



# Administrative Authorization Application

Portland, Maine

Planning and Urban Development Department, Planning Division

**PROJECT NAME:** Capisic Pond Erosion Control - 212 Capisic Street, Portland, Maine

**PROJECT ADDRESS:** 212 Capisic Street, Portland, Maine CHART/BLOCK/LOT: 223 B015

**APPLICATION FEE:** \_\_\_\_\_ (\$50.00)

**PROJECT DESCRIPTION:** (Please Attach Sketch/Plan of the Proposal/Development)

## Existing Conditions

Capisic Pond and the Capisic Brook watershed have received considerable attention and study in the last 20 years. Reports which have been prepared from this attention include the Capisic Brook Greenbelt/ Stormwater Abatement Study of 1996, the Capisic Brook Watershed Flood Control Study Re-evaluation of 1999 and the Capisic Brook Greenway Master Plan of 2001. Each report details specific suggestions to further enhance the watershed whether being flood control or a healthy natural environment.

One of the projects identified for flood control involved the replacement of the Capisic Street culvert. In 2003, the City undertook this project to increase the flow capacity of the culvert. During the design and construction implementation, the alignment of the culvert was changed slightly away from its previous alignment. This resulted in a re-direction of water as it passes through the culvert and thus has created a situation of erosion along the driveway owned by Mrs. Eleanor Smith at 212 Capisic Street, Portland, Maine.

Capisic Pond is identified as an Inland Wading Waterfowl Habitat by the Maine Department of Inland Fisheries and Wildlife and has been document as a wetland on several occasions. For the purposes of this application it is assumed that any disturbance within the pond will be considered for wetland impacts. The City received the

## Proposed Construction

After discussion with the owner and Robert Green of the Maine Department of Environmental Protection, it has been decided that a rip-rap apron along the shoreline impacted by the alteration of flow direction would be the most effective solution.

The intent is to remove vegetation for access, place gravels to fill the existing embankment voids and create a uniform banking, install a geotextile separation fabric and then place 24 inch riprap along an approximate 80 foot length of shoreline. The riprap will extend approximately 6 feet from the toe of slope for a square foot impact of 480 square feet.

## CONTACT INFORMATION:

### OWNER/APPLICANT

**Name:** Brad Roland  
Portland Public Services  
**Address:** 55 Portland Street  
Portland, ME 04101  
**Work #:** 207-874-8846  
**Cell #:** \_\_\_\_\_  
**Fax #:** 207-874-8852

### CONSULTANT/AGENT

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
\_\_\_\_\_  
**Work #:** \_\_\_\_\_  
**Cell #:** \_\_\_\_\_  
**Fax #:** \_\_\_\_\_

Home #: \_\_\_\_\_

Home #: \_\_\_\_\_

E-mail: **brad@portlandmaine.gov**

E-mail: \_\_\_\_\_

**Criteria for an Administrative Authorizations:**  
(see section 14-523(4) on pg .2 of this appl.)

**Applicant's Assessment Planning Division**  
Y(yes), N(no), N/A                      Y(yes), N(no), N/A

- a) Is the proposal within existing structures?                       NA                      \_\_\_\_\_
- b) Are there any new buildings, additions, or demolitions?                       NA                      \_\_\_\_\_
- c) Is the footprint increase less than 500 sq. ft.?                       NA                      \_\_\_\_\_
- d) Are there any new curb cuts, driveways or parking areas?                       NA                      \_\_\_\_\_
- e) Are the curbs and sidewalks in sound condition?                       NA                      \_\_\_\_\_
- f) Do the curbs and sidewalks comply with ADA?                       NA                      \_\_\_\_\_
- g) Is there any additional parking?                       No                      \_\_\_\_\_
- h) Is there an increase in traffic?                       No                      \_\_\_\_\_
- i) Are there any known stormwater problems?                       Yes – Erosion Control Required
- j) Does sufficient property screening exist?                       NA                      \_\_\_\_\_
- k) Are there adequate utilities?                       NA                      \_\_\_\_\_
- l) Are there any zoning violations?                       No                      \_\_\_\_\_
- m) Is an emergency generator located to minimize noise?                       No                      \_\_\_\_\_
- n) Are there any noise, vibration, glare, fumes or other impacts?                       Yes- Temporary for construction

**Signature of Applicant:**

*Bradley A. Roland*

**Date:**

June 20 , 2011

**Planning Division Use Only**      Authorization Granted       Partial Exemption       Exemption Denied

**Standard Condition of Approval:** The applicant shall obtain all required City Permits, including building permits from the Inspection Division (Room 315, City Hall (874-8703)) prior to the start of any construction.

Planner's Signature *Barbara Bachlytt*                      Date *July 1, 2011*

**IMPORTANT NOTICE TO APPLICANT:** The granting of an Administrative Authorization to exempt a development from site plan review does not exempt this proposal from other approvals or permits, nor is it an authorization for construction. You should first check with the Building Inspections Office, Room 315, City Hall (207)874-8703, to determine what other City permits, such as a building permit, will be required.

**PROVISION OF PORTLAND CITY CODE  
14-523 (SITE PLAN ORDINANCE)  
RE: Administrative Authorization**

**Sec. 14-523 (b). Applicability**

No person shall undertake any development identified in Section 14-523 without obtaining a site plan improvement permit under this article. (c) Administrative Authorization. Administrative Authorization means the Planning Authority may grant administrative authorization to exempt a development proposal from complete or partial site plan review that meets the standards below, as demonstrated by the applicant.

1. The proposed development will be located within existing structures, and there will be no new buildings, demolitions, or building additions other than those permitted by subsection b of this section;
2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;

3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;
4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the public works authority, with granite curb with at least four (4) inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;
5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;
6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;
7. There are no evident deficiencies in existing screening from adjoining properties; and
8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the public right-of-way.
9. There are no current zoning violations;
10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and
11. There is no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.

- a. **Filing the Application.** An applicant seeking an administrative authorization under this subsection shall submit an administrative authorization application for review, detailing the site plan with dimensions of proposed improvements and distances from all property lines, and stating that the proposal meets all of the provisions in standards 1-11 of Section 14-423 (b)1. **The application must be accompanied by an application fee of \$50.**
- b. **Review.** Upon receipt of such a complete application, the Planning Authority will process it and render a written decision of approval, approval with conditions or denial, with all associated findings.
- c. **Decision.** If a full administrative authorization is granted, the application shall be approved without further review under this article, and no performance guarantee shall be required. In the event that the Planning Authority determines that standards a and b of Section 14-523 (b) (1) and at least four (4) of the remaining standards have been met, the Planning Authority shall review the site plan according to all applicable review standards of Section 14-526 that are affected by the standards in this subsection that have not been met. If an exemption or partial exemption from site plan review is not granted, the applicant must submit a site plan application that will undergo a full review by the Planning Board or Planning Authority according to the standards of Section 14-526.

**Criteria for an Administrative Authorizations:**  
 (See Section 14-523 (4) on page 2 of this application)

**Applicant's Assessment**  
 Y(yes), N(no), N/A

**Planning Division**  
 Use Only

a) Is the proposal within existing structures?	n/a	No
b) Are there any new buildings, additions, or demolitions?	n/a	No
c) Is the footprint increase less than 500 sq. ft.?	n/a	N/A
d) Are there any new curb cuts, driveways or parking areas?	n/a	No
e) Are the curbs and sidewalks in sound condition?	n/a	yes
f) Do the curbs and sidewalks comply with ADA?	n/a	yes
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No
i) Are there any known stormwater problems?	Yes	Yes – rip rap stabilization
j) Does sufficient property screening exist?	n/a	yes
k) Are there adequate utilities?	n/a	yes
l) Are there any zoning violations?	No	no
m) Is an emergency generator located to minimize noise?	No	n/a
n) Are there any noise, vibration, glare, fumes or other impacts?	Yes	n/a

The request for an administrative authorization for 212 Capisic Street was granted by Barbara Barhydt, Development Review Services Manager on July 1, 2011. The authorization is approved without any conditions.



# PORTLAND MAINE

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

**Public Services Department**  
**Michael J. Bobinsky, Director**

June 20, 2011

RE: Capisic Pond Erosion Control at 212 Capisic Street  
Administrative Authorization Application

Dear Ms. Barhydt:

The Portland Department of Public Services has received a Natural Resource Protection Act permit and US Army Corp permit for the installation of riprap along an 80 foot section of embankment experiencing erosion within Capisic Pond below Capisic Street.

In 2003, the City undertook the replacement of the Capisic Street culvert to increase the flow capacity of the culvert. During the design and construction implementation, the alignment of the culvert was changed slightly away from its previous alignment. This resulted in a re-direction of water as it passes through the culvert and thus has created a situation of erosion along the driveway owned by Mrs. Eleanor Smith at 212 Capisic Street. Especially during storm events this embankment experiences high flow rates and volumes which have undermined the existing vegetation and are having a negative impact to the existing substrate of the embankment.

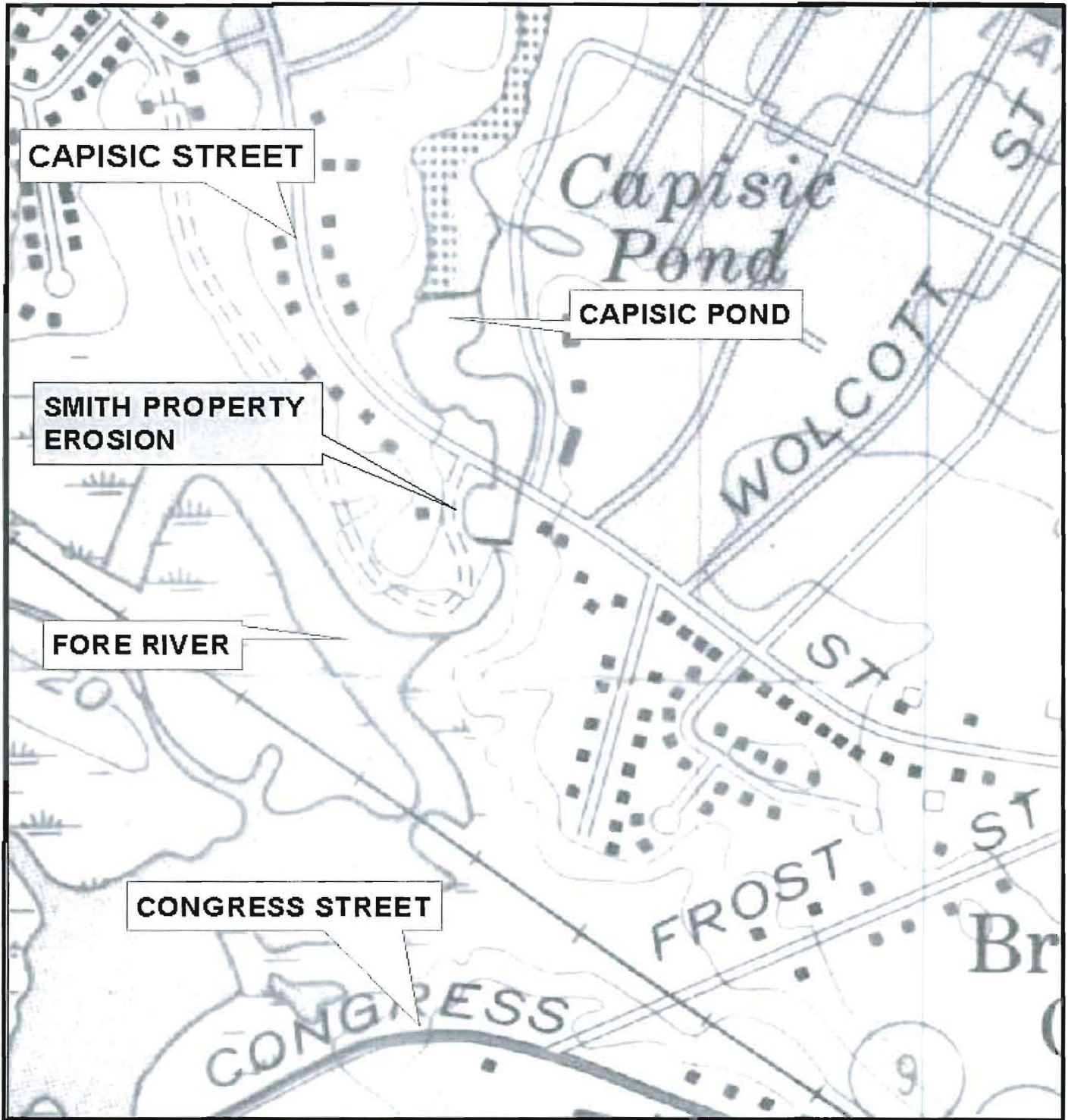
After consultation with the property owner and the Maine Department of Environmental Protection (MDEP) a stabilizing and armoring of the embankment was determined to be the best course of action. Public Services will accomplish this by draining Capisic Pond for access lasting the duration of work (approximately one week), removing some vegetation along the driveway for access, placing granular borrow to fill the existing voids, place a nonwoven geotextile to support and protect the backfill and place 24-inch riprap along an approximate 80 foot length of the embankment.

An Administrative Authorization Application has been completed and is being submitted with the NRPA and Army Corp permits attached. If you have any questions, please contact me at 874-8846.

Sincerely,

**CITY OF PORTLAND**

Bradley A. Roland, P.E.  
Senior Project Engineer  
BAR/375-13.doc



City of Portland, Maine  
 Department of Public Services  
 April 2010

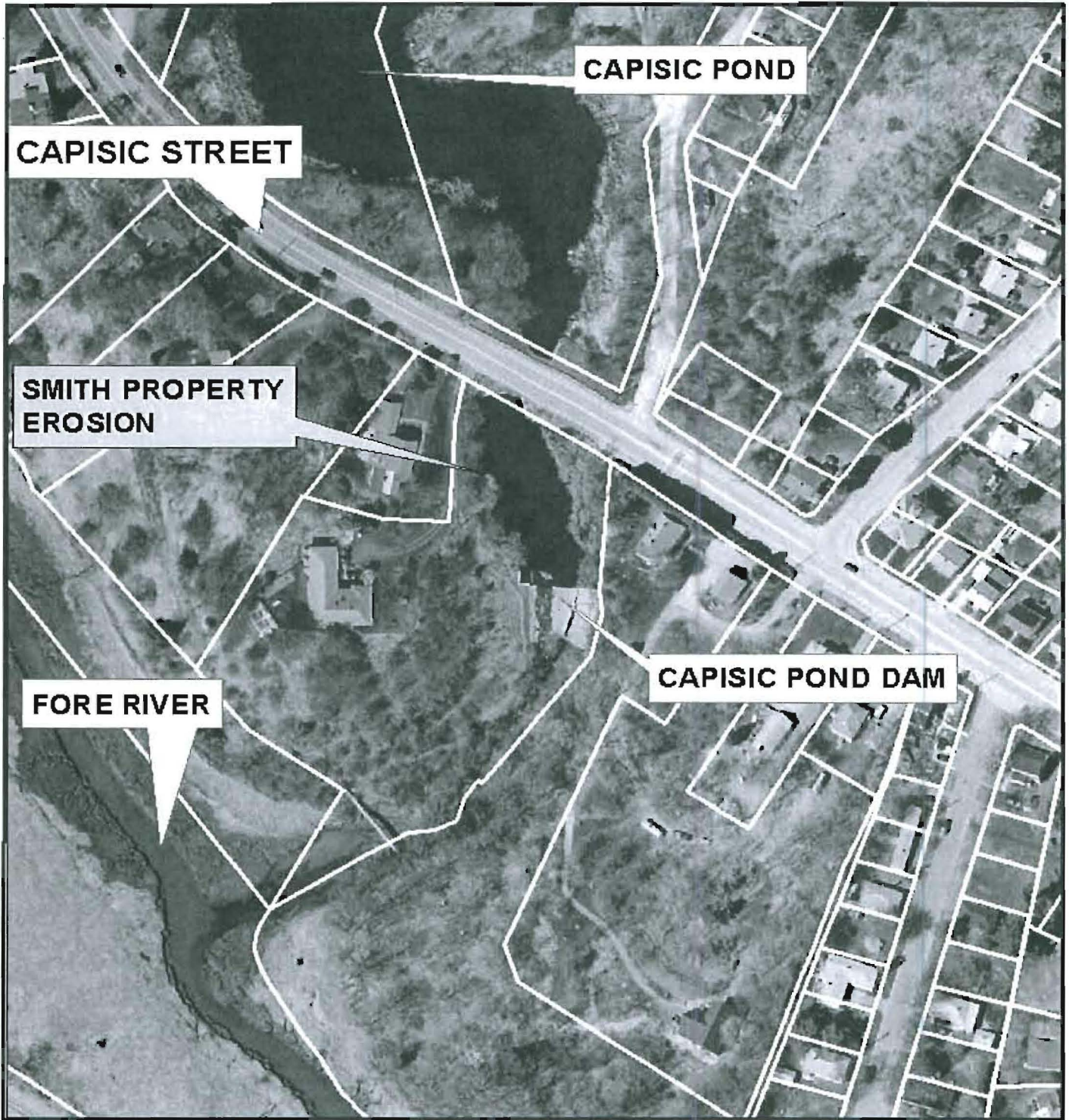
USGS LOCATION MAP  
 7.5 MIN SERIES

PORTLAND, MAINE  
 JANUARY 2011



**1**  
 FIGURE





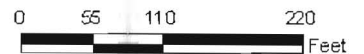
City of Portland, Maine  
 Department of Public Services  
 April 2010

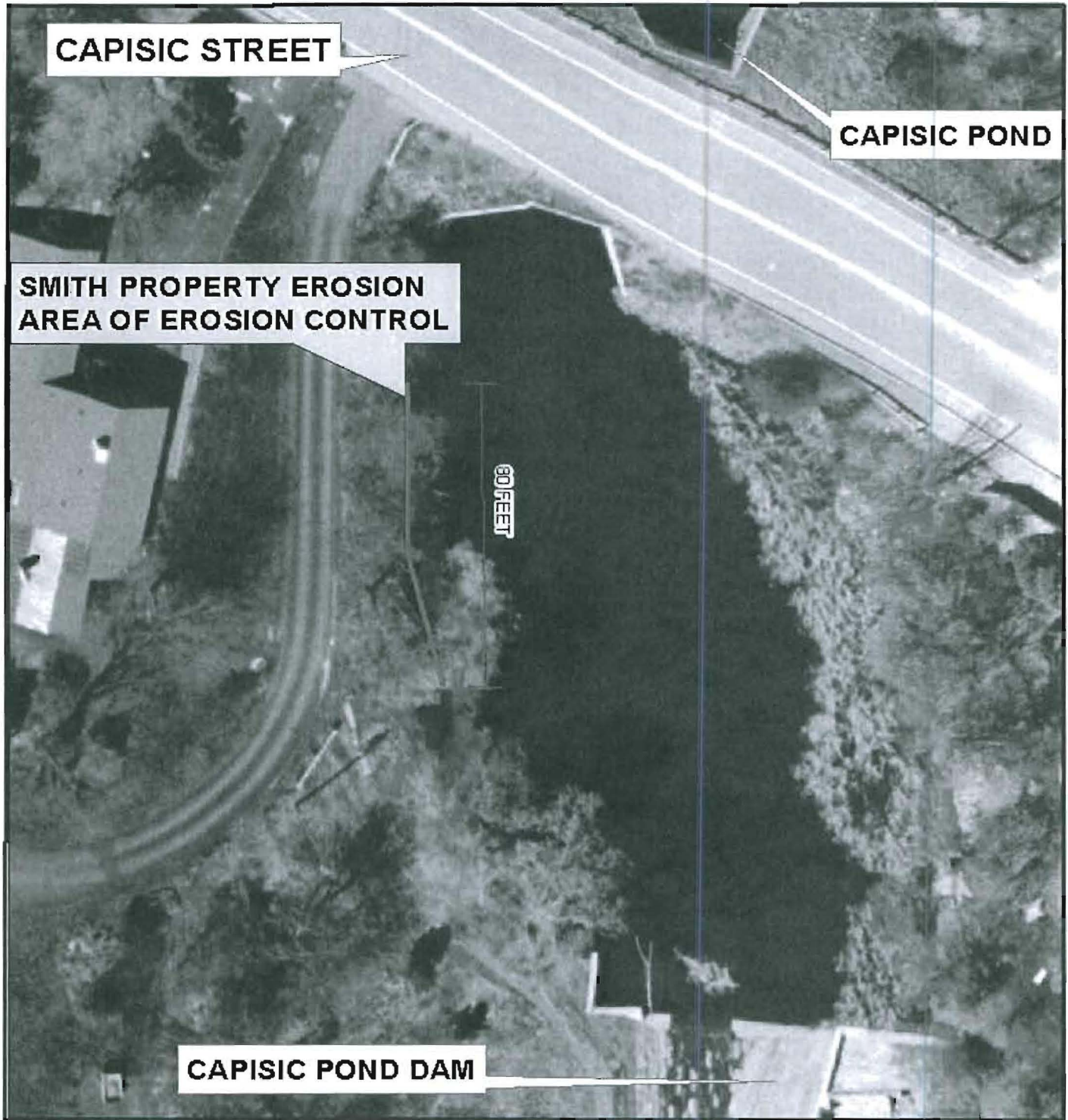
CITY OF PORTLAND  
 PROPERTY LINES AND  
 AERIAL PHOTOGRAPH

PORTLAND, MAINE  
 JANUARY 2011



**2**  
 FIGURE

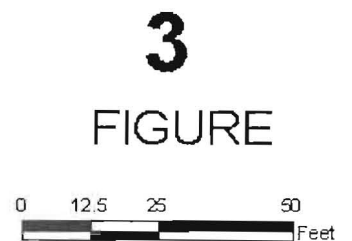




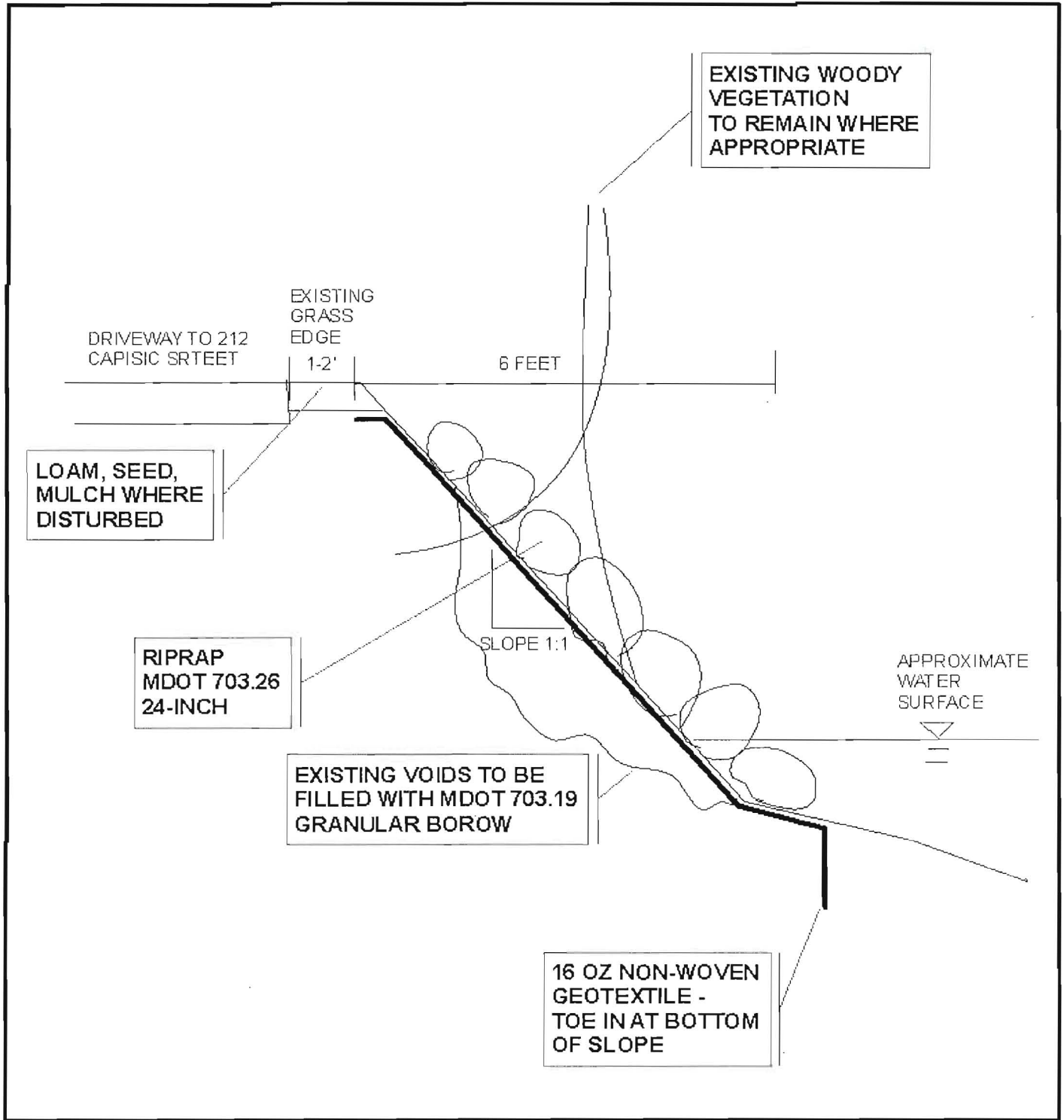
City of Portland, Maine  
 Department of Public Services  
 April 2010

CITY OF PORTLAND  
 SMITH PROPERTY  
 AREA OF EROSION CONTROL

PORTLAND, MAINE  
 JANUARY 2011







City of Portland, Maine  
 Department of Public Services  
 April 2010

RIPRAP INSTALLATION  
 DETAIL  
 212 CAPISIC STREET  
 PORTLAND, MAINE  
 JANUARY 2011

**4**  
 FIGURE  
 NOT TO SCALE



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

DEPARTMENT ORDER

IN THE MATTER OF

ELEANOR SMITH	) NATURAL RESOURCES PROTECTION ACT
Portland, Cumberland County	) SIGNIFICANT WILDLIFE HABITAT ALTERATION
SHORELINE STABILIZATION	) FRESHWATER WETLAND ALTERATION
L-25249-IW-A-N (approval)	) WATER QUALITY CERTIFICATION
L-25249-TA-B-N (approval)	) FINDINGS OF FACT AND ORDER
*(Corrected order)	

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

1. PROJECT DESCRIPTION:

A. Summary: The City of Portland recently completed the realignment of the culvert crossing on Capisic Street, which resulted in bank erosion on the applicant's property. The applicant proposes to stabilize approximately 80 linear feet of shoreline on the lower end of Capisic Pond and fill approximately 480 square feet of wetlands of special significance (WOSS). Stabilization measures include clearing vegetation, placing gravel in embankment voids, installing geotextile fabric, and placing 24-inch riprap. Riprap will extend six feet from the toe to the top of slope. The proposed project is shown on a set of plans, the first of which is entitled "Riprap Installation Detail," prepared by the City of Portland Department of Public Works and dated April, 2010. The project site is located on the southwest side of Capisic Street near Capisic Pond in the City of Portland.

Department staff reviewed a Geographic Information System (GIS) mapping database that contains information provided by both the Department of Marine Resources and the Maine Department of Inland Fisheries and Wildlife (MDIFW). The GIS database indicates that Capisic Pond Park and portions of the surrounding neighborhood lies within an Inland Waterfowl and Wading Bird Habitat (IWWH), which is a Significant Wildlife Habitat, as defined in the Natural Resources Protection Act (NRPA). The freshwater wetlands on the project site are classified as WOSS because they contain a significant wildlife habitat. During a site visit on July 28, 2010, Department staff determined that impacts to the WOSS would not require an individual NRPA permit. This determination was made in accordance with Section 4B of Chapter 310, the Wetlands and Waterbodies Protection Rules.

B. Current Use of the Site: The applicant's 3.16-acre parcel contains a house with a driveway. The driveway is located within an access right-of-way and passes within ten feet of the bank of Capisic Pond. The site is located on the southern end of Capisic Pond.

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

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site. Department staff visited the project site on July 28, 2010.

The proposed project is located in Capisic Pond, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The applicant will limit tree removal along the shoreline to the greatest extent practicable in order to maintain a natural looking shoreline, as viewed from Capisic Street.

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

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

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

3. SOIL EROSION:

During construction, the applicant proposes to follow erosion control measures recommended in the Maine Erosion and Sediment Control Best Management Practices manual and submitted a detailed erosion control plan as Attachment 8 in the application.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The Department's GIS mapping database indicates that Capisic Pond Park is located within an IWWH, and MDIFW confirmed the presence and value of this significant wildlife habitat, referred to as IWWH200332. The MDIFW reviewed the proposed project and stated that there are no Essential Wildlife Habitats at the project site.

The Department's Significant Wildlife Habitat Rules, Chapter 335, require the applicant to meet the following standards:

A. Avoidance. An activity that would degrade the significant wildlife habitat, disturb the subject wildlife, or affect the continued use of the significant wildlife habitat by the subject wildlife, either during or as a result of the activity, will be considered to have an unreasonable impact if there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternatives analysis for the proposed project completed by Brad Roland of the City of

Portland, and dated February 7, 2011. The alternatives analysis describes the options considered and includes the no-action requirement, removal and realignment of the Capisic Street culvert, and bank stabilization. The applicant feels that the selected alternative is the least damaging practicable alternative that will correct the existing damage to the embankment and prevent further erosion. MDIFW recommended, and the applicant agreed, to limit disturbances during the breeding season, April 15 to July 31. Construction work will not be conducted during the breeding season.

B. **Minimal Alteration.** Alteration of the habitat and disturbance of subject wildlife must be kept to the minimum amount necessary by, among other methods, minimizing the size of the alteration, the duration of the activity, and its proximity to the significant wildlife habitat and subject wildlife. To minimize wetland impacts, the applicant proposes to set the riprap slope at 1:1.

C. **Compensation.** In accordance with Chapter 335 Section 3(D)(6), compensation is not required to achieve the goal of no net loss of habitat functions and values since the project will not have an adverse impact on wildlife habitat as determined by MDIFW, provided that no construction work is conducted between April 15 and July 31 of any calendar year. For this reason, the Department determined that compensation is not required.

The Department finds that the applicant has made adequate provision for the protection of wildlife provided that no construction work is conducted between April 15 and July 31 of any calendar year.

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

5. WATER QUALITY CONSIDERATIONS:

To protect the water quality of Capisic Pond during and after construction, the applicant submitted a detailed erosion control plan as discussed in Finding 3. To verify that the site is properly stabilized, the applicant must submit post-construction photographs of the project site within 30 days of project completion.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters provided that post-construction photographs of the project site are submitted to the Bureau of Land and Water Quality (BLWQ) within 30 days of project completion.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to alter 480 square feet of WOSS and 80 linear feet of shoreline to stabilize an eroded embankment.

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

A. **Avoidance.** No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The alternatives analysis for the proposed project is discussed in Finding 4. Encroachment into the pond is

unavoidable because the driveway is within three of the top of the existing slope. Because the driveway is within a right-of-way on an abutter's property, relocation of the driveway and the riprap slope is not possible.

B. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant also intends to steepen sideslopes in the wetlands to 1:1 to reduce wetland impacts.

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

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

7. OTHER CONSIDERATIONS:

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

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

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that no construction work is conducted between April 15 and July 31 of any calendar year.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that post-construction photographs of the project site are submitted to the BLWQ within 30 days of project completion.

- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of ELEANOR SMITH to stabilize an eroded embankment, as described above, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that her activities or those of her agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. No construction work shall be conducted between April 15 and July 31 of any calendar year.
- 5. The applicant shall submit post-construction photographs to the Department documenting the condition of the project site. Photographs shall be submitted to the BLWQ within 30 days of project completion.

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.

CORRECTING THE ORDER DATED 06/01/2011. The effective date and expiration date remain the same as in the original.



This permit is digitally signed by Teco Brown on behalf of Acting Commissioner James P. Brooks. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date.  
2011.06.02 07:44:01 -04'00'

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

rlg/ats#73074 & 73171/L25249AN & L25249BN



## Natural Resource Protection Act (NRPA) Standard Conditions

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

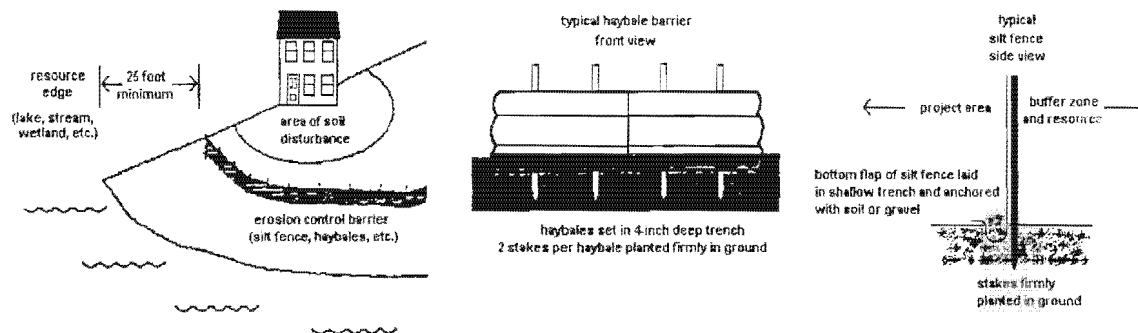
- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject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

Revised (4/92/DEP LW0428

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Erosion Control for Homeowners**

**Before Construction**

1. If you have hired a contractor, make sure you discuss your permit-by-rule with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit-by-rule.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



**During Construction**

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.





REPLY TO  
ATTENTION OF

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

**MAINE GENERAL PERMIT (GP)  
AUTHORIZATION LETTER AND SCREENING SUMMARY**

PORTLAND DEPARTMENT OF PUBLIC SERVICES  
55 PORTLAND STREET  
PORTLAND, MAINE 04101

CORPS PERMIT # NAE-2011-00462  
CORPS PGP ID# \_\_\_\_\_  
STATE ID# TIER 1

**DESCRIPTION OF WORK:**

Place stone riprap fill below the ordinary high water line of Capisic Pond at Portland, Maine (Tax Map 233, Lot B105) in order to stabilize approximately 80 linear feet of eroding shoreline adjacent to a residential driveway at 212 Capisic Street. This work is shown on the attached plans entitled "CAPISIC POND RIPRAP, CITY OF PORTLAND DPS, PORTLAND, MAINE" in four sheets dated "JANUARY 2011".

LAT/LONG COORDINATES : 43.6643864° N 70.3075477° W USGS QUAD: PORTLAND WEST, 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 General Permit (GP). Accordingly, we do not plan to take any further action on this project.

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

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

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

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

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

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

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

**III. FEDERAL ACTIONS:**

JOINT PROCESSING MEETING: NA LEVEL OF REVIEW: CATEGORY 1: X CATEGORY 2: \_\_\_\_\_

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

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

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA\_NO \_\_\_\_\_, USF&WS\_NO \_\_\_\_\_, NMFS\_NO \_\_\_\_\_

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

Jay L. Clement  
JAY L. CLEMENT  
SENIOR PROJECT MANAGER  
MAINE PROJECT OFFICE

Jay L. Clement 3/9/11  
FRANK J. DEL GIUDICE DATE  
CHIEF, PERMITS & ENFORCEMENT BRANCH  
REGULATORY DIVISION