

NRPA Individual Permit Application
Slope Stabilization and Stair

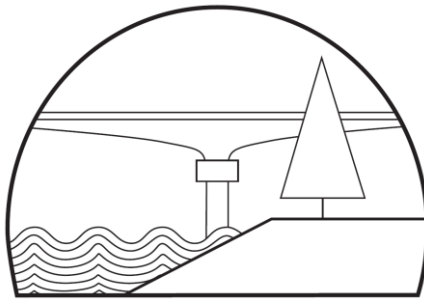
74 Watson Street, Portland, Maine

Applicant:

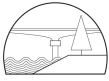
Mary Frances Fournet & Tamas Peredy
74 Watson Street
Portland, ME 04103

Submitted To:

Maine Dept. of Environmental Protection
Division of Land Resource Regulation
Southern Maine Regional Office
312 Canco Road
Portland, ME 04103



BAKER DESIGN CONSULTANTS
Civil, Marine, and Structural Engineering
7 Spruce Road, Freeport, ME 04032



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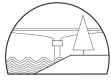


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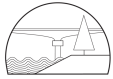
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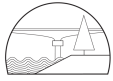
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Part I NRPA PERMIT APPLICATION

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

1. Name of Applicant: Mary Frances Fournet Living Trust Attn: Mary Frances & Tamas Peredy		5. Name of Agent: Christopher Pickles, PE Baker Design Consultants	
2. Applicant's Mailing Address: 433 Bath Club Blvd South, North Redington Beach, FL 33708		6. Agent's Mailing Address: 7 Spruce Road Freeport, Maine 04032	
3. Applicant's Daytime Phone #: Contact Agent		7. Agent's Daytime Phone #: (207) 846-9724	
4. Applicant's Email Address (Required from either applicant or agent): fran4net@gmail.com tperedy@tgh.org		8. Agent's Email Address: c.pickles@bakerdesignconsultants.com	
9. Location of Activity: (Nearest Road, Street, Rt.#) 74 Watson Street		10. Town: Portland	11. County: Cumberland
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook	13. Name of Resource: Casco Bay, Atlantic Ocean	
	<input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain	14. Amount of Impact: (Sq.Ft.) Fill: None Dredging/Veg Removal/Other: None	
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS	
		<i>Tier 1</i> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft.
			<i>Tier 3</i> <input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft not eligible for Tier 1
16. Brief Activity Description: Structural Stabilization of shoreline and installation of stone stair for beach access.			
17. Size of Lot or Parcel & UTM Locations: <input checked="" type="checkbox"/> 10,131 square feet, or <input type="checkbox"/> __ acres		UTM Northing: <u>43.682536</u> UTM Easting: <u>-70.250999</u>	
18. Title, Right or Interest: <input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement			
19. Deed Reference Numbers: Book#: 34272 Page: 48		20. Map and Lot Numbers: Map #: 431 Lot #: B007 & B002	
21. DEP Staff Previously Contacted: Jennifer Harris and Michael Morse		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Previous project manager: Jennifer Harris	
24. Written Notice of Violation?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site: From the eastern end of Rt. 26 (Washington Ave) Take Veranda Street to Kensington Street. At the end of Kensington Street make a left turn onto Windsor Terrace. Turn right onto Watson Street and the Property is at the end of the street on the left.			
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed: \$400 + \$100 = \$500 (4D Shoreline Stabilization in a Coastal Wetland)			
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			



Signature Page

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

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

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

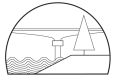
I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I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

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #9 for the agent. Do not sign if you elect to "opt out" or receive the decision via regular mail.

SIGNATURE OF AGENT/APPLICANT

July 18, 2018
DATE

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

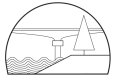


Agent Authorization

Mary Frances, Tamas Peredy
74 Watson Street
Portland Maine 04103

By signing below, I authorize Chris Pickles, PE of Baker Design Consultants to act as agent for the purpose of permit communication on applications filed for the proposed shoreline stabilization project located at 74 Watson Street, Portland, Maine (City of Portland Tax Map 431 Lot B007).

Signed: 
Date: April 26, 2018



Public Notice Filing and Certification

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. Newspaper: You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.

Refer to Attachment 10 Notice of Intent to File on page 25.

2. Abutting Property Owners: You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.

Refer to next page for a list of abutting property owners (Map.Lot.Addresses).

3. Municipal Office: You must send a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office.

Copy provided to City of Portland Planning and Transportation Division; Attn: Barbara Barhydt- Development Review Manager

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

4. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
5. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
6. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
7. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

July 18, 2018

SIGNATURE OF AGENT/APPLICANT

Date

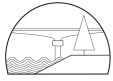


Abutting Property Owners

A section of the Portland Tax Map 431 and abutter information are provided below.



Map	Lot	Physical Address	Name	Mailing Address	Town, State
431	B005	76 Watson Street	Nina A & Michael J Miller	76 Watson St	Portland ME 04103
431	C014	75 Watson Street	Thomas J Repeta	75 Watson St	Portland ME 04103
431	B001	6 Island Street	Yale S Arkel & Jessica Arkel Trustees	116 Stanmore Pl	Westfield NJ 07090
431	A017	60 Watson Street	Phillip M Hoose & Sandra L St. George	60 Watson St	Portland ME 04103
431	B004	72 Watson Street	Robin M Mchugh	72 Watson St	Portland ME 04103
431	A018	11 Island Street	Michael A Ferrante Trustee	1445 Main Street	Tewksbury MA 01876
431	A019	7 Island Street	Meranne W Behrends & Lucas C Behrends	7 Island Street	Portland ME 04103



Right, Title or Interest – LOT B007

The following documents are provided to show right, title or interest for the project.

Warranty Deed: Cumberland County Registry of Deeds, Book 31775, Page 294-297

DOC :43435 BK:34272 PG:48

Return to:

The Mary Frances Fournet Living Trust dated 5/24/2010
74 Watson Street
Portland, ME 04103
DLN: 1001740016171

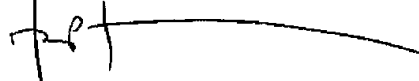
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Donald M Peterson**, of 74 Watson Street, Portland, ME 04103, for consideration paid, grant to **Mary Frances Fournet, Trustee of The Mary Frances Fournet Living Trust dated 5/24/2010**, of 433 Bath Club Blvd. South, North Redington Beach, FL 33708, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed of Patrick K. Corliss, Jr. dated 8/31/2012 and recorded at Book 29897, Page 75 in the Cumberland County Registry of Deeds.

Executed this 17 day of August, 2017

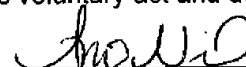


Donald M Peterson

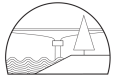
State of Maine

County of Cumberland 8/17/2017

Then personally appeared before me the said Donald M Peterson and acknowledged the foregoing to be his voluntary act and deed.



Amie Nickel
Notary Public/Attorney at Law
Commission expiration:



DOC :43435 BK:34272 PG:49

RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS

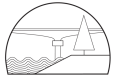
08/29/2017, 11:34:05A

Register of Deeds Nancy A. Lane E-RECORDED

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated northeasterly of the northeasterly line of Watson Street, formerly known as Upland Avenue, in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at a point on said northeasterly side of Watson Street one hundred (100) feet southeasterly from the southeasterly line of Island Street; thence northeasterly and at right angles to said Watson Street ninety (90) feet to a point; thence southeasterly and at right angles to the last described line, sixty (60) feet, more or less, to the waters of Casco bay; thence southwesterly to the line of land of Elsie I. Sanborn as conveyed to said Sanborn by said Cora M. Dunham by her deed dated July 14, 1948 and of record at the Cumberland County Registry of Deeds; thence northwesterly by the line of land of said Elsie I. Sanborn as aforesaid, eighty (80) feet to point; thence southwesterly and at right angles to the last described line forty-five (45) feet to said northeasterly side of said Watson Street; thence northwesterly by said Watson Street eight and six tenths (8.6) feet to the point of beginning.



Right, Title or Interest – LOT B002

CONTRACT FOR SALE & PURCHASE

THIS CONTRACT FOR SALE & PURCHASE (this "Agreement") dated this 9th day of July, 2018

BETWEEN:

John W. Newton and Sharon L. Rosen of 10 RiverPlace Drive #10-108, South Portland, ME 04106

(the "Seller")

AND

Mary Frances Fournet Peredy Living Trust Dated May 24th, 2010 of 119 Faubel St., Sarasota, FL 34242

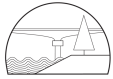
(the "Purchaser")

IN CONSIDERATION OF the covenants and agreements contained in this Agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties to this Agreement agree as follows:

SALE OF PROPERTY

1. On the 9th day of July, 2018, the Seller, for and in consideration of the sum of \$285,000.00, does hereby agree to convey and grant with warranty covenants to the Purchaser, all of the following lands and property:

A certain lot or parcel of land, with any buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine on Island Street, so-called, and being Lot Numbered One Hundred Forty-Four (144) on Plan of Marine Terrace recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 103 (The "Premises").



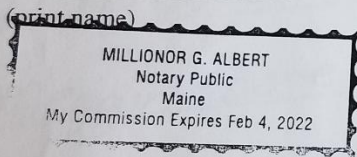
SELLER ACKNOWLEDGMENT

STATE OF MAINE
COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 9th day of July, 2018, by John W. Newton and Sharon L. Rosen, who are personally known to me or who have produced Driver's license identification.

Millioner G. Albert

Notary Public



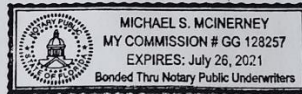
PURCHASER ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PINELLAS

Then personally appeared the above named Mary Frances Fournet Peredy acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Michael S. McInerney
Notary Public



IN WITNESS WHEREOF the Seller and Purchaser have duly affixed their signatures under hand and seal on this 9th day of July, 2018.

Witness: _____ (Sign) _____
_____ (Print) John W. Newton and Sharon L. Rosen (Seller)

Witness: Meggin Booe (Sign) Mary Frances
Meggin Booe (Print) Mary Frances Fournet Peredy Living Trust
Dated May 24th, 2010 (Purchaser)



ATTACHMENTS

Attachment 1	Activity Description
Attachment 2	Alternatives Analysis
Attachment 3	Location Map
Attachment 4	Color Photographs
Attachment 5	Project Plans
Attachment 6	Additional Plans
Attachment 7	Construction Plan
Attachment 8	Erosion Control Plan
Attachment 9	Site Condition Report
Attachment 10	Notice of Intent to File
Attachment 11	Maine Historic Preservation
Attachment 12	Functional Assessment
Attachment 13	Compensation Plan



ATTACHMENT 1 Activity Description

The project property is located on at City of Portland Lots B007 and B002 shown on Map 431. The project is at 74 Watson Street in Portland, ME and includes 116 LF± of shore frontage on Casco Bay. Reference should be made to the Location Map in Attachment 3 – Location Map , pictures located in Attachment 4 – Color Photographs and the project drawings listed in Attachment 5 – Project Plans and appended to this application.

The project involves the installation of slope stabilization measures to improve the coastal resiliency of the property. The existing slope is steep and has evidence of prior stabilization with stone and concrete. A home is perched at the top of the slope that would be impacted if the slope were to fail.

The work includes replacement of existing deteriorating concrete seawall and riprap with a granite stone revetment below the base flood elevation and plantings above the base flood elevation. The work will stabilize the slope to protect the home with a look that is similar in scope to work completed on the abutting property (n/f Miller). The resulting shoreline will blend will with the natural ledge outcrops on the rock beach and provide the opportunity to remove non-native/invasive vegetation and replace with native plantings. An existing deteriorated concrete wall at the base of the slope will be removed to the extend necessary to complete the work. A new beach access stair set into the slope is an integral part of the embankment stabilization and provides a route to the shore and access for slope maintenance.

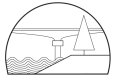
The project will not extend beyond the MHHW line. Approximately 250 square feet of area will be utilized beyond the Highest Annual Tide (HAT) Line. This is based on site meetings and project revisions with DEP and site contractors. Due to the steep slope at the project location providing stone revetment and stair landing that would not utilize area beyond the HAT would require a winding stair alignment with a walkway directly next to the resource. In meetings with DEP a design that includes a straight stair that lands directly on the rock ledge at the base of the slope is preferable and will have limited impact on the resource. A straight stair alignment will also be able to provide beach access to the B007 and B002 lots. This requires placement of stone to build out the toe of the slope a few feet beyond the HAT line in select areas.

A. OBJECTIVE CRITERIA FOR THE PROJECT

1. Project Purpose and Need

The purpose of the project is to protect the property owners home by replacing existing deteriorating slope armor with new granite slope armor and plantings. The project provides the property owners with recreational waterfront access and to provides the opportunity to replace non-native/invasive species with native vegetation.

Currently, there is no option for the owners to safely access the nearby rocky beach from their property. The existing residence is also in danger of being damaged if the existing seawall and deteriorating slope armor fail.



B. DESCRIPTION OF PROPOSED SEAWALL CONSTRUCTION

Beginning from shore, a description of the main elements of the proposed construction is provided below.

- Granite Stair Landing;
- Erosion Geotextile with Native Plantings and Erosion Control Mulch;
- Granite Stair and Stone Knee Walls or Railings;
- Granite Stone Armor with Geotextile to Protect Eroding Slope;
- Pinned Granite Slope Toe.

C. VISUAL IMPACT CONSIDERATIONS

Appendix A provides a MDEP Visual Evaluation Form. The major section of the property coastline faces northeast toward Macworth Island.

The seawall will be visible from the neighboring properties around the cove, several of which already have a seawall or some other type of stone armor.

The desire to minimize the visual impact of the proposed structure has been considered in the design of the structure. The granite slope with pinned granite toe makes for a 'traditional' looking coastal structure that will weather and blend well with the rock ledge shoreline. The project will be a great improvement over the existing deteriorating rip-rap and wall built with exposed rebar and broken brick. The majority of the slope is currently inhabited with non-native and invasive vegetation. The project will provide the property owners the opportunity to remove non-native and invasive vegetation and replant the area with native species.

Map of project site showing visual exposure to surrounding properties is provided below.





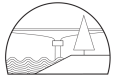
D. CONSIDERATION OF NRPA REGULATORY STANDARDS

The applicable regulatory review standards that must be met by the project under NRPA Title 38, Article 5-A NATURAL RESOURCES PROTECTION ACT are provided below and addressed in the text that follows.

§ 480-D. Standards

The department shall grant a permit upon proper application and upon such terms as it considers necessary to fulfill the purposes of this article. The department shall grant a permit when it finds that the applicant has demonstrated that the proposed activity meets the following standards set forth in subsections 1 to 9, except that when an activity requires a permit only because it is located in, on or over a community public water system primary protection area the department shall issue a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 2 and 5.

1. *Existing uses. The activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.*
2. *Soil erosion. The activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.*
3. *Harm to habitats; fisheries. The activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life. In determining whether there is unreasonable harm to significant wildlife habitat, the department may consider proposed mitigation if that mitigation does not diminish in the vicinity of the proposed activity the overall value of significant wildlife habitat and species utilization of the habitat and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity. For purposes of this subsection, "mitigation" means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse impact on the significant wildlife habitat, including the following:
 - A. *Avoiding an impact altogether by not taking a certain action or parts of an action;*
 - B. *Minimizing an impact by limiting the magnitude, duration or location of an activity or by controlling the timing of an activity;*
 - C. *Rectifying an impact by repairing, rehabilitating or restoring the affected environment;*
 - D. *Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; or*
 - E. *Compensating for an impact by replacing the affected significant wildlife habitat.**
4. *Interfere with natural water flow. The activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.*
5. *Lower water quality. The activity will not violate any state water quality law, including those governing the classification of the State's waters.*
6. *Flooding. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.*



1. Existing Uses of the Site

The proposed project is located on a privately owned residential property. The site is located in an area where other seawalls and slopes armored with stone exist. The project will not create a significant change to the local viewshed. Recreation and Navigation in the area are primarily by local property owners, and the proposed construction will not have an impact.

2. Action to avoid and minimize soil erosion

To minimize soil disturbance, the project incorporates the following features:

- a. Use of geotextile and plantings to retain soil at the top of the slope;
- b. Use of stone armor to protect portions of the slope from tidal and wave action;
- c. Use of pinned granite to replace deteriorated concrete seawall and protect toe of slope.

3. Steps taken to avoid and minimize any harm to habitats

The shoreline in the vicinity of the project is mapped as Tidal Wading Bird and Waterfowl Habitat. No harm to habitats is expected as a result of the project.

4. Consideration of any Interference with Natural Flow

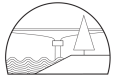
The project is located on a tidal cove and will not interfere with natural flow. The beach access stair will not interfere with natural flow.

5. Consideration of project attributes that Lower Water Quality

There is no discharge or long-term disturbance from the proposed project. Construction Impacts are addressed in Attachment 6 Construction Plan.

6. Consideration of any Flooding

The project is not located in a floodway and consequently will not cause or increase the flooding of the alteration area or adjacent properties.



ATTACHMENT 2 Alternatives Analysis (Revised June 2018)

The Project Plans appended to this document detail the Preferred Alternative. The project was developed to meet the Objective Criteria of the project with consideration of NRPA Regulatory Standards as presented in the previous sections. The Preferred Alternative represents the most practicable solution for protecting the home on the property from failure due to erosion and the removal of non-native vegetation. The Preferred Alternative also provides safe beach access for the property with a minimal impact to the resource by balancing long-term stability with least environmental impact.

The purpose of the proposed project is to protect the shoreline of the property from further erosion and provide the property owners the opportunity to replace non-native and invasive species with native vegetation. The addition of a stair will provide the property owners the right to beach access from their property.

The Preferred Alternative was selected after considering several options. A summary of the alternatives considered are discussed below and summarized in the Table that follows:

1. Do Nothing Option

A 'Do Nothing' option will not address the risk of slope failure due to future erosion and would deprive the property owner of the right for safe access to the nearby beach.

2. Preferred Alternative

The preferred alternative optimizes long term stability of the shoreline with a design that will blend well with the natural landscape and surrounding properties.

3. Other Alternatives Considered

a. Alternate Design and Phased Construction

After review with representatives from DEP, several site contractors, and the property owner, the alternatives below were deemed less desirable and the preferred alternative was selected. The following alternatives were also considered:

- Armoring a portion of the slope that is putting the existing residence at risk, and completing the remainder of the slope armor at a later date;
- Replace the existing seawall with a reinforced concrete structure like the existing wall and a turning stair alignment with walkway;
- Installation of a timber stair rather than a pinned granite stair.

4. Consideration for reducing the size, scope or configuration of the project and measures taken for avoidance and minimization of impacts to the resource.



The slope armor and stair proposed are considered the minimum measures necessary to protect the existing residence and provide safe beach access. The project will not extend beyond the MHHW line. The original design required no work beyond the Highest Annual Tide (HAT) Line. Due to the steep slope at the project location providing stone revetment and stair landing that would not utilize area beyond the HAT would require a winding stair alignment with a long walkway directly next to the resource. In meetings with DEP and site contractors it was determined that a more sensible and easier to construct design would include a straight stair that lands directly on the rock ledge at the base of the slope. This requires placement of stone to build out the toe of the slope a few feet beyond the HAT line. Constructing the project in this way is considered a less impactful design that permitting the walkway design. The revised design will make use of less than 250 square feet of area beyond the HAT.



ATTACHMENT 3 Location Map

Section of USGS Map, East & West Portland Quadrangle, 15 Minute Series





ATTACHMENT 4 Color Photographs



Watson Street Property, Google Earth image



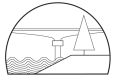
Watson Street Property, Erosion near foundation of existing residence near top of slope.



Watson Street Property, existing deteriorated seawall at the toe of slope



Watson Street Property, neighboring property with pinned granite seawall.



Watson Street Property, near property line of lots B007 and B002 at proposed beach access stair location.



ATTACHMENT 5 Project Plans

The following project plans are included as Appendix C.

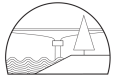
- G-1 COVERSHEET
- G-2 NOTES AND SCHEDULES

- C-1 SITE PLAN

- S-1 SLOPE PLAN AND PROFILES

ATTACHMENT 6 Additional Plans

No additional plans are provided at this time.



ATTACHMENT 7 Construction Plan

Construction Access

The project site is on the mainland with access by road. The construction crew will access the site by truck. It is likely that most construction materials will be delivered by vehicle.

The property has enough space to provide access to the work area from above the slope for most of the work. It will be necessary to position an excavator near the base of the slope to construct the stone revetment and an excavator at the top of the slope to pass material to the working crew below.

Due to site access constraints, the Contractor will likely make arrangements with the City of Portland to use the shore access ROW at the base of Chester Street to get equipment onto the beach. A similar construction access plan was used for work completed on the abutting property (n/f Miller). The property owners are in the process of purchasing the neighboring vacant lot. There is potential to access the top and bottom of the slope from the vacant lot.

Construction Notices

The owner and/or owner's agent will notify abutting property owners when the work starts and will keep them informed of the project schedule.

Method of Construction

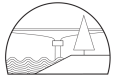
The work is typical of residential marine construction.

A general summary of the construction process is provided below:

1. Construct temporary construction access to get granite material down to toe of slope.
2. Demolish and remove material from existing deteriorated concrete seawall and stone armor as needed to install new pinned granite and stone armor.
3. Construct stone beach access stair.
4. Backfill with select crushed rock backfill.
5. Install separation geotextile between.
6. Armor slope with granite up to the base flood elevation.
7. Install geotextile, plantings, and erosion control mulch above the stone armor.
8. Complete Site Clean-up and punch list Items.

Construction Schedule

Pending contractor availability permitting the construction will take place in the fall/winter of 2018. It is estimated that it will take four to six weeks to complete the project. DEP has asked for the work to be done outside the shorebird migration window and recommends that construction not occur between May 1 and June 20 or between August 1 and October 1, which are critical time periods for migrating shorebirds.



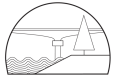
ATTACHMENT 8 Erosion Control Plan

The project involves placement of large size stone for construction of the seawall with 6-inch trap rock used for bedding and backfill. The contractor will be required to install temporary erosion control measures as recommended by the State of Maine Erosion and Sedimentation Control Best Management Practices.

Erosion control notes are indicated on the plans and repeated below.

EROSION CONTROL NOTES

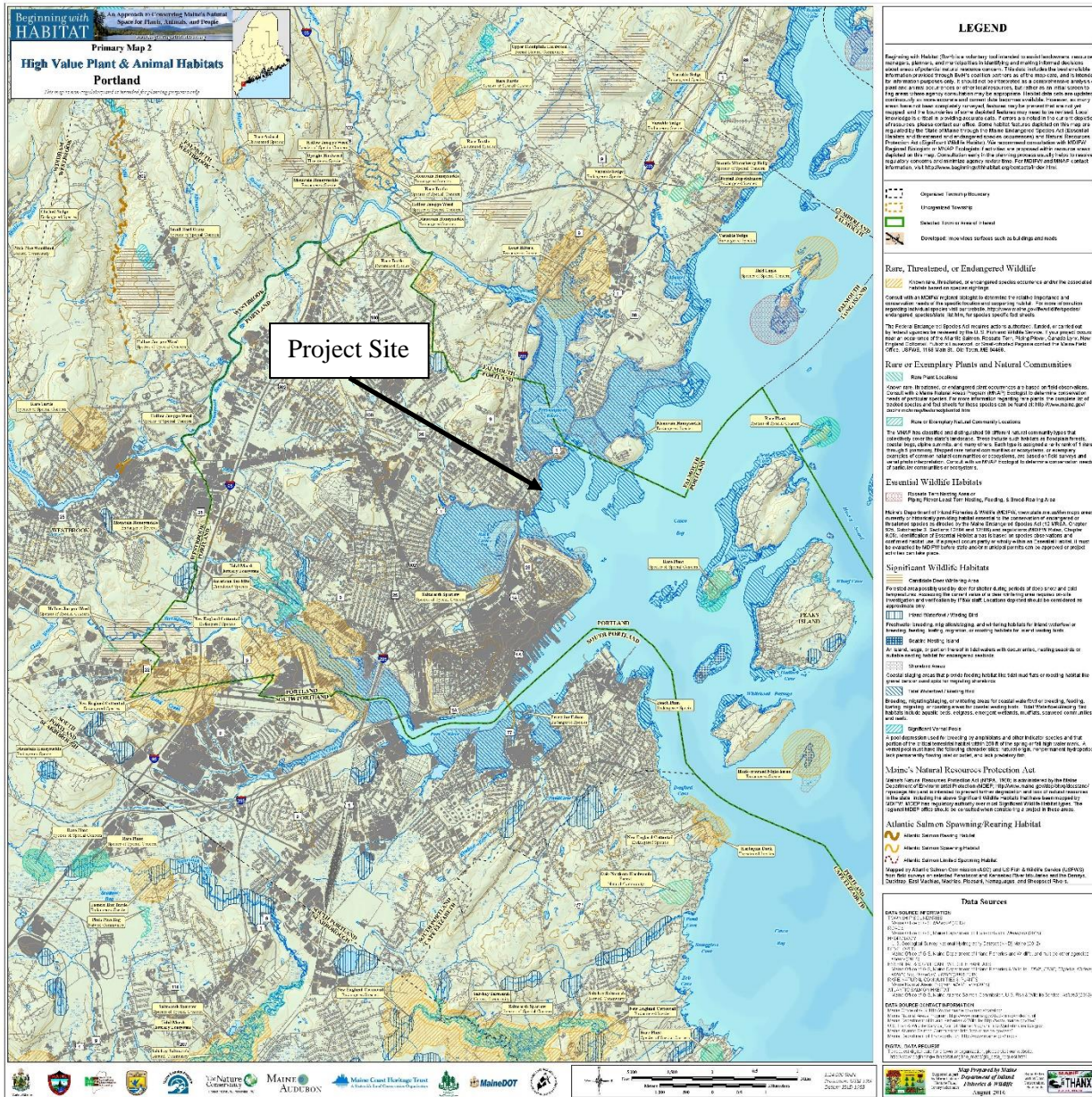
1. APPLICATION OF TEMPORARY AND PERMANENT EROSION CONTROL MEASURES FOR THE PROJECT SHALL BE IN ACCORDANCE WITH PROCEDURES AND SPECIFICATIONS OF THE CURRENT MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION; BEST MANAGEMENT PRACTICES, AVAILABLE ONLINE AT <http://www.maine.gov/dep/blwq/docstand/escbmps/>.
 - SILTATION FENCE SHALL BE INSTALLED BEFORE ANY EXCAVATION TAKES PLACE THAT COULD RESULT IN UNCONTROLLED SEDIMENT TRANSFER.
 - INSTALL EROSION CONTROL MESH ON ALL PROPOSED SLOPES 2:1 OR STEEPER, UNLESS SHOWN OR NOTED OTHERWISE.
 - ALL EROSION CONTROL MEASURES, SEEDING AND MULCHING SHALL BE INSPECTED WEEKLY, AFTER RAINSTORMS AND DURING RUNOFF EVENTS. ALL MEASURES SHALL BE REPAIRED OR REPLACED WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DAMAGE.
 - SEEDED AND MULCHED AREAS SHALL BE MAINTAINED UNTIL FINAL ACCEPTANCE OF THE WORK
 - TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF GRADING OPERATIONS AND ESTABLISHMENT OF ACCEPTABLE GROUND COVER.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL MEASURES DURING CONSTRUCTION.
2. EXCAVATION THAT EXTENDS BELOW HIGH-WATER ELEVATION SHALL BE COMPLETED AT LOW TIDE.
 - NO EQUIPMENT WILL BE ALLOWED ON THE BEACH UNLESS AUTHORIZED BY THE ENGINEER.
3. SLOPE STABILIZATION AND RECONSTRUCTION SHALL PROCEED IN A LINEAR FASHION TO ENSURE THAT PROGRESSIVE SECTIONS CAN BE STABILIZED.
 - THE CONTRACTOR SHALL MONITOR WIND AND WAVE CONDITIONS AND SHALL TAKE APPROPRIATE ACTION TO PROTECT THE WORK FROM STORM DAMAGE DURING CONSTRUCTION.



ATTACHMENT 9 Site Conditions Report

Refer to photographs provided in Attachment 4. Also refer to the MDEP COASTAL WETLAND CHARACTERIZATION form that is provided in Appendix B.

A section of "Primary Map 2 – High Value Plant & Animal Habitats" published by Beginning With Habitat (April 2018) included below shows that the area is mapped as Tidal Wading and Waterfowl Habitat (TWWH), but no rare or endangered species at the site.





ATTACHMENT 10 Notice of Intent to File

A copy of the public notice, which was published in The Forecaster on May 2nd, 2018 is provided below.

PUBLIC NOTICE OF INTENT TO FILE

Please take notice that Mary Frances Fournet and Tamas Peredy; 74 Watson Street (City of Portland Map 431 - Lots B007 & B002); Portland, ME 04103 intend to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A through 480-V on or about July 20, 2018.

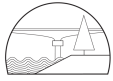
The application is for the construction of a shore front stair, and stabilization of the eroding coastal shoreline with pinned stone.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. §1456.

The application will be filed for public inspection at the Department of Environmental Protection's office in Portland during normal working hours. A copy of the application may also be seen at Portland City Hall (Code Enforcement); 389 Congress Street; Portland, ME 04101.

Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: Maine DEP, Southern Maine Regional Office; 312 Canco Road, Portland, ME 04103.



ATTACHMENT 11 Maine Historic Preservation

The State office of the Maine Historic Preservation has been provided a copy of key plans with a request for comment as part of the Army Corps application.

ATTACHMENT 12 Functional Assessment

In accordance with the Wetlands and Waterbodies Protection Rules, Section 5.C(6)(b) Coastal Wetlands, a functional assessment is not required for this project.

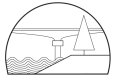
ATTACHMENT 13 Plan of Proposed Compensation

Slope stabilization measures have occurred in the past on this site. These measures are in unstable to poor condition and include embankment stone and a concrete toe wall.

The proposed improvements will have minimal impact to the coastal wetland. No loss or degradation of wetland function is anticipated as a result of the work. No compensation is proposed.



APPENDICES

**APPENDIX A MDEP VISUAL EVALUATION****FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Mary Frances Fournet Living Trust Phone: (847)-224-2043Application Type: NRPA Individual Permit 4D Shoreline Stabilization in a Coastal WetlandActivity Type: (brief activity description) Slope StabilizationActivity Location: Town: Portland County: CumberlandGIS Coordinates, if known: 43.682536° N 70.250999° WDate of Survey: 2/27/18 Observer: Christopher Pickles, P.E. Phone: (207)-846-9724

	Distance Between the Proposed Visibility Activity and Resource (in Miles)			
	0-¼	¼-1	1+	
1. Would the activity be visible from:				
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
E. A National or State Park? – (Macworth Island State park)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. 1) A municipal park or public open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river? <u>Casco Bay</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. What is the closest estimated distance to a similar activity? <u>Several neighbors have seawalls and stone armored slopes.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.



APPENDIX B DEP Coastal Wetland Characterization

NAME OF APPLICANT: Mary Frances Fournet Living Trust PHONE: _____

APPLICATION TYPE: NRPA Individual Permit 4D Shoreline Stabilization In a Coastal Wetland

ACTIVITY LOCATION: TOWN: Portland COUNTY: Cumberland

ACTIVITY DESCRIPTION: fill pier lobster pound shoreline stabilization
 dredge other:

DATE OF SURVEY: 04/25/18 OBSERVER: Chris Pickles

TIME OF SURVEY: 12:30 pm TIDE AT SURVEY: Low @ 2:16 pm

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: N/A Subtidal area: N/A

SIZE OF INDIRECT IMPACT, if known (square feet): 2,300 Square Feet Above the HAT Line

Intertidal area: N/A Subtidal area: N/A

HABITAT TYPES PRESENT(check all that apply):

sand beach boulder/cobble beach sand flat mixed coarse & fines salt marsh
 ledge rocky shore mudflat (sediment depth, if known: _____)

ENERGY: protected semi-protected partially exposed exposed

DRAINAGE: drains completely standing water pools stream or channel

SLOPE: >20% 10-20% 5-10% 0-5% variable

SHORELINE CHARACTER: bluff/bank (height from spring high tide: 19') beach rocky vegetated

FRESHWATER SOURCES: stream river wetland stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? yes no

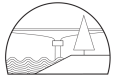
PREVIOUS ALTERATIONS? yes no

CURRENT USE OF SITE AND ADJACENT UPLAND:

undeveloped residential commercial degraded recreational

PLEASE SUBMIT THE FOLLOWING:

Photographs Overhead drawing



APPENDIX C Project Plans

Project Plans

- G-1 COVERSHEET
- G-2 NOTES AND SCHEDULES

- C-1 EXISTING CONDITIONS PLAN
- C-2 SITE PLAN

- S-1 PROFILES