	PEAKS ISLAND FUEL INC	PO BOX 104	PEAKS ISLAND	ME	04108
90-K-2-4	11	TREFETHEN AVE	JEANNE F MEUSE	23 FISH HATCHERY RD	NEW GLOUCESTER	ME	04260
27-C-12	389	CONGRESS ST	CITY OF PORTLAND PLANNING & DEVELOPMENT	389 CONGRESS ST	PORTLAND	ME	04101

Abutters have been selected using The City of Portland Maine GIS Viewer on February 7, 2018.

EXHIBIT 5

**PARTIAL BOUNDARY AND TOPOGRAPHIC SURVEY
(SEE EXHIBIT 2 – DRAWINGS)**

EXHIBIT 6

COPIES OF OTHER PERMIT APPLICATIONS

City of Portland Level II Site Plan Application

Maine DEP Natural Resources Protection Act Permit Application
(acts as Army Corps of Engineers Permit Application)

I. Project Information (Please enter n/a on those fields that are not applicable)

Project Name:	
Proposed Development Address:	
Project Description:	
Chart/Block/Lot:	
Preliminary Plan	
Final Plan	

II. Contact Information (Please enter n/a on those fields that are not applicable)

APPLICANT

Name:	
Business Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

OWNER

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

AGENT/REPRESENTATIVE

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

BILLING (to whom invoices will be forwarded to)

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ENGINEER

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

SURVEYOR

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ARCHITECT

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ATTORNEY

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN

Name:	
E-mail:	
Name:	
E-mail:	
Name:	
E-mail:	

III. APPLICATION FEES**LEVEL II DEVELOPMENT (check applicable review)**

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

OTHER REVIEWS (check applicable review)

Traffic Movement	\$1,500.00
Stormwater Quality	\$250.00
Site Location	\$3,500.00
# of Site Location Lots x \$200.00 (per lot)	\$
Change of Use	
Flood Plain	
Shoreland	
Design Review	
Housing Replacement	
Historic Preservation	
TOTAL APPLICATION FEE DUE:	\$

IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

V. PROJECT DATA (Please enter n/a on those fields that are not applicable)

TOTAL AREA OF SITE	sq. ft.
PROPOSED DISTURBED AREA OF THE SITE	sq. ft.
<i>If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.</i>	
IMPERVIOUS SURFACE AREA	
Impervious Area (Total Existing)	sq. ft.
Impervious Area (Total Proposed)	sq. ft.
Building Ground Floor Area and Total Floor	
Building Footprint (Total Existing)	sq. ft.
Building Footprint (Total Proposed)	sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	sq. ft.
ZONING	
Existing	
Proposed, if applicable	
LAND USE	
Existing	
Proposed	
RESIDENTIAL, IF APPLICABLE	
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
PROPOSED BEDROOM MIX	
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
PARKING SPACES	
# of Parking Spaces (Total Existing)	
# of Parking Spaces (Total Proposed)	
# of Handicapped Spaces (Total Proposed)	
BICYCLE PARKING SPACES	
# of Bicycle Spaces (Total Existing)	
# of Bicycle Spaces (Total Proposed)	
ESTIMATED COST OF THE PROJECT	\$

VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law.

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 a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	
Date:	



February 14, 2018

Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04108

**RE: Natural Resources Protection Act (NRPA) Permit Application
10 Trefethen Avenue
Peaks Island
Portland, Maine 04108**

To Whom It May Concern:

On behalf of the Trefethen Evergreen Improvement Association (Applicant), we are pleased to submit the enclosed Natural Resources Protection Act (NRPA) Application for the Shoreline Stabilization, Deck Pier Protection, and Boat Ramp Replacement at 10 Trefethen Avenue on Peaks Island in Portland, Maine. A copy of this application has been sent to the US Army Corps of Engineers, Maine Project Office, and to the Planning and Urban Development Department at City Hall in Portland. We also have sent out notifications to abutters and to the *Portland Press Herald* for publication.

Thank you in advance for your review of this application. If you have any questions or if additional information is needed, please call me at 207-553-9898.

Sincerely,

Silas Canavan, PE
Walsh Engineering Associates, Inc.

Enc.: Application Fee (\$500.00)
NRPA Permit Application
Plan Set

Cc: Paul Castle, Trefethen Evergreen Improvement Association
Rod Howe, Army Corps of Engineers
City of Portland Planning Department

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		5. Name of Agent:	
2. Applicant's Mailing Address:		6. Agent's Mailing Address:	
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:	
4. Applicant's Email Address (Required from <i>either</i> applicant or agent):		8. Agent's Email Address:	
9. Location of Activity: (Nearest Road, Street, Rt.#)		10. Town:	11. County:
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:
	14. Amount of Impact: (Sq.Ft.)		Fill: Dredging/Veg Removal/Other:
15. Type of Wetland: (Check all that apply)	FOR FRESHWATER WETLANDS		
	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft.
16. Brief Activity Description:			
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input type="checkbox"/> _____ acres UTM Northing: _____ UTM Easting: _____	
18. Title, Right or Interest: <input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
19. Deed Reference Numbers:		Book#: _____ Page: _____	20. Map and Lot Numbers: Map #: _____ Lot #: _____
21. DEP Staff Previously Contacted:		22. Part of a larger project: <input type="checkbox"/> Yes <input type="checkbox"/> No	After-the-Fact: <input type="checkbox"/> Yes <input type="checkbox"/> No
23. Resubmission of Application?: <input type="checkbox"/> Yes → <input type="checkbox"/> No		If yes, previous application # _____	Previous project manager: _____
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input type="checkbox"/> No		If yes, name of DEP enforcement staff involved: _____	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input type="checkbox"/> No
26. Detailed Directions to the Project Site:			
TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed: _____			
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

Date: _____

SIGNATURE OF AGENT/APPLICANT

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.



February 14, 2018

Rodney Howe
Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

**RE: Natural Resources Protection Act (NRPA) Application
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Protection
10 Trefethen Avenue, Peaks Island, Portland, ME
Portland, Maine 04108**

Dear Rod,

Enclosed is a copy of the NRPA application for Trefethen Evergreen Improvement Association's property located at 10 Trefethen Avenue on Peaks Island. The project consist of shoreline stabilization, boat ramp replacement, and deck pier protection.

Please let me know if you have any questions or need additional information.

Regards,

Silas Canavan, PE
Walsh Engineering Associates, Inc.

cc. Paul Castle, Trefethen Evergreen Improvement Association

enc. NRPA Application

EXHIBIT 7

NOTICE TO ABUTTERS



February 14, 2018

Portland Harbor Master
2 Portland Fish Pier
Marine Trade Center, Suite 5
Portland, Maine 04010

**RE: Trefethen Evergreen Improvement Association Shoreline Stabilization
10 Trefethen Avenue
Peaks Island
Portland, Maine 04108**

Dear Harbor Master,

Walsh Engineering Associates, Inc. certifies that the applicant has notified all abutting property owners by certified mail that an Application for Marine Construction Permit has been filed with the Portland Harbor Master. A copy of the application along with information about the time, date, and location of the pertinent Harbor Commission Public Hearing was included with the notifications. Please see the attached example notification letter sent to each abutter.

Sincerely,

A handwritten signature in black ink that reads "Silas Canavan".

Silas Canavan, PE
Walsh Engineering Associates, Inc.



February 14, 2018

**RE: Trefethen Evergreen Improvement Association Shoreline Stabilization
10 Trefethen Avenue
Peaks Island
Portland, Maine 04108**

Dear Abutter,

Please take notice that the Trefethen Evergreen Improvement Association has filed an Application for Marine Construction with the Portland Harbor Master for the construction of shoreline stabilization, boat ramp replacement, and deck pier protection at their property located at 10 Trefethen Avenue on Peaks Island, Portland, Maine. Please find a copy of the application form attached.

The project will be presented at the Harbor Commission Public Hearing located at the South Portland City Hall Council Chambers on April 12, 2018 at 5:00 pm.

Sincerely,

A handwritten signature in black ink that reads "Silas Canavan".

Silas Canavan, PE
Walsh Engineering Associates, Inc.

enc. Application for Marine Construction

EXHIBIT 8

RIGHT, TITLE, AND INTEREST

was at the time of taking the affidavit, proof or acknowledgment, hereto annexed, such Justice of the Peace that due faith and credit are and ought to be given to his official acts; that I am well acquainted with his signature and handwriting, and I verily believe that the signature to the said affidavit, proof or acknowledgment is genuine, and, further, that the annexed instrument is executed and acknowledged according to the laws of said Commonwealth.

Witness my hand and the seal of said Court at Boston, in said County and Commonwealth, this 27th day of November A.D. 1922.

Francis A. Campbell, Clerk.
By Edmund S. Phinney, Ass't. Clerk. COURT SEAL.

State of New York. County of New York, ss. November 28, 1922. Then personally appeared the above named John H. Child and acknowledged the foregoing instrument to be his free act and deed.

Before me, F. G. Henry, Notary Public, No. 153
New York County
N.Y. Register No. 3148, Notarial Seal.

State of New York. County of New York, ss. No 26803 Series B. I, James A. Donegan, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, do hereby certify, That F. G. Henry whose name is subscribed to the deposition or certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such deposition, or proof and acknowledgment, a Notary Public in and for such County, duly commissioned and sworn, and authorized by the laws of said State, to take depositions and to administer oaths to be used in any Court of said State and for general purposes; and also to take acknowledgments and proofs of deeds, of conveyances for land, tenements or hereditaments in said State of New York. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 28 day of Nov. 1922.

James A. Donegan, Clerk. COURT SEAL.

Received December 1, 1922, at 3h, 25m, P.M. and recorded according to the original.

KNOW ALL MEN BY THESE PRESENTS, That We, Emily T. Howe and William H. Trefethen, both of Portland, in the County of Cumberland and State of Maine, in consideration of the acceptance of delivery hereof by the Trefethen-Evergreen Improvement Association, a corporation duly organized and existing under and by virtue of law and having a principal place of meeting at Portland aforesaid, but subject to conditions imposed, do hereby remise, release, bargain, sell and convey and quitclaim unto the said Trefethen-Evergreen Improvement Association and its successors and assigns, until break of said covenants or conditions, the following described lot or parcel of land located on Peaks Island, in said Portland,

Howe &
Trefethen
Evergreen
Imp. Assn.
Q.C.

and bounded and described as follows:

A certain lot or parcel of land at Peaks Island, in said Portland, bounded and described as follows, viz: Beginning on the northerly side of Trefethen Avenue at a point distant easterly seventy-seven and forty-five one-hundredths (77.45) feet from the westerly end of said Avenue where the same adjoins the Easterly bound of land now or formerly of the Casco Bay Wharf Company; thence westerly along the northerly side line of said Trefethen Avenue seventy-seven and forty-five one-hundredths (77.45) feet to the line of land of said Casco Bay Wharf Company; thence northwesterly along the line of the land of said Casco Bay Wharf Company forty-seven and seven-tenths (47.7) feet to a point and angle in line of land of said Casco Bay Wharf Company; thence easterly nearly at right angles eleven and four-tenths (11.4) feet to a spike in the wharf and in the line of land now or formerly of Alonzo E. Drown; thence southeasterly along the line of said Drown land one hundred and fifteen (115) feet more or less to the point begun at. Together with shore and flats appurtenant thereto and embraced within an extension of the bounds given, subject, however, to prior grants.

TO HAVE AND TO HOLD the same together with all the privileges and appurtenances thereto belonging to the Trefethen-Evergreen Improvement Association, its successors and assigns, forever, subject nevertheless to the covenants, conditions and restrictions hereinafter expressed, namely:

(1) That said grantee, its successors or assigns, shall not at any time hereafter devote, employ or use the land and buildings which it is at the present time under contract to purchase of John J. Collins, of Boston, in the County of Suffolk and Commonwealth of Massachusetts, or the real estate herein conveyed or any part thereof for any other purpose or service than those contained in the charter and purposes of said Association as at present constituted.

(2) That said grantee, and its successors and assigns, shall not at any time use or employ any of the aforesaid land or buildings for business or commercial purposes provided, however, that merchandise may be bartered and sold therein at fairs, socials, carnivals, and other assemblies of the members of the Association or of the public, in connection with and in furtherance of the charter and purposes of said Association as at present constituted.

(3) That no permanent structure of any description shall be erected on the land herein conveyed.

(4) That said grantee or its assigns does not by any means lose or part with its title to said Collins land.

It is expressly understood and agreed that this conveyance is made and accepted upon the express condition that if said grantee, its successors or assigns, shall neglect or fail to perform, fulfil- and keep the several covenants herein contained, or any of them or make any default in the performance and fulfilment of said covenants, or any or either of them, then and in either of such events it shall be lawful for said grantors and their heirs and assigns, and they or

any of them are hereby authorized and empowered to enter into and upon the premises hereby conveyed and take possession thereof, and thereupon the title and right to immediate possession of the land herein conveyed shall at once revert to and revest in the said grantors, their heirs and assigns.

And we do covenant with the said Grantee, its successors and assigns, that we will warrant and forever defend the premises to it, the said Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through or under us.

IN WITNESS WHEREOF, We the said Emily T. Howe and William H. Trefethen, and Elizabeth Trefethen, wife of the said William H. Trefethen (the said Emily T. Howe having no husband) joining in this deed as Grantor, and relinquishing and conveying her rights by descent and all her other rights in the above described premises have hereunto set our hands and seals this twenty-sixth day of September, in the year of our Lord one thousand nine hundred and twenty-two.

Signed, Sealed and Delivered in presence of

Jessie B. Trefethen
Georgia M. Maggi
Kyra Olymes.

Wm. H. Trefethen, Seal.
Emily T. Howe, Seal.
Elizabeth Trefethen, Seal.

State of Maine. Cumberland, ss. September 26, 1922. Personally appeared the above named Emily T. Howe and acknowledged the above instrument to be her free act and deed.

Before me, Frederic J. Laughlin, Justice of the Peace.

Received December 1, 1922, at 4h, 29m, P.M. and recorded according to the original.

KNOW ALL MEN BY THESE PRESENTS, That I, Emily T. Howe, of Howe
Portland, in the County of Cumberland and State of Maine, in consideration of the to
acceptance of delivery hereof by the Trefethen-Evergreen Improvement Association, a Trefethen
corporation duly organized and existing under and by virtue of law and having a prin- Evergreen
cipal place of meeting at Portland aforesaid, but subject to conditions imposed, Imp. Assn.
do hereby remise, release, bargain, sell and convey and quit-claim unto the said Q. C.
Trefethen-Evergreen Improvement Association and its successors and assigns, until
breach of said covenants or conditions, the following described lot or parcel of
land located on Peaks Island, in said Portland, and bounded and described as
follows;

A certain lot or parcel of land situated on said Peaks Island on the northeasterly side of Trefethen Avenue, near Trefethen Avenue, bounded as follows:

Beginning at a stake driven into the ground in the northeasterly line of Trefethen Avenue and in the southwesterly corner of land now or formerly of Samuel H. Heath; thence northwesterly following the said northeasterly line of Trefethen Avenue fifty (50) feet to an iron pipe in the Southerly corner of Land now or formerly of Alonzo E. Brown; thence deflecting to the right eighty-seven degrees and thirty-three minutes (87°33') and running north thirty-one degrees and thirty minutes (31°30') east eighty (80) feet to a drill hole in the ledge; thence deflecting to the right