

105-J-12  
77 mu Auley Rd.  
Little Diamond Isl.  
Pier Replacement  
Sebastian Milardo

2011-200



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Urban Development Department  
Penny St. Louis, Director

Planning Division  
Alexander Jaegerman, Director

April 25, 2011

Sebastian and Margaret Milardo  
461 River Road  
Hollis, ME 04042

Kathleen Keegan  
Falls Point Marine, Inc.  
3 South Freeport Road  
Freeport, ME 04032

Project Name: Pier Replacement and Repair  
Project ID: 2011-200  
Address: 77 McAuley Road, Little Diamond Island  
CBL: 105 J12  
Applicant: Sebastian and Margaret Milardo  
Planner: Planner

Dear Mr. and Mrs. Milardo:

On April 25, 2011 the Planning Authority approved a site alteration plan for a replacement and repair of an existing pier at 77 McAuley Road on Little Diamond Island as submitted by Kathleen Keegan of Falls Point Marine and shown on the submitted application prepared by Falls Point Marine, Inc. and dated March 10, 2011 with the following conditions:

1. The applicant shall submit approval letters from the Harbor Master and the Department of Environmental Protection prior to scheduling the pre-construction meeting.

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

#### STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from

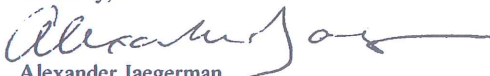
the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Inspection Fee:** A \$300 inspection fee payment is required by the Planning Division to be paid prior to scheduling the pre-construction meeting and prior to the release of a building permit. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at (207) 756-8083 or [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,



Alexander Jaegerman  
Planning Division Director

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development Department  
Alexander Jaegerman, Division Director, Planning  
Barbara Barhydt, Development Review Services Manager, Planning  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Plan Reviewer, Inspections Division  
Lannie Dobson, Administration, Inspections Division  
Michael Bobinsky, Director, Public Services  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Jane Ward, Administration, Public Services  
Capt. Keith Gautreau, Fire Department

TO: Chris Woodruff, Project Manager  
Dept. of Environmental Protection,  
Bureau of Land & Water Quality - Portland

FROM: Department of Marine Resources (DMR)

SUBJECT: REQUEST FOR PROJECT REVIEW,

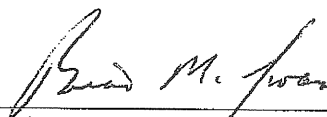
PROJECT: DEP Application #: L-21247-4P-B-N  
Applicant: Sebastian & Margaret Milardo  
Location: Portland (Little Diamond Island, Casco Bay)  
Type of Project: Pier & Ramp

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

DMR understands that the applicant is proposing to replace an existing floating 4 ft. x 128 ft. walkway that connects an existing 4 ft. x 24 ft. pier that ends at Mean High Water (MHW) to a 10 ft. x 20 ft. float situated beyond Mean Low Water (MLW) with a 5 ft. x 110 ft. pile (three pile bents) supported pier. The pier would have a NW - SE orientation, extend from MHW to MLW, and have an average height of 11 ft. above the intertidal substrate.

Upland of the proposed project site is developed with a house. The applicant owns 520 ft. of shoreline. The supratidal is ledge. The intertidal (approximately 110 ft. wide) is cobble, stone and some ledge between two parallel areas of more prominent ledge with abundant rockweed. Rockweed in the immediate project area is scattered. There are is another pier to the NE on what appears to be the adjacent property. The permit application states that eelgrass is "absent".

This project as proposed should not cause any significant adverse impacts to marine resources, traditional fishing, recreation, navigation, or riparian access. Use of a pile supported structure rather than a floating walkway that rests on the intertidal at low tide would be more environmentally friendly.

  
\_\_\_\_\_  
Brian M. Swan  
DMR Environmental Coordinator  
Date: April 5, 2011



REPLY TO  
ATTENTION OF

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

MAINE GENERAL PERMIT (GP)  
AUTHORIZATION LETTER AND SCREENING SUMMARY

SEBASTIAN & MARGARET MILARDO  
461 RIVER ROAD  
HOLLIS, MAINE 04042

CORPS PERMIT # NAE-2011-00388  
CORPS GP ID# 11-049  
STATE ID# NRPA

DESCRIPTION OF WORK:

To replace existing walkway system; to construct and maintain a 4' x 14' access ramp above the mean high water line leading to a 5' x 110' pile supported pier with a 3.5' x 55' ramp leading to a 12' x 20' float below the mean high water line off 77 McAuley Road, Map 105-J Lot#12 at Little Diamond Island, Maine as shown on plans entitled "Sebastian & Margaret Milardo" on 4 sheets dated "2-13-2011".  
ADDITIONAL CONDITIONS: SEE ATTACHED SHEET

LAT/LONG COORDINATES : 43.6688000° N -70.2100037° W USGS QUAD: PORTLAND EAST, MAINE

I. CORPS DETERMINATION:

Based on our review of the information you provided, we have determined that your project will have only minimal individual and cumulative impacts on waters and wetlands of the United States. Your work is therefore authorized by the U.S. Army Corps of Engineers under the enclosed Federal Permit, the Maine General Permit (GP). Accordingly, we do not plan to take any further action on this project.

You must perform the activity authorized herein in compliance with all the terms and conditions of the GP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed GP carefully, including the GP conditions beginning on page 5, to familiarize yourself with its contents. You are responsible for complying with all of the GP requirements; therefore you should be certain that whoever does the work fully understands all of the conditions. You may wish to discuss the conditions of this authorization with your contractor to ensure the contractor can accomplish the work in a manner that conforms to all requirements.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

Condition 41 of the GP (page 18) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the GP on October 12, 2015. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 12, 2016.

This authorization presumes the work shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to the undersigned.

No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. **This includes but is not limited to a Flood Hazard Development Permit issued by the town if necessary.**

II. STATE ACTIONS: PENDING [ X ], ISSUED [ ], DENIED [ ] DATE \_\_\_\_\_

APPLICATION TYPE: PBR \_\_\_\_\_ TIER 1: \_\_\_\_\_ TIER 2: \_\_\_\_\_ TIER 3: X \_\_\_\_\_ LURC: \_\_\_\_\_ DMR LEASE: \_\_\_\_\_ NA: \_\_\_\_\_

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 03-03-2011 LEVEL OF REVIEW: CATEGORY 1: \_\_\_\_\_ CATEGORY 2: X \_\_\_\_\_

AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 X, 404 \_\_\_\_\_, 10/404 \_\_\_\_\_, 103 \_\_\_\_\_

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

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

If you have any questions on this matter, please contact my staff at 207-623-8367 at our Manchester, Maine Project Office. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Leeann B. Neal  
LÉEANN B. NEAL  
PROJECT MANAGER  
MAINE PROJECT OFFICE

Frank J. Del Giudice  
FRANK J. DEL GIUDICE  
CHIEF, PERMITS & ENFORCEMENT BRANCH  
REGULATORY DIVISION

# BOARD OF HARBOR COMMISSIONERS PORT OF PORTLAND, MAINE

## Application for a Marine Construction Permit

### DECISION

Date of public hearing:  
April 14<sup>th</sup>, 2011

Name and address of applicant:  
Sebastian and Margaret Milardo  
461 River Road  
Hollis, ME 04042

Location of project for which permit is requested:  
77 McAuley Rd.  
Little Diamond Island, 04109

Description of project:  
To replace a portion of an existing dock system. This will include the replacement of one (1) gangway and six (6) attached floats with a raised permanent pier head extension with a new gangway and one (1) float

#### For the Record:

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

*Carter Becker*

Exhibits admitted (e.g. renderings, reports, etc.):  
Marine Construction permit application packet prepared by Carter Becker, Falls Point Marine

Summary of testimony presented:

*Reviewed project and answered questions from the Board*

#### Findings of Fact and Conclusions of Law:

- 1) Waiver of 25ft rule as defined in Rule 16.2(b):  
The Board of Harbor Commissioners may grant a waiver of the 25 foot rule if it finds that it would be unfair, inappropriate or unnecessary to apply the rule in a particular situation.

Granted \_\_\_\_\_ Not Granted \_\_\_\_\_

Reason:

Factors to be considered by the Board:

- a. Whether the particular marine structure or obstruction under consideration, even if allowed to be constructed or placed within 25 feet of a sideline, will permit a channel that will adequately allow the passage of vessels;
- b. Whether existing marine structures or obstructions make it impossible for a channel wide enough to allow the passage of vessels to exist, regardless of the placement or construction of the marine structure under consideration;
- c. The intended use of the marine structure of obstruction;
- d. Whether granting a waiver would significantly reduce an abutting property owner's use of that abutting property, including but not limited to the owner's ability in the future to attach a marine structure to that abutting property;
- e. Any boundary lines between properties that extend into the harbor as described in deeds, maps or plans; and
- f. Any other factor the Board believes is relevant to whether a waiver should be granted in a particular case.

2) The marine structure or obstruction will not substantially or unreasonably interfere with navigation, including its impact on convenient channels for the passage of vessels.

Satisfied  \_\_\_\_\_ Not Satisfied \_\_\_\_\_

Reason:

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

Satisfied  \_\_\_\_\_ Not Satisfied \_\_\_\_\_

Reason:

Nothing in record to indicate otherwise

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

Satisfied   X        Not Satisfied     

Reason:

Nothing in record to indicate otherwise

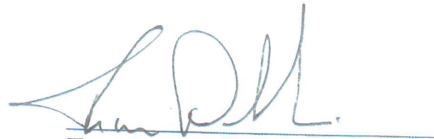
**Conclusion:** (check one)

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

     Option 2: The Board finds that while the standards described above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on navigation and/or public safety, and therefore GRANTS the permit SUBJECT TO THE FOLLOWING CONDITIONS:

     Option 3: The Board finds that the standards described have NOT all been satisfied and therefore DENIES the permit.

Dated:



Tom Dobbins  
Chair, Board of Harbor  
Commissioners



**BOARD OF HARBOR COMMISSIONERS  
PORT OF PORTLAND**

**PERMIT-A**

**TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE**

To: Sebastian and Margaret Milardo, 461 River Road, Hollis, ME 04042

The Board of Harbor Commissioners for the Port of Portland has carefully considered your application, dated the 14<sup>th</sup> day of April 2011, for a permit authorizing:

- To replace a portion of an existing dock system. This will include the replacement of one (1) gangway and six (6) attached floats with a raised permanent pier head extension with a new gangway and one (1) float.

Having given public notice of this pending application, as required by law, and therein designated the 14<sup>th</sup> day of April 2011, at 5:00 o'clock in the afternoon prevailing time as the time when they would meet at the South Portland City Hall, to examine this issue and hear all interested parties, and having met at the time and place mentioned and examined the location of this proposed construction project and having heard all interested parties, the Board of Harbor Commissioners for the Port of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned in the permit application.

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Port of Portland has waived this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

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

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

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable statute. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, of the Board of Harbor Commissioners for the Port of Portland hereunto affix their corporate seal on this 14<sup>th</sup> day of April 2011. The work authorized to this permit must be completed on or before the 14<sup>th</sup> day of April 2016.



STATE OF MAINE  
Department of Environmental Protection

PAUL R. LEPAGE  
GOVERNOR

JAMES P. BROOKS  
ACTING COMMISSIONER

May, 2011

Margaret Milardo  
461 River Road  
Hollis, Maine 04042

RE: Natural Resources Protection Act Application, Portland  
#L-21247-4P-B-N and L-21247-TW-C-N

Dear Ms. Milardo:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit please contact me at (207) 615-6426 or at [christine.woodruff@maine.gov](mailto:christine.woodruff@maine.gov)

Sincerely,

A handwritten signature in cursive script that reads "Christine Woodruff".

Christine Woodruff, Project Manager  
Division of Land Resource Regulation  
Bureau of Land & Water Quality

pc: File  
Kathleen Keegen (at Falls Point Marine via email)

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST

BANGOR  
106 HOGAN ROAD  
BANGOR ME 04401  
(207-941-4570 FAX 207-941-4584

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

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 764-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

MARGARET MILARDO	) NATURAL RESOURCES PROTECTION
Portland, Cumberland County	) COASTAL WETLAND ALTERATION
PIER, RAMP AND FLOAT EXPANSION	) SIGNIFICANT WILDLIFE HABITAT
L-21247-4P-B-N (approval)	) WATER QUALITY CERTIFICATION
L-21247-TW-C-N	) FINDINGS OF FACT AND ORDER

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

1. PROJECT DESCRIPTION:

A. History of Project: In Department Order #L-21247-4D-A-N, dated June 11, 2003, the Department approved the construction of a set of stairs and a series of landings at the shoreline. The last landing ended at the spring high tide line and was used for the attachment of a 32-foot by 32-inch seasonal ramp and five seasonal floats consisting of four 3-foot by 32-foot floats and a 10-foot by 20-foot float that were for boat access to the water. The permit also included stabilization for an eroding slope near the landings.

B. Summary: The applicant proposes to expand the existing permanent pier on the site by adding a five-foot wide by 110-foot long extension. The applicant proposes to replace the existing seasonal ramp with a 3.5-foot wide by 55-foot ramp, replace the outer most seasonal float with a 12-foot wide by 20-foot long float and eliminate the other floats. The outer float will be in the same location as it was previously with the new pier system. During the off-season, the applicant will store the ramp on the pier and will store the float in an upland area. The project site is located on 77 McCauley Road on the northwest side of Little Diamond Island in the City of Portland with coastal frontage on Casco Bay.

C. Current Use of the Site: The upland has a large cottage with a small lawn surrounding it. The large trees and native ground cover have been retained along the top of the bank along the coastal frontage. There is an approximately twenty-foot high bank with the edge of the coastal wetland at the toe. There are a set of stairs and landings down the bank with a four-foot by 24-foot permanent pier head. The upper intertidal area is bare ledge and large cobble. The lower intertidal is a mix of medium and small cobble and is covered with abundant seaweed. The lower intertidal area where the existing float system is normally placed appears to have been cleared of large cobble and has scattered seaweed growth. There is an existing, approximately 110-foot long, residential pier 400 feet to the northeast.

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

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

also submitted several photographs of the proposed project site. Department staff visited the project site on March 24, 2011.

The proposed project is located in Casco Bay, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. Fort Gorges, which is on the National Register of Historic Places, is 0.7 miles away across open water. The applicant has chosen an aluminum frame which is less bulky than a wood frame and needs fewer supports to reduce the visual impacts of the structure on the landscape. The proposed pier will be compatible with the existing pier of approximately the same size located 400 feet to the northeast.

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

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

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

3. SOIL EROSION:

The outer piles will be driven into the mixed cobble substrate. The inner piles will be pinned to ledge. Both construction methods will generate a very limited amount of soil disturbance within the intertidal area. The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

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

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that this project is located in Tidal Waterfowl and Wading Bird Habitat, which is Significant Wildlife Habitats under the Natural Resources Protection Act. There are mapped eelgrass beds in this area, but according to the applicant, eelgrass is absent at the project site. MDIFW commented that since there is no eelgrass present, this project is not anticipated to have a negative impact on wildlife resources.

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

5. WATER QUALITY CONSIDERATIONS:

The applicant proposes to use lumber treated with chromated copper arsenate (CCA) to construct the pier. To protect water quality, all CCA treated lumber must be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction. Provided the CCA treated

lumber is cured as described above, the Department finds that the proposed project will not violate any state water quality law.

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

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter eight square feet of coastal wetland to construct the pier and to indirectly alter 983 square feet of coastal wetland as a result of shading impacts from the pier, ramp and floats. Total impacts of the existing pier plus the proposed pier are 14 square feet of direct coastal wetland impact and 1,079 square feet of indirect wetland impact from shading.

The supratidal area is ledge. The intertidal area is approximately 110 feet wide and is cobble, stone and some ledge with abundant rockweed. Rockweed in the immediate project area is scattered.

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

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a coastal wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternatives analysis for the proposed project completed by Falls Point Marine and dated February 2011. The applicant owns 520 feet of shore frontage and chose the proposed location because it is the shortest distance to the deepest water. The applicant opted to build a dock because there are no public facilities on the island for a similar use.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant has minimized direct wetland impacts by using an aluminum frame, which is stronger and can span longer distances with fewer supports. The applicant has also chosen to replace the existing seasonal float system with a permanent pier which will eliminate the impact of the floats resting on the intertidal area at low tide.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is not required to achieve the goal of no net loss of coastal wetland functions and values since the project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by DMR and MDIFW. For these reasons, the Department determined that compensation is not required.

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

7. OTHER CONSIDERATIONS:

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

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

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that all CCA treated lumber is cured before use as described in Finding 5.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of MARGARET MILARDO to expand an existing pier, ramp and float system as described above, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that her activities or those of her agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. All CCA treated lumber shall be cured on dry land in a manner that exposes all surfaces to the air for 21 days prior to the start of construction.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink that reads "Teco Brown". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal tail on the "n".

This permit is digitally signed by Teco Brown on behalf of Acting Commmissioner James P. Brooks. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date. 2011.05.17 13:00:14 -04'00'

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

cgw/l21247bn&cn/73120&73182



## Natural Resource Protection Act (NRPA) Standard Conditions

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

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





## DEP INFORMATION SHEET

# Appealing a Commissioner's Licensing Decision

**Dated: May 2004**

**Contact: (207) 287-2811**

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### SUMMARY

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

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

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

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

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

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

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

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Shukria Wiar - 77 McAuley - Public Comment

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**From:** Barbara Barhydt  
**To:** Wiar, Shukria  
**Date:** 4/7/2011 3:57 PM  
**Subject:** 77 McAuley - Public Comment

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Hi Shukria:

I received a comment from Mark Tierney, neighbor to the 77 McAuley site. He wanted it in the file that he is in great support of the application for a permanent pier. He thinks it will be much safer.

Please include this in the file.

Thank you.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
bab@portlandmaine.gov

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 2011-200                      **Application Date:** 3/14/2011 12:00:00 AM

**Project Name:**

**Address:** 77 McAuley Road, Little Diamond Island

**Project Description:** Pier Repair/Replacement

**Zoning:**

**Other Reviews Required:**

**Review Type:** Level I – Site Alteration

**Distribution List:**

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

**Preliminary Comments needed by:** March 23, 2011

**Final Comments needed by:** March 30, 2011

Effective August 18, 2010



## Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

### Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

**Planning Division**  
Fourth Floor, City Hall  
389 Congress Street  
(207) 874-8721

**Office Hours**  
Monday thru Friday  
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Pier repair/replacement

PROPOSED DEVELOPMENT ADDRESS: 77 McAuley Rd. Little Diamond Isl.

PROJECT DESCRIPTION: The applicant proposes to repair an existing dock system by constructing a raised permanent pier head to replace a 130' floating wallbuoy.

CHART/BLOCK/LOT: 105 J12

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: <u>Sebastian + Margaret Milardo</u> Business Name, if applicable: Address: <u>461 River Road</u> City/State: <u>Hollis Me</u> Zip Code: <u>04042</u>	<b>Applicant Contact Information</b> Work # <u>207 772 2823</u> Home# <u>207 929 4039</u> Cell # <u>207 831 2076</u> Fax# <u>207 772 2071</u> e-mail: <u>smilardo@dimihv.com</u>
<b>Owner – (if different from Applicant)</b> Name: Address: City/State: Zip Code:	<b>Owner Contact Information</b> Work # Home# Cell # Fax# e-mail:
<b>Agent/ Representative</b> Name: <u>Falls Point Marine, Inc.</u> Address: <u>3 South Freeport Rd</u> <u>Freeport, ME 04032</u> City/State: Zip Code: <u>Kathleen Keegan</u> <u>865-4567</u>	<b>Agent/Representative Contact information</b> Work # <u>207 865 4567</u> Cell # <u>207 865 6001</u> e-mail: <u>Kathy@fallspoint.com</u>
<b>Billing Information</b> Name: <u>Margaret Milardo</u> Address: <u>461 River Road</u> City/State: <u>Hollis Me.</u> Zip Code: <u>04042</u>	<b>Billing Information</b> Work # <u>207 929 4039</u> Cell # Fax# e-mail: <u>milardo@myottmail.com</u>

<b>Engineer</b> Name: <i>Carter Becker</i> Address: <i>Falls Point Marine</i> City/State : _____ Zip Code: _____	<b>Engineer Contact Information</b> Work # <i>207 865 4567</i> Cell # <i>207 402 4567</i> Fax# <i>207 221 1390</i> e-mail: <i>carter@fallspoint.com</i>
<b>Surveyor</b> Name: <i>Monro Associates</i> Address: <i>565 Congress St #309</i> City/State : <i>Portland Me</i> Zip Code: <i>04101</i>	<b>Surveyor Contact Information</b> Work # _____ Cell # _____ Fax# _____ e-mail: _____

**APPLICATION FEES:**

Check all reviews that apply. Payment may be made by Check or Cash addressed to the City of Portland.

<b>Level I Site Alteration Site Plan</b> <input checked="" type="checkbox"/> Application Fee (\$200.00)  The City invoices separately for the following: <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> Third party review is assessed separately.	<b>Fees Paid</b> (office use) —
<b>Performance Guarantee:</b> A performance guarantee is required to cover all public and private site improvements.	Required
<b>Inspection Fee:</b> An inspection fee of 2% of the performance guarantee is due prior to the release of permits	2% of the performance guarantee

**Application Check List**

Refer to the application checklist for a detailed list of submittal requirements.

As of December 1, 2010, all site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Portland’s development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521).

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 Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: <i>see attached</i> <i>KMK - letter of authorization</i>	Date: <i>2/10/11</i>
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Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

### PROJECT DATA

The following information is required where applicable, in order complete the application

<b>Total Site Area</b>	sq. ft.
<b>Proposed Total Disturbed Area of the Site</b>	sq. ft.
<b>IMPERVIOUS SURFACE AREA</b>	
• Proposed Total Paved Area	sq. ft.
• Existing Total Impervious Area	sq. ft.
• Proposed Total Impervious Area	sq. ft.
• Proposed Impervious Net Change	sq. ft.
<b>PARKING SPACES</b>	
• Existing Number of Parking Spaces	
• Proposed Number of Parking Spaces	
<b>TOTAL Number of Parking Spaces</b>	

### General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of zoning.
<input type="checkbox"/> <i>N/A</i>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.



## Site Plans and Boundary Survey Requirements – Level I Site Alteration

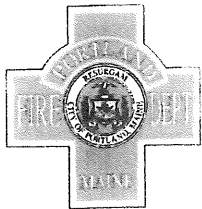
Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	<b>Site Plan Including the following:</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Location and dimension of existing and proposed paved areas.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Details of proposed pier rehabilitation (Shoreland areas only).</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Existing utilities.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Existing and proposed grading and contours.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Proposed stormwater management and erosion controls.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Total area and limits of proposed land disturbance.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Existing vegetation to be preserved and proposed site landscaping.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> <li>▪ Existing and proposed easements or public or private rights of way.</li> </ul>

## Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards
  - 1, 2, and 4.
- (b) Environmental quality standards
  - 1. and 3.
- (c) Public infrastructure and community safety standards.
  - 1.
- (d) Site design standards
  - 5, 6, 8 and 9.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.

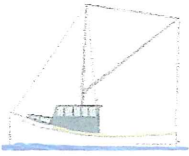


### PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
  - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations



Falls Point Marine, Inc.

To Whom It May Concern,

Either Kathleen Keegan and/or Carter Becker of Falls Point Marine, Inc. are authorized to apply for and obtain such permits as necessary from all permitting authorities (local, state and federal) in order to rebuild an existing dock system on our property at 77 McCauley Rd, Little Diamond Island in Casco Bay.

*Sebastian G. Milardo*

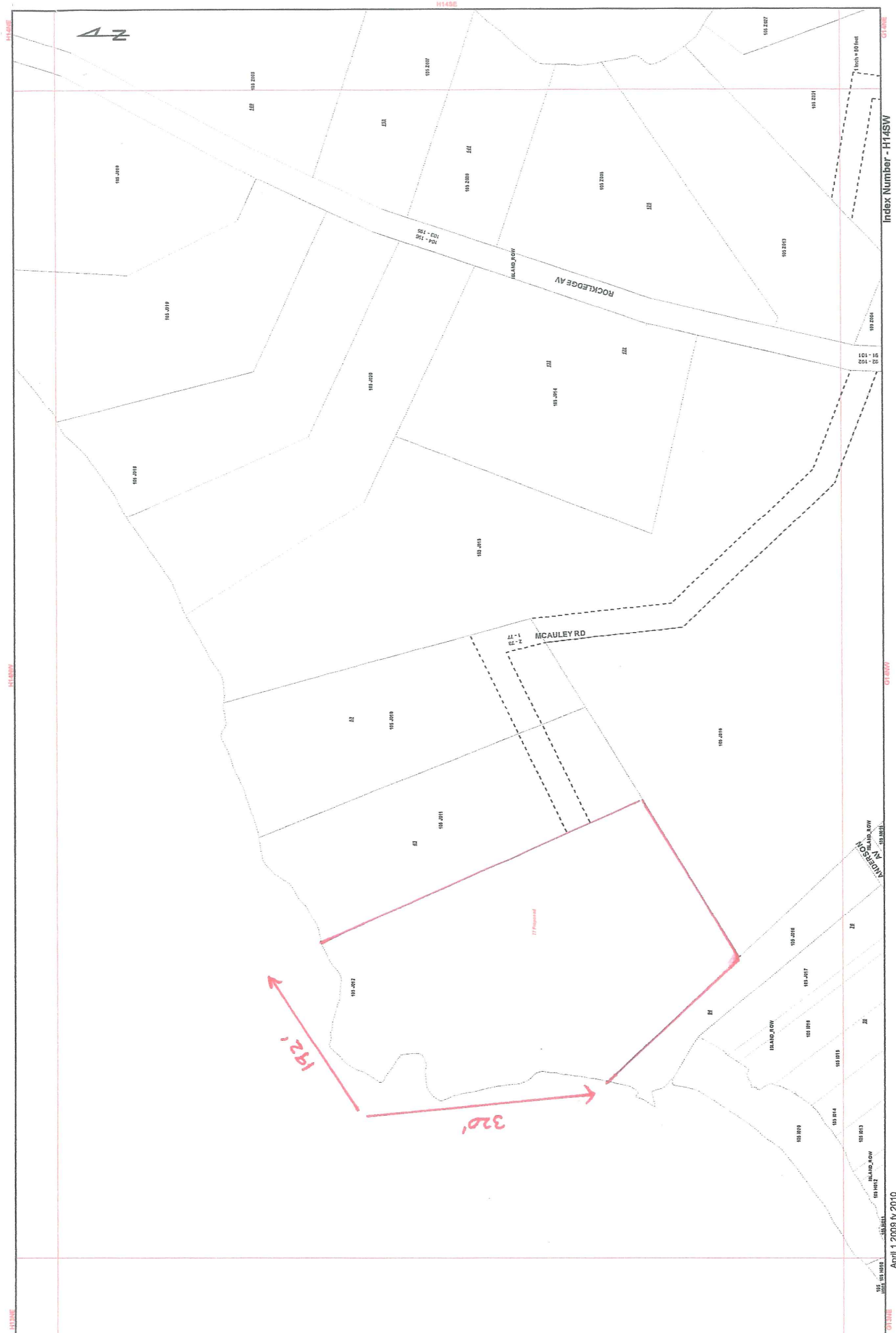
Signed: Margaret Milardo

*Sebastian G. Milardo*

Print Name: Margaret Milardo

Date: 2/2/11

Mailing Address 461 River Road  
Hollis, Maine 04042



Index Number - H14SW

April 1 2009 Y 2010

192'

320'

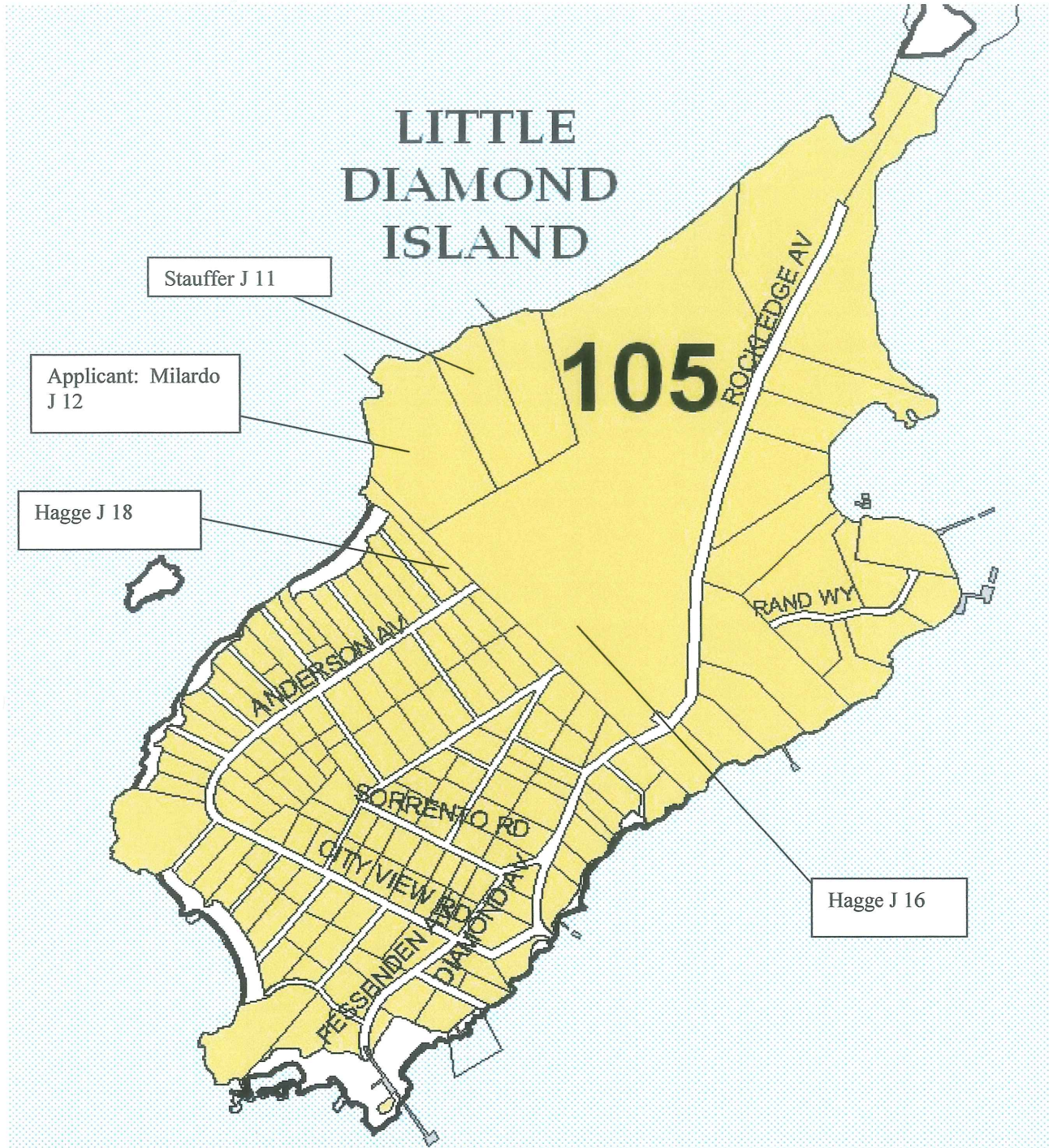
Proposed







**Abutters: Project Zone: IR1**



<b>#1 CBL</b>	105 J011001 Stauffer
<b>Property Location</b>	63 MACAULEY RD LITTLE DIAMOND ISLAND
<b>Owner Information</b>	STAUFFER WILLIAM L ANNE K JTS 26 SCHOONER RD SCARB. ME 04074
<b>#2 CBL</b>	105 J016001 Hagge
<b>Property Location</b>	0 ROCKLEDGE AVE LITTLE DIAMOND ISLAND LOT 19
<b>Owner Information</b>	HAGGE PATRICIA H D 225 COMMERCIAL ST # 502 PORTLAND ME 04101
<b>#3 CBL</b>	105 J018001 Hagge
<b>Property Location</b>	0 ROCKLEDGE AVE LITTLE DIAMOND ISLAND LOT 15
<b>Owner Information</b>	HAGGE CYRUS Y 225 COMMERCIAL ST STE 502 PORTLAND ME 04101





0033260

BK 17566 PG 222

### Warranty Deed

John C. Orestis, of Yarmouth, County of Cumberland and State of Maine, for consideration paid, grants to Margaret F. Millardo, whose mailing address is RR 1, Box 339, Hollis, Maine 04042, with Warranty Covenants, a certain lot or parcel of land situated in Portland, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land on Little Diamond Island in the City of Portland, County of Cumberland and State of Maine, more particularly described as follows:

Lot No. 12 as shown on Recording Plat of Land on Little Diamond Island, Portland, Maine for St. Joseph's Convent & Hospital prepared by Owen Haskell, Inc. dated June, 1984, recorded in the Cumberland County Registry of Deeds in Plan Book 147, Page 61 (hereinafter the "Plat").

This conveyance of the premises herein described is subject to certain restrictions as set forth in a deed from John C. Orestis to Sandra J. Shaw dated January 5, 1997 and recorded in Cumberland County Registry of Deeds at Book 13268, Page 1, which restrictions shall run with the land, and Grantee by her acceptance of this Deed agrees for herself, her successors and assigns, forever to be bound by such restrictions.

Being the same premises conveyed by John C. Orestis and John V. Bonneau, co-Trustees of the Exemption Equivalent Trust U/W of Sandra J. Shaw to John C. Orestis by Trustee's Deed dated August 16, 2001 and recorded in the Cumberland County Registry of Deeds at Book 16669, Page 234,

Witness my hand and seal this 29<sup>th</sup> day of April, 2002.

MAINE REAL ESTATE TAX PAID

  
\_\_\_\_\_  
Witness


  
\_\_\_\_\_  
John C. Orestis

State of Maine  
Cumberland, SS.

April 29, 2002

RECEIVED  
RECORDED REGISTRY OF DEEDS  
2002 APR 25 AM 9:38  
CUMBERLAND COUNTY  
*John B. Coburn*

Then personally appeared the above-named John C. Orestis and acknowledged the foregoing to be his free act.

  
\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Print Name: Esther S. Hemb  
My Commission Expires: \_\_\_\_\_

R:\VERSIE\PROBATE\Shaw\SB Trust\Deed (JCO to Buyer) Little Diamond.vpd



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

DARRYL N. BROWN  
COMMISSIONER

March 4, 2011

Carter Becker  
Falls Point Marine, Inc.  
3 South Freeport Road  
Freeport, Maine 04032

RE: Natural Resources Protection Act, Portland  
Project # L-21247-4P-B-N & L-21247-TW-C-N

Dear Mr. Becker:

Your application for a Natural Resources Protection Act Permit has been received by the Department of Environmental Protection and found to be acceptable for processing on March 4, 2011. Your application has been assigned DEP # L-21247-4P-B-N & L-21247-TW-C-N. Please refer to this number in any future correspondence.

Copies of the application have been sent to the Department of Marine Resources and the Department of Inland Fisheries and Wildlife for review and comment. Your application is now being examined to determine whether a license can be issued. Acceptance of your application does not preclude the Department from requesting additional information or revisions during processing.

Please feel free to contact me at 822-6396 or [christine.woodruff@maine.gov](mailto:christine.woodruff@maine.gov) if you have any questions regarding your project.

Sincerely,

Christine Woodruff  
Project Manager  
Bureau of Land and Water Quality  
Division of Land Resource Regulation

cc: Sebastian and Margaret Milardo (461 River Road, Hollis, ME 04042)  
File

AUGUSTA

17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 624-6550 FAX: (207) 624-6024  
RAY BLDG., HOSPITAL ST.  
web site: [www.maine.gov/dep](http://www.maine.gov/dep)

BANGOR

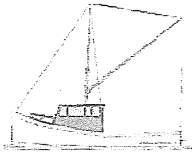
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

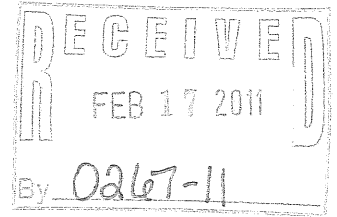
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

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



Falls Point Marine, Inc.



Maine Historic Preservation Commission  
(MHPC)  
State House Station 65  
Augusta, Maine 04333-0065

To Whom It May Concern:

At the request of the US Dept of the Army, Falls Point Marine, Inc. is forwarding information regarding the replacement of a seasonal floating walkways system with a permanent pier attached to a seasonal gangway that maintains the original outer float. This installation is for Sebastian and Margaret Milardo at 77 McAuley Rd on Little Diamond Island in Casco Bay in the City of Portland. Enclosed you will find a map and a drawing of the project.

There are no known shipwrecks in the vicinity.

The main home on the property is not older than ~50 years old.

We hope that this project will not affect any historic resources and meets with your approval.

Sincerely,


Kathleen Keegan

Falls Point Marine, Inc.  
3 S. Freeport Rd  
Freeport, Me 04032  
207-865-4567  
[kathy@fallspoint.com](mailto:kathy@fallspoint.com)

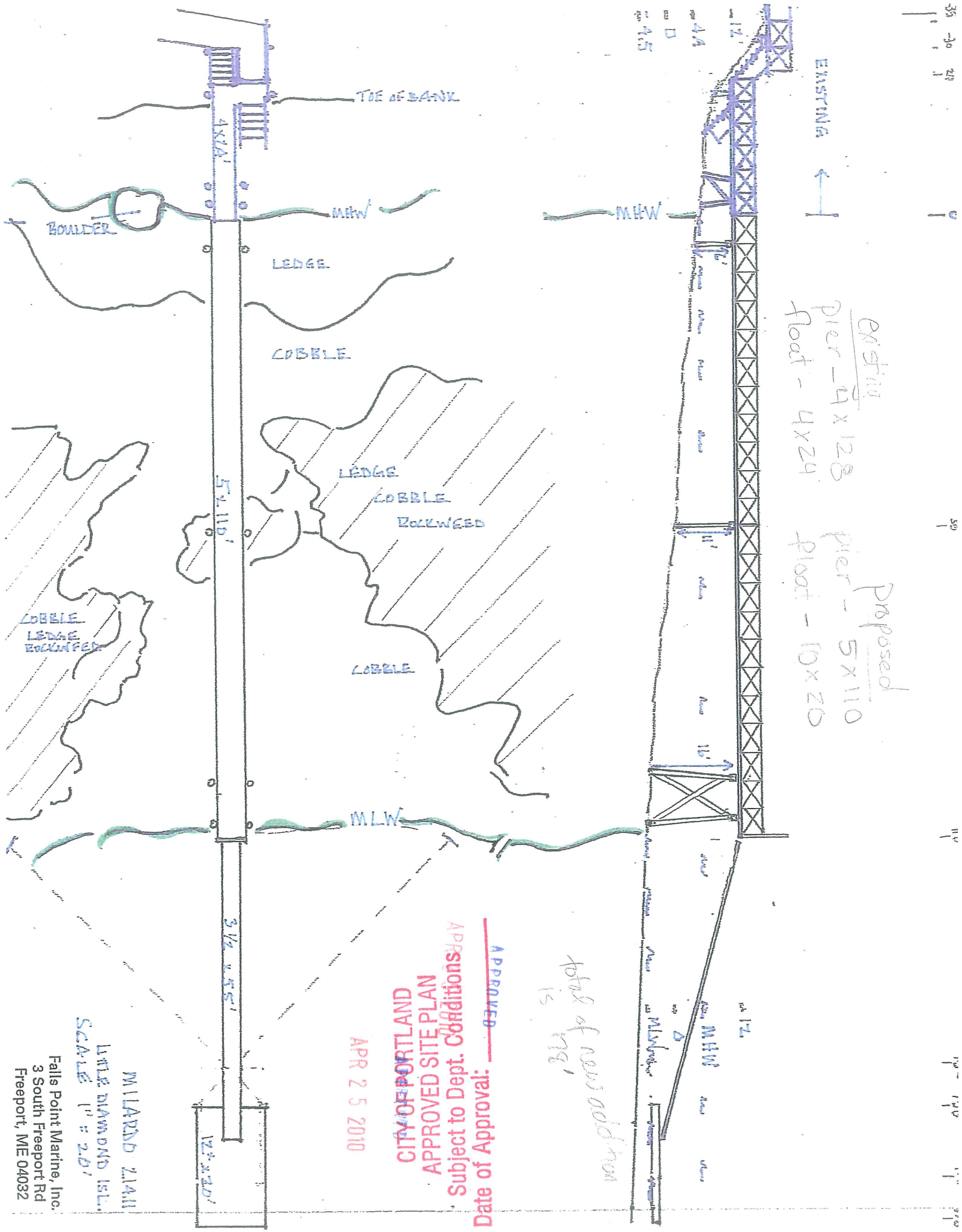
cc:

Aroostook Band of Micmacs  
Passamaquoddy Tribe of Indians (x2)  
Houlton Band of Maliseet Indians  
Penobscot Indian Nation  
MHPC

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

  
Kirk F. Mohnney,  
Deputy State Historic Preservation Officer  
Maine Historic Preservation Commission

3/2/11  
Date



Existing  
 pier - 4x128  
 float - 4x24

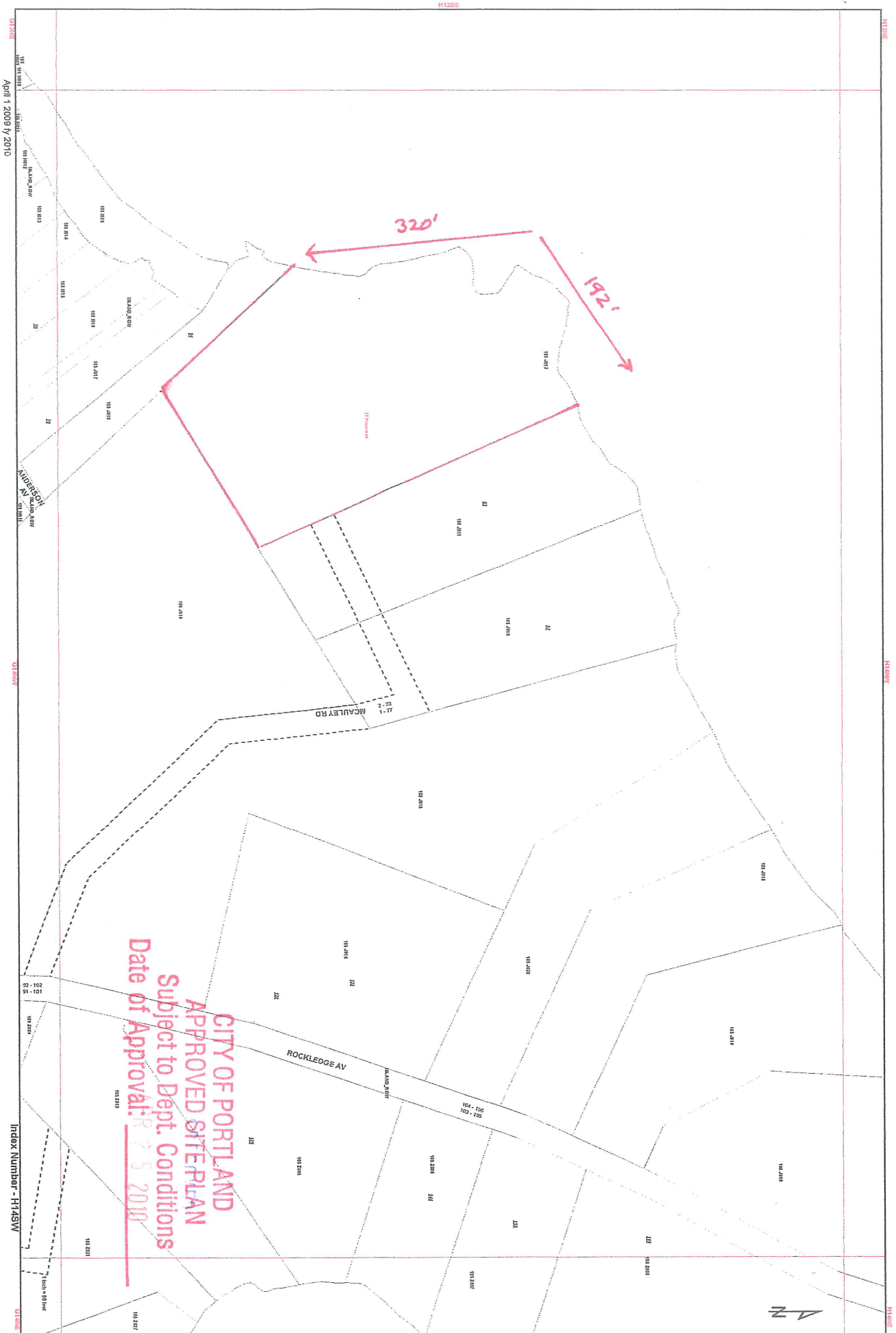
Proposed  
 pier - 5x110  
 float - 10x20

total of new addition  
 is  
 15  
 178'

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

APR 25 2010

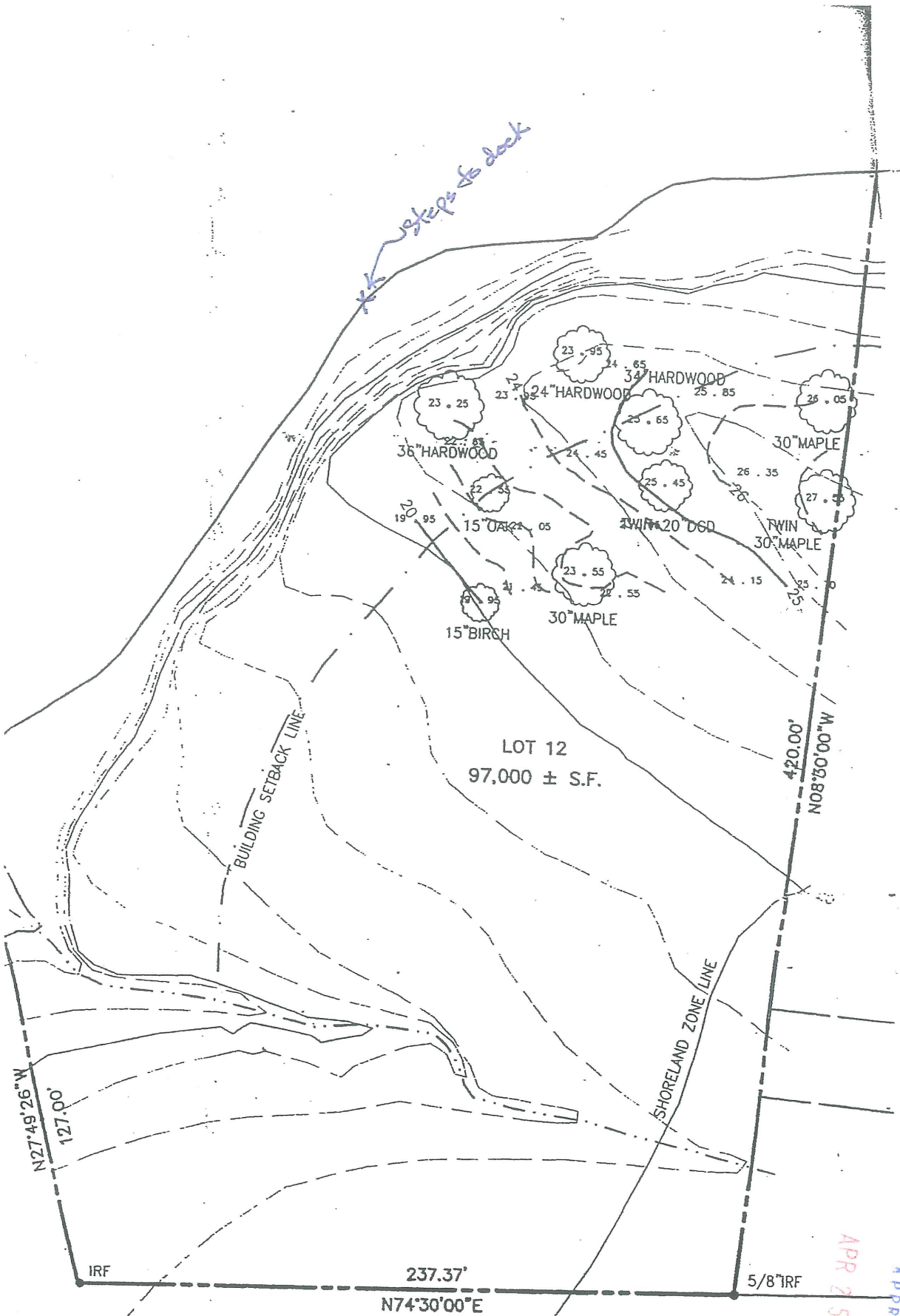
MILLARD 21411  
 LITTLE DIAMOND ISL.  
 SCALE 1" = 20'  
 Falls Point Marine, Inc.  
 3 South Freeport Rd  
 Freeport, ME 04032



**CITY OF PORTLAND**  
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Subject to Dept. Conditions  
Date of Approval: 2 5 2010

April 1 2009 / 2010

Index Number - H145W



CITY OF PORTLAND  
 APPROVED SITE PLAN  
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APPROVED  
 APR 25 2010