



Maine DEP
Natural Resources Protection Act (NRPA)
Permit Application

For

Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Protection
10 Trefethen Avenue
Peaks Island, Maine 04108

February 14, 2018

Submitted to:

Maine Department of Environmental Protection (DEP)
312 Canco Road
Portland, Maine 04103

Submitted by:

Walsh Engineering Associates, Inc.
One Karen Drive, Suite 2A
Westbrook, Maine 04092

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.)	
15. Type of Wetland: (Check all that apply)	<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 _____	FOR FRESHWATER WETLANDS	
		<i>Tier 1</i>	<i>Tier 2</i>
		<input type="checkbox"/> 0 - 4,999 sq ft.	<input type="checkbox"/> 15,000 – 43,560 sq. ft.
		<input type="checkbox"/> 5,000-9,999 sq ft	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
		<input type="checkbox"/> 10,000-14,999 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)."



SIGNATURE OF AGENT/APPLICANT

Date: _____

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.

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the preparation and submission of all permit applications and relevant documents and correspondence for all necessary permits for the proposed shoreline stabilization, boat ramp replacement, and deck pier protection projects at the Trefethen Evergreen Improvement Association property located at 10 Trefethen Avenue, Peaks Island, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees, and to provide such other services as are necessary and appropriate in furtherance of the aforementioned project.

Sincerely,

Paul Castle - ASSISTANT TREASURER TEIA

Paul Castle
Trefethen Evergreen Improvement Association
Client

1-29-18

Date



MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

[Corporate Name Search](#)

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Mon Feb 12 2018 11:51:53. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
TREFETHEN- EVERGREEN IMPROVEMENT ASSOCIATION	19140010ND	NONPROFIT CORPORATION (T13-B)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
09/21/1914	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

DAVID A HAYS
549 ISLAND AVENUE
PEAKS ISLAND, ME 04108

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Table of Contents

Exhibit 1: Activities Description	1
Exhibit 2: Alternatives Analysis	2
Exhibit 3: Location Map	3
Exhibit 4: Photograph List	4
Exhibit 5: Existing Conditions Plan	5
Exhibit 6: Site Plan and Details	6
Exhibit 7: Construction Plan	7
Exhibit 8: Erosion Control Plan	8
Exhibit 9: Site Conditions	9
Exhibit 10: Public Notice	10
Exhibit 11: MHPC and Tribal Notification Letters	11
Exhibit 12: Functional Assessment (Not required)	12
Exhibit 13: Visual Assessment	13
Exhibit 14: Right, Title or Interest	14

EXHIBIT 1
ACTIVITIES DESCRIPTION

ACTIVITIES DESCRIPTION

for
10 Trefethen Avenue
Peaks Island, Maine 04108
February 13, 2018

The project area consists of a portion of two parcels located at 10 Trefethen Avenue identified as Tax Map 90, Block L, Lot 6 and Map 90 Block K, Lot 3 on the City of Portland Assessor's Map and a portion of the Trefethen Avenue right-of-way. The parcels contains an area of approximately 2.5± acres to the Highest Annual Tide (H.A.T). The parcels are divided by the Trefethen Avenue ROW, which is an accepted street by the City of Portland, and are located in the I-B (Island Business) and the Shoreland Zone overlay districts.

The Trefethen Evergreen Improvement Association has owned the parcel since 1922. The property consists of a clubhouse with a wrap-around deck, a concrete boat ramp, and a memorial garden surrounded by lawn. A portion of the memorial garden was installed at the western end of the Trefethen Avenue ROW.

The deck is supported by piers resting in the intertidal area. Existing riprap is located under the deck. These piers are exposed on the south and west sides and are subject to damage during large storm events. Additional protection of the piers is necessary to prevent damage.

The concrete carry-in boat ramp is significantly deteriorated and has reached the end of its usable life span. Replacement of the boat ramp is necessary.

The existing Howie Kosel Memorial Garden was reportedly installed by TEIA in 1995 after receiving approval from the City council for its location within the Trefethen Avenue ROW. The garden and surrounding area has been maintained by TEIA since it was installed.

The shoreline along the western side of the memorial garden at the end of the Trefethen Avenue ROW has experienced significant erosion and scouring due to tidal action. A small amount of undersized riprap is located along the shoreline. Stabilization of the shoreline in this area with larger stones is necessary to help prevent further erosion.

Approximately 62 square feet of Asiatic Bittersweet (invasive species) is located at the top of the eroded bank within the ROW.

The H.A.T. for this part of Casco Bay is elevation 7.4 (NGVD29).



View of Existing Shoreline at 10 Trefethen Avenue, Peaks Island, ME
(Photo by Silas Canavan, WEA, October 2017)



View of Existing Deck Piers at 10 Trefethen Avenue, Peaks Island, ME
(Photo by Silas Canavan, WEA, October 2017)



View of Existing Boat Ramp at 10 Trefethen Avenue, Peaks Island, ME
(Photo by Silas Canavan, WEA, October 2017)



View of Existing Clubhouse at 10 Trefethen Avenue, Peaks Island, ME
(Photo by Silas Canavan, WEA, September 2017)

Proposed Development

The Applicant is proposing the following site improvements at the subject property:

Protection of Deck Piers

The Applicant is proposing to install additional large boulders (5'± dia.) on the south and west sides of the deck piers to act as armor against smaller stones that are thrust against the posts as a result of wave action during large storm events. Additional smaller stones (2'± dia.) will be placed behind the large boulders to provide additional armor on the back side of the piers.

Replacement of Boat Ramp

The Applicant is proposing to replace the deteriorated cast-in-place concrete boat ramp with pre-cast reinforced concrete boat ramp slabs. The slabs will be leveled on crushed stone and surrounded with large boulders on either side to prevent washouts.

Shoreline Stabilization

The Applicant proposes to stabilize the shoreline south of the memorial garden by installing a rip-rap boulder revetment. The rip-rap boulder revetment consists of large boulders (4'± dia.) placed on top of the existing ledge beach. Certain boulders may have to be pinned to the ledge to prevent sliding depending on the slope. The top of the stones will be set at approximately elevation 10' (NGVD29). The area above the wall will be sloped to meet the existing top of embankment grade and will be planted with both native shrubs (to replace invasive Asiatic Bittersweet) and lawn grass (to replace existing lawn).

In summary, the proposed plan calls for the following:

- Installation of 60 linear feet of rip-rap revetment shoreline stabilization;
- Minimize impact to the areas below HAT
 - Proposed impact to the HAT will be approximately 463 square feet.
- Stabilize all disturbed areas.

Attached Sheet C2.0 (see Exhibit 6) shows the proposed work area. Access to the work areas will be from Trefethen Avenue.

EXHIBIT 2
ALTERNATIVES ANALYSIS

ALTERNATIVES ANALYSIS

for
10 Trefethen Avenue
Peaks Island, Maine 04108

February 2018

Walsh Engineering Associates, Inc. (WEA) studied several alternatives for project at 10 Trefethen Avenue. The existing conditions and alternatives analysis is described in the following narrative:

Existing Conditions

The Trefethen Evergreen Improvement Association has owned the parcel since 1922. The property consists of a clubhouse with a wrap-around deck, a concrete boat ramp, and a memorial garden surrounded by lawn. A portion of the memorial garden was installed at the western end of the Trefethen Avenue ROW.

The deck is supported by piers resting in the intertidal area. Existing riprap is located under the deck. These piers are exposed on the south and west sides and are subject to damage during large storm events. Additional protection of the piers is necessary to prevent damage.

The concrete carry-in boat ramp is significantly deteriorated and has reached the end of its usable life span. Replacement of the boat ramp is necessary.

The shoreline along the western side of the memorial garden at the end of the Trefethen Avenue ROW has experienced significant erosion and scouring due to tidal action. A small amount of undersized riprap is located along the shoreline. Stabilization of the shoreline in this area with larger stones is necessary to help prevent further erosion.



View of Erosion of Existing Embankment (looking east)



View of Erosion of Deck Piers (looking southeast)



View of Erosion of Boat Ramp (looking northeast)

Option A – No Action

WEA investigated the option of taking no action. In this scenario the embankment will continue to erode, the boat ramp will become unusable, and the deck piers will continue to be damaged by tidal action. A result of this inaction would result in significant damage to the property, which makes this option undesirable for the applicant and will create a safety hazard and would eventually compromise the integrity of the existing building.

Option B – Vegetative Shoreline Stabilization, Shorter Boat ramp, and New Deck Piers

WEA investigated the option stabilizing the shoreline with non-structural vegetative measures. In this scenario heavy turf reinforcement matting (TRM) and salt tolerant vegetation would be installed along the face of the embankment. Due to perpetual wave action and the inability to toe in the TRM at the base of the slope due to ledge, achieving successful stabilization with this option is unlikely because the TRM and fill will likely be washed away during each tide cycle before the vegetation has a chance to catch. Even if vegetation were to take hold during normal tidal conditions, there is a strong likelihood that the vegetation and TRM could be washed out by continuous wave action and/or during large storm events.

WEA investigated the option of installed a shorter boat ramp to reduce cost and impact to the HAT. It was determined that this option would not provide sufficient length to allow boaters to reasonably enter and exit the water except at very high tides. As the boat ramp will be utilized daily, this option is not practical for the Applicant.

WEA investigated the option of replacing the existing deck piers. This option would involve removing and replacing the existing deck piers and installing new foundations under each pier. This option would be prohibitively expensive and would ultimately result in more impact to the HAT due to the necessary foundation replacement and temporary bracing of the deck. As the existing deck piers still appear to be structurally sound, this option is not practical at this time.

Option C – Riprap Embankment Shoreline Stabilization, Longer Boat Ramp, and Protection of Existing Deck Piers

For this option, WEA studied installing a riprap revetment along the length of the shoreline. The embankment would consist of 4' diameter boulders installed along the face of the existing embankment. Certain boulders may have to be pinned to the ledge to prevent sliding depending on the slope. This option will allow for the stabilization of the shoreline against wave action, while allowing for revegetation of the area above the revetment and protecting the memorial garden.

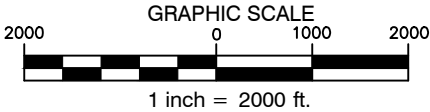
WEA examined the option of a longer boat ramp. This option will allow for boaters to reasonably access the water at times other than high tide. This option is desirable for the Applicant as the boat ramp will be used on a daily basis in the summer months.

WEA studied the option of protecting the existing deck piers with additional large boulders. The boulders will protect the piers for the continuous pounding by smaller stones thrown against the piers by wave action. This option is preferable to the Applicant as replacement of the deck piers is not necessary at this time.

Selection

Given the information above, Option C was selected as it is the most practical alternative for the Applicant, while minimizing impact below the HAT. The total impact to the HAT due to Option C will be approximately 463 square feet.

EXHIBIT 3
LOCATION MAP



WALSH

ENGINEERING ASSOCIATES, INC.

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

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SITE IMPROVEMENTS

10 Trefethen Avenue
 Peaks Island
 Portland, ME 04108

Sheet Title:

Site Location

Job No.:	404
Date:	Feb 2018
Scale:	AS NOTED
Drawn:	FRT
Checked:	SWC

EXHIBIT 4
PHOTOGRAPHS

Trefethen Evergreen Improvement Association
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Protection
10 Trefethen Avenue, Peaks Island, Maine



Photo 1: View of eroded bank looking east
(Photo by Silas Canavan, WEA, October 2017)



Photo 2: View of eroded bank looking south
(Photo by Silas Canavan, WEA, October 2017)

EXHIBIT 4
Photographs



Photo 3: View of eroded bank and invasive Asiatic Bittersweet looking north
(Photo by Silas Canavan, WEA, October 2017)



Photo 4: View of deteriorated boat ramp looking west
(Photo by Silas Canavan, WEA, October 2017)



Photo 5: View of western-facing deck piers to be protected
(Photo by Silas Canavan, WEA, October 2017)



Photo 6: View of southern-facing deck piers to be protected
(Photo by Silas Canavan, WEA, October 2017)

EXHIBIT 5
EXISTING CONDITIONS PLAN

EXHIBIT 6
SITE PLAN AND DETAILS

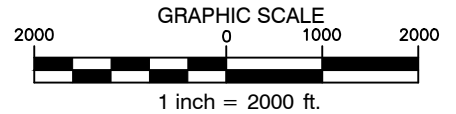
ELEVATED WOODEN WALKWAY (DECK)

TEIA CLUBHOUSE
FFE=18.0

DETERIORATED CONCRETE BOAT RAMP

HIGHEST ANNUAL TIDE
EL=7.4 NGVD29

25' HAT SETBACK
75' HAT SETBACK



WALSH
ENGINEERING ASSOCIATES, INC.

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

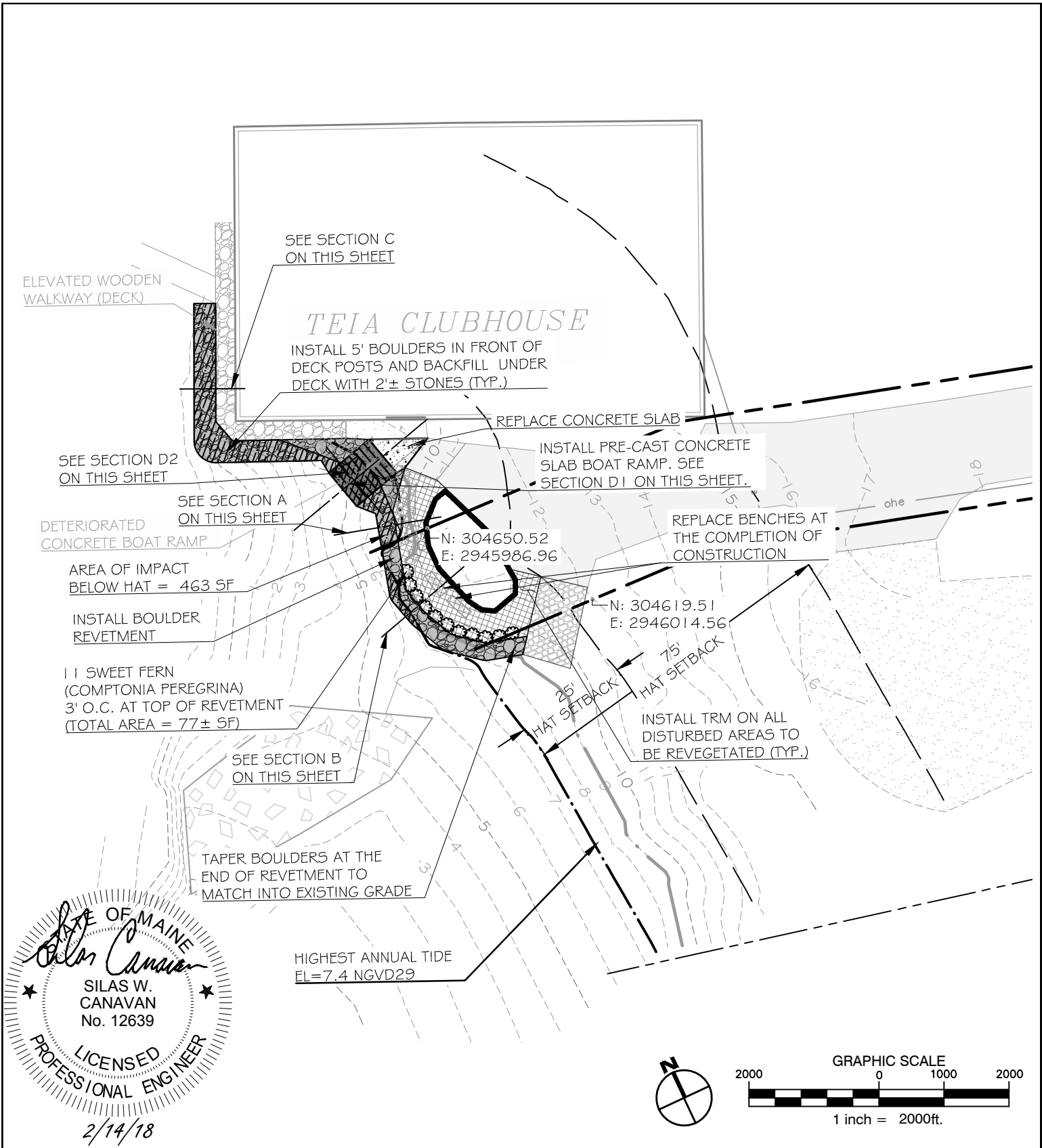
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SITE IMPROVEMENTS

10 Trefethen Avenue
Peaks Island
Portland, ME 04108

Sheet Title:
**Ex. Conditions
ACOE 1**

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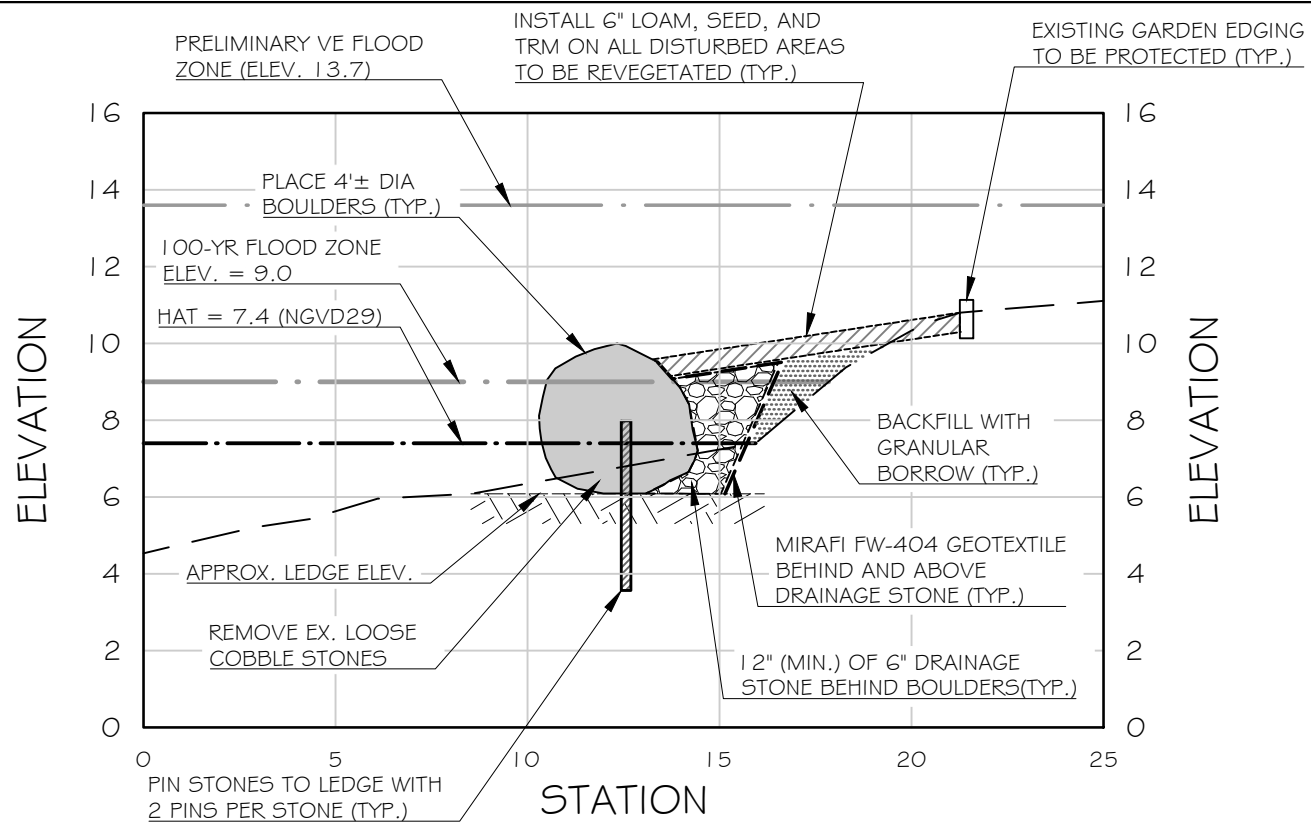
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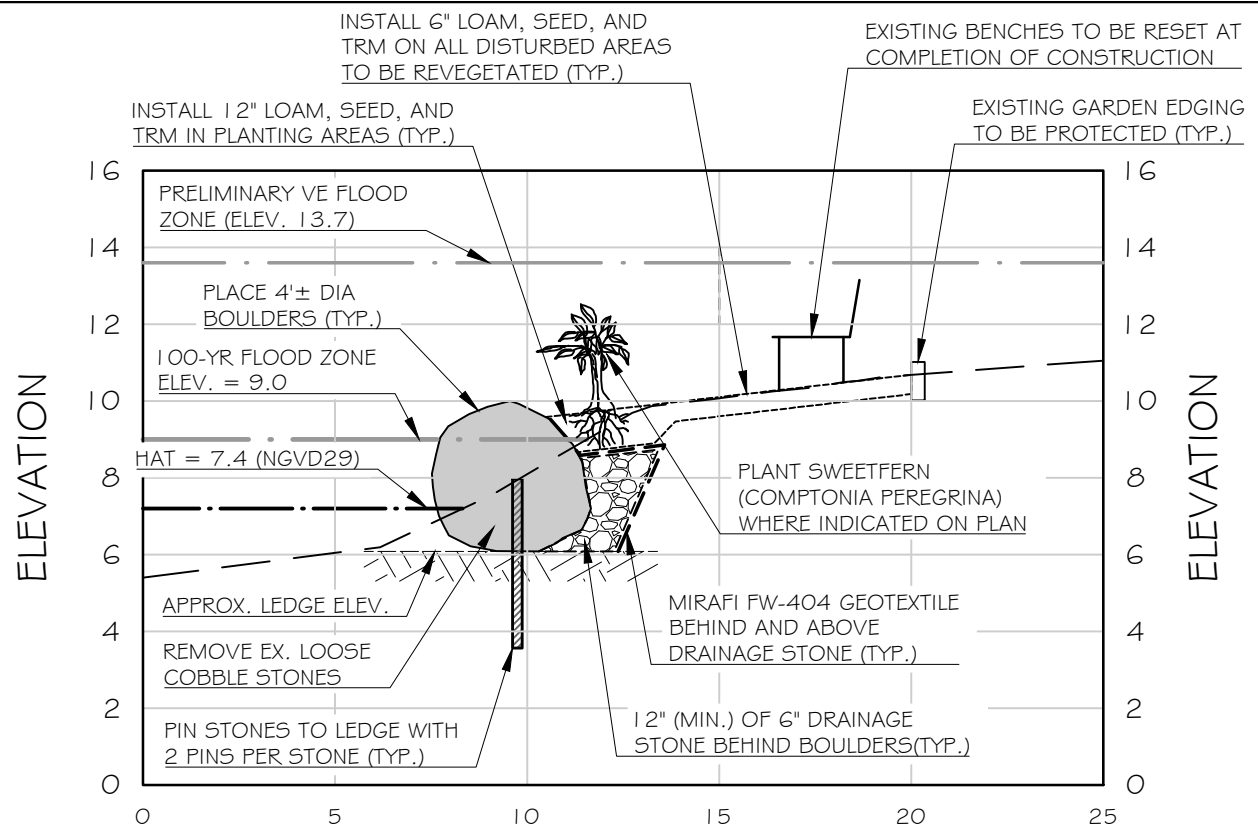
SITE IMPROVEMENTS

10 Trefethen Avenue
Peaks Island
Portland, ME 04108

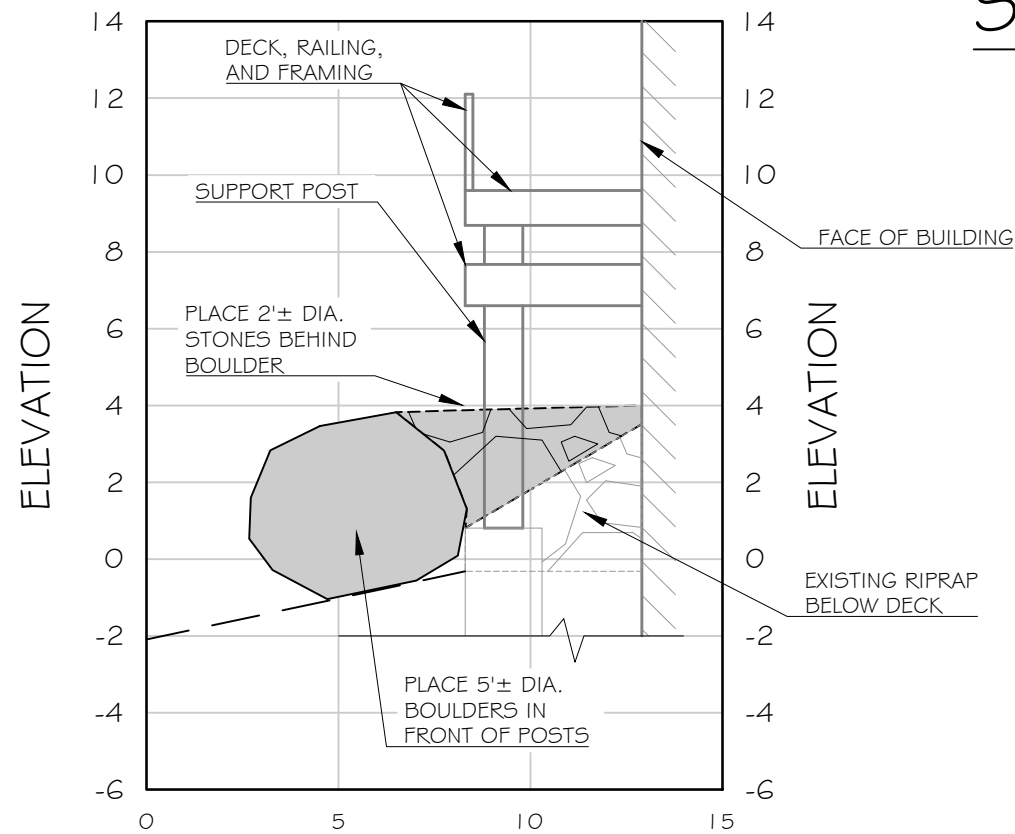
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Job No.:	404
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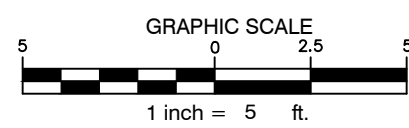
SECTION A



SECTION B



SECTION C



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3

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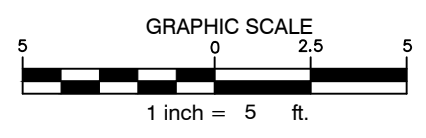
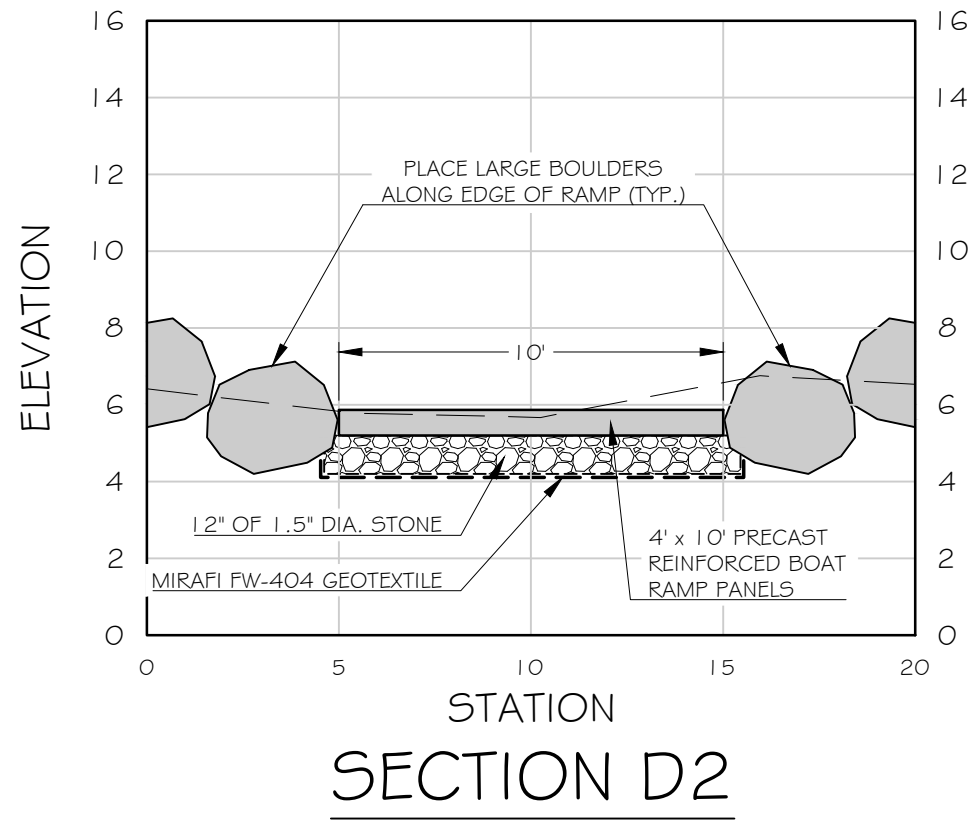
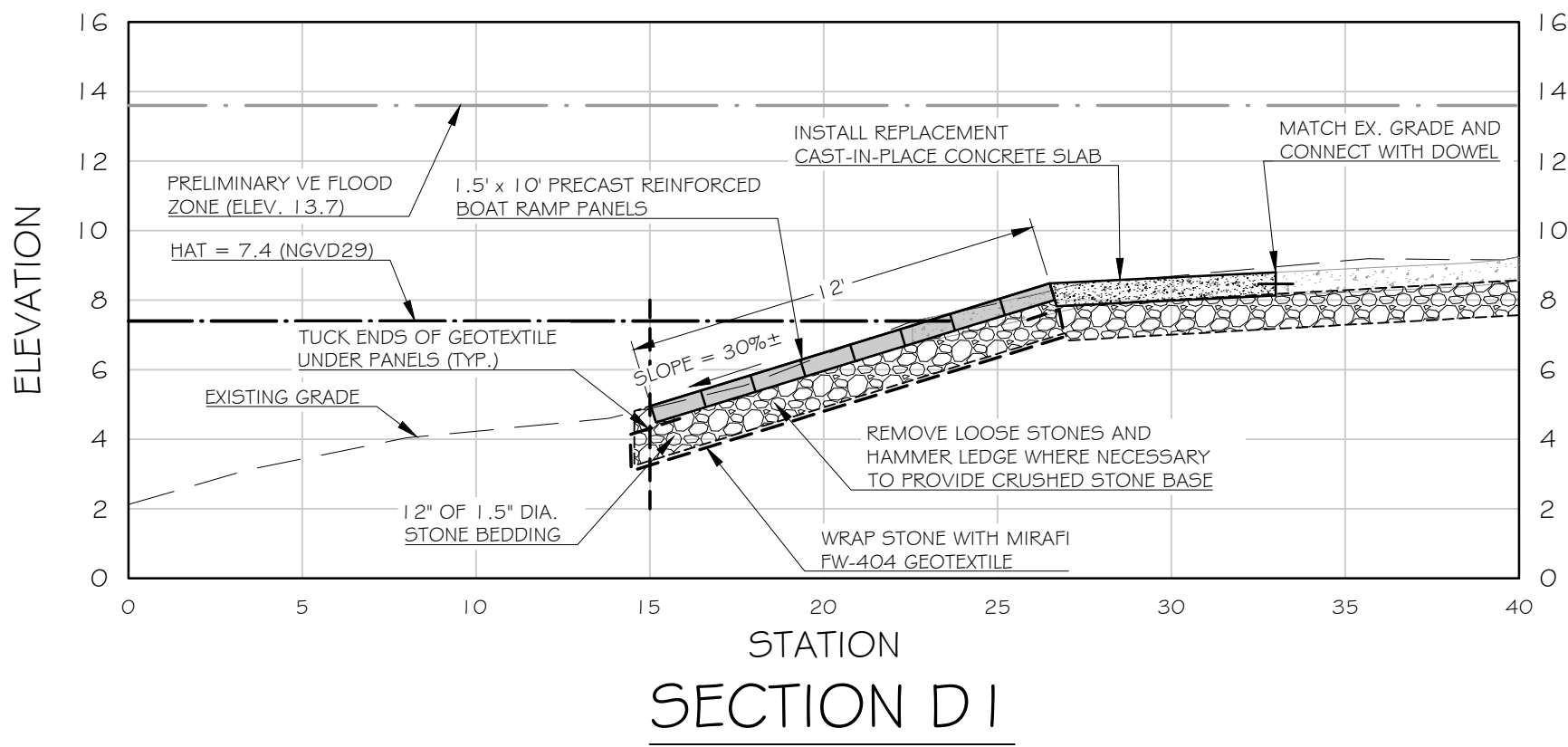
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10 Trefethen Avenue
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Sheet Number:
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Sheet Title:	SECTIONS				
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Date:	Feb 14, 2018	Scale:	AS NOTED		

SITE IMPROVEMENTS
Trefethen Evergreen Improvement Association
10 Trefethen Avenue
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EXHIBIT 7
CONSTRUCTION PLAN

CONSTRUCTION PLAN
for
10 Trefethen Avenue
Peaks Island, Maine 04108

February 14, 2018

It is anticipated that the projects 10 Trefethen Avenue will be completed within two (2) to three (3) weeks from commencement of construction. With the exception of general maintenance activities and maintaining the erosion control devices, no soil disturbance or construction activity is proposed outside the anticipated time frame.

The Applicant is proposing 463 square feet of impact below the HAT (elevation 7.4 NGVD29). Equipment and materials associated with the project will access the site from the end of Trefethen Avenue. All temporary means of access will be restored to the original condition and revegetated upon completion of the project.

The plan for construction will be as follows:

1. Excavate slope for shoreline stabilization.
2. Install rip-rap boulder embankment.
3. Backfill area behind embankment to the top of existing slope.
4. Stabilize all slopes with turf reinforcement matting, loam and seed, and straw matting
5. Install shrub plantings and trees.
6. Stabilize all disturbed areas with loam, seed, and mulch.
7. Place boulders for deck pier protection
8. Install boat ramp

General shoreline stabilization installation techniques, seeding and planting details are shown on Sheets C2.0 and C3.0.

EXHIBIT 8
EROSION CONTROL PLAN

EROSION AND SEDIMENTATION CONTROL PLAN
for
10 Trefethen Avenue
Peaks Island, Maine 04108

February 12, 2018

The following plan for controlling sedimentation and erosions is based on conservation practices found in the latest edition of the Maine Erosion & Sediment Control BMP's Manual, Maine Department of Environmental Protection. The Contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

1 GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following is a list of general erosion control practices that will be use to prevent erosion and sedimentation before, during, and after the construction of this project. In addition, special care shall be used at all times to:

- 1) Limit disturbance at the area of proposed shoreline stabilization that can be constructed in a tide cycle,
- 2) Do not work any equipment within the water,
- 3) Prepare the site each day for the incoming tide,
- 4) Correct any erosion problems immediately,
- 5) Regularly monitor the implemented practices, especially after every rainfall,
- 6) Re-vegetate disturbed areas as soon as possible after construction,
- 7) Conform to all requirements/standards of Natural Resources Protection Act (NRPA).

Turf Reinforcement Matting, Haybales, Silt Fence and/or Erosion Control Mix Sediment Barriers

As noted on the plans, haybales, turf reinforcement matting, silt fence, and/or erosion control mix sediment barriers will be installed along expansive slopes at the edge of all cleared areas.

Emergency Provisions

Should a storm be predicted, the contractor shall cover any excavated areas with stone to prevent erosion.

2 MONITORING SCHEDULE

The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing, and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so. Maintenance measure will be applied as needed during the entire construction cycle. Immediately following any significant rainfall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follows. Haybale barriers, erosion control mix sediment barriers and/or silt fence shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of six inches and redistributed to areas undergoing final grading. Should the haybale barriers prove to be ineffective, the contractor shall install silt fence behind the haybales.

3 EROSION CONTROL REMOVAL

An area is considered stable if it is paved or if 90% growth of planted seeds is established. Once an area is considered stable, the erosion control measures can be removed.

EXHIBIT 9
SITE CONDITIONS

SITE CONDITIONS
for
10 Trefethen Avenue
Peaks Island, Maine 04108

February 14, 2018

The subject property consists of a clubhouse with a wrap-around deck, a concrete boat ramp, and a memorial garden surrounded by lawn. A portion of the memorial garden was installed at the western end of the Trefethen Avenue ROW.

The deck is supported by piers resting in the intertidal area. Existing riprap is located under the deck. These piers are exposed on the south and west sides and are subject to damage during large storm events. Additional protection of the piers is necessary to prevent damage.

The concrete carry-in boat ramp is significantly deteriorated and has reached the end of its usable life span. Replacement of the boat ramp is necessary.

The shoreline along the western side of the memorial garden at the end of the Trefethen Avenue ROW has experienced significant erosion and scouring due to tidal action. A small amount of undersized riprap is located along the shoreline. Stabilization of the shoreline in this area with larger stones is necessary to help prevent further erosion.

The Highest Annual Tide Elevation (HAT) for this portion of Casco Bay is elevation 7.4 (NGVD29). The intertidal area consists of large ledge areas, with a transition to a sandy beach on the south side. The area is prone to storm damage as it is relatively unprotected from the west.

The effective 100-year flood zone in this area is an AE zone with an elevation of 9' (NGVD29).

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: _____ PHONE: _____

APPLICATION TYPE: _____

ACTIVITY LOCATION: TOWN: _____ COUNTY: _____

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
dredge other: _____

DATE OF SURVEY: _____ OBSERVER: _____

TIME OF SURVEY: _____ TIDE AT SURVEY: _____

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):
Intertidal area: _____ Subtidal area: _____

SIZE OF INDIRECT IMPACT, if known (square feet): _____
Intertidal area: _____ Subtidal area: _____

HABITAT TYPES PRESENT (check all that apply):
sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
ledge rocky shore mudflat (sediment depth, if known: _____)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER:
bluff/bank (height from spring high tide: _____) beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:
absent occasional common abundant
mussels
clams
marine worms
rockweed
eelgrass
lobsters
other

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

PREVIOUS ALTERATIONS? yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:
undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:
Photographs Overhead drawing (pink)

EXHIBIT 10
PUBLIC NOTICE

WALSH
ENGINEERING ASSOCIATES, INC.

February 12, 2018

Dear Abutter of Trefethen Evergreen Improvement Association (TEIA):

On behalf of TEIA, 10 Trefethen Avenue in Peaks Island, Maine, I am writing to inform you of their intent to submit a Natural Resources Protection (NRPA) permit application to the Maine Department of Environmental Protection (DEP). The NRPA permit will provide for the stabilization of the shoreline, replacement of the existing boat ramp, and protection of the deck piers at 10 Trefethen Avenue. The DEP requires that all abutters of the subject property receive notification of the NRPA application. We have attached a copy of the Public Notice that will be published in the *Portland Press Herald*.

Should you have any questions or comments, please do not hesitate to contact me at 207-553-9898 or silas@walsh-eng.com.

Regards,



Silas Canavan, P.E.
Walsh Engineering Associates, Inc.

PUBLIC NOTICE and ABUTTER NOTIFICATION
For
10 Trefethen Avenue
Peaks Island, Maine 04108

February 14, 2018

1. Public Notice: A notice of intent to file was published in the Portland Press Herald on February 13, 2018
2. Abutter Notification: Abutters were sent the public notice via certified mail on February 12, 2018. A cover letter, along with the public notice that was sent to abutters, is attached.

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that the Trefethen Evergreen Improvement Association at 10 Trefethen Avenue on Peaks Island, Portland, Maine is intending to file a Natural Resources Protection Act Permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§480-A through 480-BB on or about February 14, 2018. This application is for construction activities related to the stabilization of the shoreline, boat ramp replacement, and deck pier protection at 10 Trefethen Avenue, Peaks Island, Maine. A request for public hearing or a request that the board of Environmental Protection assume jurisdiction over this application must be received by the department in writing, no later than 20 days after the application is found by the department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. The application will be filed for public inspection at the Department of Environmental Protection's office in Portland during normal working hours. A copy of this application may also be seen at the municipal offices in Portland, Maine. Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Offices, 312 Canco Road, Portland, Maine 04103.

Direct Abutter List
for
12 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	SHEILA 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 RANCH 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.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. **“Abutter”** for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

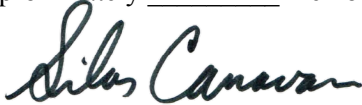
CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____
Date

Approximately _____ members of the public attended the Public Informational Meeting.



Signature of Applicant or authorized agent

Date

(blue)

EXHIBIT 11

MAINE HISTORIC PRESERVATION AND

TRIBAL NOTIFICATION LETTERS

NOTIFICATIONS
For
10 Trefethen Avenue
Peaks Island, Maine 04108

February 14, 2018

Attached are copies of the letters sent as notification to the following:

1. Mr. Kirk F. Mohny, Maine Historic Preservation
2. Ms. Susan Young, THPO/Natural Resources Director, Houlton Band of Maliseets
3. Mr. Christopher Sockalexis, THPO, Penobscot Nation
4. Ms. Jennifer Pictou, THPO, Aroostook Band of Micmacs
5. Mr. Donald Soctomah, THPO, Passamaquoddy Tribe

February 12, 2018

Mr. Kirk F. Mohny, Director
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, Maine 04333-0065

**RE: Natural Resource Protection Act (NRPA) Application for
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Stabilization
10 Trefethen Avenue, Peaks Island, ME
Map 90, Lot 6**

Dear Mr. Mohny:

Please take notice Trefethen Evergreen Improvement Association of 10 Trefethen Avenue, Peaks Island, ME intends to file a Natural Resources Protection Act permit (NRPA) and U.S. Army Corps of Engineers permit to stabilize the shoreline, replace the existing boat ramp, and protect the deck piers at their property adjacent to Casco Bay on Peaks Island in Portland, Maine. I have attached the NRPA Permit Application, Activities Description, Site Location Maps, and Site Plans for your review.

If you have any questions or concerns with this project, please feel free to contact me at (207) 553-9898 or by e-mail silas@walsh-eng.com. Thank you in advance for your timely comments.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

February 12, 2018

Ms. Susan Young
Historic Preservation Officer/Natural Resources Director
Houlton Band of Maliseets
88 Bell Road
Littleton, ME 04730

**RE: Natural Resource Protection Act (NRPA) Application for
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Stabilization
10 Trefethen Avenue, Peaks Island, ME
Map 90, Lot 6**

Dear Ms. Young:

Please take notice Trefethen Evergreen Improvement Association of 10 Trefethen Avenue, Peaks Island, ME intends to file a Natural Resources Protection Act permit (NRPA) and U.S. Army Corps of Engineers permit to stabilize the shoreline, replace the existing boat ramp, and protect the deck piers at their property adjacent to Casco Bay on Peaks Island in Portland, Maine. I have attached the NRPA Permit Application, Activities Description, Site Location Maps, and Site Plans for your review.

If you have any questions or concerns with this project, please feel free to contact me at (207) 553-9898 or by e-mail silas@walsh-eng.com. Thank you in advance for your timely comments.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

February 12, 2018

Mr. Christopher Sockalexis, THPO
Penobscot Nation
12 Wabanaki Way
Indian Island, Maine 04468

**RE: Natural Resource Protection Act (NRPA) Application for
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Stabilization
10 Trefethen Avenue, Peaks Island, ME
Map 90, Lot 6**

Dear Mr. Sockalexis:

Please take notice Trefethen Evergreen Improvement Association of 10 Trefethen Avenue, Peaks Island, ME intends to file a Natural Resources Protection Act permit (NRPA) and U.S. Army Corps of Engineers permit to stabilize the shoreline, replace the existing boat ramp, and protect the deck piers at their property adjacent to Casco Bay on Peaks Island in Portland, Maine. I have attached the NRPA Permit Application, Activities Description, Site Location Maps, and Site Plans for your review.

If you have any questions or concerns with this project, please feel free to contact me at (207) 553-9898 or by e-mail silas@walsh-eng.com. Thank you in advance for your timely comments.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

February 12, 2018

Ms. Jennifer Pictou, THPO
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

**RE: Natural Resource Protection Act (NRPA) Application for
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Stabilization
10 Trefethen Avenue, Peaks Island, ME
Map 90, Lot 6**

Dear Ms. Pictou:

Please take notice Trefethen Evergreen Improvement Association of 10 Trefethen Avenue, Peaks Island, ME intends to file a Natural Resources Protection Act permit (NRPA) and U.S. Army Corps of Engineers permit to stabilize the shoreline, replace the existing boat ramp, and protect the deck piers at their property adjacent to Casco Bay on Peaks Island in Portland, Maine. I have attached the NRPA Permit Application, Activities Description, Site Location Maps, and Site Plans for your review.

If you have any questions or concerns with this project, please feel free to contact me at (207) 553-9898 or by e-mail silas@walsh-eng.com. Thank you in advance for your timely comments.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

February 12, 2018

Mr. Donald Soctomah, THPO
Passamaquoddy Tribe
PO Box 159
Princeton, Maine 04668

**RE: Natural Resource Protection Act (NRPA) Application for
Shoreline Stabilization, Boat Ramp Replacement, and Deck Pier Stabilization
10 Trefethen Avenue, Peaks Island, ME
Map 90, Lot 6**

Dear Mr. Soctomah:

Please take notice Trefethen Evergreen Improvement Association of 10 Trefethen Avenue, Peaks Island, ME intends to file a Natural Resources Protection Act permit (NRPA) and U.S. Army Corps of Engineers permit to stabilize the shoreline, replace the existing boat ramp, and protect the deck piers at their property adjacent to Casco Bay on Peaks Island in Portland, Maine. I have attached the NRPA Permit Application, Activities Description, Site Location Maps, and Site Plans for your review.

If you have any questions or concerns with this project, please feel free to contact me at (207) 553-9898 or by e-mail silas@walsh-eng.com. Thank you in advance for your timely comments.

Sincerely,



Silas Canavan, PE
Walsh Engineering Associates, Inc.

EXHIBIT 12
FUNCTIONAL ASSESSMENT
(NOT REQUIRED)

EXHIBIT 13
VISUAL ASSESSMENT

VISUAL ASSESSMENT
for
10 Trefethen Avenue
Peaks Island, Maine

February 2018

The project area is immediately adjacent to Casco Bay. The shoreline is used primarily by the Applicant and the residents of Peaks Island. The waters off the coast are used by recreation boaters; moorings use is common in the spring, summer and fall. The completed shoreline stabilization improvements will be visible to the public who use this area of Casco Bay.

Many coastal properties in the area have rip-rap stone embankments. The proposed shoreline stabilization at 10 Trefethen Avenue consists of a 4' diameter boulder revetment. Similar shoreline stabilization techniques were installed recently at 29, 35, and 39 Oaklawn Road, approximately 800 feet south of the subject property.



View of Existing Sea Walls at 29 Oaklawn Road, Peaks Island
(Photo by Silas Canavan, June 2016)



View of Existing Seawall at to 35/39 Oaklawn Road, Peaks Island
(Photo by William R. Walsh, WEA, May 2013)

Another similar shoreline stabilization technique was installed on an Island Avenue property, approximately 600 feet north of the subject property, on Peaks Island:



Boulder Shoreline Stabilization in the Vicinity of 29 Oaklawn Rd., Peaks Island
(Photo by William R. Walsh, WEA, February, 2011)

No tree clearing will be required during the installation of the proposed shoreline stabilization. The site plan identifies the area where native shrubs will be planted along the top of the revetment. As

these shrub masses grow, they will visually “soften” the impact of the embankment stone and enable the shoreline stabilization to blend into the landscape.

Based on the visual analysis of nearby island properties, the proposed seawall design will fit harmoniously into the existing landscape and maintain the visual character of the existing shoreline.

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**
(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: _____ Phone: _____

Application Type: _____

Activity Type: (brief activity description) _____

Activity Location: Town: _____ Court: _____

GIS Coordinates, if known: _____

Date of Survey: _____ Observer: _____ Phone: _____

**Distance Between the Proposed Visibility
Activity and Resource (in Miles)**

1. Would the activity be visible from:	0-¼	¼-1	1+
A. <i>A National Natural Landmark or other outstanding natural feature?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. <i>A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. <i>A state or federal trail?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. <i>A public site or structure listed on the National Register of Historic Places?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. <i>A National or State Park?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. 1) <i>A municipal park or public open space?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) <i>A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) <i>A public resource, such as the Atlantic Ocean, a great pond or a navigable river?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm . In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

EXHIBIT 14

RIGHT, TITLE, OR 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 Howe &
William H. Trefethen, both of Portland, in the County of Cumberland and State of Maine, to
in consideration of the acceptance of delivery hereof by the Trefethen-Evergreen Trefethen
Improvement Association, a corporation duly organized and existing under and by Imp. Assn.
virtue of law and having a principal place of meeting at Portland aforesaid, Q.C.
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,

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