



LESTER S. BERRY
WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

May 23, 2013

Bill Bullard
Maine DEP
312 Canco Road
Portland, Me. 04101

Re: Revised NRPA Permit
Chabad Lubavitch of Maine Inc.

Dear Bill;

I am enclosing a copy of the NRPA permit L-22414-TB-A-N assigned to this site dated August 17, 2005. This permit was for a larger wetland impact and with our redesign this will be reduced.

We are preparing a new permit which will be an amendment to the previous reference permit. The amended permit is for 9,980 square feet of wetland associated with an access drive and associated drainage swales.

Please find enclosed copies of the amended NRPA permit and the amended site plans with the required submission fees.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Thompson".

William A. Thompson
Project Manager

cc: Rabbi Wilansky

**ATTACHMENTS FOR A TIER 1 NATURAL RESOURCES PROTECTION ACT
PERMIT**

For a Tier 1 permit application follow the general instructions on pages 4 to 8 (green) and in addition, submit the following information with the yellow application form and signature page.

- A check for the correct fee. Use the current fee schedule to determine fee or see current fee schedule.
- The appropriate United States Geological Survey Map (U.S.G.S. topography map, 7 1/2 minute if available) or the Maine Atlas and Gazetteer with the activity location clearly marked and labeled on the map. A photocopy of the applicable portion of the topography map is sufficient provided it is clear and readable.
- A copy of the documentation substantiating the applicant's title, right or interest in the project site.
- A description of the project and a top view drawing showing the area of freshwater wetland to be filled or otherwise altered; areas of any marsh or open water within the freshwater wetland being altered; and surface water bodies within 75 feet of the proposed alteration. All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the date prepared. Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper which are clear, legible and reproducible.
- Color photos showing the wetland in the activity area. Label each photo with the applicant's name, town where the activity is located, and the date taken.
- Avoidance or Minimization:
 1. Avoidance: Each applicant must provide a statement that indicates that the alteration of freshwater wetlands on the property has been avoided to the extent feasible considering cost, existing technology and logistics based on overall purpose of the project. Determining whether an alternative exists includes: use of other sites; reducing the size, scope, configuration or density of activity; developing alternative activity designs; and demonstrating the need for the proposed alternative.
 2. Minimization: The applicant must demonstrate that the area of wetland to be altered will be limited to the minimum amount necessary to complete the project. Include in the statement a discussion about how the project was designed to reduce wetland impacts (e.g. 2:1 sideslopes on fill instead of 3:1).
- As a requirement of the Corps only, a copy of this application, including attachments, must be sent to the Maine Historic Preservation Commission (MHPC) before, or at the same time, the application is filed with the DEP. The applicant should submit a copy of the cover letter sent to the MHPC or a signed statement that this has been done. The address is: MHPC, 65 State House Station, Augusta, ME 04333-0065.
- Submit two (2) copies of the application and all attachments to the DEP.** Be sure to retain a copy of the application for your records. **If you submit a copy directly to the Corps, indicate that in your application.**
- Submit a copy of the application and all attachments to the municipality.**

(yellow)

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

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

1. Name of Applicant:		Chabad Lubavitch of Maine Inc.		5. Name of Agent:		Windsor Construction c/o John Ponzetti	
2. Applicant's Mailing Address:		101 Craigie St. Portland, Me.		1. Agent's Mailing Address:		198 Saco Avenue Old Orchard Beach, Me.	
2. Applicant's Daytime Phone #:		207 871-8947		8. Agent's Daytime Phone #:		207 934-7622 x24	
4. Applicant's Email Address: Required from either applicant or agent:			8. Agent's E-mail Address:			jp-windsor@hotmail.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		Pomeroy Street		10. Town:		Portland	
				11. County:		Cumberland	
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Isolated Wetland	
				14. Amount of Impact: (Sq.Ft.)		Fill: 9,980 s.f.	
						Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS			
		<i>Tier 1</i>		<i>Tier 2</i>		<i>Tier 3</i>	
		<input type="checkbox"/> 0 - 4,999 sq ft. <input checked="" type="checkbox"/> 5,000-9,999 sq ft. <input type="checkbox"/> 10,000-14,999 sq ft.		<input type="checkbox"/> 15,000 – 43,560 sq. ft.		<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1	
16. Brief Activity Description		Construction of 200 feet of Pomeroy Street and an access drive for a single family house.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> <u>2.02</u> acres					
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book#: 6258 Page: 53		20. Map and Lot Numbers:		Map #: 193 Lot# 19 block F	
21. DEP Staff Previously Contacted:		Bill Bullard		22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?		<input checked="" type="checkbox"/> Yes → <input type="checkbox"/> No		If yes, previous application # L-22414-TB-A-N		Previous project manager: Bill Bullard	
24. Written Notice of Violation?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		Capisic Street to Bancroft Street turn right onto Bancroft Street, entrance to Pomeroy Street 900' on right.					
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS					
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required			
28. FEES Amount Enclosed:		\$75.00					
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2							

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

William A. Nguyen for Applicant
 SIGNATURE OF AGENT/APPLICANT

Date: 5/23/13

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

(yellow)



17 State House Station
Augusta, ME 04333

IN THE MATTER OF

CHABAD LUBAVITCH OF MAINE INC
Portland, Cumberland County
HOUSE AND CHAPEL ACCESS DRIVE
L-22414-TB-A-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 13,028 square feet of forested wetland to construct a project located off Pomeroy Street in the City of Portland. The project consists of a residence with attached chapel, access drive and stormwater detention pond. On-site impacts include 4,713 square feet of wetland fill associated with construction of portions of the access drive and detention pond. The parcel is situated off the westerly side of Pomeroy Street, a road previously approved by the City but never constructed.

According to a letter dated August 10, 2005, from City Planner Ethan Boxer-Macomber, the City of Portland's Land Use Code requires any developer of a lot located on an unimproved City street to construct that street to City standards along the entirety of their site's frontage. As such, the applicant is required to impact an additional 8,315 square feet of forested wetland to construct Pomeroy Street to City standards. Total proposed impacts for the project are 13,028 square feet. The project is shown on a plan entitled, "Site Plan - Land of Chabad Lubavitch of Maine Inc." drawn by BH2M and dated March 2004. Wetland impacts were reduced to the current total after site visit by Department staff and subsequent discussions with the applicant's agent. Details of the revised plans are outlined in a memo from BH2M dated June 30, 2005.

Permit for:	<input checked="" type="checkbox"/> Tier 1
DEP Decision:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
CORPS Action:	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, Corps approval is required for your project. For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

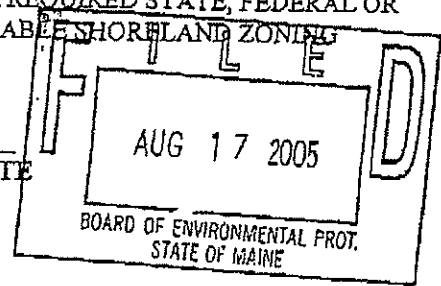
- 1) If construction or operation of the activity is not begun within two (2) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.
- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.
- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

Please note the attached sheet for guidance on appeal procedures.

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.

DAWN R. GALLAGHER, COMMISSIONER

8/16/05
DATE



Date of initial application June 14, 2005
Date application accepted for processing June 25, 2005
Date filed with Board of Environmental Protection
VB/ATS#55224/L22414AN

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that MOSHE WILANSKY and CHANA WILANSKY of Portland, Maine, for consideration paid, GRANTS TO CHABAD LUBAVITCH OF MAINE, INC., a Maine non-profit corporation whose mailing address is 101 Craigie Street, Portland, ME 04102, with WARRANTY COVENANTS, the premises situated in the City of Portland, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land located on the southwesterly sideline of Pomeroy Street, so-called, in the City of Portland, County of Cumberland and State of Maine; said parcel being more particularly described as follows:

Beginning at an 1/2" iron rod found on the southwesterly sideline of said Pomeroy Street at the southeasterly corner of land now or formerly of Kriston Briggs;

Thence South 46° 11' 30" East along the southwesterly sideline of said Pomeroy Street a distance of 269.44 feet to a capped iron rod found (PLS #1278) and the northerly sideline of Motley Street, so-called;

Thence South 71° 08' 30" West along the northerly sideline of said Motley Street a distance of 58.71 feet to a point;

Thence in a general southwesterly direction along the northerly sideline of said Motley Street and along a circular curve to the left, circumscribed by a radius of 218.81 feet, an arc length of 44.47 feet to a capped iron rod found (PLS #1278) and land now or formerly of Joshua James and Tamara Rainsford Krieger; said capped iron rod found being South 65° 19' 13" West a tie distance of 44.39 feet from said previous capped iron rod found;

Thence North 34° 26' 02" West along the land of said Krieger a distance of 86.47 feet to a capped 5/8" iron rod found (PLS #1172);

Thence South 38° 44' 24" West along the land of said Krieger, along land now or formerly of the Redlon Park Homeowner's Association, and along land now or formerly of Nancy A. Roy a distance of 350.00 feet to a point and remaining land of Stuart B. Herrick, Jr.;

Thence North 28° 05' 22" West along the remaining land of Stuart B. Herrick, Jr. a distance of 286.03 feet to a point and land now or formerly of Thomas and Melody Lussier;

Thence North 60° 18' 30" East along the land of said Lussier, along land now or formerly of Roger and Donna Gendron, along land now or formerly of Jean Gilpatrick and along land of said Briggs a distance of 350.00 feet to the point of beginning.

The above-described parcel contains 87,924 square feet. All bearings refer to Magnetic North as observed in 1973.

Reference is made to an unrecorded plan entitled Plan of Property, Bancroft Street, Portland, Maine, dated July 31, 1986, by R.P. Titcomb Associates, Inc. (Job #8660), as revised by unrecorded plan entitled Standard Boundary Survey and existing Conditions Plan for Stuart B. Herrick, Jr., dated March 2004, by BH2M (Job #03217).

Being the same premises conveyed to the Grantors herein by Warranty Deed of Stuart B. Herrick, Jr. dated May 28, 2004 and recorded in the Cumberland County Registry of Deeds at Book 21341, Page 37.

IN WITNESS WHEREOF, the said Moshe Wilansky and Chana Wilansky have caused this instrument to be signed and sealed on June 15, 2004.

[Signature]
Witness

[Signature]
Moshe Wilansky

to both
Witness

[Signature]
Chana Wilansky

State of Maine
Cumberland, ss.

June 15, 2004

Then personally appeared the above-named Moshe Wilansky and/or Chana Wilansky and acknowledged the foregoing instrument to be his/her/their free act and deed.

Before me,

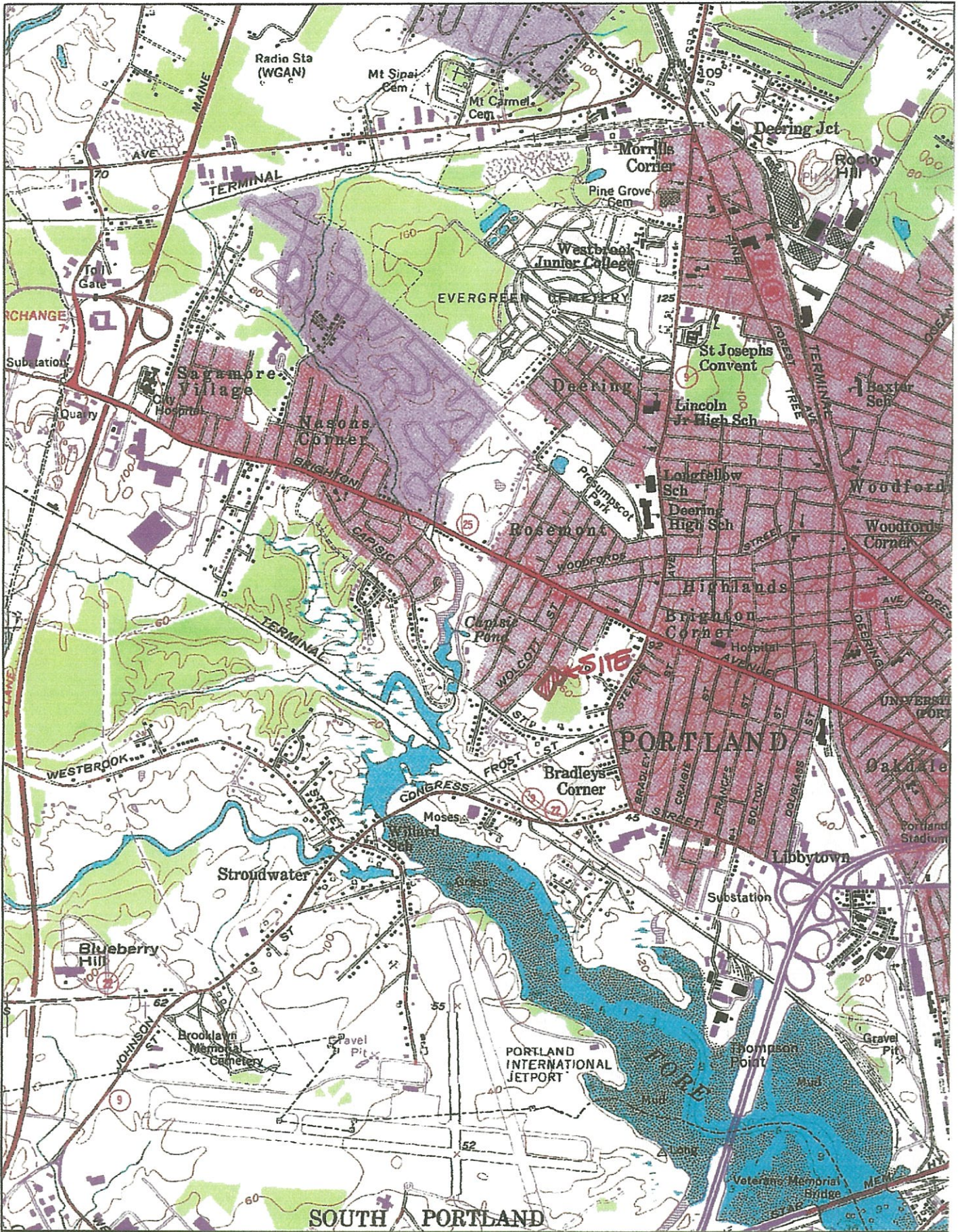
[Signature]
Notary Public, State of Maine

SEAL

Print Name: Karen Belton

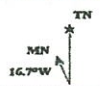
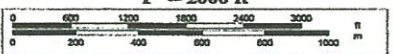
My commission expires 08/26/06

Received
Recorded Registrar of Deeds
Jun 16 2004 11:22:23A
Cumberland County
John E O'Brien



© 2002 DeLorme. XMap® 3.5. Data copyright of content owner.
 Zoom Level: 13-1 Datum: WGS84

Scale 1 : 24,000
 1" = 2000 ft



Avoidance & Minimization

NRPA Tier 1

Wetland Alteration

City of Portland – Pomeroy Street

1. Avoidance – The proposed construction of Pomeroy Street is being done utilizing an existing 50-foot city right-of-way, which is currently a “paper” street.

The construction of this road will eliminate sidewalk and esplanade from both sides of the roadway thus narrowing up the fill limits through the wetlands area. We have also offset the 28’ roadway from the centerline of the right-of-way.

The construction of this roadway is required to access the house site. This roadway is the only legal frontage for the residential lot.

2. Minimization – Based on our design change listed above this will result in a reduction of the wetland area being disturbed for the new roadway to 2,606 square feet.

Avoidance & Minimization

NRPA Tier 1

Wetland Alteration

Chabad Lubavitch of Maine, Inc.

1. Avoidance – The City has allowed us to reduce the driveway width from 16' to 10'. In addition to the driveway access, our site grading has been reduced as much as possible. We have moved our stormwater improvements as far up-gradient as possible.
2. Minimization – The entire wetland fill area on-site is 7,374 s.f. All slopes are 2:1 and we have a smaller parking area near the house to help minimize the wetland impacts. We have also eliminated the on-site detention area which will also reduce the impact.

EX. CD
Rim 57.73
8" Inv. In 53.81
8" Inv. Out 53.63

EX. SMIT
Rim 59.20
10" Inv. In 50.47
12" Inv. In 50.30
Stub In 50.05
18" Inv. Out 49.80

PHOTO 1

INV. IN=54.58

STREET LIGHT TYP.
SEE DETAIL

TEST PIT REQ'D.

STOP LINE
PAVEMENT
MARKING

8" SAN. SEWER

WETLAND IMPACT #1
2466 S.F.

PHOTO 4

TAPPING SLEEVE &
GATE VALVE

STREET/STOP SIGN

INV. IN=56.14

STREET TREES, TYP.

CURTAIN DRAIN
L=234, S=0.03'/
W/ 6" PERF. PIP

8" D.I. WATERMAIN

UNDERGROUND EL
CABLE TV & TELE

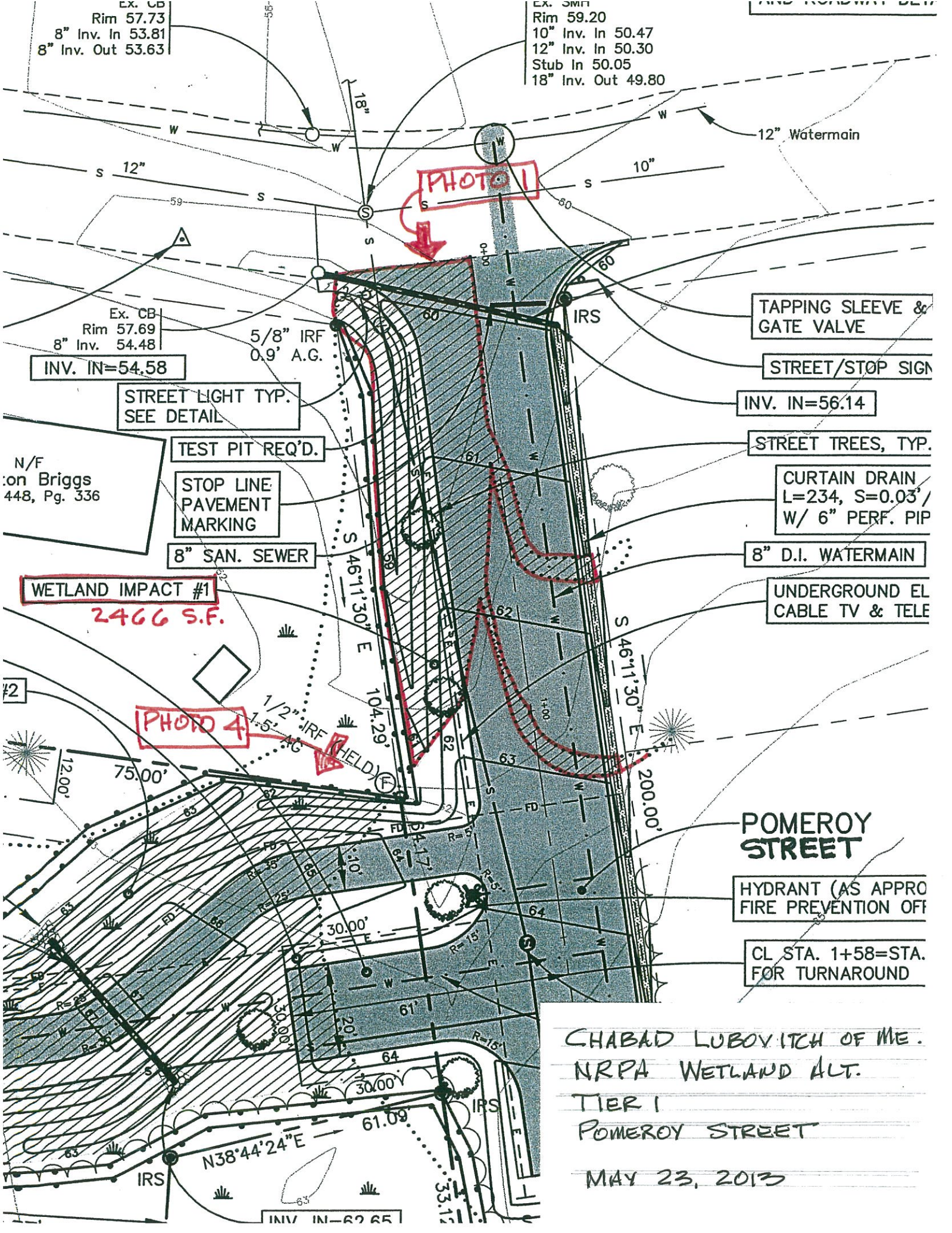
**POMEROY
STREET**

HYDRANT (AS APPRO
FIRE PREVENTION OFF

CL STA. 1+58=STA.
FOR TURNAROUND

CHABAD LUBOVITCH OF ME.
NRPA WETLAND ALT.
TIER I
POMEROY STREET

MAY 23, 2013



WETLAND IMPACT #2

5486 S.F.

INV. OUT=62.45

18" SD
L=41.00'
S=0.005'/FT.

BIT. DRIVE

WETLAND IMPACT #4

50 S.F.

6" SAN. SEWER SERVICE

OUTSALE
TO
SQUARE ONE
CONSTRUCTION, INC.
14,103 S.F.

PHOTO 6

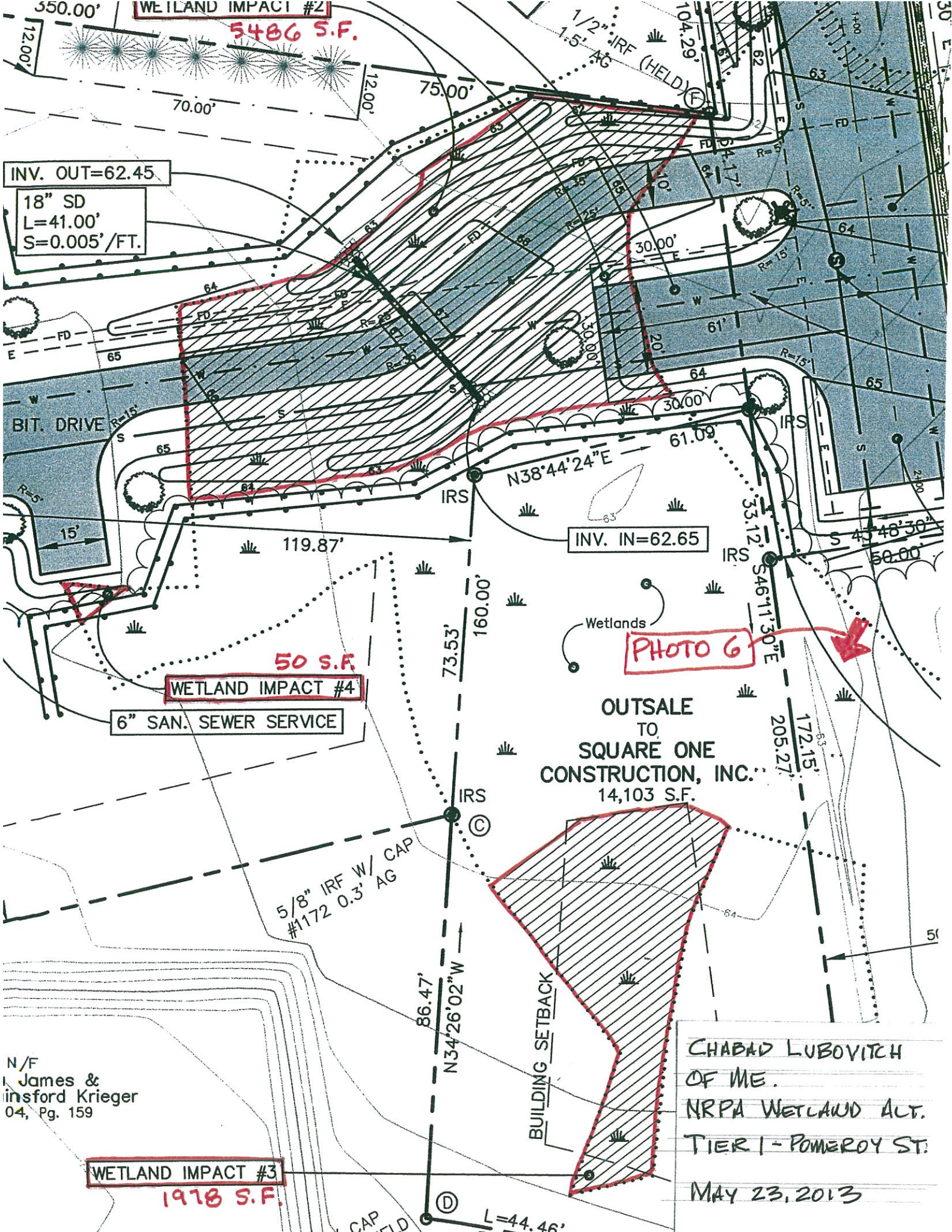
BUILDING SETBACK

WETLAND IMPACT #3

1978 S.F.

CHABAD LUBOVITCH
OF ME.
NRPA WETLAND ACT.
TIER I - POMEROY ST.
MAY 23, 2013

N/F
James &
insford Krieger
04, Pg. 159





LOOKING S.E.

PHOTO # 1
CITY OF PORTLAND
NRPA
WETLAND ALTERATION
POMEROY STREET
CONSTRUCTION
4/28/13



LOOKING S.E.

PHOTO #4
CHABAD LUBOVITCH
NRPA
WETLAND
ALTERATION
4/28/13



LOOKING S.E.

PHOTO # 6
CITY OF PORTLAND
NRPA
WETLAND ALTERATION
POMEROY STREET
CONSTRUCTION
4/28/13



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

LESTER S. BERRY
WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY

May 23, 2013

Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, Me. 04333

Re: NRPA Tier 1 Permit
Wetland Alterations

Dear MHPC;

As a requirement of the Maine Department of Environmental Protection's NRPA Permit process, we are enclosing a copy of our application.

This application is for wetland alterations in the City right-of-way of Pomeroy Street (a paper street) and for the access drive off Pomeroy Street to serve the proposed residential project.

If during your review you required additional information, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Thompson", written in a cursive style.

William A. Thompson
Project Manager

Encl.