

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Permit Number: 041579

Please Read Application And Notes, If Any, Attached

This is to certify that St. Lawrence Cement INC.
R & M Properties Llc / Giant Corp
has permission to erect WGMX telicomunica tower
AT 189 Presumpscot St 421-B-5
426-A005001

PERMIT ISSUED
NOV 18 2004
CITY OF PORTLAND

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 altered or closed-in.
HOURS 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. [Signature]
Health Dept. _____
Appeal Board _____
Other _____
DepartmentName

[Signature]
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: 04-1579 Issue Date: NOV 18 2004 CBL: 421 B005002

Location of Construction: 189 Presumpscot St	Owner Name: St Lawrence Cement Inc	Owner Address: 3 Columbia Cir	Phone: CITY OF PORTLAND
Business Name:	Contractor Name: Cianbro Corp.	Contractor Address: 328 W. Commercial Street Portland	Phone: 2077735852
Lessee/Buyer's Name	Phone:	Permit Type: Radio/Telecommunications Tower	Zone: I-M

Past Use: commercial	Proposed Use: commercial erect telecommunication tower	Permit Fee:	Cost of Work:	CEO District:
FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: J Type: 2B <i>11/12/04</i> Signature: <i>[Signature]</i>		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Proposed Project Description:
erect WGMX telecommunication tower

Permit Taken By: dmartin	Date Applied For: 10/20/2004	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 <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Denied Date: <i>9/11/03</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: <i>11/10/04</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: <i>[Signature]</i>
	Handwritten notes: original tower collapsed on 12/11/03 can be build within 1 year of collapse to be no taller than the design of 540' OK with conditions		

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: 04-1579	Date Applied For: 10/20/2004	CBL: 421 B005002
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Location of Construction: 189 Presumpscot St	Owner Name: St Lawrence Cement Inc	Owner Address: 3 Columbia Cir	Phone:
Business Name:	Contractor Name: Cianbro Corp.	Contractor Address: 328 W. Commercial Street Portland	Phone (207)773-5852
Lessee/Buyer's Name	Phone:	Permit Type: Radio/Telecommunications Tower	

Proposed Use: commercial erect telecommunication tower	Proposed Project Description: erect WGMX telicommunication tower
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 11/10/2004
Note:			Ok to Issue: <input checked="" type="checkbox"/>
1) It is noted that this tower collapsed on 12/11/03. Rebuilding SHALL begin within one (1) year of the collapse in order to preserve legal nonconforming rights. The tower shall be no taller than the 540' originally approved.			
Dept: Building	Status: Approved with Conditions	Reviewer: Mike Nugent	Approval Date: 11/17/2004
Note:			Ok to Issue: <input type="checkbox"/>
1) Schedule of future routine maintenance Inspections must be provided for review and approval.			
2) Final Inspection reports reflecting all required Special inspections and a statement of compliance must be provided from the Project Engineer.			
Dept: Fire	Status: Approved	Reviewer: Lt. MacDougal	Approval Date: 11/10/2004
Note:			Ok to Issue: <input type="checkbox"/>

Comments:
11/15/2004-mjn: 1) <input type="checkbox"/> We need completed Certification forms and stamped plans for the Tower.
2) <input type="checkbox"/> Is the steel source from an AISC Certified source, please provide a copy of their latest certification.
Done

BUILDING ~~_____~~ ACTION PROCEDURES

Please call ~~874-8703 or 874-8693~~ 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.

- ~~Footings~~/Building Location Inspection: Prior to pouring concrete
- ~~Re-Bar~~ Schedule Inspection: Prior to pouring concrete
- ~~Foundation~~ Inspection: Prior to placing ANY backfill
- ~~Framing/Rough Plumbing~~/Electrical: Prior to any insulating or drywalling
- ~~Final~~/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

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.

CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

[Signature]
Signature of Applicant/Designee

9/12/09
Date

[Signature]
Signature of Inspections Official

11/18/09
Date

CBL: 421-13-5 Building Permit #: 04/1579

All Purpose 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.

Total Square Footage of Proposed Structure 511.25	Square Footage of Lot 588480
Tax Assessor's Chart, Block & Lot Chart# 421 Block# B Lot# 1/7 426	Owner: St. Lawrence Cement Inc.
Telephone: 401-467-8411	
Lessee/Buyer's Name (If Applicable) Saga Communications	Applicant name, address & telephone: SAGA COMMUNICATIONS OF NEW ENGLAND 420 WESTERN AVE SOUTH PORTLAND, ME
cost Of Work: \$ 647,000 Fee: \$ 5,844⁰⁰	
If the location is currently vacant, what was prior use: _____	
Approximately how long has it been vacant: _____	
Proposed use: Cement Storage/Radio Tower	
Project description: _____	
Contractor's name, address & telephone: Cianbro	Commercial Street Portland, Me Corporation 04102
Who should we contact when the permit is issued: Mailing address: 366 Commercial St Portland,	the permit and fee will be issued 2856
We will contact you by phone when we review the requirements before starting work and a \$100.00 fee if any work starts before the permit is issued.	

owes
for
A Radio tower?

IF THE REQUIRED INFORMATION IS NOT INCLUDED, THE PERMIT WILL BE DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT. ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property and have been authorized by the owner to make this application as his/her agent in this jurisdiction. In addition, if a permit for work described in this application is issued, I shall have the authority to enter all areas covered by this permit at all times necessary to enforce the provisions of the codes applicable to this permit.

I hereby authorize the proposed work and that I agree to conform to all applicable laws of this City. I am the Code Official's authorized representative and I agree to enforce the provisions of the codes applicable to this permit.

Signature of applicant: Robert Seignin	Date: 10/20/04
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This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

OCT 20 2004



CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Service

FROM: BOB ARLEDGE, ASSOCIATED DESIGN PARTNERS

RE: Certificate of Design

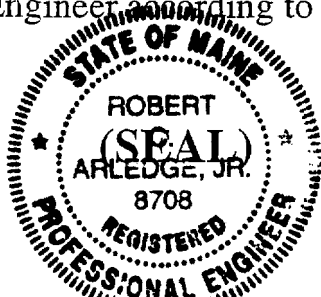
DATE: 14 Oct 2004

These plans and / or specifications covering construction work on:

WMGX TOWER REPLACEMENT

167 PRESUMPSLOT STREET

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the 2003 International Building Code and local amendments.



As per Maine State Law:

\$50,000.00 or more in new construction, repair expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.

Signature: Robert Arledge, Jr.

Title: STRUCTURAL ENGINEER

Firm: ASSOCIATED DESIGN PARTNERS

Address: 80 LEIGHTON ROAD
FALMOUTH, ME 04105



CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

ACCESSIBILITY CERTIFICATE

Designer: BOB ARLEDGE

Address of Project: 167 PRESUMSCOT STREET

Nature of Project: RADIO TOWER REPLACEMENT
(NO OCCUPIED SPACES)

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act.

Signature: 

Title: STRUCTURAL ENGINEER

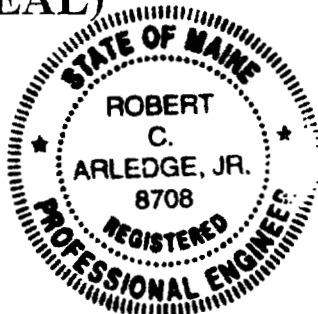
Firm: ASSOCIATED DESIGN PARTNERS

Address: 80 LEIGHTON ROAD

FALMOUTH, ME 04105

Phone: (207) 878-1751

(SEAL)





ASSOCIATED DESIGN PARTNERS INC.

80 Leighton Road, Falmouth, ME. 04105

F A X M E M O

DATE: 10/21/04

TO: MIKE NUGENT

FAX: 874-8716

FROM: AARON WILSON

PHONE: 207-878-1751 FAX: 207-878-1788

RE: WMX TOWER DESIGN LOADS.

Number of pages including cover sheet: _____

Message

MIKE,

HERE IS A LETTER FROM THE TOWER ENGINEER
REGARDING THE DESIGN LOADS MARKED "N.A."
ON THE LOAD CRITERIA SHEET OF THE
PERMIT APPLICATION. PLEASE CALL IF
YOU REQUIRE ADDITIONAL INFORMATION.

- AARON WILSON, P.E.

CC BU. SEEGMILLER Fx: 773-7677



ELECTRONICS RESEARCH, INC.

7777 Gardner Road • Chandler, Indiana 47610 • (812) 925-6000 • Fax: (812) 925-4030 • Home Page: www.ERInc.com

10-19-2004

To: Aaron Wilson of ADP Engineering

From: Ernest R. Jones, P.E.

Re: Portland Maine Steel Broadcast Tower
2003 IBC Construction Project Building Code Criteria

Aaron,

This letter is to confirm the N/A (non applicable) portions of the Building Code Criteria Project sheet dated 10-18-2004 for the tower.

This is a steel broadcast tower without floors so the floor live load section is marked N/A.

The earthquake design section was marked N/A since the earthquake requirements for this area produce forces well below those required to govern this design. I can provide calculations for this if they are preferred to justify my statement that earthquake forces will simply not govern any part of this structures design.

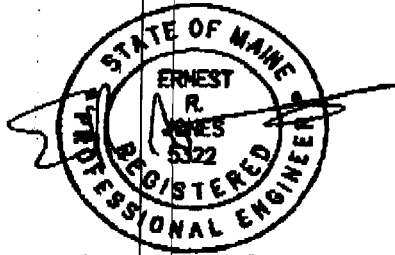
Snow loads are insignificant on towers and this is why this section is marked N/A. My design does include a maximum wind criteria and a high wind with ice criteria and calculations have been provided with the tower engineering submittal.

I did not use any flood loads for this structure so this section was marked N/A. Verification that this area is not in a flood area, or is high enough for high water concerns is the responsibility of others.

"Other loads" section was also marked N/A since they are not required by code,

Sincerely,

Ernest R. Jones, P.E.
ERI V.P. of Structural Division



10-19-04



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
 Parcel ID 421 6005002
 Location 189 PRESUMPCOT ST
 Land Use WAREHOUSE & STORAGE

 Owner Address ST LAWRENCE CEMENT INC
 3 COLUMBIA CIR
 ALBANY NY 12203

 Book/Page
 Legal 421-8-5-6426-B-1-7
 R PRESUMPCOT ST 167-269
 308417 SF
 326161 SF

*original tower
 WAS 540' tall*

Valuation Information

Land	Building	Total
\$330,960	\$351,650	\$682,610

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units	
1	1981	1	1452	1	
Total Acres		Total Buildings	Sq. Ft.	Structure Type	Building Name
14.568		1452		WAREHOUSE	INDEPENDENT CEMENT

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	1452	WAREHOUSE

Height	Walls	Heating	A/C
13	CONC. BLOCK	UNIT HEAT	CENTRAL

Building Other Features

Line	Structure Type	Identical Units
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Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1981	ASPHALT PARKING	30000	1
1940	TRACK RAILROAD	660	1
1981	TRUCK SCALE	1000	1
1981	TRUCK SCALE	60	1

2/28/86

Example

Vertical text on the right side of the page, possibly bleed-through from the reverse side.

Permit No: GP-39

Effective Date: **Sept. 29, 2000**
Expiration Date: Sept. 29, 2005

Applicant: General Public, State of Maine

**DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Maine. Activities with minimal impacts, as specified by the terms and conditions of this general permit and on the attached DEFINITION OF CATEGORIES sheets, are either non-reporting (provided required local and state permits are received), or are reporting, to be screened by the Corps and Federal Resource Agencies for applicability under the general permit. This general permit does not affect the Corps individual permit review process or activities exempt from Corps jurisdiction.

Activities Covered: work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act), and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

PROCEDURES:

A. State Approvals

For projects authorized pursuant to this general permit that are also regulated by the State of Maine, the following state approvals are also required and must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state permits and approval have been obtained):

- (a) Maine Department of Environmental Protection (DEP): Natural Resources Protection Act permit, including permit-by-rule and general permit authorizations; Site Location and Development Act permit; and Maine Waterway Development and Conservation Act.
- (b) Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- (c) Maine Department of Marine Resources: Lease.
- (d) Bureau of **Public** Lands, Submerged Lands: Lease.

Note that projects not regulated by the State of Maine (e.g., seasonal floats or moorings) may still be authorized by this general permit.

There are also restrictions on other national lands or concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-14 under Paragraph E below.

Category II applicants shall submit a copy of their application materials to the Maine Historic Preservation Commission and/or applicable Indian tribe(s) at the same time, or before, they apply to the DEP, LURC, or the *Corps* so that the project can be reviewed for the presence of historic/archaeological resources in the project area that may be affected by the proposed work. **Applications to the DEP or the Corps should include information to indicate that this has been done (applicant's statement or copy of cover letter to Maine Historic Preservation Commission and/or Indian tribe(s)).**

The Corps may require additional information on a case-by-case basis as follows:

- (a) purpose of project;
- (b) 8 1/2" by 11" plan views of the entire property including property lines and project limits with existing and proposed conditions (**legible, reproducible plans required**);
- (c) wetland delineation for the site, information on the basis of the delineation, and calculations of waterway and wetland impact areas (see special condition 2);
- (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas;
- (e) delineation of submerged aquatic vegetation, e.g., eel grass beds, in tidal waters;
- (f) area, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters and below the high tide line in coastal waters;
- (g) mean low, mean **high** water and **high** tide elevations in navigable waters;
- (h) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits **of the proposed** work closest to the Federal project;
- (i) on-site alternatives analysis (contact *Corps* for guidance);
- (j) identify and describe potential impacts **to** Essential Fish Habitat (contact *Corps* for guidance);
- (k) for dredging projects, include:
 - 1) the volume of material and area in square feet to be dredged below mean **high** water,
 - 2) existing and proposed water depths,
 - 3) type of dredging equipment to be used,
 - 4) nature of material (e.g., silty sand),

MINERALS MANAGEMENT SERVICE (MMS) REVIEW

For Category II projects which involve construction of solid fill structures or discharge of **fills** along the coast which may extend the coastline or baseline from which the territorial sea is measured, coordination between the *Corps* and Minerals Management Service (MMS), Continental Shelf (OCS) Survey Group, will be needed (pursuant to the Submerged Lands Act, 43 U.S.C., Section 1301-1315, 33 CFR 320.4(f)). During the screening period, the *Corps* will forward project information to MMS for their review. MMS **will** coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have **15** calendar days from the date MMS is in receipt of project information to determine if the baseline will be affected. No notification to the *Corps* within **15** day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the *Corps* may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the State of Maine provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structure or fills authorized under this general permit.

D. Corps Authorization: Category III (Individual Permit)

Work that is in the INDIVIDUAL PERMIT category on the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the *Corps* of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The applicant should submit the appropriate application materials (including the *Corps* application form) at the earliest possible date. General information and application forms can be obtained at (207) 623-8367 (Maine Field Office), (800) 343-4789, or (800) 362-4367 in Massachusetts. Individual water quality certification and coastal zone management consistency concurrence will be required from the State of Maine before *Corps* permit issuance.

E. Programmatic General Permit Conditions:

The following conditions apply to activities authorized under the PGP, including all Category I (non-reporting) and Category II (reporting – requiring screening) activities:

GENERAL REQUIREMENTS:

1. **Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. **Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. **Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts **as** determined by the *Corps*.

Tribe within 10 days if there are State and/or tribal concerns that the proposed work will have an effect on historic resources. The applicant should include with their application to the State or the Corps either a copy of their cover letter or a statement of having sent their application material to the Commission and Tribe(s).

If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource, within the area subject to Department of the Army jurisdiction, that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the District Engineer and the Maine Historic Preservation Commission and/or applicable Tribe(s).

8. **National Lands.** Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service.
9. **Endangered Species.** No activity is authorized under this general permit which
 - may affect a threatened or endangered species or a species proposed for such designation as identified under the Federal Endangered Species Act (ESA),
 - is likely to destroy or adversely modify the critical habitat or proposed critical habitat of such species,
 - would result in a 'take' of any threatened or endangered species of fish or wildlife, or
 - would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

Applicants shall notify the *Corps* if any listed species or critical habitat, or proposed species or critical habitat, is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 14).

10. **Essential Fish Habitat.** As part of the PGP screening process, the *Corps* will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "essential fish habitat (EFH)", and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Applicants may be required to describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. Conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. Information on the location of EFH can be obtained from the NMFS regulations (50 CFR Part 600) (address listed on page 14) and on their web site (<http://www.nero.nmfs.gov/ro/doc/webintr.html>).

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.

14. **Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof **as** a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof **as** a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

15. **Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable, regardless of review category.
16. **Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible, and **if required, shall be placed on mats or other measures taken** to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.
17. **Temporary Fill.** Temporary fill in waters and wetlands authorized by this general permit (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their approximate original contours but not **higher**. No temporary fill shall be placed in waters or wetlands unless specifically authorized by the *Corps*.
18. **Sedimentation and Erosion Control.** Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed **areas** shall be stabilized. The sediment collected by these devices shall be removed and placed at **an** upland location in a manner that will prevent its later erosion into a waterway or wetland. All **exposed** soil and other fills shall be permanently stabilized at the earliest practicable date.

PROCEDURAL CONDITIONS:

25. **Cranberry Development Projects.** For Cranberry development projects authorized under the PGP, the following conditions apply:
1. If a cranberry bog is abandoned for any reason, the area must be allowed to convert to natural wetlands unless an individual permit is obtained from the Corps of Engineers allowing the discharge of fill for an alternate use.
 2. No stream diversion shall be allowed under this permit.
 3. No impoundment of perennial streams shall be allowed under this permit.
 4. The project shall be designed and constructed to not cause flood damage on adjacent properties.
26. **Inspections.** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form should be filled out and returned to the Corps for all Category II projects.**
27. **Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety. Dredging projects: note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written *Corps* authorization.
28. **Property Rights.** This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations. **If property associated with work authorized by the PGP is sold, the PGP authorization is automatically transferred to the new property owner. The new property owner should provide this information to the Corps in writing. No acknowledgement from the Corps is necessary.**
29. **Modification, Suspension, and Revocation.** This permit may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7 and any such action shall not be the basis for any claim for damages against the United States.
30. **Restoration.** The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

37. Previously Authorized Activities.

- (a) Activities which have commenced (i.e., are under construction or are under contract to commence) prior to the issuance date of this general permit, in reliance upon the terms and conditions of the non-reporting category of the previous Maine PGP shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with special condition 4. The applicant must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.
- (b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this general permit, for the previous Maine SPGP and PGP, Nationwide permits, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- (c) This general permit does not affect activities authorized pursuant to 33 CFR ~~Part~~ 330.3 (activities occurring before certain dates).

for DISTRICT ENGINEER Christie Godfrey DATE 9/26/00

*Maine Department of Environmental Protection
(For State **Permits** and Water Quality
Certifications)*

Natural Resources Division
Bureau of Land and Water Quality Control
State House Station 17
Augusta, Maine 04333
207-287-2111

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
201-822-6300

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
207-941-4570

Northern Maine Regional Office
1235 Central Drive
Skyway Park
Presque Isle, Maine 04769
207-764-0477

*Maine Land Use Regulation Commission (LURC)
offices*

22 State House Station
Augusta, ME 04333-0022
207-287-2631
800-452-8711 (call to obtain appropriate LURC
office)
Fax # 207-287-7439

45 Radar Road
Ashland, ME 04732-3600
207-435-7963
Fax # 207-435-7184

Lakeview Drive
P.O. Box 1107
Greenville, ME 04441
207-695-2466
Fax # 207-695-2380

191 Main Street
East Millinocket, ME 04430
207-746-2244
Fax # 207-746-2243

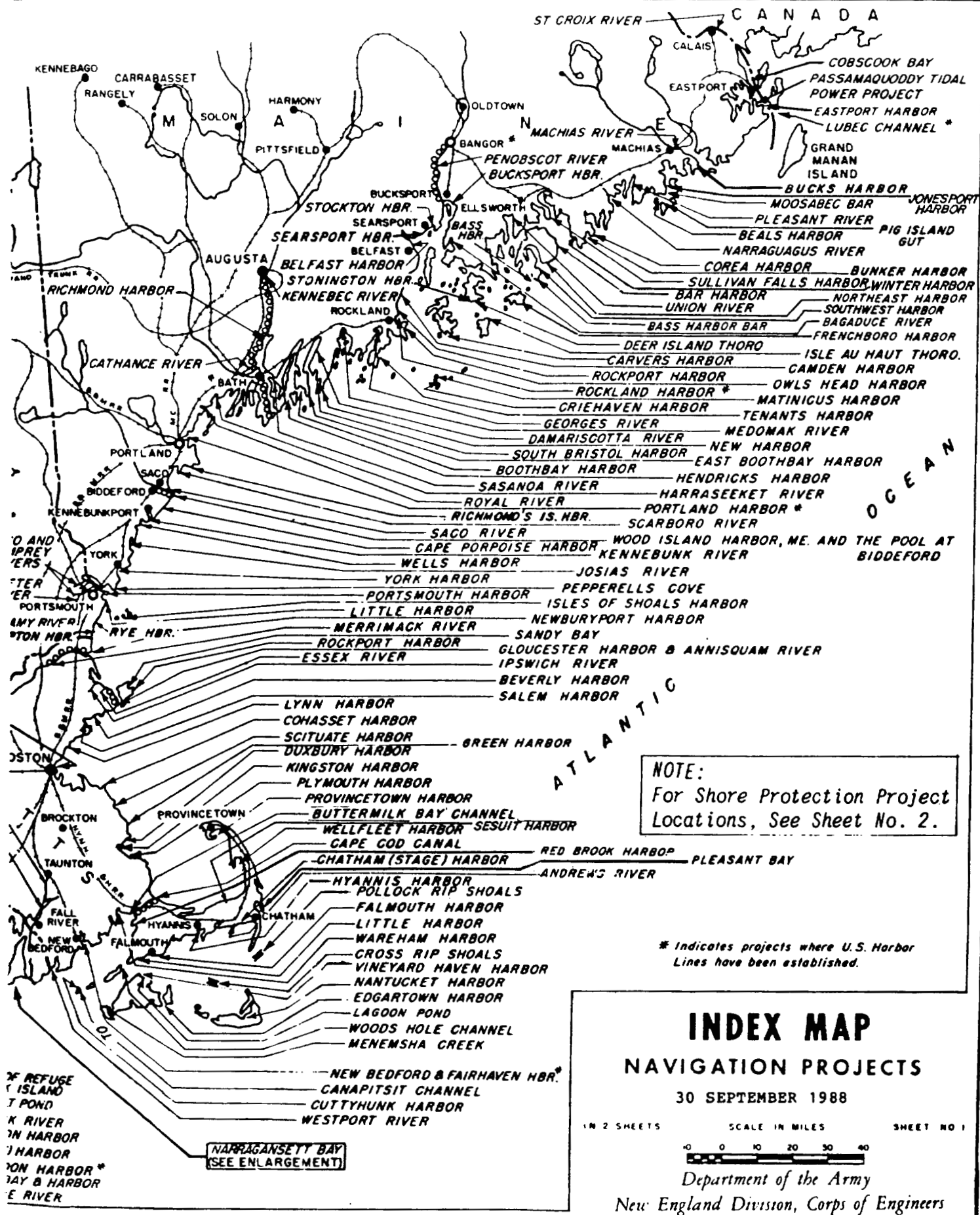
(For CZM Determinations)

State Planning Office
Coastal **Program**
184 State Street
State House Station 38
Augusta, Maine 04333
207-287-1009

*Maine Department of Marine Resources
(For Aquaculture Leases)*
McKown Point
Boothbay Harbor, Maine 04575
207-633-9500

(For Submerged Lands Leases)

Maine Department of Conservation
Bureau of Parks **and** Lands
22 State House Station
207-287-3061



A. INLAND WETLANDS (WATERS OF THE U.S.) ¹	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(a) NEW FILL/ EXCAVATION DISCHARGES	<p>Less than 4,300 sf inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>-- Includes projects covered by a State Tier One permit with no cumulative impacts over 15,000 sf in inland wetlands from previous permits, unauthorized work, and/or other state permits.</p> <p>--Includes crossing of perennial waterways designated as Essential Fish Habitat (EFH) for Atlantic salmon² if the waterway is crossed with a span and footprints of the span abutments are outside ordinary high water with no more than 4,300 sf of associated wetland impact.</p> <p>--Includes in-stream work of up to 4,300 sf of fill below ordinary high water in waterways not designated as EFH for Atlantic salmon² and performed in accordance with Maine Permit By Rule standards or a LURC permit.</p>	<p>4,300 sf to 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback.</p> <p>--Includes in-stream work, including crossings (other than spanned crossing as described in Category I) with any discharge of fill below ordinary high water in perennial waterways designated as EFH for Atlantic salmon².</p> <p>--Time of year restrictions determined case-by-case.</p>	<p>Greater than 3 acres inland waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared).</p> <p>--Impact area includes all temporary and permanent fill and excavation discharges except for incidental fallback³.</p> <p>In-stream work exceeding Category II limits.</p> <p>If EIS required by the Corps.</p>

¹ Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds and wetlands.

² Essential Fish Habitat for Atlantic salmon includes all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

³ The larger the impacts, the more likely an individual permit will be required. Projects involving widening, expansion or impacts to degraded or low value wetlands between 1-3 acres may be approved under Category II, subject to the Federal screening. The Corps recognizes and endorses the DEP Tier 2 upper thresholds of 1 acre. Compensatory mitigation is likely to be required at this level of impact.

B. TIDAL WATERS AND NAVIGABLE WATERS ⁶	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
		<p>Up to 1 acre waterway or wetland fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts up to 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁷ fill up to 1,000 sf.</p> <p>-- Proactive restoration projects with any amount of impact can be reviewed under Cat. II. The Corps, in consultation with State and Federal agencies, must determine that net adverse effects are not more than minimal.</p>	<p>Greater than 1 acre waterway fill and secondary impacts (e.g., areas drained, flooded or cleared). Includes temporary and permanent waterway fill.</p> <p>--Temporary tidal marsh impacts over 1 acre.</p> <p>--Permanent tidal marsh, mudflat, or vegetated shallows⁶ fill over 1,000 sf.</p>
(b) REPAIR AND MAINTENANCE WORK	<p>Repair or maintenance of existing, currently serviceable, authorized structure or fill with no substantial expansion or change in use.</p> <p>--Work must be in same footprint as original structure or fill.</p>	<p>Repair or replacement of any non-serviceable structure or fill, or repair or maintenance of serviceable fills, with expansion of any amount up to 1 acre, or with a change in use.</p>	<p>Replacement of non-serviceable structures or fill or repair or maintenance of serviceable structures or fill with expansion greater than 1 acre.</p>

⁶ Navigable Waters: waters that are subject to the ebb and flow of the tide and Federally designated navigable waters (Penobscott River to Medway, Kennebec River to Moosehead Lake, and the portion of Umbagog Lake in Maine).

⁷ Vegetated Shallows: subtidal areas that support rooted aquatic vegetation such as eelgrass.

	CATEGORY I	CATEGORY II	INDIVIDUAL PERMIT
(V) SUPPORTED STRUCTURES AND FLOATS	RECONFIGURATION OF EXISTING AUTHORIZED docks, provided structures are not positioned over vegetated shallows ⁶ or salt marsh and provided floats are supported off substrate at low tide. No dredging, additional slips or expansion allowed.	PRIVATE piers and floats for navigational access to waterway (seasonal and permanent).	Structures, piers or floats that extend, or with docked/moored vessels that extend, into the horizontal limits of a Federal Navigation Project. Structures, including piers and floats, associated with a new or previously unauthorized boating facility. ⁸
(V) MISCELLANEOUS	<ul style="list-style-type: none"> -- Temporary buoys, markers, floats, etc., for recreational use during specific events, provided they are removed within 30 days after use is discontinued. -- Coast Guard approved aids to navigation. -- Oil spill clean-up temporary structures or fill. -- Fish/wildlife harvesting structures/fill (as defined by 33 CFR 330, App. A-4) -- Scientific measurement devices and survey activities such as exploratory drilling, surveying or sampling. -- Shellfish seeding (brushing the flats) projects¹¹ -- Does <u>not</u> include oil or gas exploration and fills for roads or construction pads. -- This category excludes work in National Wildlife Refuges. 	<ul style="list-style-type: none"> -- Structures or work in or affecting tidal or navigable waters that are not defined under any of the previous headings. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridge fills/abutments, etc. -- Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities which are consistent with the Corps revised standard siting requirements and standard permit conditions dated 7/6/94, or as revised. 	If EIS required by Corps

¹¹ Brushing the flats: the placement of tree boughs, wooden lath structures, or small-mesh fencing on mudflats for the purpose of enhancing recruitment of soft-shell clams (*Mya arenaria*).



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**

SAGA COMMUNICATIONS, DBA
 PORTLAND RADIO GROUP
 C/O SEBAGO TECHNICS, INC.
 P.O. BOX 1339
 WESTBROOK, MAINE 04098-1339

CORPS PERMIT # NAE-2004-1616
 CORPS PGP ID# 04-262
 STATE ID# 21879-4E

DESCRIPTION OF WORK:

Install and maintain a 9'x 25' pile suuorted concrete anchor platform in Presumpscot Bay at Portland, Maine in order to suuort a new 528' high radio tower. The new tower will be located on the upland and is a replacement for a similar structure that unexpectedly collapsed in 2003. The concrete platform will support one of three guy wire anchors, the other two being located on the upland. Temporary fill in the form of
Project Description Continued on Next Page

LAT/LONG COORDINATES : 43.6882473" N 69.2572289° 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 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 5, 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 36 of the PGP (page 12) provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of the PGP on September 29, 2005. You will need to apply for reauthorization for any work within Corps jurisdiction that is not completed by September 29, 2006.

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 [], ISSUED [X], DENIED [] DATE- 9/14/04

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

III. FEDERAL ACTIONS:

JOINT PROCESSING MEETING: 6/10/04 LEVEL OF REVIEW: CATEGORY 1: ____, CATEGORY 2: X

AUTHORITY: SEC 10 ____, 404 ____, 10/404 X, 103 ____

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

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT (Y) N (CIRCLE ONE)

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

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 V. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

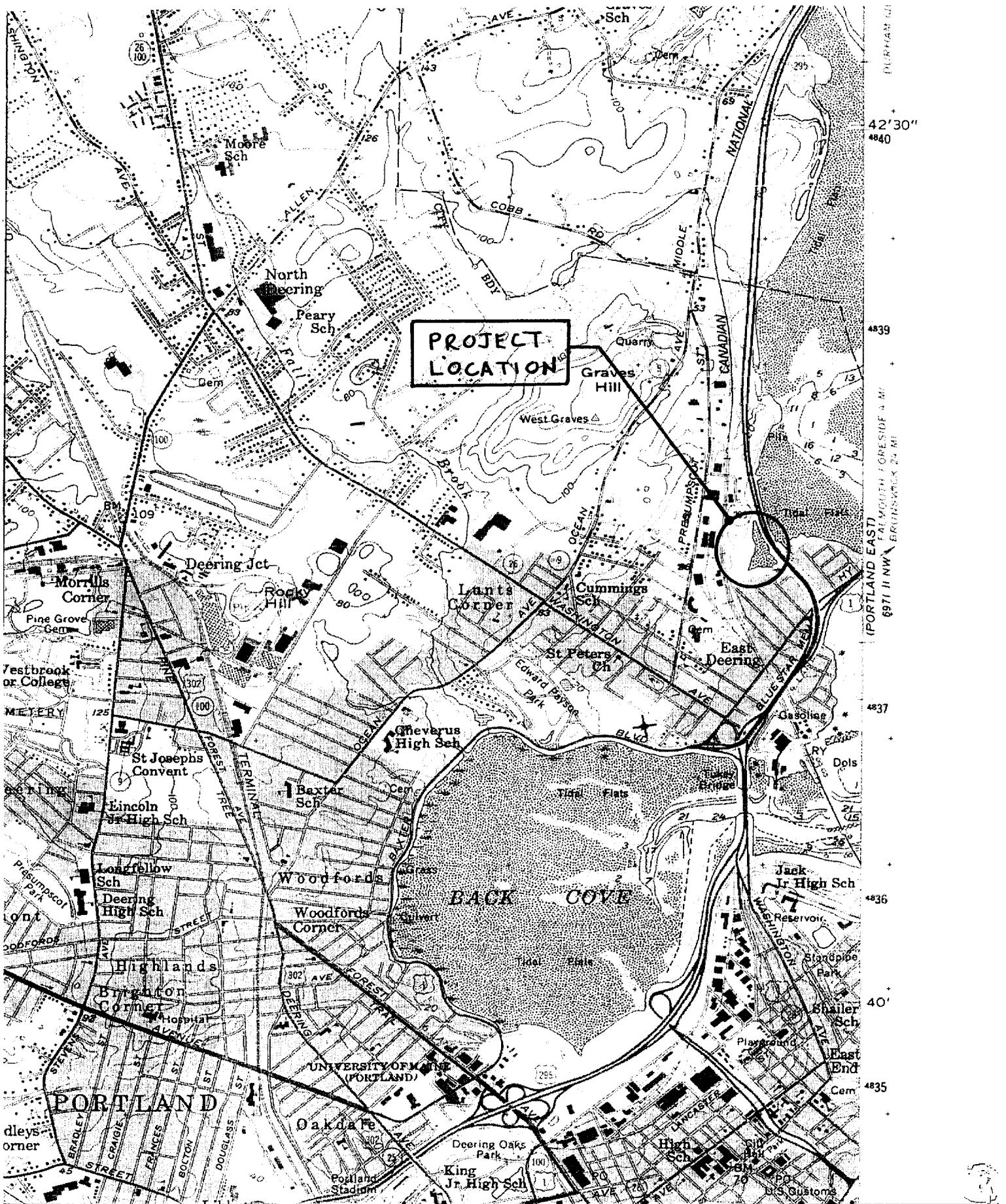
FRANK J. DELGIUDICE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION



timber mats will be placed below the high tide line and on saltmarsh to provide construction access to the anchor site. They will also provide access for the removal of the stone fill associated with the former anchor. The mats as well as the stone fill will be removed in their entirety. Permanent

ADDITIONAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
NO. NAE-2004-1616

1. 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.
2. 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.
3. All areas of temporary fill shall be restored to their original condition and contour upon completion of the project.
4. The stone remains of the former guy wire anchor, located below the high tide line, shall be removed to an upland location and the tidal bottom restored to original condition and contour.
5. Stone riprap, placed along approximately 100 linear feet of eroding upland shoreline, shall not be placed below the high tide line or in vegetated tidal wetland without written approval from the Corps of Engineers.



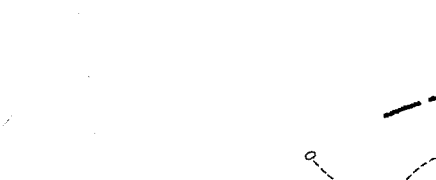
**PROJECT
LOCATION**

Name: PORTLANDWEST
 Date: 4/20/104
 Scale: 1 inch equals 2000 feet

Location: 043° 41' 09.7" N 070° 16' 16.6" W
 Caption: PORTLAND RADIO GROUP
 Location Map

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY ROW	---
—○—	IRON PIPE/ROD	—○—
—○—	WETLANDS	—○—
—○—	EDGE WETLAND	—○—
—○—	STREAK	—○—
—○—	EDGE PAVEMENT	—○—
—○—	GRAVEL ROAD	—○—
—○—	TREELINE	—○—
—○—	CONTOURS	—○—
—○—	WATER	—○—
—○—	SEWER	—○—
—○—	STORM DRAIN	—○—
—○—	OVERHEAD	—○—
—○—	ELEC. 4 TEL.	—○—
—○—	MANHOLE	—○—
—○—	GILVERT	—○—
—○—	SILT FENCE	—○—
—○—	RAILROAD	—○—
—○—	9 B-101	—○—

RELATION AND NUMBER OF BORINGS
 MADE BY J. H. BROWN, INC.
 DURING THE PERIOD JANUARY 13 TO
 JANUARY 16, 2004 AND JANUARY 22 TO
 JANUARY 23, 2004.
 BENCHMARK

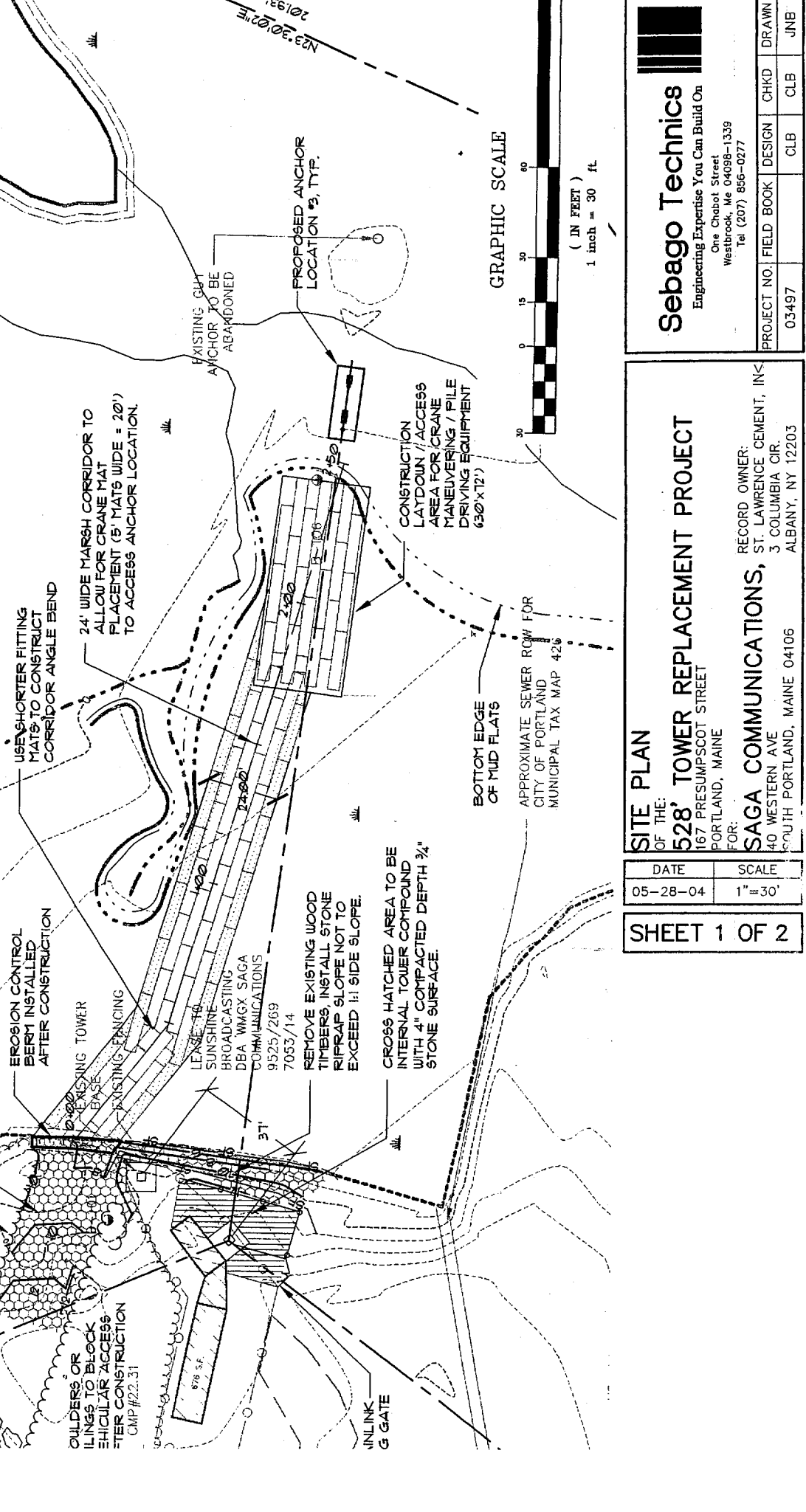


APPROXIMATE TREE CUT AREA
 REGRADED AREAS TO BE
 EARTH CUT THEN SHAPED WITH
 LARGE IRREGULAR RIPRAP
 STONE (D50-4") COMPACTED
 TO PROVIDE 10' WIDE ACCESS
 FOR TRACK MOUNTED
 CONSTRUCTION EQUIPMENT &
 TRUCK DELIVERIES
 EROSION CONTROL
 BERM INSTALLED
 AFTER CONSTRUCTION
 BREAKING TOWER
 BASE
 FENCING FENCING
 LEASE TO
 SUNSHINE
 BROADCASTING
 DBA WMGX SAGA
 COMMUNICATIONS
 9525/269
 7053/14
 REMOVE EXISTING WOOD
 TIMBERS. INSTALL STONE
 RIPRAP. SLOPE NOT TO
 EXCEED 1:1 SIDE SLOPE.
 CROSS HATCHED AREA TO BE
 INTERNAL TOWER COMPOUND
 WITH 4" COMPACTED DEPTH 3/4"
 STONE SURFACE.

USE SHORTER FITTING
 MATS TO CONSTRUCT
 CORRIDOR ANGLE BEND
 24' WIDE MARSH CORRIDOR TO
 ALLOW FOR CRANE MAT
 PLACEMENT (5' MATS WIDE = 20')
 TO ACCESS ANCHOR LOCATION.
 EXISTING CUT
 ANCHOR TO BE
 ABANDONED
 PROPOSED ANCHOR
 LOCATION 3, TYP.

CONSTRUCTION
 LAYDOWN / ACCESS
 AREA FOR CRANE
 MANEUVERING / FILE
 DRIVING EQUIPMENT
 (30' X 12')
 BOTTOM EDGE
 OF MUD FLATS
 APPROXIMATE SEWER ROW FOR
 CITY OF PORTLAND
 MUNICIPAL TAX MAP 426

WOODDED
 BUILDERS OR
 ILLINGS TO BLOCK
 ANGULAR ACCESS
 AFTER CONSTRUCTION
 CMP #122.31
 MINLINK
 & GATE
 TIDAL MARSH
 MUD FLATS
 TIDAL POND
 S37°21' 101.80'
 N3°30'21"E 201.93'



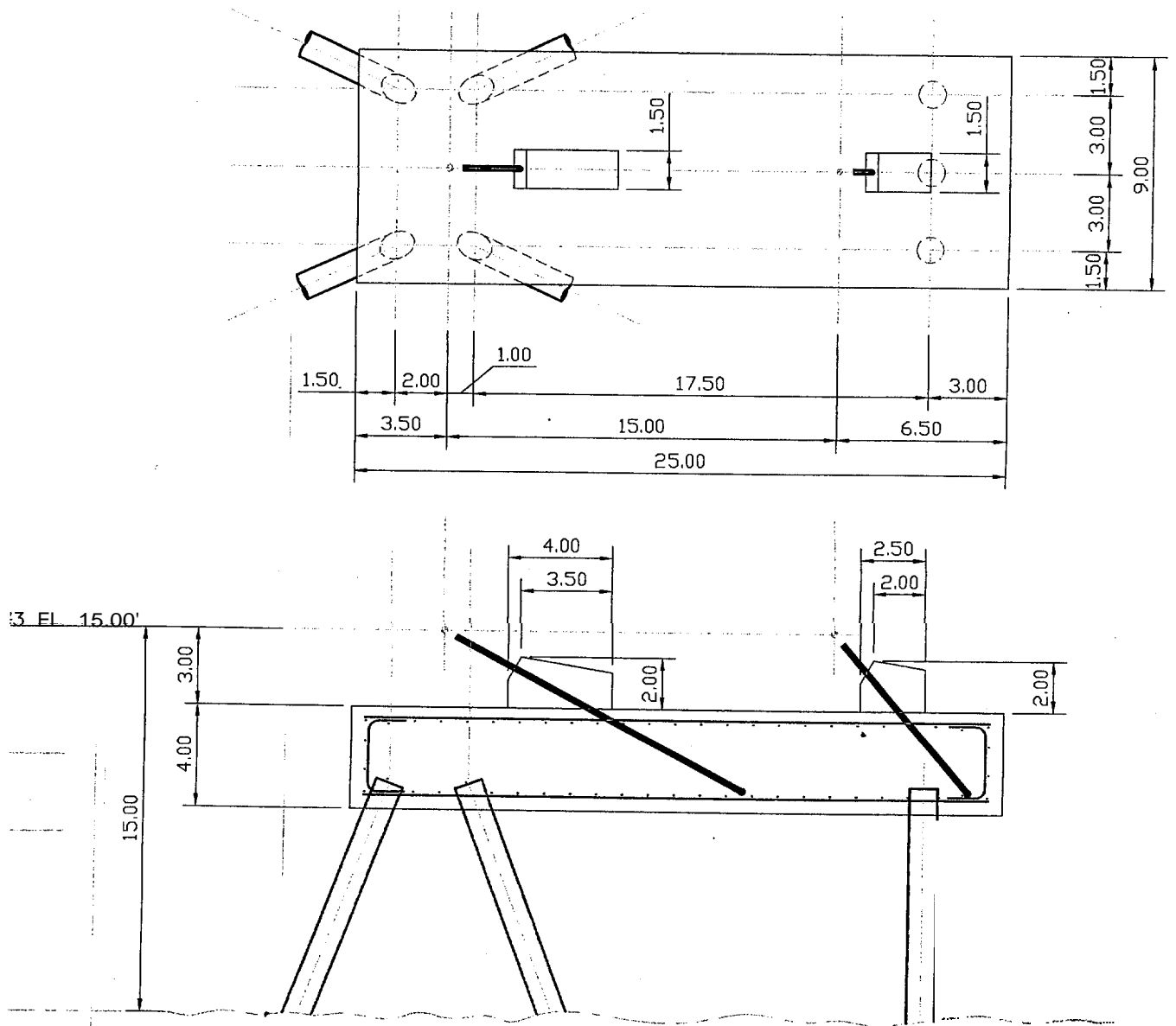
Sebago Technics
 Engineering Expertise You Can Build On
 One Chabot Street
 Westbrook, Me 04098-1339
 Tel (207) 856-0277

PROJECT NO.	03497	FIELD BOOK	DESIGN	CHKD	DRAWN
			CLB	CLB	JNB

SITE PLAN
 OF THE:
528' TOWER REPLACEMENT PROJECT
 1167 PRESUMPSCOT STREET
 PORTLAND, MAINE
 FOR:
SAGA COMMUNICATIONS, INC.
 ST. LAWRENCE CEMENT, INC.
 3 COLUMBIA CIR.
 SOUTH PORTLAND, MAINE 04106

DATE	SCALE
05-28-04	1"=30'

SHEET 1 OF 2



ANCHOR #3

528' TOWER REPLACEMENT PROJECT

167 PRESUMSCOT STREET
PORTLAND, MAINE

FOR

SAGA COMMUNICATIONS,

40 WESTERN AVE
SOUTH PORTLAND, MAINE 04106

RECORD OWNER
ST LAWRENCE CEMENT, INC
3 COLUMBIA CIR
ALBANY, NY 12203

Sebago Technics

Engineering Expertise You Can Build On

One Chabot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277



PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
03497		CLB	CLB	JNB

Statement of Special Inspections

Project:
Location:
Owner:
Owner's Address:

Architect of Record:
Structural Engineer of Record:

This **Statement** of Special **Inspections** is Submitted as a condition for permit issuance in accordance with the Special Inspection requirements of the Building Code. It includes a Schedule of Special Inspection Services applicable to this project as well as the name of the Special Inspector and the identity of other approved agencies intended to be retained for conducting these inspections.

The Special Inspector shall keep records of all inspections and shall furnish inspection reports to the Building Official, Structural Engineer and Architect of Record. Discovered discrepancies shall be brought to the immediate attention of the Contractor for correction. If such discrepancies are not corrected, the discrepancies shall be brought to the attention of the Building Official, Structural Engineer and Architect of Record. The Special Inspection program does not relieve the Contractor of his or her responsibilities.

Interim reports shall be submitted to the Building Official, Owner, Structural Engineer and Architect of Record.

A Final **Report of Special Inspections** documenting completion of all required Special Inspections and correction of any discrepancies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy.

Job site safety and means and methods of construction are solely the responsibility of the Contractor.

Interim Report Frequency: _____ or per attached schedule.

Prepared by:

Robert Arledge, P.E.

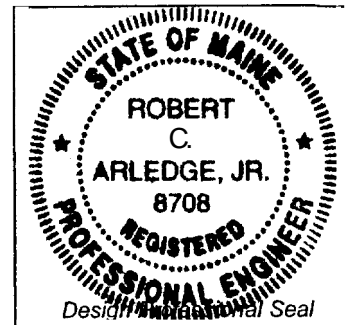
(type or print name)

Robert Arledge

Signature

11 OCT 04

Date



Owner's Authorization:

Building Official's Acceptance:

Signature

Date

Signature

Date

Project:

Schedule of Special Inspection Services

The following sheets comprise the required schedule of special inspections for this project. The construction divisions which require special inspections for this project are as follows:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Soils and Foundations | <input type="checkbox"/> Spray Fire Resistant Material |
| <input checked="" type="checkbox"/> Cast-in-Place Concrete | <input type="checkbox"/> Wood Construction |
| <input type="checkbox"/> Precast Concrete | <input type="checkbox"/> Exterior Insulation and Finish System |
| <input type="checkbox"/> Masonry | <input type="checkbox"/> Mechanical & Electrical Systems |
| <input type="checkbox"/> Structural Steel | <input type="checkbox"/> Architectural Systems |
| <input type="checkbox"/> Cold-Formed Steel Framing | <input type="checkbox"/> Special Cases |

Inspection Agents	Firm	Address
1. Special Inspector Associated Design Partners, Inc.		80 Leighton Rd. Falmouth, Me. 04105
2. Inspector Robert Arledge, P.E. (SE)	Associated Design Partners, Inc.	
3. Inspector Jim Thibodeau, P.E. (SE)	Associated Design Partners, Inc.	80 Leighton Rd. Falmouth, Me. 04105
4. Testing Laboratory S.W. Cole, Inc.		286 Portland Road Gray, Me 04039
5. Testing Laboratory GRL Engineering, INC		4256 N. Arlington Height Road Arlington Heights IL 60004
6. Other ERNEST R. JONES	Electronics Research Inc.	7777 Gardner Rd. Chandler, IN 47610

Basic Wind Speed

Wind Exposure Category

Project:

Qualifications of Inspectors and Testing Technicians

The qualifications of all personnel performing Special Inspection activities are subject to the approval of the Building Official. The credentials of all Inspectors and testing technicians shall be provided if requested.

It is recommended that the person administering the Special Inspections program be a Structural Engineer or a Professional Engineer experienced in the design of buildings.

Key for Minimum Qualifications of Inspection Agents:

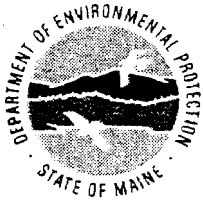
When the Structural Engineer of Record deems it appropriate that the individual performing a stipulated test or inspection have a specific certification or license as indicated below, such designation shall appear below the **Agent Number** on the **Schedule of Special Inspections**.

- SE Structural Engineer – a licensed SE or PE specializing in the design of building structures. This may be required for the inspection of critical structural elements.
- GE Geotechnical Engineer – a licensed PE specializing in soil mechanics and foundations. This may be required for the inspection of difficult soil conditions or deep foundations.
- EIT **Engineer-In-Training** – a graduate engineer who has passed the Fundamentals of Engineering examination. This may be required for the inspection of elements that require some engineering training to properly evaluate.
- ACI American Concrete Institute - Level I Certified Concrete Field Testing Technician. This certification is appropriate for individuals performing concrete sampling, slump tests, air-content tests, temperature tests, unit weight tests, and casting compression test cylinders.
- AWS American Welding Society - Certified Welding Inspector (CWI). This certification is appropriate for individuals performing visual inspection of welds.
- ASNT American Society of Non-Destructive Testing – Level II or III. This certification is appropriate for individuals performing ultra-sonic testing of welds.
- SMSI** Structural **Masonry** Special Inspector – certification by ICBO.
- SWSI** **Structural** Steel and Welding Special Inspector – certification by ICBO.
- SFSI** **Spray-Applied Fireproofing** Special Inspector – certification by ICBO.
- PCSI** Prestressed Concrete Special Inspector – certification jointly sponsored by ICBO, BOCA and SBCCI with participation from PCI and PTI.
- RCSI** Reinforced Concrete Special Inspector – certification jointly sponsored by ACI, ICBO, BOCA and SBCCI.

Item	Agent No. (Qualif.)	Scope
1. Shallow Foundations		
2. Controlled Structural Fill		
3. Deep Foundations Piles	1 & 2 5.	1. Material Certifications 2. Verify Installation per drawings 3. Verify pile capacity with Pile Driving Analyzer Equipment
4. Other Grout for rock anchors	4. 1 & 2	1. Test for slump 2. Test for compressive strength 1. Monitor placement 2. Monitor Proof Testing

Item	Agent No. (Qualif.)	Scope
1. Mix Design	1, 2&4	1. Compressive Strength 2. Water Cement Ratio 3. Additives
2. Material Certification	1, 2&4	1. cement 2. Air Entraining Agent 3. Corrosion Inhibitor 4. Reinforcing Steel
3. Reinforcement Installation	& 2	1. Per Drawings
4. Post-Tensioning Operations	& 2	1. Rock Anchor Proof Test 2. Rock Anchor Pre-Tensioning
5. Batching Plant	& 2	1. Quality control program
6. Formwork Geometry	& 2	1. Per Drawings
7. Concrete Placement	& 2	1. Per ACI 301-99
8. Evaluation of Concrete Strength	& 2 4	
9. Curing and Protection	1 & 2	
10. Other	4. 1 & 2	1. Inspect facility & Quality Control 2. Verify Construction & Placement

Item	Agent No. (Qualif.)	Scope
Tower	6. 1 & 2	1. Quality Control Program 2. Qualification of Welder's 3. Material Certifications 4. Condition of tower as Delivered 5. Erection



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATEHOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER
IN THE MATTER OF

**SAGA COMMUNICATIONS, DBA
PORTLAND RADIO GROUP**
Portland, Cumberland County
RADIO TOWER
L-21939-A-N (approval)

) NATURAL RESOURCES PROTECTION
) COASTAL WETLAND
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT **AND** ORDER

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

1. **PROJECT DESCRIPTION:**

A. Summary: The applicant proposes to replace a 528-foot high guyed radio tower and three anchors in and adjacent to a tidal marsh and mudflat off Presumpscot Street in Portland. The new tower and anchors will be located adjacent to the old tower and anchors. The site is the location of a radio tower that collapsed after an anchor failed in December 2003. The tower replacement is necessary to restore the broadcasting capability of a local FM radio station. The project includes the construction of two new double anchors in upland locations approximately 30 feet from the upland/wetland edge and one new anchor in a tidal mudflat. Each anchor will be capped with a 225 square foot concrete cap. The concrete cap for anchor #3 located in the mudflat will be elevated on support piles approximately 8 feet above the substrate to minimize the impact on the mudflat. The applicant also proposes to restore approximately 900 square of mudflat by removing the rock rubble fill at the original site of anchor #3. To access the mudflat to drive piles and construct the concrete pile cap for anchor #3, the applicant proposes to construct a 10-foot wide rock filled upland access road and a 20-foot wide temporary access road across the vegetated salt marsh using wooden crane mats. No equipment will operate in the mudflat, and construction will be limited to periods when the tidal flat is exposed during low tide. In addition, the applicant also proposes to stabilize a 100-foot long section of eroded slope by installing rock riprap adjacent to the site of the proposed tower. The proposed project is shown on a set of plans the first of which is entitled "Existing Conditions Survey, Sunshine Broadcasting WMGX Tower," prepared by Sebago Technics, with a last revision date of May 28, 2004. The applicant proposes to complete the project during a three week period in early fall 2004.

B. Current Use of the Site: The applicant leases the 13.6 acre site that is located adjacent to a coastal wetland in an industrial zone on Presumpscot Street between I-295

and the St. Lawrence Railroad tracks. Development adjacent to the project site includes a lumberyard, warehouse complex, and cement storage facility.

2. WATER QUALITY AND EROSION CONTROL CONSIDERATIONS:

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. The applicant proposes to install and maintain adequate erosion control measures to protect water quality until the project site is stabilized.

3. HABITAT CONSIDERATIONS:

The Department of Marine Resources (DMR) reviewed the proposed project. In comments dated July 12, 2004, DMR stated that the project site is a low energy consolidated shore. The upper and mid intertidal area are vegetated with *Spartinapatens* (salt hay grass) and *Spartina alterniflora* (smooth cordgrass) respectively. The lower intertidal is mud. DMR recommends that the salt marsh be monitored after the crane mat access road is removed to insure that the substrate and vegetation recovers during the growing season following construction. DMR also recommends that the existing pile of rock rubble is removed and the mudflat restored at the existing location of anchor #3. The applicant has agreed to these two requirements.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that the coastal wetland is part of a large wetland complex associated with the Presumpscot River. This complex is designated as Coastal Wading Bird and Waterfowl Habitat and qualifies as Significant Wildlife Habitat, but the project site is outside the critical habitat areas of open water and emergent vegetation used by nesting and feeding waterfowl. To minimize the impact to waterfowl, MDIFW recommends no work in the coastal wetland during the waterfowl-breeding season from July to September, if possible.

4. WETLANDS AND WATERBODIES PROTECTION RULES:

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. The applicant submitted an alternatives analysis for the project prepared by Sebago Technics and dated May 27, 2004 that demonstrated that, based on Federal Communications Commission licensing requirements, zoning standards in the City of Portland, and the design and engineering specifications for the new radio tower, the tower and its anchors must be located adjacent to the original tower and anchors.

b. Minimal Alteration. The alteration to the coastal wetland will be limited to seven piles driven into the substrate and the temporary impacts to the salt marsh from the installation of approximately 5,360 square feet of crane mats during the construction of anchor #3. This anchor will be a pile supported concrete pile cap elevated 8 feet above the substrate to minimize the impact to the tidal mudflat. To further minimize impacts to salt marsh vegetation, the Department recommends that the applicant construct anchor #3 after October 1, when *Spartina* is dormant.

c. Compensation. Although the applicant demonstrated that the proper use of crane mats at the construction site for anchor #3 should result in no permanent loss of wetland functions and values, the Department finds that the applicant must photograph the access area prior to installing the mats, immediately after removing the mats, and prior to June 15 in the year following construction. The Department will assess the recovery of the salt marsh vegetation in the year following construction and may require restoration or enhancement of the access area if salt marsh vegetation is not the same density as that in the adjacent undisturbed areas.

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.

5. EXISTING SCENIC AND AESTHETIC USES:

The applicant evaluated the impact of the proposed project on existing scenic and aesthetic uses in the vicinity of the proposed project by submitting photographs of the existing conditions at the project site and by completing a visual evaluation and field survey checklist. The proposed radio tower and supporting guy wires and anchors will be located in the same area as the former tower and be the same height. The new tower will have the same visual impact as the old tower and will be located within a highly developed industrial zone in Portland adjacent to an interstate highway. Based on information in the application and a site visit, the Department finds that the proposed project will not unreasonably interfere with existing scenic and aesthetic uses.

6. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing navigational uses, soil erosion, the natural transfer of soil, natural flow of water, 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 4SO-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 habitat, travel comdor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the applicant photographs the access area prior to installing the mats, immediately after removing the mats, and prior to June 15 in the year following construction and restores or enhances the access area, if necessary.
- 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.
- 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 **SAGA COMMUNICATIONS, DBA PORTLAND RADIO GROUP** to construct a radio tower with anchors and install riprap, **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 its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. The applicant shall photograph the access area prior to installing the mats, immediately after removing the mats, and prior to June 15 in the year following construction. The photographs shall be submitted to the Bureau of Land and Water Quality one week after installing and removing the mats and by June 23.

- 4. The applicant shall enhance or restore salt marsh vegetation in the access area if the plant density is not the same as that in adjacent undisturbed areas.

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.

DONE AND DATED AT AUGUSTA, MAINE, THIS 14TH DAY OF SEPTEMBER, 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
DAWN R. GALLAGHER, COMMISSIONER

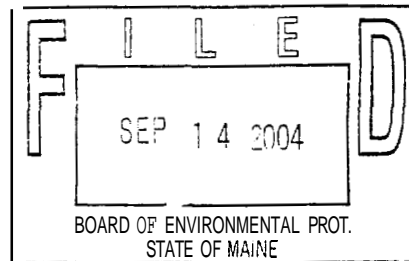
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application May 28, 2004

Date of application acceptance June 14, 2004

Date filed **with** Board of Environmental Protection

DBB/ATS52615/L21939AN



NATURAL RESOURCE PROTECTION ACT (NRPA)
STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 430-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 than 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 from 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.

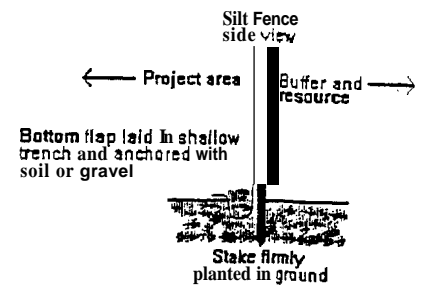
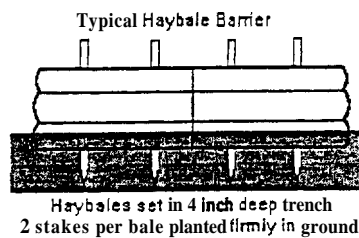
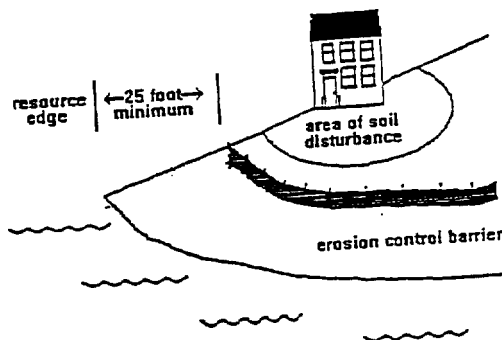
Revised (4/92)

DEPLW0428

Erosion Control

Before Construction

1. If you have **hired a contractor**, make sure you have discussed your permit **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 could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. **Your contractor** may be the person actually pushing dirt around but **you are both responsible** for complying with the permit.
2. **Call** around **and** find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw **during** late winter and early spring. It may also be more expensive during those times of year. **Plan** ahead. Purchase 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 activity.
4. If a contractor **is** installing the barrier, double check it **as** a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the **land** slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



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** striking the soil that causes a lot of 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. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same **mix** would not be a good choice for stabilizing a road shoulder or a cut **bank** that you don't intend to mow.
2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be **killed** by a frost before it has a chance to become established. Instead, mulch the site **with** a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.
3. Keep your erosion control barrier **up and** maintained until the area is permanently stabilized.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2511

SUMMARY

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed **as part** of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Befamiliar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Befamiliar with the regulations and laws under which the application was processed. and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* **An** applicant proceeding with a project pending the outcome of an appeal runs the **risk** of the decision being reversed or modified **as** a result of the appeal.

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

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

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 35 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

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

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

Julianne ? Receivables ?



August 9, 2000

Mr. Warren S. Lada
Vice President of Operations
SAGA COMMUNICATIONS OF NEW ENGLAND, INC.
Portland Radio Group
420 Western Avenue
South Portland, ME 04106

Dear Mr. Lada:

St. Lawrence Cement is willing to renew ~~for~~ an additional five year term the lease Agreement, dated August 14, 1985 between St. Lawrence Cement, Inc., as landlord and SAGA Communications of New England, Inc., as tenant, relating to the property located at 189 Presumpscot Street, Portland, ME.

The terms of the Lease during the five year renewal period shall include an initial rental of \$14,000 per annum and increasing yearly thereafter at the rate of 4% per annum until the end of the five year renewal period. Tenant will continue to pay 5% of the real estate taxes assessed against the St. Lawrence property.

All other terms of the Lease during this second five year renewal period, and during any additional renewal periods thereafter, shall continue to be in full force.

St. Lawrence Cement is not interested in selling the property at this time.

Please indicate your acceptance of the continuation of the above lease by signing in the appropriate space below. Return both signed copies to St. Lawrence Cement, Inc., #3 Columbia Circle, Albany, NY 12203. A fully executed copy will be returned to you.

AGREED TO BY:
SAGA COMMUNICATIONS
OF NEW ENGLAND, INC.

[Signature]
Name *CARY I. PARAGIAN*
Title *VP/GM*

Date 8-10-00

ST. LAWRENCE CEMENT, INC.

[Signature]
Name: Dennis W. Skidmore
Title: Sr. Vice President, U.S. Division

Date 8-21-00

Brian
75 BY JULIUS ROSENBERG, INC.
PUBLISHER, NYC 10013

LEASE AGREEMENT

The parties agree as follows:

of this Lease:
Parties to this lease and addresses:

19
 Landlord: St. Lawrence Cement, Inc.
 c/o Independent Cement Corporation
 Address for notices: P.O. Box 12-310
 Albany, New York 12212

You, the Tenant: Sunshine Broadcasting, Inc.
 Address: 200 High Street
 Portland, Maine 04101

1410-10-11-85
1410-10-11-85
1410-10-11-85

If there are more than one Landlord or Tenant the words "Landlord" and "Tenant" used in this Lease includes them.

Term:

1. Five years: beginning: August 15, 19 85
 ending: August 14, 1990; tenant shall have the option of renewing
 this lease under the same terms and conditions except the rent for nine
 successive five year terms. Tenant shall exercise such options by notifying
 landlord at the above address by certified mail at least 90 days before the
 expiration of the then current term.

Premises rented:

2. 189 Presumpscott Street, Portland, Maine 04103 as further described
 in Exhibit A annexed hereto and made a part hereof,

8/86 = \$5,000.00
 1986
 1987
 1988
 1989
 1990

Rent:

the first year's rent

3. The yearly rent is \$ 5,000.00. You, the Tenant, will pay the yearly Rent to the Landlord,
 on or before August 15, of each year in advance. The rent shall
 be increased by 4% for each successive year which increase shall be cumula-
 tive. e.g. 8/15/86 \$5,200.00; 8/15/87 \$5,408.00; 8/15/88 \$5,624.82 etc.
 The tenant shall be entitled to no services except those which it provides
 at its own cost and expense. The 4% per annum escalator shall also apply
 during any renewal term.

Agreement to lease and pay rent:

4. Landlord leases the Premises to you, the Tenant, for the Term. You, the Tenant, agree to pay the Rent
 and other charges as required in the Lease. You, the Tenant, agree to do everything required of you in
 the Lease.

Default:

5. If you, the Tenant, fail to pay the Rent, or any part of the Rent when it becomes due, the Landlord may
 sue you for it, or re-enter the Premises, or use any legal remedy.

3698
 V2732
 DO 8/20
 AK 1410

1990-1991 3617 2393 1989-90 243.77 Aug 1989
 \$ 6,083.80 V2732 467.46 Sept-July
 \$41620 DO 8/27/89 25,849.81 243.76 Aug 1990
 AK 1410-100

Taxes:

6. The tenant agrees to pay 5% of the
 taxes to be assessed on the Premises during the Term.

If the landlord shall make a substantial improvement to the property the
 parties shall adjust the above percentage.



APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

SAGA COMMUNICATIONS dba PORTLAND RADIO GROUP
Applicant

5/11/04
Application Date

420 WESTERN AVE
SOUTH PORTLAND, ME 04106
Applicant's Mailing Address

Presumpscoot St. Tower Replacement
Project Name/Description

SEBAGO TECHNICS INC c/o JAMES SEYMOUR
856-0277
Consultant/Agent/Phone Number

167 Presumpscoot St.
Address of Proposed Site

CBL: 421-B-1 and 7
426-B-5 and 6

Description of Proposed Development:

SEE ATTACHED LETTER.

Please Attach Sketch/Plan of Proposal/Development

Criteria for Exemptions:
See Section 14-523 (4) on back side of form

a) Within Existing Structures; No New Buildings,
Demolitions or Additions

Applicant's Assessment
(Yes, No, N/A)

YES

Planning Office
Use Only

b) Footprint Increase Less Than 500 Sq. Ft

YES

c) No New Curb Cuts, Driveways, Parking Areas

N/A

d) Curbs and Sidewalks in Sound Condition/Comply
with ADA

N/A

e) No Additional Parking/ No Traffic Increase

YES

f) No Stormwater Problems

YES

g) Sufficient Property Screening

YES

h) Adequate Utilities

YES

Planning Division Use Only

Exemption Granted

Partial Exemption

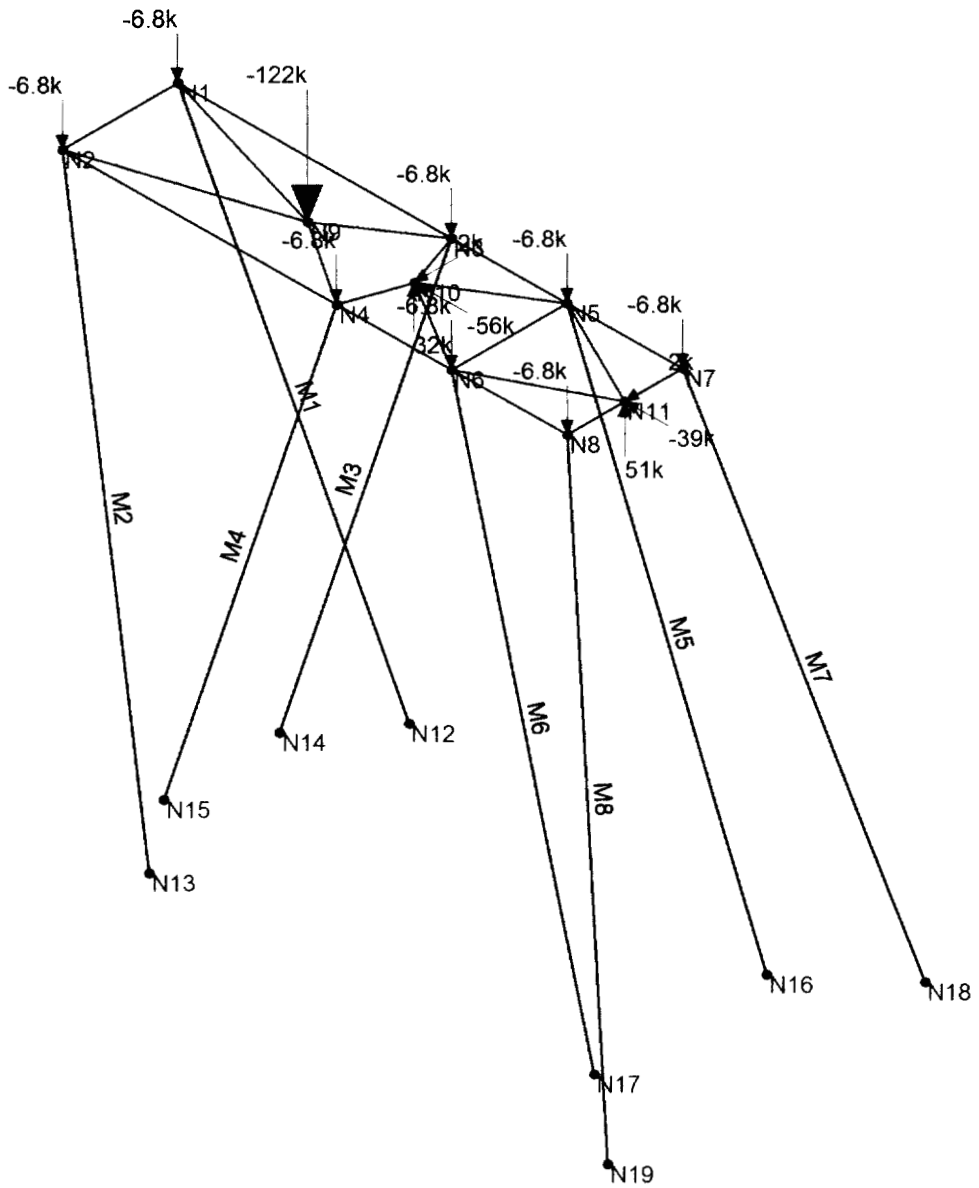
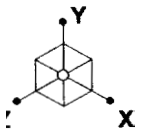
Exemption Denied

Planner's Signature

[Handwritten Signature]

Date

5/12/04



Associated Design Partner...

Anchor 3 - 040921-1600

Bob Arledge

Oct 13, 2004 at 11:02 AM

04053

Anchor3.r3d