

Form # P 04

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BU...TION

PERMIT

Permit Number: 090760

PERMIT ISSUED

AUG 13 2009

This is to certify that Cushings Associates Inc/City of Portland

has permission to build 18' x 92' boat landing

AT 0 Spring Cove Ave Cushing Island

CE 106C D032001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other work is used-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____
Department Name

Chris J. M. 8/12/09
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-0760	Issue Date: 8/12/09	CBL: 106C D032001
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Location of Construction: 0 Spring Cove Ave <i>Cushings</i>	Owner Name: Cushings Associates Inc	Owner Address: Po Box 334 Dts	Phone:
Business Name:	Contractor Name: City of Portland	Contractor Address: 389 Congress Street Portland	Phone: 2078748300
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	Zone: <i>IR1</i>

Past Use: vacant land	Proposed Use: vacant land - build 18' x 92' boat landing	Permit Fee: \$0.00	Cost of Work: \$100,000.00	CEO District: 1
Proposed Project Description: build 18' x 92' boat landing		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>Boat Ramp</i> <i>IBC-2003</i>	
		Signature:	Signature: <i>CE</i>	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: tmm	Date Applied For: 07/20/2009	Zoning Approval		
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <i>within allowed</i> <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Flood Zone <i>Panel 17 zone AA</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>#09-79900003</i> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> Date: <i>8/22/09</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <i>by PB</i> <input type="checkbox"/> Denied Date: <i>6/9/09</i>	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
	PERMIT ISSUED AUG 13 2009 CITY OF PORTLAND		

CERTIFICATION

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

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

City of Portland, Maine - Building or Use Permit

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

Permit No: 09-0760	Date Applied For: 07/20/2009	CBL: 106C D032001
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Location of Construction: 0 Spring Cove Ave	Owner Name: Cushings Associates Inc	Owner Address: Po Box 334 Dts	Phone:
Business Name:	Contractor Name: City of Portland	Contractor Address: 389 Congress Street Portland	Phone (207) 874-8300
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	

Proposed Use: vacant land - build 18' x 92' boat landing	Proposed Project Description: build 18' x 92' boat landing
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 07/22/2009

Note: **Ok to Issue:**

1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:**

Note: **Ok to Issue:**

1) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm or HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.

2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

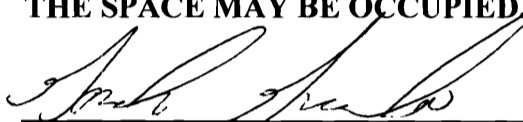
A Pre-construction Meeting will take place upon receipt of your building permit.

 X **Final inspection required at completion of work.**

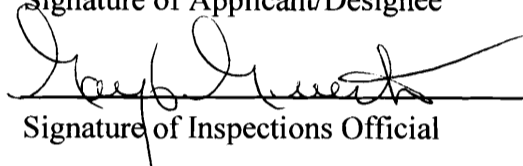
Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.



Signature of Applicant/Designee



Signature of Inspections Official

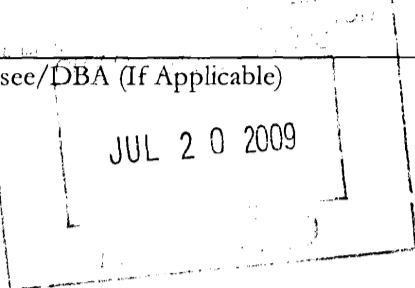
 8-23-09
Date

 8/13/09
Date



General Building Permit Application

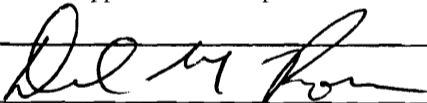
If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>Spring Cove, Cushing Island</u>		
Total Square Footage of Proposed Structure/Area <u>3,400 SF FOOTPRINT</u>	Square Footage of Lot <u>APPROX 13,550 SF LEASE AREA</u>	Number of Stories <u>N/A</u>
Tax Assessor's Chart, Block & Lot Chart# <u>106C</u> Block# <u>D</u> Lot# <u>032</u>	Applicant * must be owner, Lessee or Buyer* Name <u>City of Portland</u> Address <u>55 Portland Street</u> City, State & Zip <u>PORTLAND, ME 04101</u>	Telephone: <u>874-8896</u>
Lessee/DBA (If Applicable) 	Owner (if different from Applicant) Name <u>CUSHING ASSOCIATES, INC.</u> Address <u>PO BOX 334 DTS</u> City, State & Zip <u>PORTLAND, ME 04112</u>	Cost Of Work: \$ <u>100,000</u> C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>Undeveloped/vacant</u> Number of Residential Units <u>0</u> If vacant, what was the previous use? <u>none</u> Proposed Specific use: <u>boat/berge landing</u> Is property part of a subdivision? <u>no</u> If yes, please name _____ Project description: <u>Construct municipal boat/berge landing 18'x92' with paved apron.</u>		
Contractor's name: <u>City of Portland Public Services</u> Address: <u>55 Portland St.</u> City, State & Zip <u>Portland, ME 04101</u> Telephone: <u>874-8896</u> Who should we contact when the permit is ready: <u>Mike Bobinsky</u> Telephone: <u>874-8896</u> Mailing address: <u>Same as above</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature: 	Date: <u>7-20-09</u>
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This is not a permit; you may not commence ANY work until the permit is issue

SEBAGO TECHNICS, INC.
 One Chabot Street, P. O. Box 1339
 Westbrook, ME 04098-1339

LETTER OF TRANSMITTAL

17817

Phone (207) 856-0277 FAX (207) 856-2206

TO City of Portland Zoning Administration

Hand Delivered

DATE	7-20-09	JOB NO.	06404
ATTENTION	Marge Schmuckal		
RE:	Cushing Island Boat Ramp		

- WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order _____

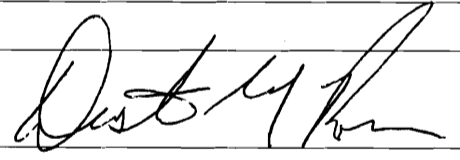
COPIES	DATE	NO.	DESCRIPTION
1			Building Permit Application
1			Flood Hazard Development Application
1			Flood Hazard Development Permit
1			Floodproofing Certificate
1			Development Site + Grading Plans and Profile

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO Mike Bobinsky, Portland Public Services
 Hand Delivered

SIGNED: 

If enclosures are not as noted, kindly notify us at once.



Strengthening a Remarkable City. Building a Community for Life. www.portlandmaine.gov

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

Planning Division
Alexander Jaegerman, Director

JUNE 10, 2009

APPLICANT:

Mike Bobinsky
City of Portland
Public Services
Portland Me 04101

CONSULTANT:

Dustin M. Roma
Sebago Technics, Inc
PO Box 1339
Westbrook Me 04098

Cushing Associates, Inc.
P.O. Box 334 DTS
Portland, ME 04112

Project Name:

Cushing Island Boat Ramp, Minor Site
Plan/Conditional Use; Spring Cove
Avenue, Cushing Island; City Of Portland,
Applicant

Project ID:

09-79900003

CBL:

106C- D-032-001

Project Address:

SPRING COVE AVE, CUSHING
ISLAND

Planner

Eric Giles, AICP

Dear Mr. Bobinsky:

On **June 9, 2009**, the Portland Planning Board considered **Cushing Island Boat Ramp, Minor Site Plan/Conditional Use** for construction of a municipal boat/barge landing in Spring Cove on Cushing Island. The Planning Board reviewed the proposal for conformance with the standards of the **Conditional Use Review, Shoreland Zoning Regulations, and Site Plan Ordinance**. The Planning Board voted **4-0** to approve the application with the following motions and condition as presented below.

CONDITIONAL USE

The Planning Board voted **4-0** that the proposed plans are in conformance with the **conditional use standards** of the City of Portland Land Use Code.

SITE PLAN REVIEW

The Planning Board voted **4-0** that the plan is in conformance with the **site plan standards** of the City of Portland Land Use Code.

SHORELAND ZONING GENERAL SITE PLAN FEATURES

The Planning Board voted 4-0 that with the imposition of conditions the plan is in conformance with the **Shoreland Zoning general site plan standards** of the City of Portland Land Use Code.

i. Conditions of Approval

1. Prior to the issuance of a Building Permit the applicant shall receive an approved Flood Hazard Permit from the Zoning Administrator.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application **09-79900003** which is attached.

STANDARD CONDITIONS OF APPROVAL

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

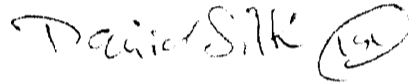
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
 2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
 3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
 4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
-

5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
8. 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.)

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

If you have any questions, please contact **Eric Giles AICP** at **207-874-8723** or **egiles@portlandmaine.gov**

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #26-09
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Eric Giles, AICP Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator

Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Farley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

71 06407



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

RECEIVED

February 4, 2009

FEB 06 2009

SEBAGO TECHNICS

Mr. Dustin Roma
Sebago Technics, Inc.
P.O. Box 1339
Westbrook, ME 04098

Project: MHPC #2391-08 - applicant/owner: City of Portland; north side of Cushing
Island; Spring Cove; Casco Bay; proposed new boat/barge
Town: Portland, ME landing and access for public services

Dear Mr. Roma:

In response to your recent request, I have reviewed the information received January 5 and 7, 2009 to continue consultation on the above referenced project pursuant to Section 106 of the National Historic Preservation Act, as amended.

Based on the materials submitted, I have concluded that the proposed undertaking will have no adverse effect upon historic properties, as defined by Section 106.

Please contact Robin Stancampiano of my staff if we can be of further assistance in this matter.

Sincerely,

Kirk F. Mohney
Deputy State Historic Preservation Officer

cc. LeeAnn Neal, US ACOE

PHONE: (207) 287-2132



FAX: (207) 287-2335

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM
(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant (owner): City of Portland		Name of Agent: Sebago Technics, Inc.	
Applicant Mailing Address: 55 Portland Street		Agent Phone # (include area code): (207) 856-0277	
Town/City: Portland		PROJECT Information Name of Town/City: Portland - Cushing Island	
State and Zip code: Maine 04101		Name of Wetland or Waterbody: Casco Bay	
Daytime Phone # (include area code): (207) 874-8896		Map #: 106-C	Lot #: D-32
Detailed Directions to Site: Located directly adjacent and westerly of the existing pier landing on north side of Cushing Island.			
Description of Project: Municipal boat/barge ramp to be used by the City for landing/loading Public Service's equipment, materials, and general marine use.		UTM Northing (if known): 43°38'41" N	UTM Easting (if known): 70°11'55" W
Part of a larger project? (check one) → <input checked="" type="checkbox"/> No	After the Fact? (check one) → <input checked="" type="checkbox"/> No	Check one → This project <input checked="" type="checkbox"/> does or <input type="checkbox"/> does not involve work below mean low water / average low water.	

PERMIT BY RULE (PBR) SECTIONS: (Check at least one)
I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

<input type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res.	<input type="checkbox"/> Sec. (10) Stream Crossing	<input type="checkbox"/> Sec. (17) Transfers/Permit Extension
<input type="checkbox"/> Sec. (3) Intake Pipes	<input type="checkbox"/> Sec. (11) State Transportation Facil.	<input type="checkbox"/> Sec. (18) Maintenance Dredging
<input type="checkbox"/> Sec. (4) Replacement of Structures	<input type="checkbox"/> Sec. (12) Restoration of Natural Areas	<input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat
<input type="checkbox"/> Sec. (5) REPEALED	<input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement	<input type="checkbox"/> Sec. (20) Activities in existing dev. areas located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & staging areas
<input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation	<input type="checkbox"/> Sec. (14) REPEALED	
<input type="checkbox"/> Sec. (7) Outfall Pipes	<input checked="" type="checkbox"/> Sec. (15) Public Boat Ramps	
<input type="checkbox"/> Sec. (8) Shoreline stabilization	<input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects	
<input type="checkbox"/> Sec. (9) Utility Crossing		

I have attached the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach a check for \$65 made payable to: "Treasurer, State of Maine".
- Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach Certificate of Good Standing. If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
- Attach photos of the proposed site where activity will take place as outlined in PBR Sections checked above.
- Attach all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that *this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.*

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant: [Signature] Date: 4-7-09

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

AUGUSTA DEP 17 STATE HOUSE STATION AUGUSTA, ME 04333-0017 (207)267-3901	PORTLAND DEP 312 CANCO ROAD PORTLAND, ME 04103 (207)822-6300	BANGOR DEP 106 HOGAN ROAD BANGOR, ME 04401 (207)941-4570	PRESQUE ISLE DEP 1235 CENTRAL DRIVE PRESQUE ISLE, ME 04769 (207)764-0477
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OFFICE USE ONLY	Ck.# <u>54600</u>	Date <u>4/9/09</u>	Staff <u>JM</u>	Staff	After Photos
PBR # <u>47839</u>	FP # <u>\$65.00</u>	Acc. Date <u>4/16/09</u>	Def. Date		

DEPLW0305-M2008



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

REPLY TO
 ATTENTION OF

**MAINE PROGRAMMATIC GENERAL PERMIT (PGP)
 AUTHORIZATION LETTER AND SCREENING SUMMARY**

CITY OF PORTLAND
 C/O SEBAGO TECHNICS, INC.
 P.O. BOX 1339
 WESTBROOK, MAINE 04098-1339

CORPS PERMIT # NAE-2009-00935
 CORPS PGP ID# 09-143
 STATE ID# NRPA

DESCRIPTION OF WORK:

Place concrete and stone fill below the high tide line in Spring Cove, off Cushing Island, at Portland, Maine in order to upgrade an existing informal barge landing site into both a municipal boat ramp and barge landing. Approximately 2,400 s.f. (0.055 acres) of tidal bottom will be impacted by the project. This work is shown on the attached plans entitled "CUSHING ISLAND BOAT RAMP" in 11 sheets dated "2/23/09".

LAT/LONG COORDINATES : 43.6445154° N 70.1991661° W USGS QUAD: PORTLAND EAST, ME

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 Programmatic General Permit (PGP).**

You must perform the activity authorized herein in compliance with all the terms and conditions of the PGP [including any attached Additional Conditions and any conditions placed on the State 401 Water Quality Certification including any required mitigation]. Please review the enclosed PGP carefully, including the PGP conditions beginning on page 7, to familiarize yourself with its contents. You are responsible for complying with all of the PGP 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 38 of the PGP (page 15) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the PGP on October 11, 2010. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by October 11, 2011.

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.** Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than 2 weeks before the anticipated starting date. (For projects requiring mitigation, be sure to include the MITIGATION WORK START FORM).

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:

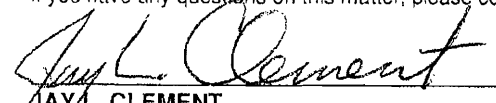
JOINT PROCESSING MEETING: 4/30/09 LEVEL OF REVIEW: CATEGORY 1: _____ CATEGORY 2: X

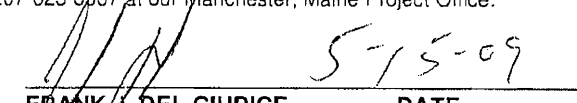
AUTHORITY (Based on a review of plans and/or State/Federal applications): SEC 10 _____, 404 _____ 10/404 X, 103 _____

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.


 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

 5-15-09
 FRANK J. DEL GIUDICE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION



**US Army Corps
of Engineers**
New England District

**PLEASE NOTE THE FOLLOWING GENERAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
NO. NAE-2009-00935**

1. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).
2. The permittee shall assure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work. If the permit is issued after construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers jurisdiction.
3. Adequate sedimentation and erosion control devices, such as geotextile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work and stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland.
4. All exposed soils resulting from the construction will be promptly seeded and mulched in order to achieve vegetative stabilization.
5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**REQUEST FOR APPROVAL
OF TIMING OF ACTIVITY
(DIF&W)**

This form is for use in obtaining approval from the **Department of Inland Fisheries and Wildlife (DIF&W)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

To be filled out by applicant: (Instructions are on the back of this form)

1. **Applicant's name:** City of Portland
Address: 55 Portland Street
Portland, ME 04101
telephone: Sebaqo Technics, Agent: 207-856-0277

2. I plan to perform the following activity (please check the appropriate box):
 Sec. 9 Utility crossings (if performed between Oct. 2 and July 14)
 Sec. 10 Stream crossings (if performed between Oct. 2 and July 14)
 Sec. 15 Public boat ramps (any location)
 Sec. 16 Activities in coastal sand dunes (moving sand between April 1 and September 1)

3. Brief description of project: [please include the name of the stream or waterbody, if known]
Construct new municipal boat ramp/barge landing in Spring Cove
on Cushing Island in Casco Bay.

4. I plan to perform this activity between the dates of July 15, 2009 and October 15, 2009
(start date) (end date)

5. I have included a map showing the location of my project.
 *[Please note that if no location map is provided, no approval will be granted by DIF&W]

6. Send completed form to the appropriate regional office of the Department of Inland Fisheries and Wildlife. A map of the regions and the regional office addresses has been attached to this form.

For agency use only:

The Department has reviewed the proposed timing of the activity identified above and:
 approves of the project's timing as proposed.
 requires that the project's timing be changed to occur between July 15, 2009 and Sept 15, 2009, with extension to Oct 1, 2009
(start date) (end date) (if necessary)

Justin Cannon Wildlife Biologist June 19, 2009
 DIF&W representative Position Date

**REQUEST FOR APPROVAL
OF TIMING OF ACTIVITY
(DMR)**

This form is for use in obtaining approval from the **Department of Marine Resources (DMR)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

To be filled out by applicant: (Instructions are on the back of this form)

1. Applicant's name: City of Portland
 Address: 55 Portland Street
Portland, ME 04101
 telephone: Sebago Technics, Agent: 207-856-0277

2. I plan to perform the following activity (please check the appropriate box):
 Sec. 3 Intake pipes (tidal waters only)
 Sec. 4 Replacement of structures (tidal waters only)
 Sec. 7 Outfall pipes (tidal waters only)
 Sec. 9 Utility crossings (any location if performed between Oct. 2 and July 14)
 Sec. 10 Stream crossings (any location if performed between Oct. 2 and July 14)
 Sec. 12 Restoration of natural areas (tidal waters only)
 Sec. 15 Public boat ramps (tidal waters only)
 Sec. 18 Maintenance dredging (tidal waters only)

3. Brief description of project: [please include the name of the stream or waterbody, if known]
Construct new municipal boat ramp/barge landing in Spring Cove on
Cushing Island in Casco Bay.

4. I plan to perform this activity between the dates of July 15, 2009 and October 15, 2009
(start date) (end date)

5. I have included a map showing the location of my project.
 *[Please note that if no location map is provided, no approval will be granted by DMR]

6. Send completed form to: DMR Environmental Coordinator
 21 State House Station, Augusta, ME 04333

For agency use only:

The Department has reviewed the proposed timing of the activity identified above and:
 approves of the project's timing as proposed.
 requires that the project's timing be changed to occur between _____ and _____
(end date) (start date)
 Other comments: _____

[Signature]
 Commissioner of DMR

6/10/09
 Date

DEPLW1999-32

BOARD OF HARBOR COMMISSIONERS PORT OF PORTLAND PERMIT-A

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To.....The City of Portland, Department of Public Services, 55 Portland Street, Portland, ME 04101.....

The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, Dated the 9th day of March 2009, for a permit authorizing the installation of boat/barge ramp to be used by the City of Portland for loading and landing of public services equipment, materials and for routine island operations.....

Having given public notice of this pending application, as required by law, and therein designated the 9th day Of April 2009, at 5:00 o'clock in the afternoon prevailing time as the time when they would meet At the South Portland City Hall, City Council Chambers to examine this issue and here all interested parties, and 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.

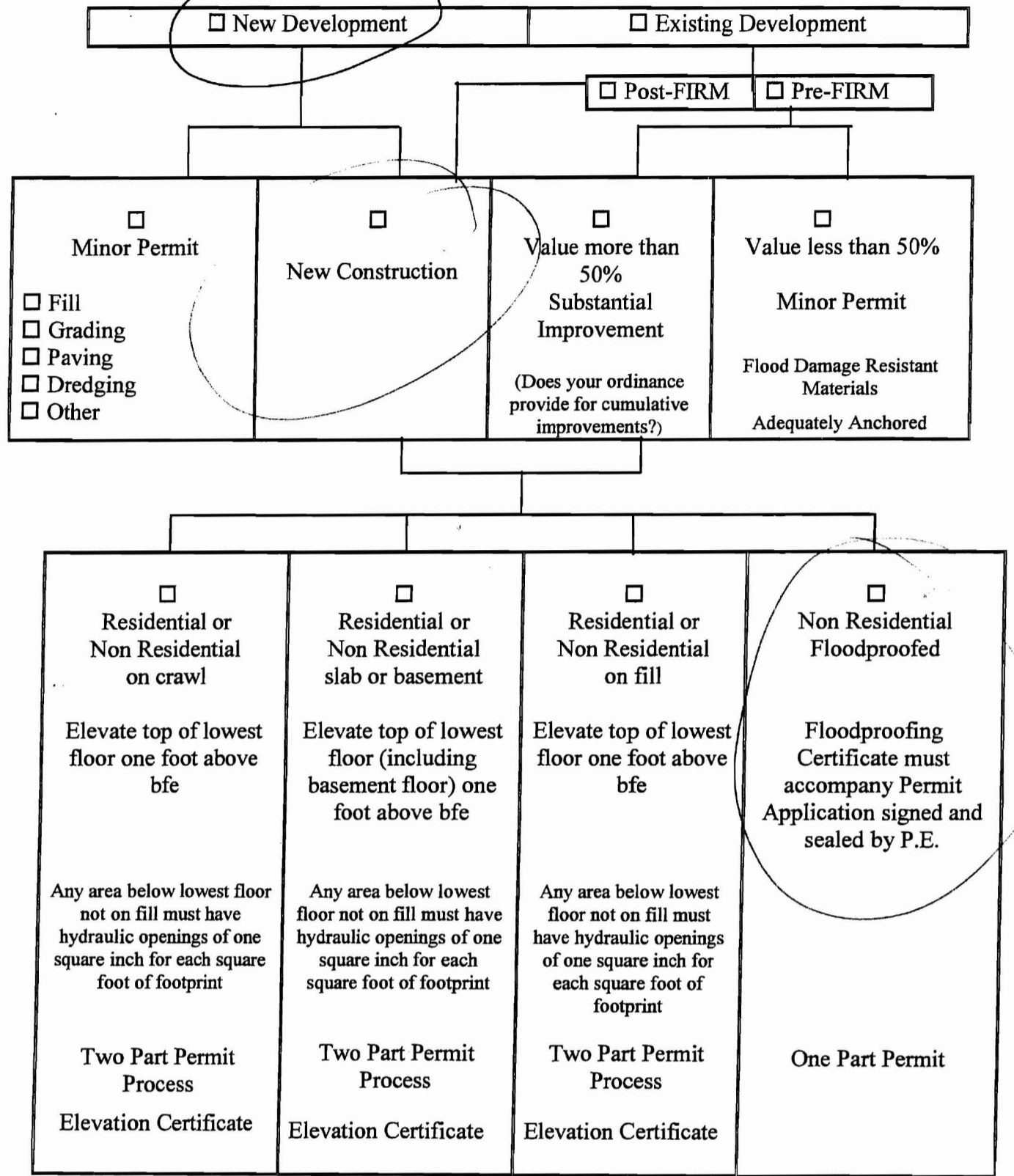
In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland hereunto set their hands and affix their corporate seal on this 9th day of April 2009.

The work authorized to this permit must be completed on or before the 9th day of April 2010.

[Handwritten Signature]
.....
By Direction
.....
.....

Board of Harbor Commissioners for the Port of Portland

A, A1-30, AE and AH Zones [Not in Floodway]



FLOOD HAZARD DEVELOPMENT APPLICATION

Portland, Maine

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

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

Owner: Cushing Associates, LLC Address: PO Box 334 DTS
Portland, ME 04112
Phone No.: _____
Applicant: Dustin Roma
Sebago Technics (ENG) Address: ONE Chabot St 04088-1339
Phone No. (207) 856-0277 PO Box 1339, Westbrook, ME
Contractor: City of Portland Address: _____
Phone No.: _____

LEGAL DESCRIPTION

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

Subdivision: _____ Lot #: _____
Tax Map: 106C-D-032 Lot #: 032
Address: Spring Cove Ave
Street/Road Name
Zip Code: Cushing Island
Town/Zip Code

General explanation of proposed development: The construction of a municipal
boat/barge landing 10' x 92'

Estimated Value of Proposed Development: \$ 100,000.00

Proposed Lowest Floor elevation [for new or substantially improved structure]: _____

OTHER PERMITS

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

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

SEWER AND WATER

Sewage Disposal: Public Private
 Existing Proposed Not Applicable Type _____
Water Supply: Public Private B-9

(This section to be completed by Municipal Official)

LOCATION

Flooding Source (name of river, pond, ocean, etc.): Ocean

- V1-30 Zone
- VE Zone
- AE Zone
- A1-30 Zone
- A Zone
- AO Zone
- AH Zone
- FRINGE
- FLOODWAY (1/2 width of floodplain in A Zone) - panel 17 zone A 4

Base Flood Elevation (bfe) at the site 6.11 NGVD [Required for New Construction or Substantial Improvement]

Lowest floor elevation of proposed or existing structure _____ NGVD [Required for New Construction or Substantial Improvement]

If proposed development is in an AE or A1-30 Zone and cross section data is available in the Flood Insurance Study, please note the nearest cross section reference letter and elevation of base flood at nearest cross section above and below the site.

Cross Section Letter	Base Flood Elevation
Above Site _____	Above Site _____
Below Site _____	Below Site _____

Basis of unnumbered A Zone bfe determination:

- From a Federal Agency: USGS USDA/NRCS USACE Other _____
- From a State Agency: MDOT Other _____
- Established by Professional Land Surveyor
- Established by Professional Engineer HEC/RAS HEC II HY 7 TR20 TR55 Quick-2
- Other _____
- Highest Known Water Level
- Other (Explain) _____

VALUE

If the development involves work on an existing structure, enter the Market Value of existing structure before improvements:

\$ _____

- New Construction or Substantial Improvement
- Minor improvement or minor addition to existing development

TYPE OF DEVELOPMENT

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

- | | | | |
|---|------------------|--|-----------------------|
| <input type="checkbox"/> 1. Residential Structure | Dimensions _____ | <input type="checkbox"/> 7. Filling ³ | Cubic Yards _____ |
| <input type="checkbox"/> 1a. New Structure | _____ | <input type="checkbox"/> 8. Dredging | _____ |
| <input type="checkbox"/> 1b. Add to Structure | _____ | <input type="checkbox"/> 9. Excavation | _____ |
| <input type="checkbox"/> 1c. Renovations/repairs/maintenance | _____ | <input type="checkbox"/> 10. Levee | _____ |
| <input type="checkbox"/> 2. Non-Residential Structure | | <input type="checkbox"/> 11. Drilling | |
| <input type="checkbox"/> 2a. New Structure | _____ | | Number of Acres _____ |
| <input type="checkbox"/> 2b. Add to Structure | _____ | <input type="checkbox"/> 12. Mining | _____ |
| <input type="checkbox"/> 2c. Renovations/repairs/maintenance | _____ | <input type="checkbox"/> 13. Dam: Water surface to be created | _____ |
| <input type="checkbox"/> 2d. Floodproofing | _____ | <input type="checkbox"/> 14. Water Course Alteration | _____ |
| <input type="checkbox"/> 3. Accessory Structure | _____ | Note: Detailed description must be attached with copies of all applicable notifications, state and federal permits. | |
| <input type="checkbox"/> 4. Functionally Dependent Use: | | <input type="checkbox"/> 15. Storage of equipment or materials | |
| <input type="checkbox"/> 4a. Dock | _____ | <input type="checkbox"/> 16. Sewage Disposal System | |
| <input type="checkbox"/> 4b. Pier | _____ | <input type="checkbox"/> 17. Water Supply System | |
| <input checked="" type="checkbox"/> 4c. Boat Ramp | <u>18' x 92'</u> | <input type="checkbox"/> 18. Other: Explain _____ | |
| <input type="checkbox"/> 4d. Other | _____ | | |
| <input type="checkbox"/> 5. Paving | _____ | | |
| <input type="checkbox"/> 6. Conditional Use (Lobster/Fish Shed seaward of mean high tide) | _____ | | |

Note: Conditional Use requires add'l. information due to specific standards, public hearing, and Planning Board review.

¹ Certain prohibitions apply in Velocity Zone

Attach a Site Plan – Drawn to scale with north arrow.

- Show property boundaries, floodway, and floodplain lines.
- Show dimensions of the lot.
- Show dimensions and location of existing and/or proposed development on the site.
- Show areas to be cut and filled.

PROVIDE

Attach Statement – describing in detail how each applicable development standard in Article VI will be met.

For New Construction or Substantial Improvement also show:

PROVIDE

- Existing and proposed grade elevations adjacent to the walls of the structure done by a Professional land Surveyor, Architect, or Engineer.
- Location and elevation of temporary elevation reference marks on the site.

Special Note:

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

Structures in Velocity Zones are not permitted on fill or excavations. Structures must be built on open foundation systems, i.e., columns, piles, posts. Certification of structural design, specifications, plans and construction methods completed by a Professional Engineer or Architect shall accompany the application as required in Article VI.L.3. of the floodplain management ordinance.

The applicant understands and agrees that:

PROVIDE

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

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

Owner: _____ Date: _____
 Signature

or

Authorized Agent: Dustin M. Row Date: 7-20-09
 Signature

(This section to be completed by Municipal Official)

Date Submitted 7/22/09 Fee Paid see permit Reviewed by CEO [Signature] Reviewed by Planning Board 6/29/2009

Permit # 09-0760 Issued by [Signature] Date 7/22/09

FLOOD HAZARD DEVELOPMENT PERMIT

PART I

Portland, Maine
(For New Construction or Substantial Improvements)

For New Construction or Substantial Improvement of any structure, this Flood Hazard Development Permit allows construction only up to the establishment of the lowest floor. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance. Once the lowest floor is established, the permittee must provide an Elevation Certificate establishing the as built lowest floor elevation. When the Code Enforcement Officer finds the documentation in the Elevation Certificate to be in compliance with the Floodplain Management Ordinance, the Part II Flood Hazard Development Permit shall be issued. The Part II Permit must be issued in order for construction to continue.

A Part I Flood Hazard Development Permit is hereby issued as provided under Article V.F. of the Floodplain Management Ordinance of Portland, Maine, for development as defined in said ordinance.

Tax Map: 106C-D Lot #: 032

Project Description: The construction of a municipal boat/barge landing 18' x 92'

The permittee understands and agrees that:

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

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

Owner: _____ Date: _____

Signature

or

Authorized Agent: Debra M. Brown Date: 7-20-09

Signature

Issued by: _____ Date: _____

Permit #: _____

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

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

Cushing Associates, Inc
BUILDING OWNER'S NAME

PO Box 334 DTS, Portland, ME 04112
STREET ADDRESS (including Apt., Unit, Suite, and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER

Spring Cove Ave -
OTHER DESCRIPTION (Lot and Block Numbers, etc.)

Cushing Island
CITY

Portland STATE: **ME** ZIP CODE: _____

FOR INSURANCE COMPANY USE
POLICY NUMBER
COMPANY NAIC NUMBER

SECTION I FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM:

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEVATION (In AO Zones, Use Depth)
230051	0017	B	December 8, 1998	A4	11.2L

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

Floodproofing Design Elevation Information:

Building is floodproofed to an elevation of **15 - LIMIT OF CONSTRUCTION** feet NGVD. (Elevation datum used must be the same as that on the FIRM.)

Height of floodproofing on the building above the lowest adjacent grade is **3** feet.

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

SECTION III CERTIFICATION (By Registered Professional Engineer or Architect)

Non-Residential Floodproofed Construction Certification:

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

- The structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation indicated above, with walls that are substantially impermeable to the passage of water.
- All structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

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

Owens A. McCullough LICENSE NUMBER (or Affix Seal): **7122**

Vice President of Engineering COMPANY NAME: **SEBAGO TECHNICAL, INC.**

PO Box 1339 CITY: **WESTBROOK** STATE: **ME** ZIP CODE: **04098**

SIGNATURE: _____ DATE: _____ PHONE: **207-856-0277**

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



Applicant: City of Portland

Date: 5/12/09

Address: Spring Cove Ave C.I.

C-B-L: 106C-D-032

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - IR-1

Interior or corner lot -

Proposed Use/Work - to erect Boat Ramp - 18' wide x 92' conditional use to TB

Sevage Disposal - N/A

Lot Street Frontage -

Front Yard -

Rear Yard - N/A

Side Yard - N/A

Projections -

Width of Lot -

Height -

Lot Area -

Lot Coverage/ Impervious Surface -

Area per Family -

Off-street Parking -

Loading Bays -

Site Plan - minor's conditional use to TB #09-79900003 14-148.5(b) 4 minor uses

Shoreland Zoning/ Stream Protection - Yes

Flood Plains - Panel 17 - Zone A-4 - DEP - Army Corps - Harbor Master's Flood proofing Certification

6/9/09 Approved by PB

Zoning Administrator Marge Schmuckal

06/02/09

This project is located within an IR-1 Zone. Municipal uses are allowed under a conditional use approval of the Planning Board. This project is also within a Shoreland Zone overlay. Shoreland Zoning allows a ramp use without having to meet a 75' setback from the High Water Line. There are several conditions listed under 14-449(b) concerning final approvals. None appear to affect the ability to complete this project.

This project is also within a Flood Hazard area as shown on Panel 17. It is located in an A-4 Flood Zone. This type of development requires 1) A Flood Hazard Development Application; 2) a Part 1 Development Permit Application; and 3) a Floodproofing Certificate. These three Flood Hazard Permit requirements are part of the Building Permit process. Before a permit is issued, These forms must be completed and returned to the Zoning Administrator.

From: Eric Giles
To: Schmuckal, Marge
Date: 6/1/2009 12:15:03 PM
Subject: Cushing Island Boat Launch

Hi Marge,

It appears the Boat Launch on Cushing Island is in the Floodplain. How do you suggest to handle? We have reviewed it for Conditional Use, Shoreland Zoning, and Minor Site Plan.

Eric Giles, AICP
Planner
City of Portland
Department of Planning and Urban Development

IR-1

Comments
5/13/09

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 09-79900003 **Application Date:** 5/11/09

Project Name: CUSHING ISLAND BOAT RAMP

Address: Spring Cove **CBL:** 106C- D-032-001

Project Description: Cushing Island Boat Ramp, Minor Site Plan; Spring Cove Avenue, Cushing Island; City Of Portland, Applicant

Zoning: IR-1

Other Reviews Required:

Review Type: MINOR SITE PLAN

5/13/09

City of Portland
Public Services

Portland Me 04101

Distribution List:

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

Preliminary Comments needed by:

Final Comments needed by:



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

Planning Division
Alexander Jaegerman, Director

JUNE 10, 2009

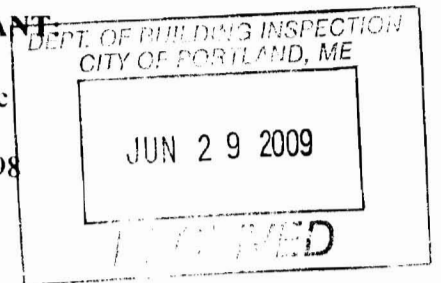
APPLICANT:

Mike Bobinsky
City of Portland
Public Services
Portland Me 04101

Cushing Associates, Inc.
P.O. Box 334 DTS
Portland, ME 04112

CONSULTANT:

Dustin M. Roma
Sebago Technics, Inc
PO Box 1339
Westbrook Me 04098



Project Name:

Cushing Island Boat Ramp, Minor Site
Plan/Conditional Use; Spring Cove
Avenue, Cushing Island; City Of Portland,
Applicant

Project ID:

09-79900003

CBL:

106C- D-032-001

Project Address:

SPRING COVE AVE, CUSHING
ISLAND

Planner

Eric Giles, AICP

Dear Mr. Bobinsky:

On **June 9, 2009**, the Portland Planning Board considered **Cushing Island Boat Ramp, Minor Site Plan/Conditional Use** for construction of a municipal boat/barge landing in Spring Cove on Cushing Island. The Planning Board reviewed the proposal for conformance with the standards of the **Conditional Use Review, Shoreland Zoning Regulations, and Site Plan Ordinance**. The Planning Board voted **4-0** to approve the application with the following motions and condition as presented below.

CONDITIONAL USE

The Planning Board voted **4-0** that the proposed plans are in conformance with the **conditional use standards** of the City of Portland Land Use Code.

SITE PLAN REVIEW

The Planning Board voted **4-0** that the plan is in conformance with the **site plan standards** of the City of Portland Land Use Code.

SHORELAND ZONING GENERAL SITE PLAN FEATURES

The Planning Board voted **4-0** that with the imposition of conditions the plan is in conformance with the **Shoreland Zoning general site plan standards** of the City of Portland Land Use Code.

i. Conditions of Approval

1. Prior to the issuance of a Building Permit the applicant shall receive an approved Flood Hazard Permit from the Zoning Administrator.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application **09-79900003** which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. The site shall be developed and maintained as depicted in the site plan and 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 the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
8. 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.)

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

If you have any questions, please contact **Eric Giles AICP** at **207-874-8723** or **egiles@portlandmaine.gov**

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #26-09
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Eric Giles, AICP Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator

Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

CUSHING ISLAND BOAT/BARGE LANDING RAMP
SPRING COVE AVE.
CONDITIONAL USE/MINOR SITE PLAN
CITY OF PORTLAND/CUSHING ASSOCIATES, INC., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine
June 9, 2009

Prepared by:

Eric Giles, AICP, Planner
June 4, 2009

I. INTRODUCTION

This is a report to the City of Portland Planning Board regarding a request for conditional use site plan approval by the City of Portland and Cushing Island Associates, Inc. The application proposes to construct a municipal boat/barge landing in Spring Cove on Cushing Island. The site plan is proposed on 11,275 sq. ft. and is being reviewed under Portland's Conditional Use, Shoreland Zoning and Site Plan Regulations. The property is located in an IR-1 Island Residential permitting boat ramps as a conditional use.

Applicant: City of Portland
Cushing Island Associates, Inc.

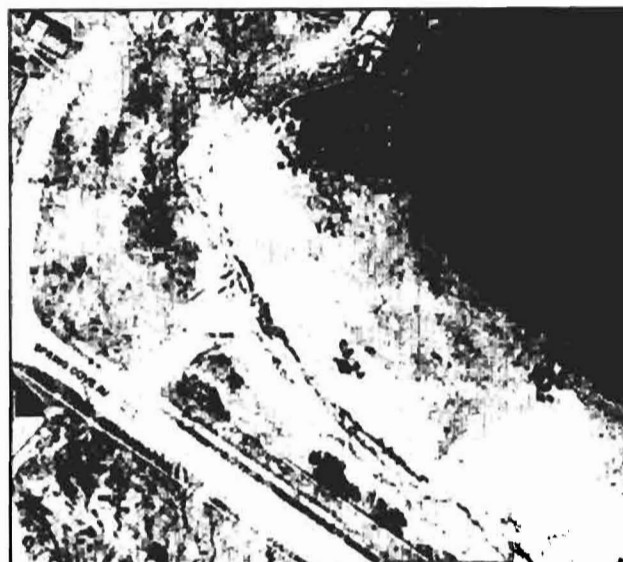
Technical Assistance: Dustin Roma, Sebago Techmes, Inc.

A. Public Notice:

91 notices were mailed announcing this Public Hearing and the legal ad appeared in the Portland Press Herald June 1 and 2, 2009. As of the writing of this report no public comment has been received.

B. Site Location:

Proposed Boat Ramp Launch



C. Existing Land Use:

The site is currently used as an informal boat launch area and gravelly beach area.

II. PROJECT DATA

Zone	IR-1 Island Residential
Site Disturbance	11,275 sq. ft.
Adjacent Zoning and Land Uses	<i>North:</i> Spring Cove
	<i>South:</i> IR-1, Single-Family Residential
	<i>East:</i> IR-1, Spring Cove Dock
	<i>West:</i> IR-1, Single-Family Residential

III. PROPOSED DEVELOPMENT

The proposed landing would be constructed westerly of the existing island pier, in a beach area that has historically been used by the city and island residents for the landing or loading of equipment and materials. The island residents also use the beach landing area to launch and load boats seasonally. The proposed landing will improve the capabilities of the Department of Public Services in providing essential municipal services to the island.

The following list summarizes the proposed boat ramp:

1. Ramp to be located in an easement area containing approximately 13,604 ft.² Easement agreement by and between City of Portland and Cushing Associates, Inc.
2. 160' long ramp from Spring Cove Ave. to intertidal zone

- a. Ramp gradient designed to meet a slope specification of 13.5%
- b. Boat ramp landing will consist of 18' wide concrete planks
- c. 7" precast concrete curbing along sides and end of ramp (optional)
- d. A bituminous paved apron connecting the ramp to Spring Cove Ave.
- e. Concrete portion of the ramp will measure approximately 92 ft. and will terminate approximately 1.6 ft. above the mean low water elevation

3. Riprap slope stabilization

- a. 3' wide solid angular ledge layered shoulders at edges of ramp

4. Re-grade side slopes beyond rip rap with excavated material from ramp construction (approximately 40 cubic yards)

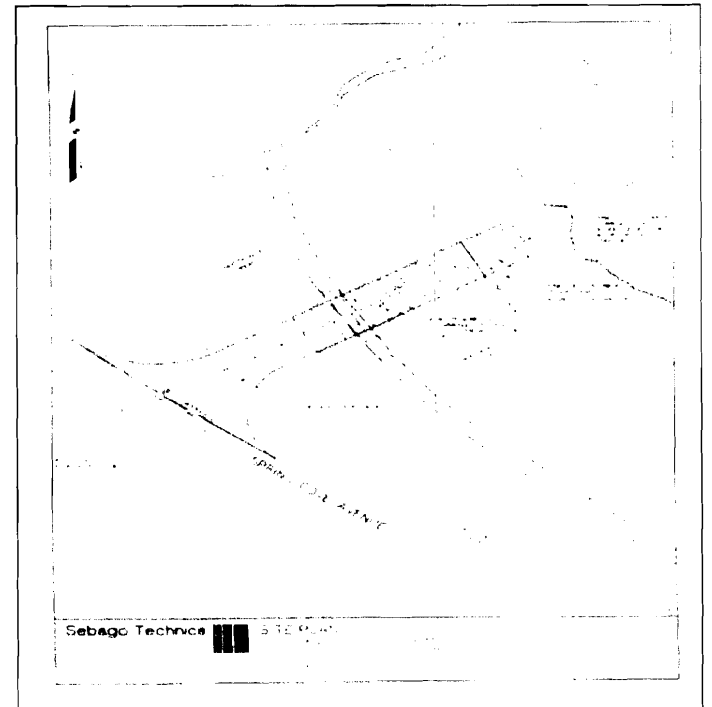
5. Install filter barrier along edges of rip rap from Spring Cove Ave. to the end of bituminous pavement on boat ramp

6. Remove existing sidewalk in front of apron area along Spring Cove Ave. and match into new pavement

7. Maintain a 25' Structural setback from northern abutting property line per Portland Harbor Commission requirement

8. Implement erosion and sedimentation control plan

Figure 1: Boat Ramp Site Plan



IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the zoning regulations and relevant review standards of the Shoreland Zoning, Conditional Use and Site Plan Regulations. Agency comments are included in the relevant sections of this report.

A. ZONING

The project site is located in the IR-1 Island Residential zoning district and the Shoreland Zoning overlay district. The project is also located in the A-4 Flood Zone of the 100-year Floodplain.

AGENCY COMMENT: Zoning, Administrator Marge Schmuckal

06/02/09 This project is located within an IR-1 Zone. Municipal uses are allowed under a conditional use approval of the Planning Board. This project is also within a Shoreland Zone overlay. Shoreland Zoning allows a ramp use without having to meet a 75' setback from the High Water Line. There are several conditions listed under 14-449(b) concerning final approvals. None appear to affect the ability to complete this project.

This project is also within a Flood Hazard area as shown on Panel 17. It is located in an A-4 Flood Zone. This type of development requires 1) A Flood Hazard Development Application; 2) a Part 1 Development Permit Application; and 3) a Floodproofing Certificate. These three Flood Hazard Permit requirements are part of the Building Permit process. Before a permit is issued, these forms must be completed and returned to the Zoning Administrator.

1. SHORELAND ZONING GENERAL SITE PLAN FEATURES

The proposed site plan will disturb area within the Shoreland Zoning 75' setback. According to Section 14-449 (m) of the City of Portland Code of Ordinances, the Planning Board shall approve a site plan located within a Shoreland Zone if it finds that the following standards, in addition to the standards set forth in Section 14-526, are met:

- a. The proposal will maintain safe and healthful conditions: The proposal will maintain a 25' structural setback from adjacent properties. The proposal will also construct rip rap along the edges of the ramp to reinforce structural stability as well as install filter barriers to minimize long term sedimentation and runoff pollution. During construction the applicant will implement Best Management Practices to minimize erosion and sedimentation. The proposal will maintain safe and healthful conditions because it implements short-term and long-term facilities to minimize pollution and ensure structural stability.

AGENCY COMMENT: Consulting Stormwater Engineer, Dan Goyette
05/29/09 - Mr. Goyette has approved the erosion control and best management practices. The proposed project is exempt from the Ch. 500 General Standards.

- b. The proposal will not result in water pollution, erosion, or sedimentation to surface water: The proposal will not result in significant water quality pollution, erosion, or sedimentation to surface water because of the minimal amount of new impervious surface and the implementation of stormwater management and soil erosion and sedimentation controls.

AGENCY COMMENT: Consulting Stormwater Engineer, Dan Goyette

05/29/09 – Mr. Goyette has approved the erosion control and best management practices. The proposed project is exempt from the Ch. 500 General Standards.

- c. The proposal will adequately provide for the disposal of all wastewater; No wastewater facilities are proposed.
- d. The proposal will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; Letters from the Maine Department of Environmental Protection (4/7/2009), Portland Board of Harbor Commissioners (4/9/2009), and the US Army Corps of Engineers (5/15/2009) authorize work to be done on the site and do not state significant wildlife habitats, rare botanical features nor any threatened or endangered species exist on the site.
- e. The proposal will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters; The proposal will conserve shoreland and provide a new point of public access to the shoreland.
- f. The proposal will protect archaeological and historic resources; A letter from the Maine Historic Preservation Office (2/4/09) concludes no adverse effect upon historic properties will result from the proposed development.
- g. The proposal will not adversely affect existing commercial fishing or maritime activities; The proposed use of the site as a public boat launch will not affect commercial fishing or maritime activities.
- h. The proposal will avoid problems associated with flood plain development and use; According to FEMA-FIRM Panel Number 230051 0015 B, the project area is determined to be within the 100-year floodplain. The Zoning Administrator has stated a Flood Hazard Permit is required prior to issuance of a building permit. The Flood Hazard Permit requirement has been attached as a condition of approval.
- i. The proposal is in conformance with the standards set forth in this section; The proposed site plan is in substantial compliance with the Land Use Standards of Sec. 14-449 (a)-(1) because an erosion and sedimentation control plan has been created in conformance with MDEP Best Management Practices, the structure can be established without creating adverse environmental impacts, no uses are proposed which discharge pollutants that will impair Spring Cove, no public utilities are proposed to be installed within the shoreland protection zone, no new parking areas are proposed, the post-construction stormwater runoff water quality control system has been approved the Dept. Public Services Consulting Stormwater Engineer, and no agriculture uses are proposed.

B. CONDITIONAL USE REVIEW

Conditional Use Standards (14-474(c)(2))

A conditional use permit shall be granted unless the board determines that:

- 1. There are unique or distinctive characteristics or effects associated with the proposed conditional use:

STAFF COMMENT: There are no unique characteristics or an effect associated with the proposed boat ramp because the site has been informally used as a boat launch and is an appropriate use on the beachfront. The site's existing contour closely

matches the design grade for the landing, which minimizes any regarding or blasting, and allows for a low profile finish grade minimizing visual appearance.

2. There will be an adverse impact upon the health, safety or welfare of the public or surrounding area; and

STAFF COMMENT: There will not be an adverse impact because the use will maintain a structural setback from adjacent properties, implement erosion and sedimentation control measures, and allow for safe water access by users.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

STAFF COMMENT: The impact from the proposed use is not substantially different from the impact which would normally occur because water access facilities are a use that would normally occur on the beachfront.

Conditional Use Standards (14-183(a)(b))

In addition to the Conditional Use Standards set forth in Sec. 14-474 and the requirements of Article V Site Plan Ordinance, the applicant shall comply with the following:

1. Signs: Signs shall not adversely affect visibility at intersections or access drives.

STAFF COMMENT: The applicant does not propose to construct new signage at any intersection or along Spring Cove Ave.

2. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

STAFF COMMENT: The proposed point of ingress and egress for launching boats are not in proximity to the uses listed above.

C. SITE PLAN REVIEW

The proposed site plan has been reviewed by staff for conformance with Article V of the Site Plan Ordinance.

1. Effects on Traffic and Safety (14-526 (a)(1)(2))

The proposed development will accommodate the loading of boats into and out of Spring Cove. The proposed bituminous paved apron connecting the ramp to Spring Cove Ave. will accommodate the safe loading and unloading of boats. No impact on vehicular traffic and safety is anticipated as a result due to the low-intensity use of the site.

2. Natural Resources Impact (14-526 (a)(8)(20)(21))

The applicant has received letters from the Maine Department of Environmental Protection (4/7/2009), Portland Board of Harbor Commissioners (4/9/2009), and the US Army Corps of Engineers (5/15/2009) authorizing work to be done on the site and do not state significant wildlife habitats, rare botanical features nor any threatened or endangered species exist on the site.

- i. *Stormwater Management*: The applicant proposes to install Maine Best Management Practices for soil erosion and sedimentation control during construction. The implementation of BMPs satisfies the Basic Standards for Ch. 500. The applicant also proposes to install a filter barrier along the edges of rip rap from Spring Cove Ave. to the end of the bituminous pavement on the boat ramp for post-construction sedimentation control.

AGENCY COMMENT: Consulting Stormwater Engineer, Dan Goyette
05/29/09 - Mr. Goyette has approved the erosion control and best management practices. The proposed project is exempt from the Ch. 500 General Standards.

3. *Public Facilities Impact (14-526 (a)(5)(10)(11))*

No impact to existing public infrastructure including utility lines are anticipated. The project provides a more stable and permanent boat/barge landing ramp for Cushing Island. This ramp is important for deliveries and services on the island including maintenance, solid waste service and other public and private functions. As such, it is an extension of public infrastructure necessary to serve the island.

AGENCY COMMENT: Deputy City Engineer David Margolis-Pineo
05/29/2009 - DPS has no comments.

4. *Landscaping, Existing Vegetation, and Open Space (14-526 (a)(6)(7))*

Due to the fact the boat launch site will be located on an open beach front, no landscaping facilities are necessary as the proposed use will maintain the open space character of the site.

5. *Historic Resources (14-526 (a)(18))*

A letter from the Maine Historic Preservation Office (2/4/09) concludes no adverse effect upon historic properties will result from the proposed development.

6. *View Corridors (14-526 (a)(19))*

The site plan is not mapped or located within a view corridor as defined by the View Corridor Protection Plan and therefore, does not substantially obstruct those public views to landmarks and natural features.

7. *Signage (14-526 (a)(22))*

The applicant is not providing any new signage which are subject to a sign permit.

V. STAFF RECOMMENDATION

Staff recommends the City of Portland Planning Board adopt Staff Report #26-09 as findings of fact and approve the Cushing Boat/Barge Landing Ramp with the imposition of conditions.

VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #26-09 relevant to standards for Shoreland Zoning, Conditional Use and Site Plan, and other findings as follows:

1. The Planning Board finds that the plan (*is/is not*) in conformance with the site plan standards of the City of Portland Land Use Code.
2. The Planning Board finds that the plan (*is/is not*) in conformance with the conditional use standards of the City of Portland Land Use Code.

3. The Planning Board finds that with the imposition of conditions the plan (*is/is not*) in conformance with the Shoreland Zoning general site plan standards of the City of Portland Land Use Code.

1. Conditions of Approval

1. Prior to the issuance of a Building Permit the applicant shall receive an approved Flood Hazard Permit from the Zoning Administrator.

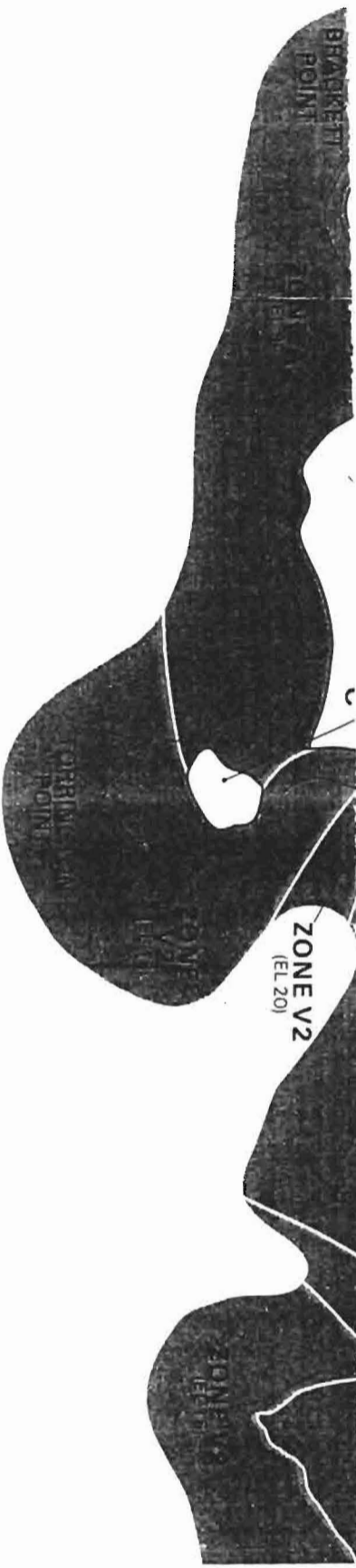
Attachments:

Planning Board Report Attachments

1. Maine Historic Preservation Commission 2/4/09
2. MDEP Permit By Rule Notification 4/9/09
3. Board of Harbor Commissioners Port of Portland 4/9/09
4. Army Corps of Engineers Approval Letter 5/15/09

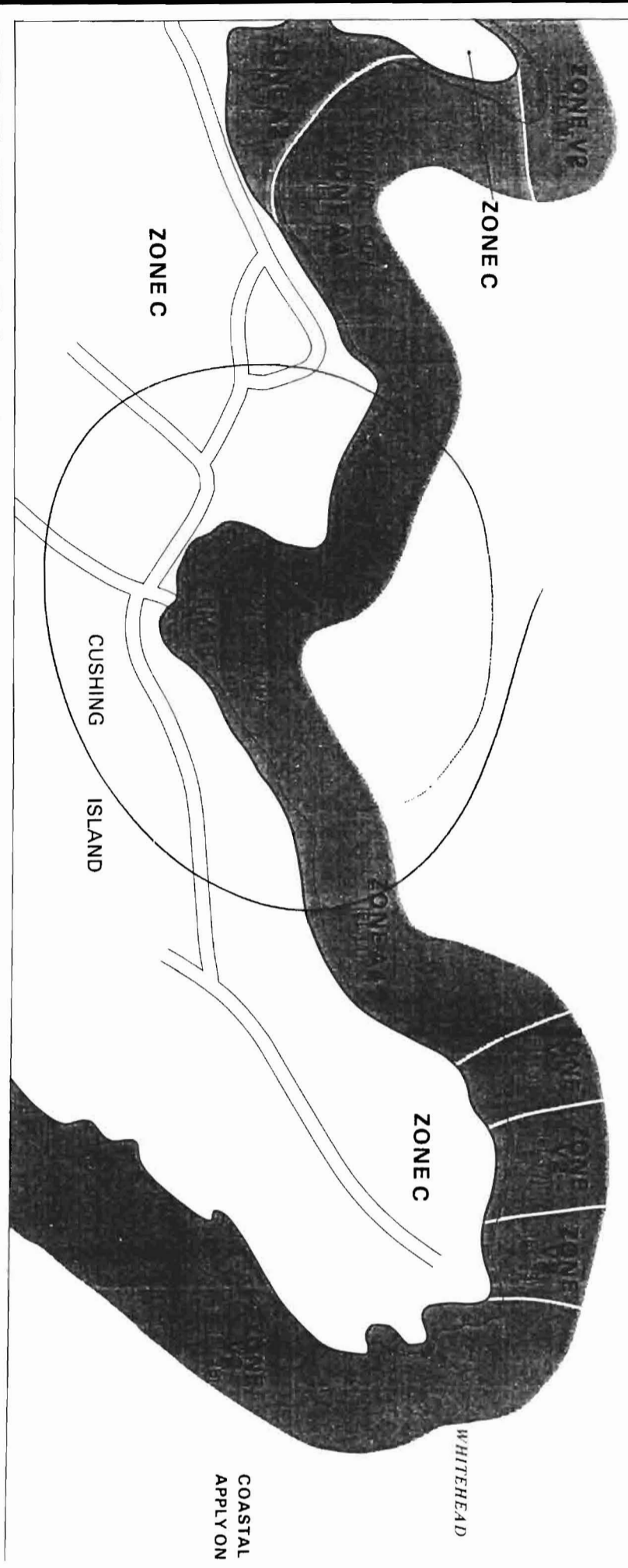
A. Applicant's Submittal

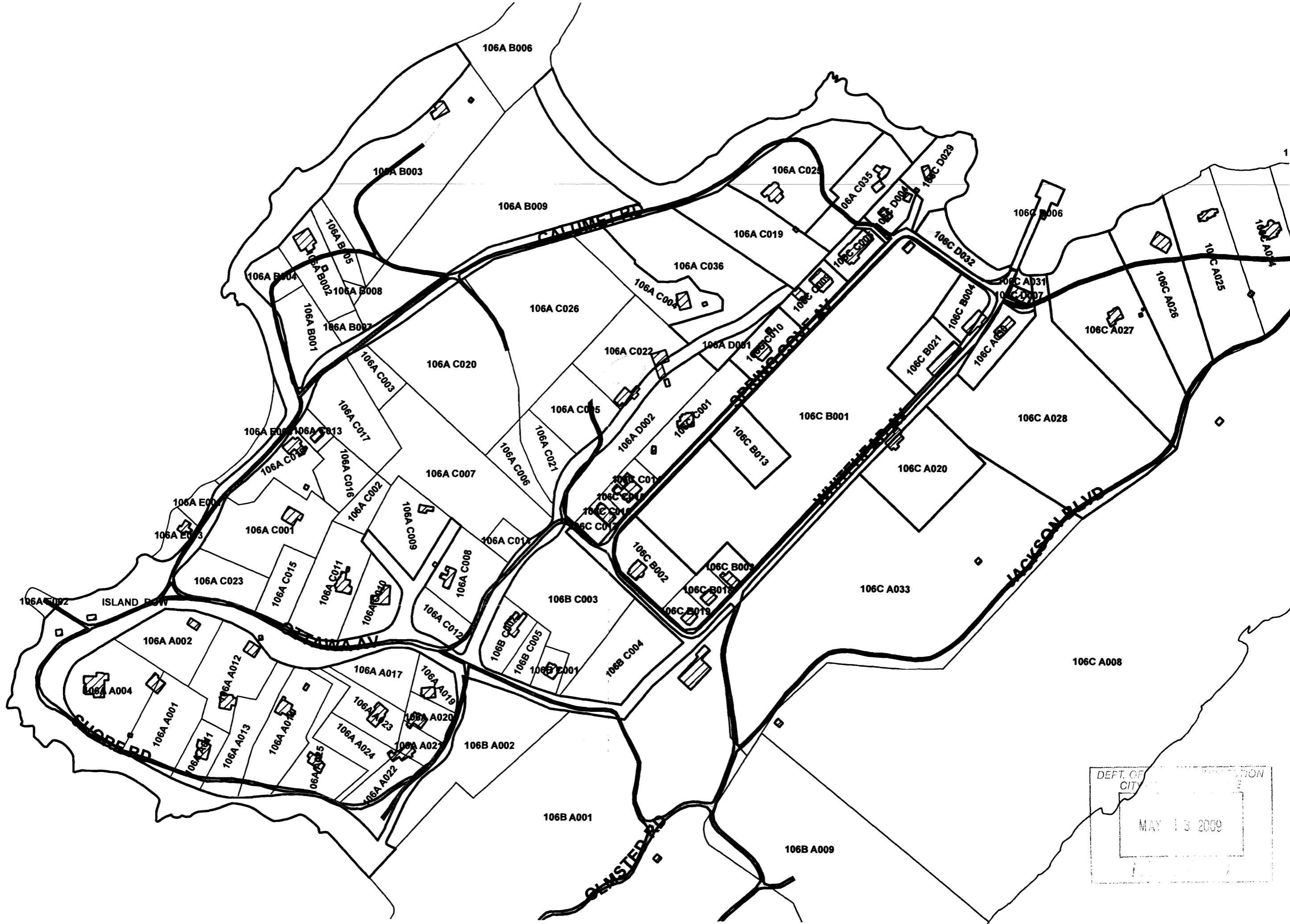
1. Application 5/6/09



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