

**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 2/5/2013 11:21 AM  
**Subject:** DEP PBR appl Old Barn Estates - 1062 Ocean Ave  
**Attachments:** Old Barn Estates PBR Notification.pdf

>>> "Peter Biegel" <pbiegel@landdesignsolutions.com> 2/5/2013 9:46 AM >>>

Hi Jean and Ethan,

I have attached a PDF copy of the Permit by Rule Notification (PBR) for our proposed stream crossing (driveway on lot 2). I will be delivering this to the Maine DEP later today.

As it turns out the above stream crossing is the only DEP permit/notification required for the project. Explanations for the other two areas of original concern are below:

1. Subsurface wastewater disposal fields within 75 ft. of a minor water course do not require a DEP NRPA permit because the DEP requirements have been incorporated into the State of Maine Subsurface Disposal Rules.
2. We had originally classified the large wetland adjacent to our site (northeast) as a wetland over 20,000 s.f. with emergent wetland vegetation which had a 75' DEP jurisdictional area around it, and required a permit for disturbance adjacent to it. However, upon further investigation (see email from Jared Woolston, MDEP below) the wetland is now classified as an impounded wetland which does not have the 75' DEP jurisdictional area. So no PBR notification is required for the grading and drainage work we have proposed on lots 8 & 9.

I will include a hardcopy of the attached PBR with our next submission.

Thank you,  
Peter

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**From:** Woolston, Jared [mailto:Jared.Woolston@maine.gov]  
**Sent:** Friday, February 01, 2013 4:46 PM  
**To:** 'Peter Biegel'  
**Cc:** 'Tim O'Donovan'  
**Subject:** RE: Ledgewood Drive - Falmouth Maine

Peter:

This email will serve to follow up to today's site visit at your client's property off Ledgewood Drive in Falmouth. While on-site, I observed a channel with running water (not previously observed) in the center of an emergent freshwater wetland that is impounded by stone blocks. My assumption is that the drainage channel within the wetland has formed as a result of the recent rain event and will fill in with emergent wetland vegetation when the adjacent ground thaws. To address your query, the impounded freshwater wetland is not considered a jurisdictional emergent wetland (with over 20,000 sf of emergent vegetation) and therefore does not include a 75-foot setback from the resource edge. Direct impacts to the freshwater wetland would require a permit because freshwater wetlands that are subject to flooding are considered wetlands of special significance but again, do not include a 75-foot setback from the wetland edge. If and when the impoundment is removed to allow adequate flows to the down gradient stream (across Ledgewood Drive) the wetland may revert to a channel with defined banks and exhibit the characteristics of an NRPA "river, stream or brook." If and when that happens it would again have a 75-foot setback from the resource edge.

I hope this email serves to clarify the Department's jurisdiction under NRPA.

Regards,  
Jared