

THOMPSON, BULL, FUREY, BASS & MACCOLL, LLC, P.A.
COUNSELORS AT LAW

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PORTLAND, MAINE 04112-0447

BENJAMIN THOMPSON
RETIRED

* ALSO ADMITTED IN MA
* ALSO ADMITTED IN VT
PETER P. MICHAUD
OF COUNSEL

TELEPHONE (207) 774-7600
FACSIMILE (207) 772-1039

BENJAMIN THOMPSON
(1857-1918)
NATHAN W. THOMPSON
(1895-1969)

May 25, 2001

Michael Nugent
Inspection Services
City of Portland
389 Congress Street, Rm. 315
Portland, ME 04101

Re: Custom House Wharf, CBL 30-A-1

Dear Mr. Nugent:

Following up on conversations between you and John Bass, II of this office yesterday afternoon, I am writing with respect to demolition work at Custom House Wharf.

As you know, the City issued a Stop Work Order yesterday, to halt demolition work which had been commenced in reliance upon prior communications between the City and this firm. In your conversation with Mr. Bass yesterday, you indicated that the City requires an engineer's written confirmation that the demolition work will not endanger adjacent structures on the wharf. Wayne Duffett of TEC Associates has now issued such written confirmation (copy enclosed). Therefore, I would like to speak with you to determine what further steps must be taken before a demolition permit can issue.

Under separate cover (copy enclosed), I am forwarding to the City additional information with respect to site improvements which will be undertaken following the completion of demolition. That information is intended to assist in the issuance of a building permit for the first phase of construction on this project.

Thank you for your attention to this matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


F. Jay Meyer

Enclosures

cc: Kenneth Macgowan (w/ enclosures)
William Needelman (w/ enclosures)

*PS. - I AM ALSO ENCLOSED & COPIES OF THE DEP AND ARMY CONS
MATERIALS THAT WE DISCUSSED TODAY.*

24 May 2001

Mr. Michael Nugent
Inspection Services
City of Portland
389 Congress Street
Portland, ME 04101
Via Fax: 874-8716

RE: Proprietors of Custom House Wharf

Dear Mr. Nugent:

The Proprietors of Custom House Wharf wish to continue with demolition at the site of their Marine Use Facility to be constructed at the southwest corner of Custom House Wharf. The demolition consists of the removal of timber piles, timber pile caps, timber stringers, and timber and concrete decking. All of this material is now in ruins and lies at or below the grade of the existing roadway. No demolition is proposed to stone seawalls or other structure related to the earth filled portion of the pier.

The limits of the demolition are the identical limits of the new construction. The easterly limit is the existing roadway. The northerly limit is along the existing timber pile supported pier (to remain). The westerly and southerly limits are the edge of the existing structure. The demolition will not affect or destabilize any other portions of the pier, any other structures on the pier, or affect any pier tenants or traffic.

Please call me with any questions.

Very truly yours,
TEC ASSOCIATES


Wayne W. Duffett, PE

cc: Ken McGowan
Jay Meyer



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

REPLY TO
 ATTENTION
DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT
STATE OF MAINE, SUMMARY OF SCREENING AND STATUS

CUSTOM HOUSE WHARF
 C/O F. JAY MEYER, ESC.
 THOMPSON, BULL, FUREY, BASS & MACCOLL
 P.O. BOX 447
 PORTLAND, MAINE 04112-0447

CORPS PERMIT # 200001003
 CORPS PGP ID# 00-219
 STATE ID# PBR

DESCRIPTION OF WORK AS ON ATTACHED STATE APPN:

Replace an existing 50'3" x 147'3" building with a 50' x 147' building on Custom House Wharf, off Commercial Street at Portland, Maine. In addition, existing timber pilings and decking on the wharf will be repaired or replaced with no change in overall dimension to the wharf.

UTM GRID COORDINATES N: 4834200 E: 399200 USGS QUAD: PORTLAND WEST, ME

I. STATE ACTIONS: PENDING [X] ISSUED [] DENIED [] DATE _____

LEVEL OF STATE REVIEW: PERMIT BY RULE: X TIER 1: TIER 2: TIER 3: (NRPA)

II. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 4/27/00 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: CATEGORY 2: X

AUTHORITY: SEC 10 X 404 10/404 103

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

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT Y (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

CORPS DETERMINATION: We authorize your project as proposed and as shown on the plans submitted to the Corps under the State of Maine PGP.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. 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 two weeks before the anticipated starting date. **(FOR PROJECTS REQUIRING MITIGATION, BE SURE TO INCLUDE MITIGATION WORK START FORM)**

Additional Special conditions Attached: YES/ NO (CIRCLE ONE)

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project, or if you would like any additional information pertaining to the appeals process, please contact Shawn Mahaney or Rod Howe of my staff at 207-623-8367 at our Manchester, Maine Project Office.

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

David H. Killoy
 DAVID H. KILLOY
 CHIEF, PERMITS & ENFORCEMENT SECTION
 REGULATORY BRANCH
 DATE 6/12/00



STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING
GOVERNOR

MARTHA G. KIRKPATRICK
COMMISSIONER

SOUTHERN MAINE REGIONAL OFFICE

FAX TRANSMITTAL INSTRUCTIONS

DATE: January 8, 2001

DELIVER TO: Jay Meyer

COMPANY NAME: Thompson, Bull, Furey & Bass

FAX NUMBER: 772-1039

SENT BY: Alex Wong
OF THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

NUMBER OF PAGES (including cover): 2

Jay,

Here's a copy of the PBR for the Custom House Wharf. The Department sends a copy of the signed PBR the Codes office in municipality where the activity is located. The City of Portland should have been notified of this activity. If you have any other questions or concerns, please contact me at 822-6328.

Hard copy to follow

Serving Maine People & Protecting Their Environment

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7926

PORTLAND
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6300 FAX: (207) 822-6303

BANGOR
108 HOGAN ROAD
BANGOR, ME 04401
(207) 941-4570 FAX: (207) 941-4584

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, ME 04769
(207) 764-0477 FAX: (207) 764-1507

Name of Applicant:		The Proprietors of Custom House Wharf			Name of Owner:		The Proprietors of Custom House Wharf	
Mailing Address:		c/o F. Jay Meyer, Thompson, Bull, Furey, Bass & MacColl, LLC PA, 120 Exchange St., P.O. Box 447 Maine			Town/City:		Portland	
State:		Zip Code:		Daytime Telephone No.:		(include area code)		
		04112-0447		207-774-7600				
Name of Wetland, Water Body or Stream:				Fore River/Portland Harbor				
Detailed Directions to Site:				Site is at the southern (i.e., extreme outer) end of Custom House Wharf, which is across from the U.S. Customs Building, off of Commercial Street in Portland, Maine				
Town/City:		Map #:		Block A, Lots 1-2		County:		
Portland		30		Cumberland				
Description of Project:				Maintenance, renovation and reconstruction of pilings and decking. Replacement of deteriorated building.				
Part of a larger project?				Yes		No		
				X				

(CHECK ONE) This project does does not involve work below mean low water. I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Regulation, Chapter 305. I have a copy of PBR Sections checked below. I have read and will comply with all of the standards.

- | | | |
|--|---|---|
| <input type="checkbox"/> Sec. (2) Soil Disturbance | <input type="checkbox"/> Sec. (8) Shoreline stabilization | <input type="checkbox"/> Sec. (14) Piers, Wharves & Piling |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (9) Utility Crossing | <input type="checkbox"/> Sec. (15) Public Boat Ramps |
| <input checked="" type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (5) REPEALED | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | |

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less. I have attached all of the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach a check for \$50 (non-refundable) made payable to: "Treasurer, State of Maine".
- Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach photographs showing existing site conditions (unless not required under standards).

Signature of Applicant: Kenneth Macgowan Kenneth Macgowan, Property Manager Date: April 14, 2000

Keep a copy as a record of permit. Send two copies of the form with one set of attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement. Do not alter MSWORD template form. Altered forms will not be accepted.

AUGUSTA DEP
STATE HOUSE STATION 17
AUGUSTA, ME 04333-0017
(207)287-2111

PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300

BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570

PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477

OFFICE USE ONLY

CR #	246648	CR #	246648
FP	St. Co	Staff	Hubby
Date	04/19/00	Acc.	11/07
Def.		Staff	

THOMPSON, BULL, FUREY, BASS & MACCOLL, LLC, P.A.

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BENJAMIN THOMPSON
(1857-1918)
NATHAN W. THOMPSON
(1895-1989)

May 25, 2001

William B. Needelman, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Re: Custom House Wharf, CBL 30-A-1

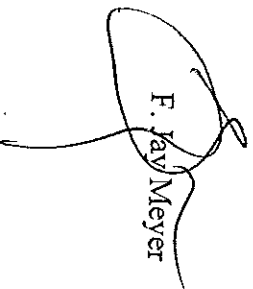
Dear Bill:

Wayne Duffett, of TEC Associates, has provided me with the enclosed estimate of the cost of purchasing and installing a grit separator as part of planned site improvements at Custom House Wharf. I understand that the City needed this estimate for purposes of determining the amount of the performance bond required for the first phase of this project.

After you have had a chance to review the enclosed estimate, please contact me so that we can discuss the amount and issuance of the performance bond, and any other prerequisites for moving forward with this project.

I look forward to hearing from you.

Sincerely,



F. Jay Meyer

Enclosures

cc: Kenneth Macgowan (w/ enclosures)
Michael Nugent (w/ enclosures)

24 May 2001

Mr. F. Jay Meyer
Thompson, Bull, Furey, Bass & Maccoll
120 Exchange Street
P.O. Box 447
Portland, ME 04112-0447

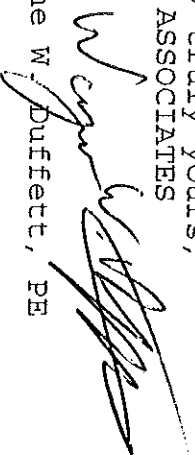
RE: Oil/Grit Separator Estimate

Dear Mr. Meyer,

Please find attached our estimate to purchase and install an oil/grit separator on Custom House Wharf for the Marine Use Facility of Mr. Kenneth Macgowan.

If you have any questions, please call me at 207/767-6068 at your convenience.

Very truly yours,
TEC ASSOCIATES


Wayne W. Duffett, PE

Enclosure

cc: Ken Macgowan

TEC ASSOCIATES
 46 Sawyer Street
 P.O. Box 2747
 SOUTH PORTLAND, MAINE 04116-2747
 (207) 767-6068
 FAX (207) 767-7125

JOB Mac Dowan - Custom House
 SHEET NO. 1 OF 1
 CALCULATED BY R. W. Miller DATE 5/24/01
 CHECKED BY _____ DATE _____

SCALE _____

Item	Description	Unit	Unit Price	Quantity	Total
<u>Material</u>					
	Verteconomics	Unit			
	Stone bedding	ea	10,500.00	1	10,500.00
	Curman RIP	cy	16.00	5	80.00
	Pavement	cy	12.00	75	900.00
	Fence	tan	100.00	15	1,500.00
	Couplings	ea	100.00	2	200.00
	Sub Total				13,180.00
	10% Markup				1,318.00
	Total Materials				14,498.00
<u>Labour</u>					
	A man crew	day	1,000.00	2	2,000.00
	Total Labour				2,000.00
<u>Equipment</u>					
	Excavator	day	850.00	2	1,700.00
	Dump Truck	day	350.00	2	700.00
	Gen. Cab	day	50.00	2	100.00
	Compactor	day	30.00	2	60.00
	Total Equipment				2,560.00
	Total Installed Price				\$ 19,058.00

COPY

2001-02

**BOARD OF HARBOR COMMISSIONERS
HARBOR OF PORTLAND
PERMIT**

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To: Proprietors of Custom House Wharf
5 Eastern Promenade, Portland, Maine 04101
The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, dated the 3rd day of January, 2001, for a permit authorizing replacing 160 x 36' southwest corner of timber pier with concrete consisting of precast planks with cast-in-place topping and pile caps. Replace timber pile with approximately (92) pipe piles of h-piles. Replace in-kind timber fender system. Having given public notice of this pending application, as required by law, and thereon designated the 8th day of February, 2001, 5:00 clock in the afternoon prevailing time as the time when they would meet at South Portland City Council Chambers to examine this issue and here all interested parties, and having met at the time and place mentioned and examined the location of this proposed replacing timber pier

and having heard all interested parties, the Board of Harbor Commissioners for the Harbor of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned, namely:

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Harbor of Portland has waived this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

This permit is limited authorization which contains a stated set of conditions with which the permit holder must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will be performing the work has read and understands these conditions.

Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your authorization. Any change must be approved by the Harbor Commission before it is undertaken.

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable statute. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland herein set their hands and affix their corporate seal on this 8th day of February, 2001.

Stephen Cole
The work authorized to this permit must be completed on or before the 8th day of February 2002

Robert J. Campbell
John Kachuma

Board of Harbor Commissioners for the Harbor of Portland