

WATERFRONT ACTION GRANT
306(a) 309 Projects

Nov 1987

HT
167.5
.M2
W38
1987



Pat's Copy
 UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL OCEAN SERVICE
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
 Washington, D.C. 20235

JAN 20 1988

TO: DC/35 - Vincent Martin
 FROM: N/ORM3 - Patricia L. Scott *Patricia L. Scott*
 SUBJECT: Approval for Section 306A Projects Under Maine's Award
 No. NA87-AA-D-CZ063

The attached letter of November 13, 1987 requests:

1. Approval for eight Section 306A projects which are described in the attachment to the State's November 13, 1987 letter for the following Towns:

- a. York
- b. Scarborough
- c. Augusta
- d. Rockport
- e. Vinalhaven
- f. Southwest Harbor
- g. Bar Harbor
- h. Machias

HT167.5.M2W38 1987

The projects have been reviewed by the appropriate OCRM divisions and NOAA's General Counsel's office. It has been determined by these offices that all eight projects meet the OCRM requirements for Section 306A projects, providing the following special award conditions are added:

- a. All eight of the above referenced Section 306A projects shall be open to the general public for access and use, for non-residents of applicant towns.
- b. The Towns receiving these funds shall submit a regular Code Enforcement Officer's report on shoreland zoning and subdivision permit and violation activities to the Department of Environmental Protection.
- c. No funds may be spent on the projects for the Towns of Southwest Harbor, York, Augusta, and Rockport prior to obtaining all local, state and/or Federal permits or licenses, as required. The permits should be kept in the files of the lead agency.
- d. No funds shall be spent on any of the eight referenced tasks until the State has obtained adequate documentation on consultation on the projects by the State Historic Preservation Officer.

US Department of Commerce
 NOAA Coastal Services Center Library
 2234 South Hobson Avenue
 Charleston, SC 29405-2413

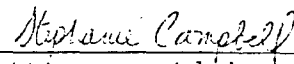


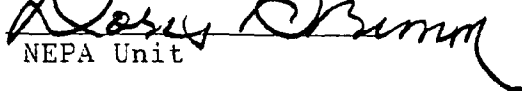
Approval is recommended for the eight projects, along with inclusion of the above conditions.

2. Please extend the grant for 90 days, to October 31, 1988, to allow completion of these tasks, given the limited period of construction time due to weather conditions.

Concurrence:

N/ORM4 - 
Evaluation Staff

GCOS - 
Attorney Advisor

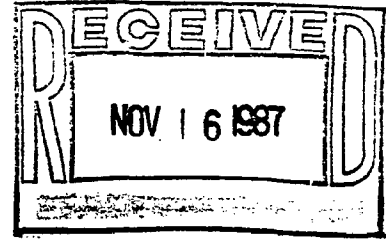
N/ORM3- 
NEPA Unit

Attachments

cc: OCRM Files Unit
Evaluation
NEPA Unit



STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE



JOHN R. MCKERNAN, JR.
GOVERNOR

RICHARD H. SILKMAN
DIRECTOR

November 13, 1987

Richard H. Silkman

Pat Scott
NOAA-OCRM
1825 Connecticut Ave, NW
Washington, DC 20235

Jan '88

5

Dear Pat,

I am pleased to submit 8 of Maine's FY 87 Waterfront Action Grant (306A) projects to you for the federal review and approval process. Enclosed are 5 notebooks containing all the required documentation for these projects. We are still working with several towns to redesign projects and assemble the necessary documentation.

As follow-up to our meeting with Kathy last week, we will be including a grant condition on all 306A projects requiring each town to submit a Code Enforcement Officer's report, on shoreland zoning permit and violation activity, to the Department of Environmental Protection prior to the expenditure of any grant funds. Rich Baker, the Shoreland Zoning Coordinator, feels that this requirement will encourage compliance with the Shoreland Zoning Law's mandatory reporting provision. In addition, we are developing a solicitation procedure and schedule for next year's local grants program as suggested by Kathy.

Please call Sherry at 289-3154 if you have any questions about the 306A projects.

Sincerely,

(DK) snt

David Keeley, Director
Maine Coastal Program

WAG/lc

| FORM CD-15 (12-6-79) PRESCR. BY DAO 214-2 | | U.S. DEPARTMENT OF COMMERCE | | DATE |
|--|-----------------------------------|-----------------------------|-------------------|------|
| TRANSMIT/ROUTE | | 12/17 | | |
| NAME | BUILDING, ROOM OR REFERENCE NO. | TAKE ACTION BELOW | INITIALS AND DATE | |
| Kathy Consine | | 2 | KC | |
| Jim Burson | | 2 | | |
| NEPA | | 1 | 12/19/89 | |
| General Counsel | | 1 | 115188 | |
| Evaluation Chief | | 1 | [initials] | |
| Jim Burson | | 2 | [initials] | |
| Pat Scott / Thomas Coats | 12 | | | |
| NCASC - DC 35 | | | | |
| Be sure + date memo before mailing out P.S. | | | | |
| ACTION ITEMS 1. APPROVAL/SIGNATURE 2. CLEARANCE/INITIALS 3. RECOMMENDATION OR COMMENT 4. RETURN WITH MORE DETAILS 5. INVESTIGATE AND REPORT 6. NOTE AND SEE ME 7. NOTE AND RETURN 8. NOTE AND FILE 9. YOUR INFORMATION 10. PER OUR CONVERSATION 11. AS REQUESTED 12. NECESSARY ACTION 13. CIRCULATE AMONG STAFF 14. ANSWER DIRECTLY 15. PREPARE REPLY FOR SIGNATURE OF: _____ | | | | |
| COMMENTS Minor Amendment Maine: Grant No. NA87AA-D-C2063. | | | | |
| <input type="checkbox"/> Continued on reverse | | | | |
| FROM (Name) | BUILDING, ROOM OR REF. NO. | CODE AND EXTENSION | | |
| Scott | 722 | 5152 | | |

SAC for all 306A Projects. (including non-residence of ^{important} ~~to be~~ open to the general public for use and access according to federal guidelines, etc. (2) H Preservation approved

ME 306A Projects

O.K.
state is pending
KC report on
shoreland not
implementation
efforts

(1) York - Rehab + Grand Town-owned Wharf
- acceptable; with O.K.
from CC on ownership papers.
\$46,000 - Fed; Local 51,000 = total \$97,000
SAC - none

(2) Scarborough - Town Landing Acquisition
Project; Fed 50,000; Local 100,000
total 150,000

call
Sperry

what will the land acquired be used for? town is acquiring parcels for
306A 'ad' parking for Town landing block facility + observation deck on beach for the beach
requirements have been met
pending legal approval of title, and appraisal
Note: Project description and CE have different project cost - shd be clarified.

SAC -

(3) Augusta - Riverfront pathways ^{footbridge}
Fed. 24,931; Local 24,931 = total
49,862

O.K., pending approval on ownership by CC

SAC - permits to be obtained

(4) Rockport - Boats + Ramps at Rockport Marine Park (Fed 7,000; local 7,000)
total \$14,000

SAC: approval, pending successful obtaining of all nec local, state & Fed permits

Maine 306A Projects

5. Vinalhaven - State Beach Acquisition

(Fed 50,000, local 65,500 - Total 115,500)

purchase 24 beachfront parcel & repair access road; improve area by cutting bushes, opening path & removing debris; build picnic, picnic benches & charcoal grills, etc. incl playground areas

Cap
Shahi

approval, pending O.K on lease & ownership papers

SAC: Entire project must be open to gen'l public at all times, incl'd access road

6. Southwest Harbor - Manset Dock Boat Pollution Abatement Facility

O.K.

SAC: permit.

7.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

DATE: Nov. 25, 1987

TO: Pat Scott

FROM: Doris Grimm

SUBJECT: NEPA REVIEW OF THE FOLLOWING PROJECT(S):

MAINE 306A - See attached

I have reviewed the information regarding the above subject project(s), and based upon this information, I have made the determination that the proposed project(s) will not have a significant effect on the human environment and qualifies as a categorical exclusion under NOAA Directive 02-10. An environmental assessment will not be prepared.

cc: GC
NEPA Files.



PROPOSED
FY87 MAINE WATERFRONT ACTION GRANT PROJECTS

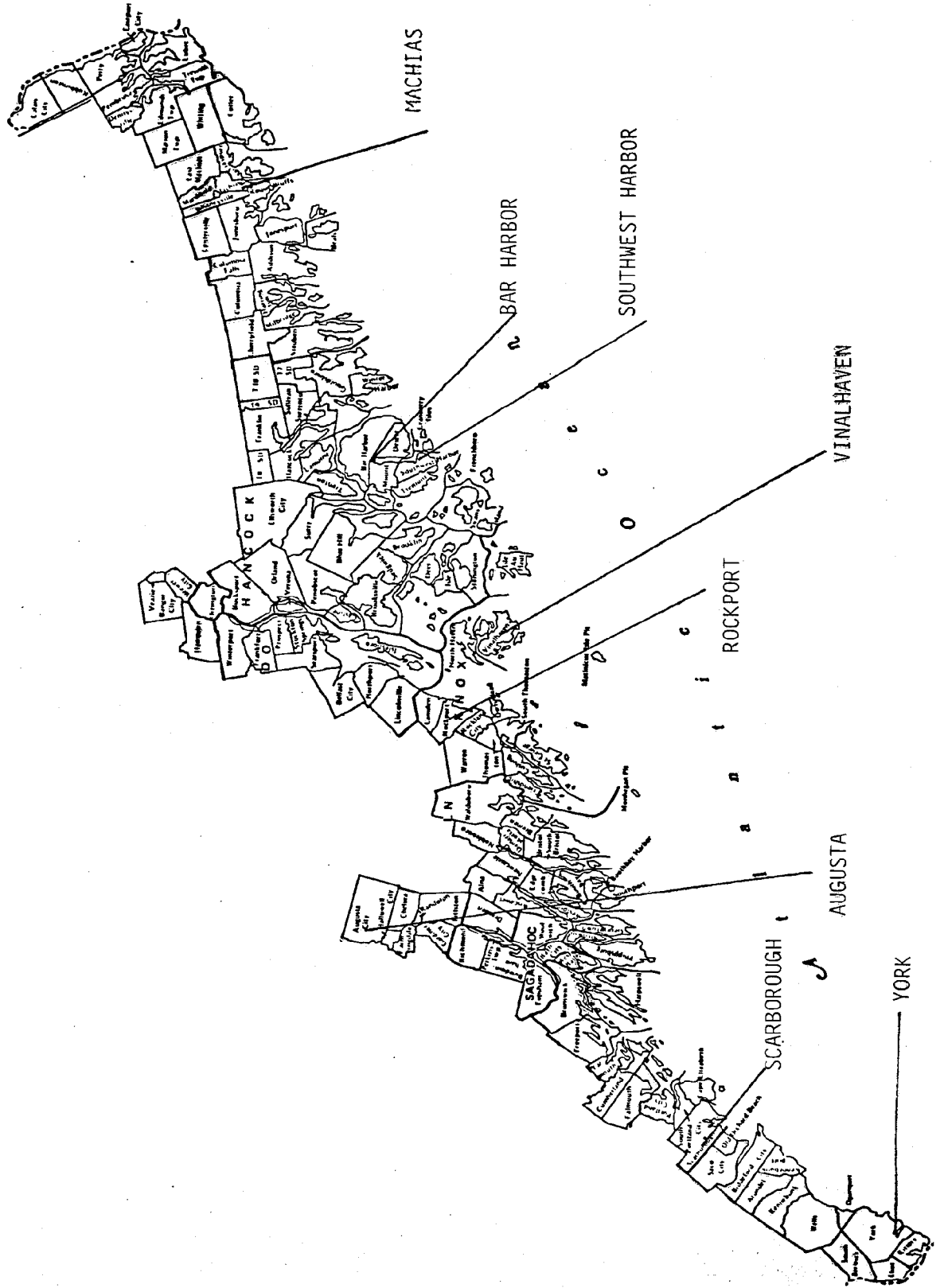
| TOWN | PROJECT TITLE | COASTAL FUNDING |
|---------------------|--|--------------------|
| 1. York | Rehabilitation and Expansion of the Town Wharf | \$46,000 |
| 2. Scarborough | Town Landing Acquisition Project | 50,000 |
| 3. Augusta | Riverfront Greenway Footpath | 24,931 |
| 4. Rockport | Floats and Ramps at Rockport Marine Park | 7,000 |
| 5. Vinalhaven | Vinalhaven State Beach Acquisition | 50,000 |
| 6. Southwest Harbor | Manset Dock Boat Pollution Abatement Facility | 5,812 |
| 7. Bar Harbor | Harbor Park Development | 40,000 |
| 8. Machias | Machias Riverfront Park South Side Shorepath | 24,000 |
| | TOTAL | <u>\$247,743</u> |

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MAINE COASTAL PROGRAM

FY 87 WATERFRONT ACTION GRANT (306A) PROJECTS



YORK

Rehabilitation and Expansion of the Town Wharf \$46,000

Project Description

The Town of York, located in southern Maine, is experiencing rapid residential growth and the accompanying conflicting demands for waterfront land. There is urgent need for expanded pier facilities to serve both the traditional fishing industry and the increasing number of recreational boaters. York Harbor Town Wharf provides the only facilities for the Town's commercial fishermen and also serves a large number of pleasure boaters. The proposed improvements will improve access to the water for both user groups by strengthening the wharf to permit vehicle access for the on and off loading of gear and fish products. The addition of eleven new floats will increase the available dinghy tie-up space by 60% while the construction of a bait platform will enable fishermen to load bait directly onto their boats from the wharf.

Scope

The Town proposes to:

1. construct and install eleven new floats; ✓
2. install a bait platform; ✓
3. reinforce the wharf supporting structure to allow the use of vehicles on the wharf deck; and ✓
4. install 10 new pilings to secure the new floats.

Eligibility

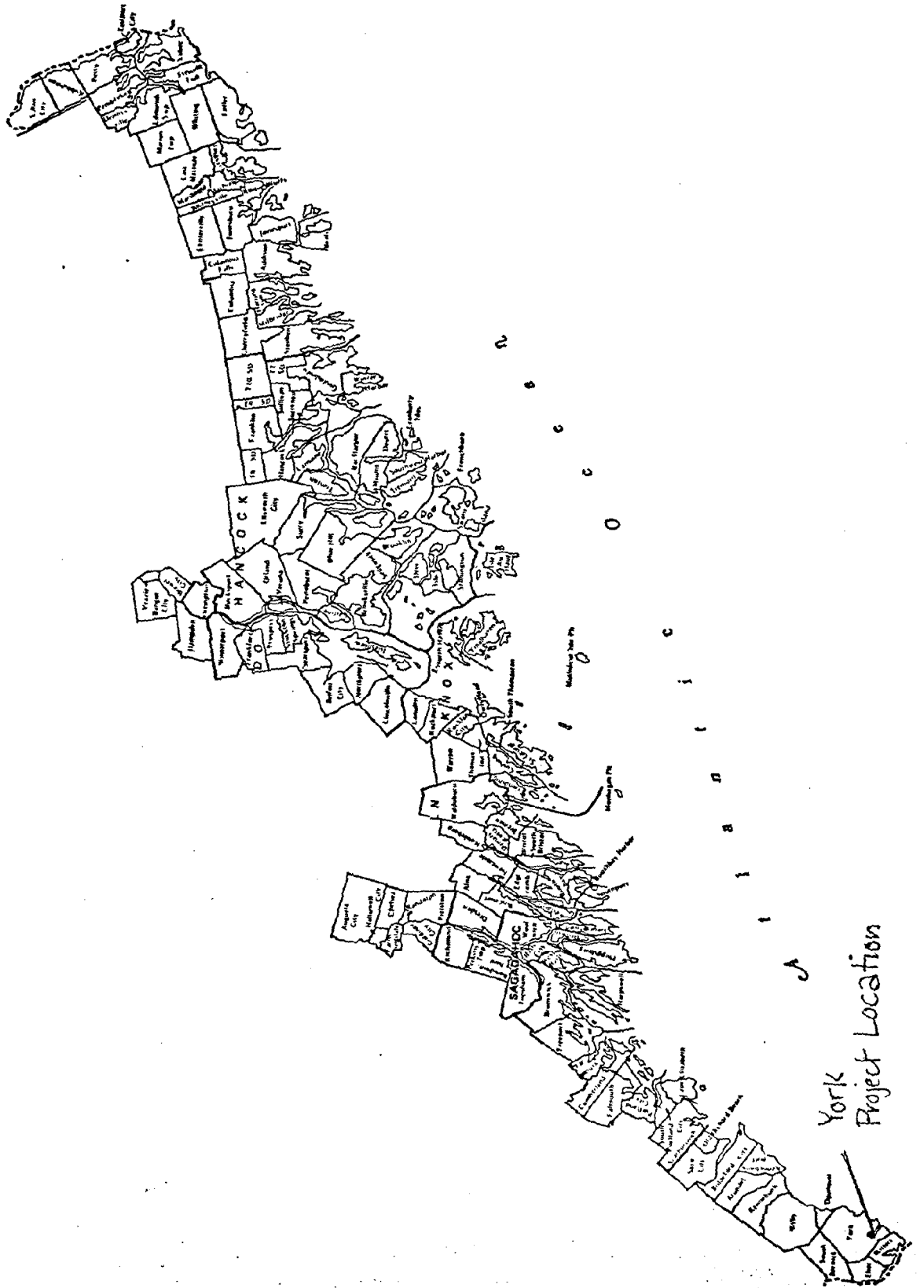
The project meets the eligibility requirements of Section 306A (b)(2).

Budget

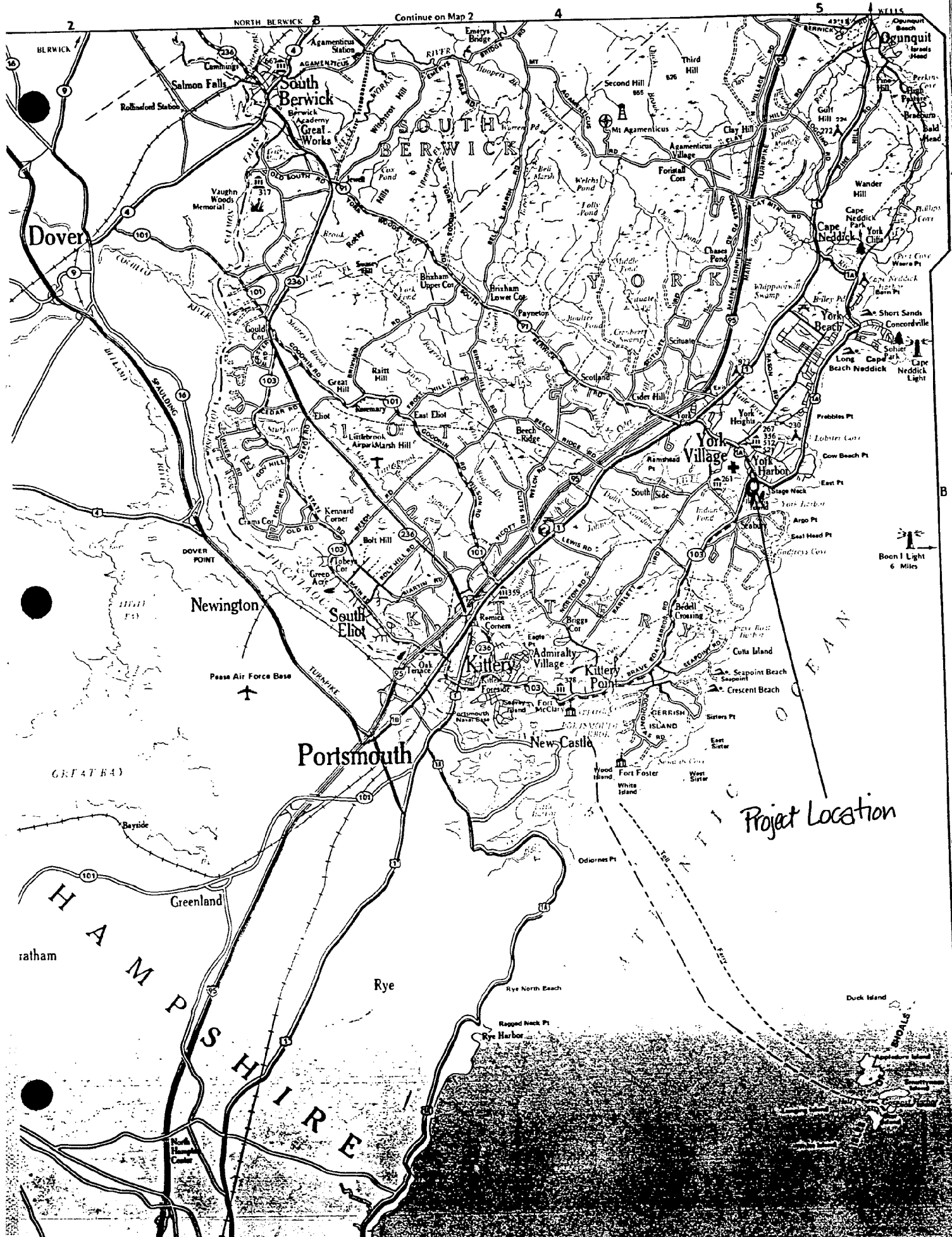
| | <u>COASTAL FUNDS</u> | <u>LOCAL FUNDS</u> | <u>TOTAL</u> |
|---|--------------------------|------------------------|--------------|
| 1. Surveying and engineering | | \$3,000 | \$3,000 |
| 2. Town wharf demolition | | | |
| -- selected pilings | \$3,000 | 3,000 | 6,000 |
| -- unsafe structural members | 0 | 3,000 | 3,000 |
| 3. Wharf Replacement & Expansion | | | |
| -- repalced & new pilings | 15,000 | 11,000 | 26,000 |
| -- structural members & decking | 15,000 | 11,000 | 26,000 |
| -- 10 pilings at \$500 each | 0 | 5,000 | 5,000 |
| -- decking and other material | | | |
| 4. Relocation and Expansion of dinghy docks | | | |
| -- eleven 10' x 20' floats | 10,000 | 7,000 | 17,000 |
| -- labor | 3,000 | 3,000 | 6,000 |
| -- new aluminum ramp | 0 | 2,000 | 2,000 |
| 5. Inspections and Finish work | | | |
| -- engineering inspections and miscellaneous | 0 | 1,000 | 1,000 |
| -- finish work | 0 | 2,000 | 2,000 |
| TOTAL | \$46,000 | \$51,000 | \$97,000 |

YORK

Site Location Maps and Project Design



York
Project Location



Continue on Map 2

Project Location

Boon Light
6 Miles

Dover

South Berwick

SOUTH BERWICK

York Village

York Harbor

Newington

South Eliot

Portsmouth

New Castle

GREAT BASIN

H A M P S H I R E

Rye

Rye Harbor

Duck Island

WHEELS

WHEELS

WHEELS

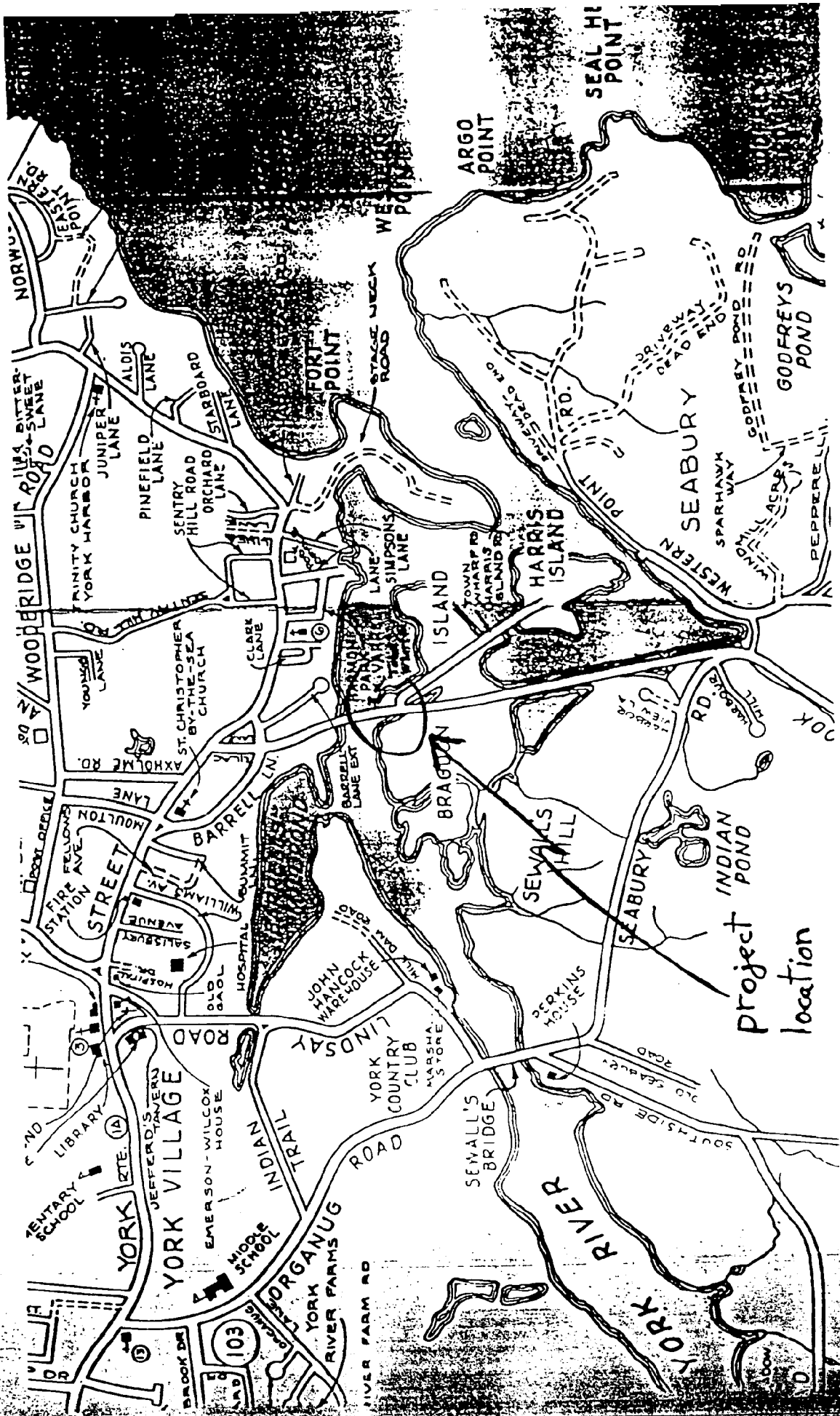
WHEELS

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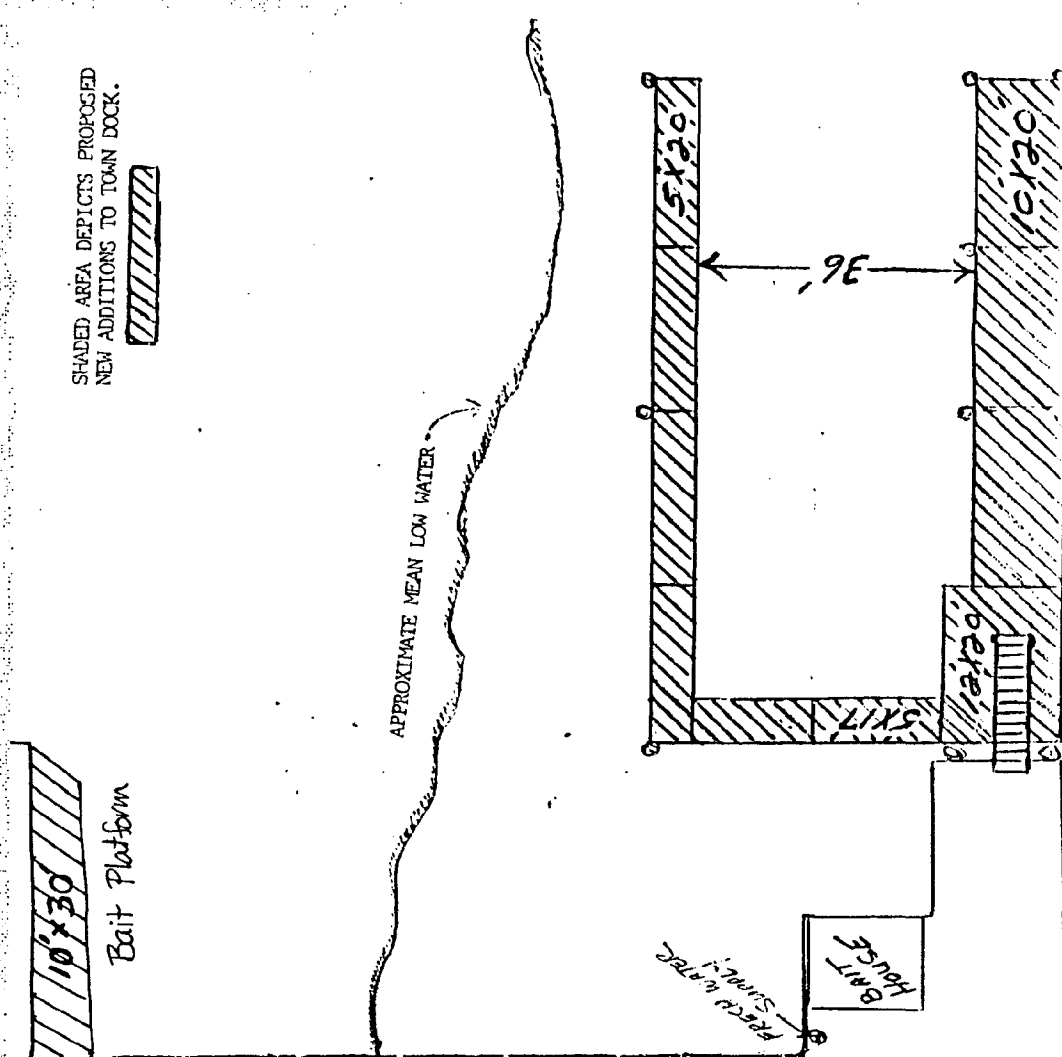
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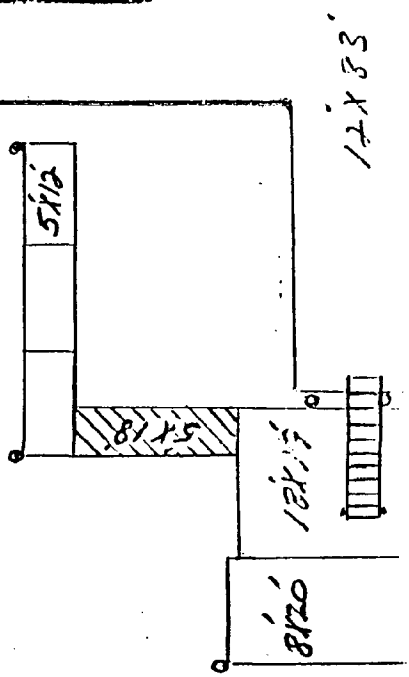
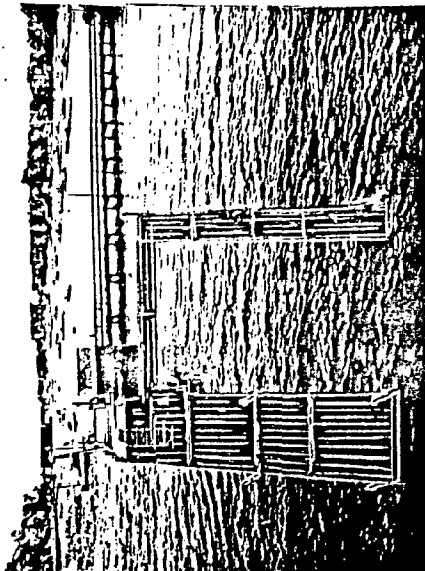
ATTACHMENT #II. 1.



SHADED AREA DEPICTS PROPOSED NEW ADDITIONS TO TOWN DOCK.



HIGH WATER



YORK

Environmental Review

A. Categorical Exclusion Checklist

PART V: ENVIRONMENTAL REVIEW REQUIREMENTS

Appendix A2

PART A: CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$97,000

| | | |
|-------------------------------------|---|--------------------------|
| <input checked="" type="checkbox"/> | Preservation or Restoration | Federal: <u>\$46,000</u> |
| <input checked="" type="checkbox"/> | Redevelopment of Urban Waterfronts and Ports | State: <u>---</u> |
| <input type="checkbox"/> | Public Access | Local: <u>\$51,000</u> |

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

1. This action or group of actions would have a significant effect on the quality of the human environment. No Uncertain Yes
2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No Uncertain Yes

B. Evaluation of exceptions to actions within Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No Uncertain Yes
2. This action will have highly controversial environmental effects. No Uncertain Yes
3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. No Uncertain Yes

4. The specific impact of the project on the following resources:

| | | | |
|-------------------------------------|--|---|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input type="checkbox"/> | Minor <input checked="" type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input type="checkbox"/> | Minor <input checked="" type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input type="checkbox"/> | Minor <input checked="" type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain * Yes
*eventual redreging of Harbor need

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

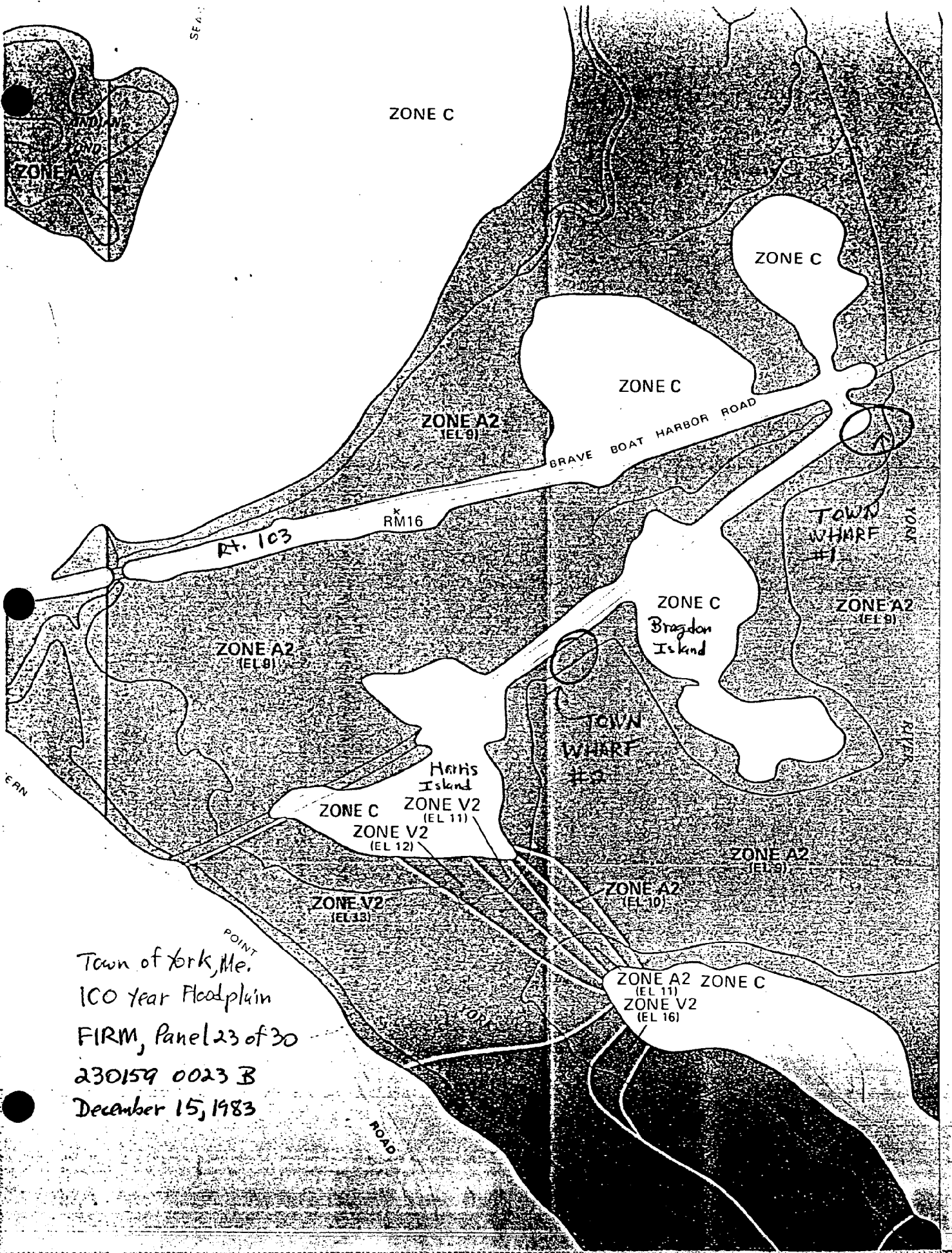
8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained, please attach to the application.



Town of York, Me.
 100 Year Floodplain
 FIRM, Panel 23 of 30
 230159 0023 B
 December 15, 1983

YORK

Environmental Review

B. Federal Executive Orders 11988 and 11990

See the attached public notices published in the local newspaper in compliance with the required public review process.

PART V: ENVIRONMENTAL REVIEW REQUIREMENTS

PART B: Federal Executive Orders 11988 and 11990

I. FACT:

Proposed project sites are shown as part of a Flood Zone A2 (elevation 9 feet NGVD) for the 100 year flood event: York, FIRM MAP, Community Panel Number 230159 0023 B (Panel 23 of 30), Effective Date: December 15, 1983.

II. Enclosed are the required documentation for meeting Executive Order 11988 and 11990.

- #1. 100 Flood plain Map
- #2. Public Notice for Selectmen's Public Hearing
- #3. Project Analysis for Public Hearing *
- #4. Findings Notice--will be forwarded to SPO after public hearing

* The entire 1987-88 CZM Waterfront and Local Planning Grant applications will be on file in the Town Planning Office for public perusal.

ATTACHMENT #1

LEGAL NOTICES

PORT AUTHORITY PLANNING DEPT.
 1987-88: Maine Coastal Program - Waterfront Action Grant Application - Rehabilitation and Expansion of Town Wharf

The public hearing indicated that no practicable alternative location exists for the proposed addition of floats for fishing vessels for commercial fishermen and the general public due to the predominant private shoreline ownership pattern in the harbor and the existing favorable channel location for Town Wharf. A long term possibility of further expansion of commercial fishing facilities may exist at the former York Harbor Exports Wharf. The Port Authority has this long term option under consideration.

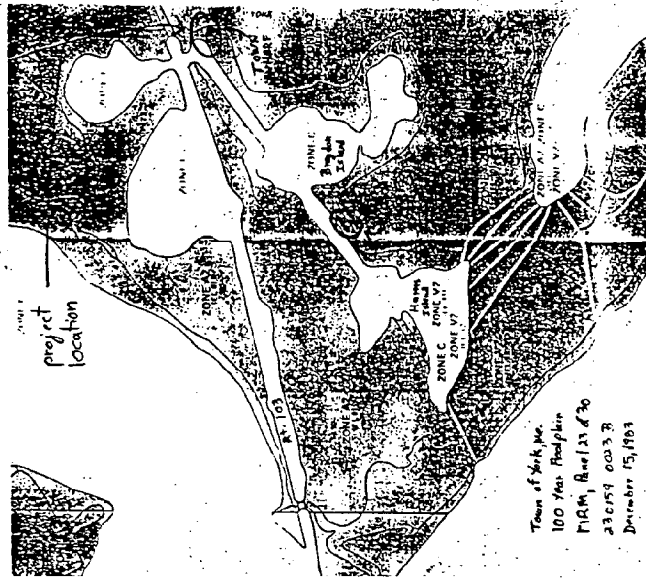
B. Public hearing was held on this matter on Oct. 13,

1987 at 7pm at the York Beach Police Station.

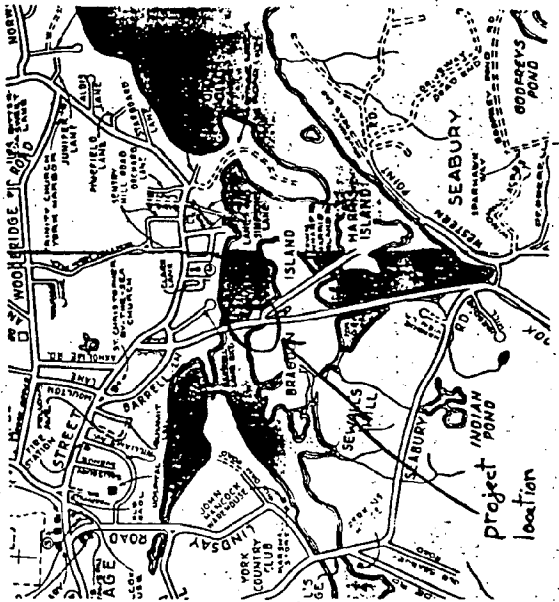
List of permits required for the proposed project:
 Federal - Corps of Engineers Coastal Wetland Permit and Wetland Dredge and Fill Permit; State - Wetland Alterations Permit; Local - Shoreland Zoning Amendment RE; attached floats, Shoreland Permit, Dock in State Waters Permit, Flood Management Permit, Building Permits. These have all been applied for and will be secured before construction of the proposed project.

D. Maps of general area and project location: See below.

E. Direct further comments and requests for information to the Town Planner, Town Hall, P.O. Box 9, York, Maine 03909. Telephone: 363-5497.



Town of York, Inc.
 100 Year Re-Plan
 FIRM, Rev. 12.6.80
 23059 0033
 December 15, 1983



YORK

Federal and State Permits/Federal Consistency

- a. 1. Applications for the floats and pilings are currently under review with the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection.
2. Permits from the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection for the bait platform are attached.
- b. The project is consistent with Maine's Coastal Program.



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

Planning Office

REPLY TO
Regulatory Branch
CENED-OD-R-13
SRP-87-5381

SEP 30 1987

ATTACHMENT 4#B

Town of York
ATTN: Donald Cole
P.O. Box 9
York, Maine 03909

Dear Mr. Cole:

On May 6, 1983, we issued a State Program General Permit that, subject to our discretion, eliminates the need for individual Department of the Army permits for certain work that is regulated by the State of Maine. A copy of the general permit is enclosed, along with our May 19, 1983, public notice that summarizes the permit's purpose and some of its key provisions.

This concerns your proposal to construct and maintain a 10' x 32' pile and timber westerly extension to the existing Town pier in York Harbor at York, Maine. The work will be performed in accordance with the attached plans entitled "Proposed Bait Platform for #1 Town Dock" in 4 sheets undated. We previously notified you that we were studying this proposal to determine its eligibility under our Maine State Program General Permit.

We have determined that your project as proposed is eligible under the State Program General Permit. Accordingly, other than possibly performing a compliance inspection (condition 17 of the permit) at some later date, we do not plan to take any further action on this project, nor do we require any further information from you.

Please note that all work is subject to the conditions contained in the general permit, and that no work may be started unless and until all other required local, State and Federal licenses and permits have been obtained.

Should you have any questions on this matter, please contact Jay Clement of my staff at 207-622-8246 at our Augusta, Maine Project Office.

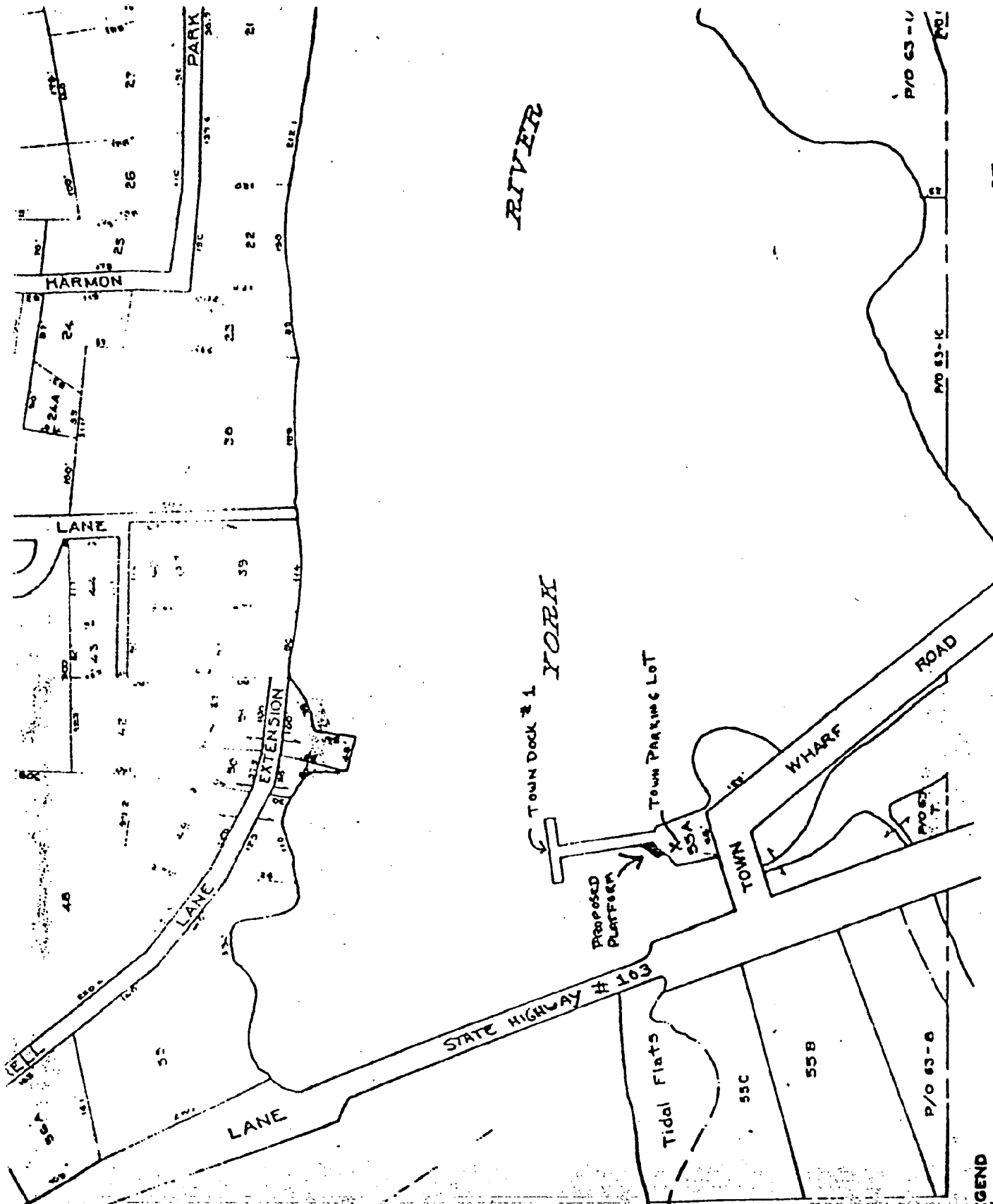
Good luck with your project.

Sincerely,

Timothy R. Winter

Timothy R. Winter
Actg. Section Chief
Regulatory Branch
Operations Division

OCT 5 1987

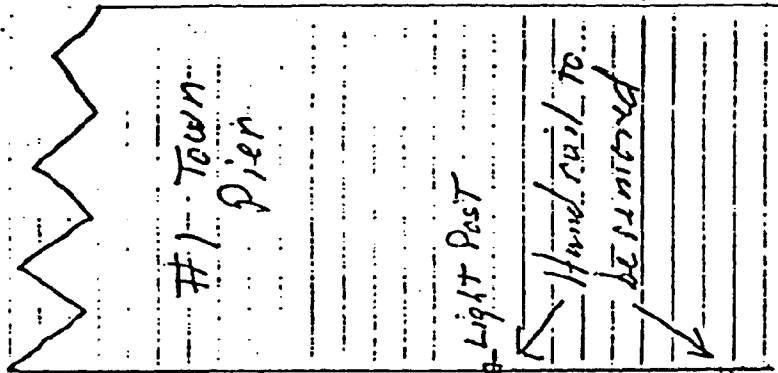


Proposed Bait Platform for Town Dock #1

LEGEND

Proposed Bait Platform

For #1 Town Dock



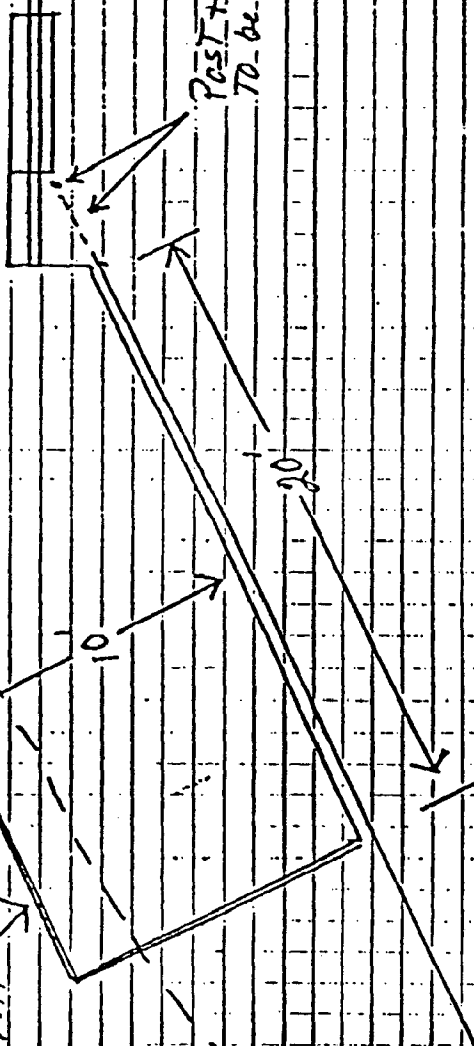
#1 Town Pier

Light Post

Hand rail to be removed

Normal High water

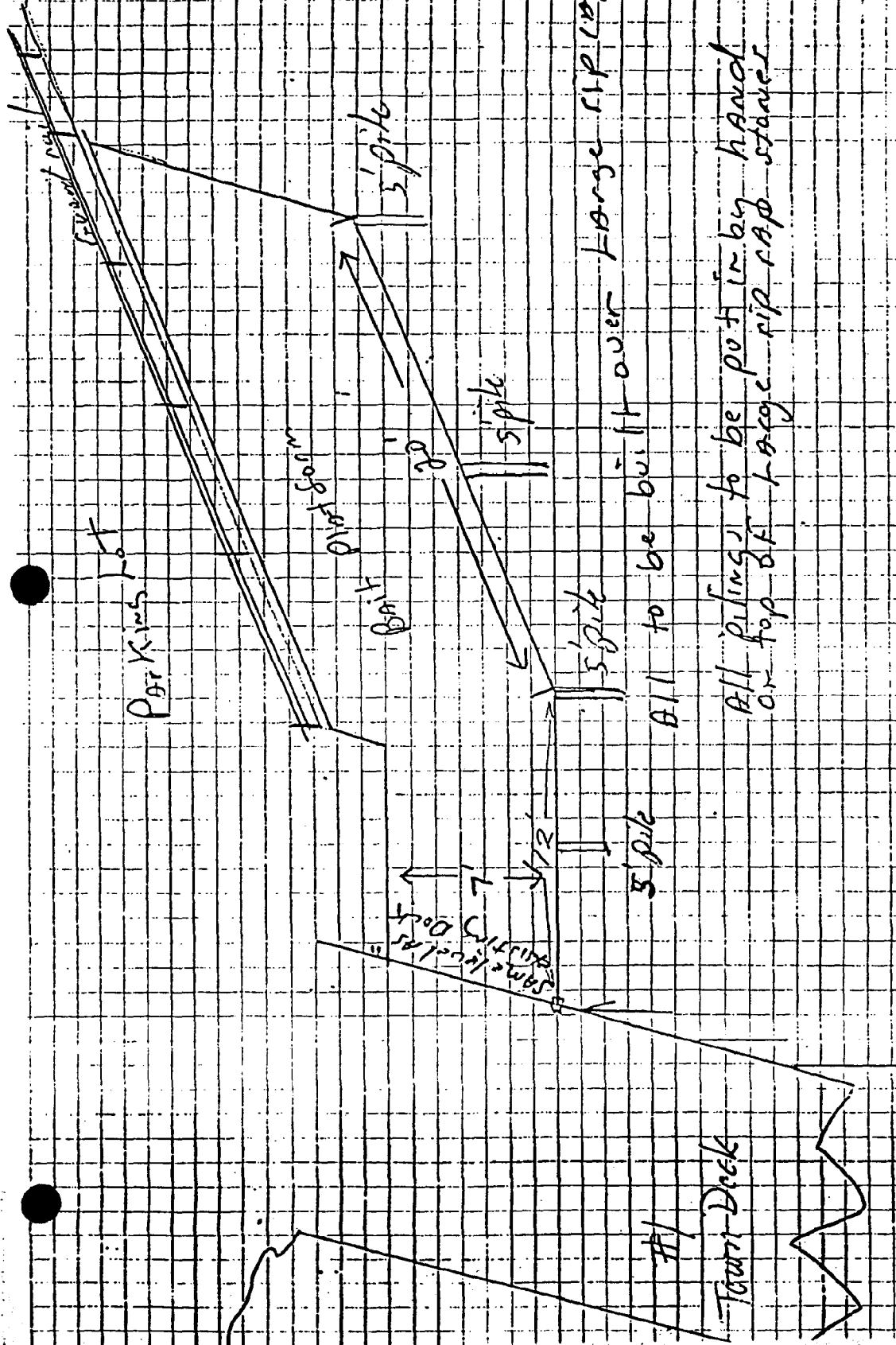
Hand rail to be installed on outer perimeter of platform



Post + Guardrail to be removed

Scale

1sq = 1



Proposed Bait Platform
 for #1 Town Deck

All piling to be put in by hand
 on top of large rip cap stanch

5' pile

5' pile

5' pile

5' pile

#1
 Town Deck

Same kind as
 existing Dock

Bait Platform

Parkings Lot

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

DEPARTMENT ORDER

IN THE MATTER OF

July 29, 1987

TOWN OF YORK) Alteration of Coastal Wetlands
York, Maine) and Water Quality Certification
BAIT PLATFORM)
#L-014459-03-A-N) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38, M.R.S.A., Section 474 and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of THE TOWN OF YORK with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. The applicants propose to construct a pile-supported public bait platform measuring 7-10 feet in width and 30 feet in length. The structure will be built alongside Town Pier #1 on the York River and will sit 8 feet above existing riprap.
2. The platform will be of wood construction, and will be supported by wooden pilings placed at intervals of 5 feet.
3. The Department of Marine Resources (DMR) has reviewed the project and has stated that no adverse impacts to marine resources, recreation, or navigation are anticipated.
4. Because the project does not fall below low water, a Bureau of Public Lands lease or easement is not needed.

BASED on the above findings of fact, the Department concludes that the proposed activity will satisfy the requirements of Title 38, M.R.S.A., Section 474 and Section 401 of the Federal Water Pollution Control Act for the issuance of an Alteration of Coastal Wetlands Permit and a Water Quality Certification, in that:

- A. The project will not unreasonably interfere with existing recreational and navigational uses.
- B. The project will not cause unreasonable soil erosion.
- C. The project will not unreasonably harm wildlife or freshwater, estuarine, or marine fisheries provided that any lumber treated with preservatives is allowed to cure at least 30 days prior to its use in construction.
- D. The project will not unreasonably interfere with the natural flow of any waters.
- E. There is reasonable assurance that the activity will not lower the quality of any waters or violate applicable Water Quality Standards provided that any lumber treated with preservatives is allowed to cure at least 30 days prior to its use in construction.

TOWN OF YORK
York, Maine
BAIT PLATFORM
#L-014459-03-A-N

2 Alteration of Coastal Wetlands
) and Water Quality Certification
)
) FINDINGS OF FACT AND ORDER

THEREFORE, the Department APPROVES WITH THE ATTACHED CONDITIONS the application of THE TOWN OF YORK to construct a 7-10 foot wide by 30 foot long pile-supported public bait platform on the York River in York, Maine, in accordance with the following conditions:

1. The Standard Conditions of Approval, a copy attached.
2. Any lumber treated with preservatives is allowed to cure at least 30 days prior to its use in construction.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29TH DAY OF JULY, 1987.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Dean C. Marriott
Dean C. Marriott, Commissioner

PLEASE NOTE ATTACHED SHEET FOR APPEAL PROCEDURES....

Date of initial receipt of application 5/20/87

Date of application acceptance 5/28/87

November 1, 1979

****STANDARD CONDITIONS****

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE COASTAL WETLANDS LAW, 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. Compliance With All Permit Terms and Conditions. The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all terms and conditions of this permit. All preconstruction terms and conditions must be met before construction begins.
- D. 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 activity was not begun within two years from the granting of the initial permit and 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.
- E. 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.
- F. No Construction Equipment Below High Water. No construction equipment being used in the undertaking of an approved activity is allowed below the mean high water line.
- G. 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.
- H. 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.

YORK

Proof of Ownership

CERTIFICATE OF PUBLIC OWNERSHIP

October 29, 1987
date

RE: "Rehabilitation and Expansion of Town Wharf," referenced in grant package submitted to OCRM on September 19, 1987

I am currently the attorney for the Town of York, Maine and have been requested by the Coastal Program Management Agency to determine record ownership for the parcel of property on which the above referenced project will be constructed, Lot 55A on Tax Map 57 of the Town of York.

After thoroughly examining the public land records and other appropriate records in accordance with state law, I hereby certify that marketable title to the property described above is held by the Town of York.

Additional comments: See attached.

E. Stephen Murray
Name

ADDENDUM TO CERTIFICATE OF PUBLIC OWNERSHIP

The Coastal Program Waterfront Action Grant Application contemplates rehabilitation and expansion of Town Wharf 1. Town Wharf 1 projects into the York River from Lot 55A on Tax Map 57 of the Town of York.

Town Wharf 1 was constructed in 1958. The shoreland property on which the wharf was constructed is part of a public way laid out by the York County Commissioners on behalf of the Town of York in 1906. Although the property has not yet been surveyed, it appears that the entire area of Lot 55A falls within the bounds of the 1906 taking. Public records demonstrate that all improvements to the way were initially constructed by the Town, and that the way was thereafter maintained exclusively by the Town except for a relatively brief period when the way was maintained by the State as Route 103. When, in 1958, the State discontinued its use of the way and constructed an entirely new Route 103, authority over the way laid out in 1906 reverted to the Town pursuant to 23 M.R.S.A. §651. The Town has maintained and used Wharf 1 for nearly thirty years.

Because the Town of York owns Tax Lot 55A, it is entitled, under 38 M.R.S.A. §1021 et seq., to maintain a wharf in front of its own land.

This opinion is subject to the attached general exceptions.

GENERAL EXCEPTIONS

There are certain possible or latent defects in some titles to real property which an examining attorney cannot discover from a search of Registry records. For this reason, the following matters are excepted from this title opinion:

1. Any conditions or state of facts which would be disclosed by inspection of the premises and/or an accurate engineering survey (including the exact geographic location of the premises).

2. Persons in possession and those claiming under leases for a term less than two years.

3. Our examination indicates that there are no mechanic's or labor liens of record against the premises, but liens of this nature may be perfected within 120 days from the last day that services are rendered or materials furnished by contractors and/or suppliers.

4. Questions as to possible encroachments, whether or not the buildings and improvements are located entirely within the described premises, whether or not the roadway serving the premises is accepted or is private and availability of public water supply, septic or storm drainage and other utilities to the premises.

5. Any bankruptcy proceedings other than those of the immediate grantor and any and all provisions of any public or private laws, whether federal, state, county, municipal or otherwise, and any codes, ordinances, regulations or rulings promulgated thereunder or in relation thereto, affecting the disposition, use and/or occupancy of the premises.

6. Any disability of the grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, any registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery.

7. Any law, ordinance or governmental regulation relating to environmental protection.

8. Title to and rights of the United States of America, the State of Maine, and the public generally in and to that portion of the property lying below the mean high water mark of the York River.

SCARBOROUGH

?

Town Landing Acquisition Project

\$50,000

Project Description

The Town of Scarborough, located in Cumberland County, has recently completed a Comprehensive Harbor Plan with a Coastal Program Planning Grant. A critical element of the recommended strategy to assure the long term preservation of the harbor is the acquisition of two important vacant parcels near the Town Landing. The Plan lays out a number of facility improvements alternatives which can be implemented with the acquisition of these parcels.

Scope

The Town proposes to use the grant funds supplemented with \$100,000 of local funds to acquire "Pillsbury" parcel. The Town will purchase the second parcel utilizing local funds exclusively.

Eligibility

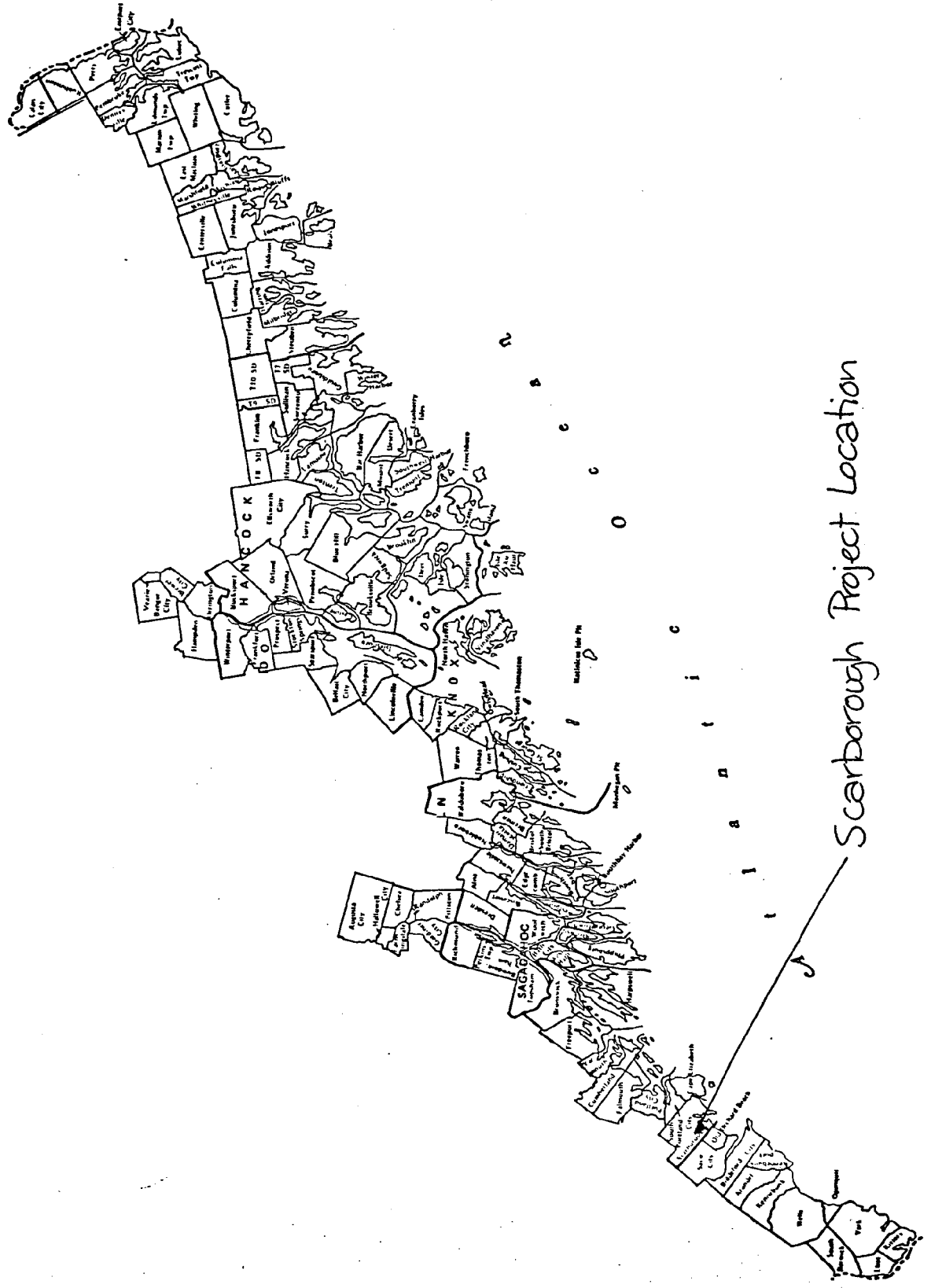
The project meets the eligibility requirements of Section 306A (3)(b)(3).

Budget

| | <u>COASTAL</u> <u>FUNDS</u> | <u>LOCAL</u> <u>MATCH</u> | <u>TOTAL</u> |
|------------------|--------------------------------|------------------------------|--------------|
| Land Acquisition | \$50,000 | \$100,000 | \$150,000 |

SCARBOROUGH

Site Location Maps



Scarborough Project Location



Continue on Map 5

Project Location

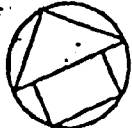
MAINE OCEAN

Figure VA

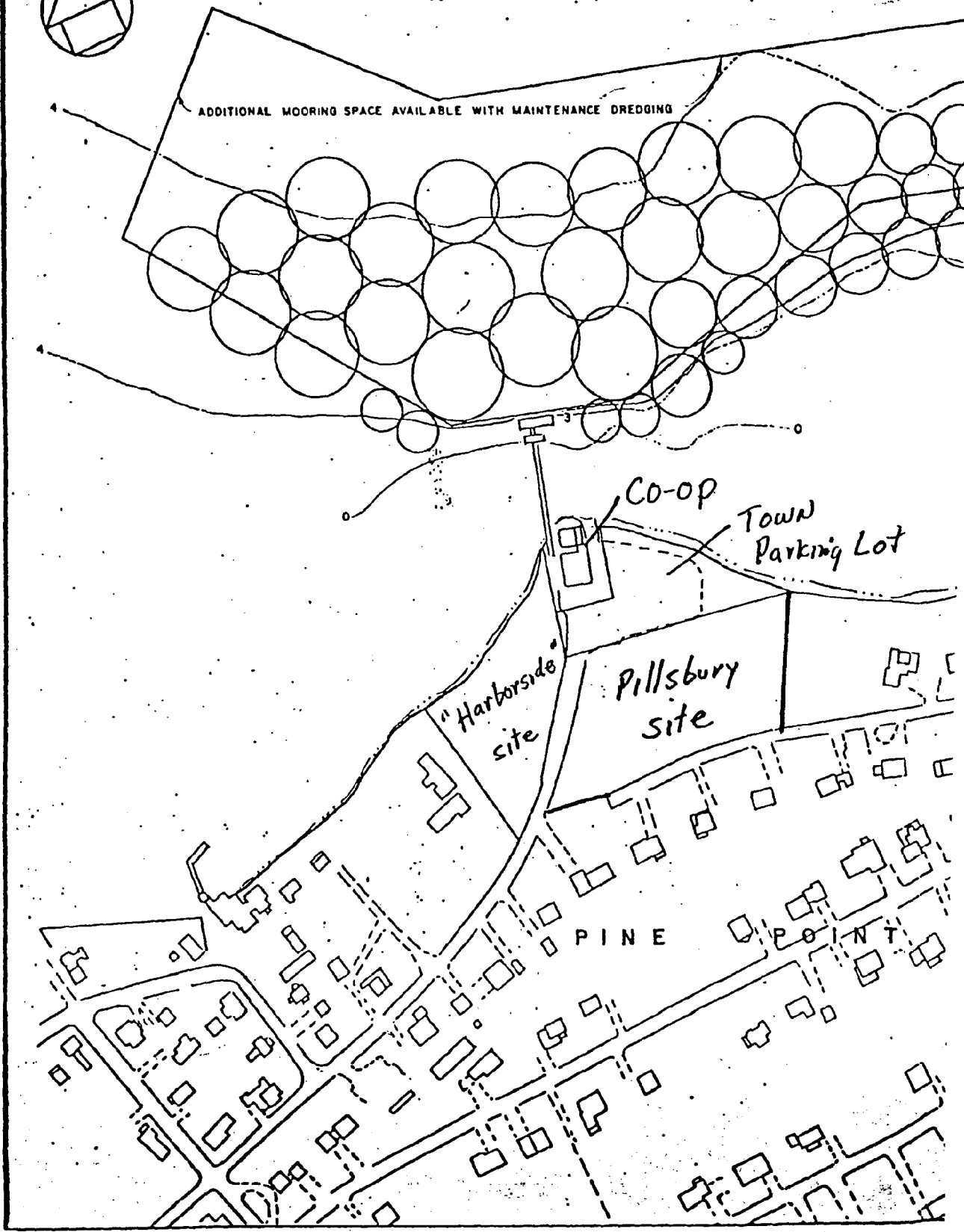
Location Map + Harbor Alternative



STRUCTURAL ASSISTANCE WAS PROVIDED BY
NRIER'S COASTAL PROGRAM THROUGH
GRANTING PROVIDED BY U.S. DEPARTMENT
OF COMMERCE, UNDER THE COASTAL ZONE
REALIGNMENT ACT OF 1972, AS AMENDED.



ADDITIONAL MOORING SPACE AVAILABLE WITH MAINTENANCE DREDDING



SCARBOROUGH

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$260,000

- Preservation or Restoration
- Redevelopment of Urban Waterfronts and Ports
- Public Access

Federal: \$50,000
 State: _____
 Local: \$210,000

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- | | | | |
|---|-------------|-----------------|-----------|
| 1. This action or group of actions would have a significant effect on the quality of the human environment. | No <u>Y</u> | Uncertain _____ | Yes _____ |
| 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. | No <u>X</u> | Uncertain _____ | Yes _____ |

B. Evaluation of exceptions to actions within Categorical Exclusion:

- | | | | |
|--|-------------|-----------------|-----------|
| 1. This action would have significant adverse effects on public health or safety. | No <u>X</u> | Uncertain _____ | Yes _____ |
| 2. This action will have highly controversial environmental effects. | No <u>X</u> | Uncertain _____ | Yes _____ |
| 3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. | No <u>Y</u> | Uncertain _____ | Yes _____ |

4. The specific impact of the project on the following resources:

| | | | |
|-------------------------------------|--|--------------------------------|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared

** Please list permits required and their status. If permits have been obtained please attach to the application.

SCARBOROUGH

Environmental Review

B. Federal Executive Orders 11988 and 11990

This is a land acquisition project therefore the Executive Orders are not applicable.

SCARBOROUGH

Federal and State Permits/Federal Consistency

- a. No permits are required.
- b. The project is consistent with Maine's Coastal Program.

SCARBOROUGH

Proof of Ownership

This is a land acquisition project. Attached are:

1. Two real estate appraisals
2. Title certification

111

MURRAY, PLUMB & MURRAY

ATTORNEYS AT LAW
75 PEARL STREET
PORTLAND, MAINE 04101

PETER L. MURRAY
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CAROL G. WARREN
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MICHAEL L. PARKER
ELAINE L. CLARK

CHARLTON S. SMITH
COUNSEL

TEL 207-773-5651

TELEFAX: 207-773-6023

COPY FOR YOUR

September 23, 1986

E & R Development Corp.
P.O. Box 444
Biddeford, ME 04005
Attn: Mr. Michael Eon

Re: Property of Winslow S. Pillsbury, Scarborough, Maine

Dear Mr. Eon:

In accordance with the standards adopted by the Maine State Bar Association and resting on deed dated December 3, 1929 and recorded in the Cumberland County Registry of Deeds in Book 1443, Page 100 from Edward B. Pillsbury to Winslow H. Pillsbury, we hereby certify that we have examined or caused to be examined records in the Registries of Deeds and Probate within and for said County and State of Maine, and all instruments of record therein as reflected by indices, affecting the title to the premises described in deed from Mary Alice Pillsbury to Winslow S. Pillsbury dated May 31, 1983, recorded in said Registry of Deeds at Book 6182, Page 164, a copy of which is attached as Exhibit A.

We further certify that on September 15, 1986 at 4:30 p.m. the said Winslow S. Pillsbury was the record holder of said premises in fee simple, with good and marketable title thereto, free and clear of all encumbrances with the following exceptions:

1. A mortgage from Winslow S. Pillsbury and Mary A. Pillsbury dated November 14, 1977 to Federal Loan and Building Association in the original principal amount of \$28,000.00 recorded in said Registry of Deeds in Book 4132, Page 181. NOT DISCHARGED OF RECORD.

2. A mortgage from Winslow S. Pillsbury to Maine Savings Bank dated February 25, 1985 in the original principal amount of \$40,000.00 recorded in said Registry of Deeds at Book 6699, Page 15. NOT DISCHARGED OF RECORD.

E & R Development Corp.
September 23, 1986
Page 2

3. Reference is made to a deed from Winslow H. Pillsbury to the Inhabitants of the Town of Scarborough, dated October 9, 1947 and recorded in said Registry of Deeds in Book 1887, Page 104, attached hereto as Exhibit B, in which the boundary of the Town Landing southeast from King Street Extension is described as 235 feet in length. Reference is also made to a deed from Doris S. Kibler to Winslow S. Pillsbury and Mary A. Pillsbury, dated December 29, 1961 and recorded at said Registry of Deeds in Book 2652, Page 241, attached hereto as Exhibit C, in which said boundary is described as 285 feet in length.

4. The general exceptions attached hereto and incorporated herein as Exhibit D.

We have been advised by the Town of Scarborough that real estate taxes in the amount of \$2,232.88 for the tax year July 1, 1985 through June 30, 1986 have been paid.

This title examination was made for your use only, and its use by others is unwarranted, unlawful, and made at the user's own risk.

Very truly yours,

MURRAY, PLUMB & MURRAY

By: 

Peter S. Plumb

PSP:bp
Encl.

APPRAISAL REPORT

PILLSBURY SITE
RIVER SANDS DRIVE
SCARBOROUGH, MAINE

PREPARED FOR

TOWN OF SCARBOROUGH

September 18, 1987

By
Richard Lewis Sawyer
Gorham, Maine

RICHARD LEWIS SAWYER, SREA
— Real Estate Appraiser, Consultant and Analyst —

39 Main Street — P.O. Box 44
Gorham, Maine 04038

Area Code — 207
Telephone — 839-3376

September 22, 1987

Town of Scarborough
Town Hall
Scarborough, Maine 04074

Attn: Carl L. Betterley

Gentlemen:

In response to your request of August 4, 1987, I personally examined and appraised a portion of W. S. Pillsbury property located north of River Sands Drive in Scarborough, Maine for the purpose of reporting to you my opinion of its market value.

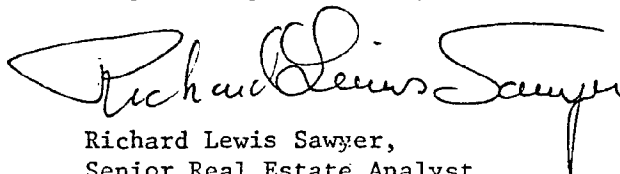
Based on the examination and study made, I have formed the opinion that on September 18, 1987 the fee simple title of the property to be acquired had a market value of

ONE HUNDRED FIFTY THOUSAND DOLLARS

\$150,000

The following narrative report presents a review of the appraisal process and details my analysis of the data on which the estimate of value is predicated.

Respectfully submitted,



Richard Lewis Sawyer,
Senior Real Estate Analyst

RLS/cp

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| Property Description | 9. |
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| Valuation Premise | 13. |
| Comparable Sales Approach to Value | 14. |
| Comparable Land Sales | 17. |
| Certification | 23. |
| Contingent and Limiting Conditions | 24. |
| Professional Qualifications | 25. |

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

LOCATION: North of River Sands Drive and East of King
Street Extension, Scarborough, Maine

TYPE PROPERTY: Residential Site

LOT SIZE: 343' x 246' x 285' x 190' or 65,000± Sq. Ft.

ASSESSED VALUE: Total Property

| | |
|--------------|----------|
| Land | \$60,500 |
| Improvements | 29,900 |
| Total | \$90,400 |

1987-88 TAXES: \$2,440.80

ZONING: R-2 Residential

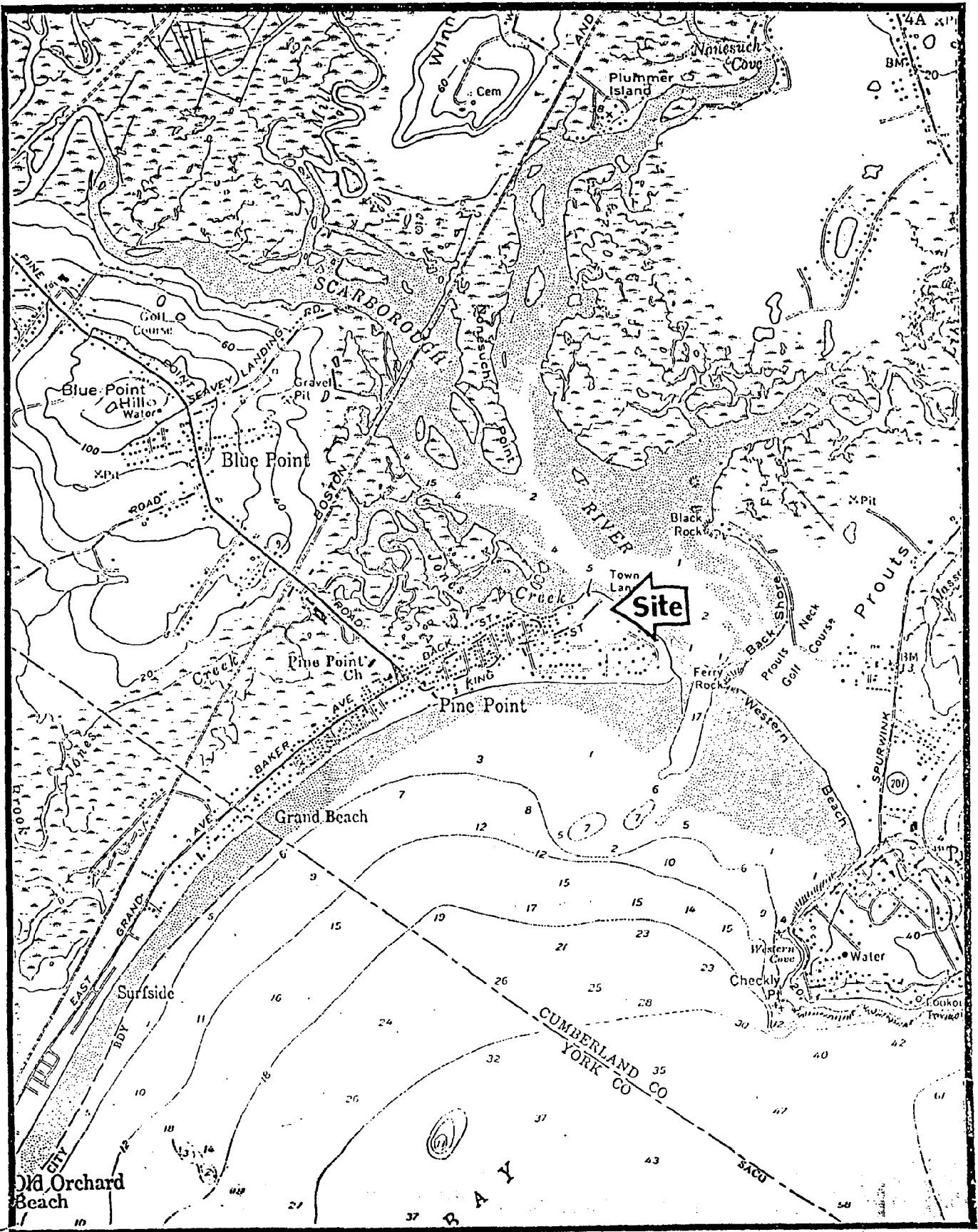
FLOOD HAZARD ZONE: Zone A Map 23005 0004C

DATE OF VALUE ESTIMATE: September 18, 1987

VALUE INDICATIONS:

| | |
|---------------------------|-----------------------|
| Cost Approach | Not Useful |
| Comparable Sales Approach | \$2.09 to \$3.44/S.F. |
| Income Approach | Not Useful |

FINAL ESTIMATE OF VALUE: \$150,000



Area Map

IDENTIFICATION OF PROPERTY

Owner: Winslow S. Pillsbury

Location: North Side of West End of River Sands Drive,
Scarborough, Maine

Source of Title Book 6182 Page 169
Cumberland County Registry of Deeds

Tax Reference: Map U21 Part of Lot 24
Town of Scarborough, Maine

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of that portion of the real property proposed to be acquired.

DEFINITION OF VALUE

Market value is defined* as "the most probable price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus."

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated.
2. both parties are well informed or well advised, and each acting in what he considers his own best interest.
3. a reasonable time is allowed for exposure in the open market.
4. payment is made in cash or its equivalent.
5. financing, if any, is on terms generally available in the community at the specified date and typical for the property type in its locale.
6. the price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.

PROPERTY RIGHTS VALUED

The real property to be appraised is the fee simple estate of the realty.

*Boyce, Byrl N., ed Real Estate Appraisal Terminology, Cambridge: Ballinger Publishing Co., (compiled for Society of Real Estate Appraisers) 1984.

Richard Lewis Sawyer

LEGAL DESCRIPTION

Book 6182 Page 164

May 31, 1983

Mary Alice Pillsbury to Winslow S. Pillsbury

A certain lot or parcel of land situated at Pine Point, in the Town of Scarborough, County of Cumberland and State of Maine, bounded and described as follows: Beginning at the intersection of the southeasterly line of King Street Extension, otherwise known as the road to Town Landing, with the northerly line of River Sands Drive, shown on Plan of Pillsbury Shores, by Herbert P. Gray, June 28, 1961, and recorded in Cumberland County Registry of Deeds, in Plan Book 58, Page 70; thence easterly by River Sands Drive three hundred forty-three (343) feet to an angle, and continuing southeasterly by River Sands Drive three hundred fifteen (315) feet to land conveyed by me to Byron G. Pride, et al by deed dated July 3, 1961 and recorded in said Registry of Deeds, in Book 2617, Page 462; thence northeasterly by said Pride land one hundred fifty-three (153) feet, more or less, to Scarboro River; thence westerly by Scarboro River about two hundred eighty (280) feet to Town Landing (reference being made to deed by Winslow H. Pillsbury to Inhabitants of the Town of Scarboro, dated October 9, 1947, and recorded in said Registry of Deeds, in Book 1887, Page 104); thence westerly by said Town Landing two hundred eighty-five (285) feet, more or less, to said King Street Extension; thence southwesterly by King Street Extension two hundred forty-six (246) feet to the corner and point of beginning.

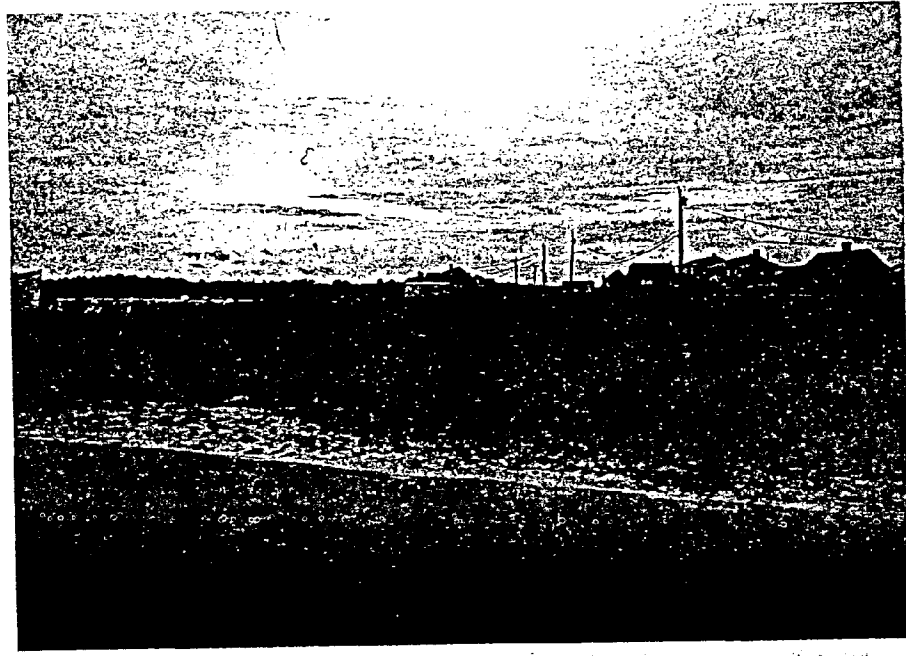
Richard Lewis Sawyer

PHOTOGRAPHS

Pillsbury Site
River Sands Drive
Scarborough, Maine



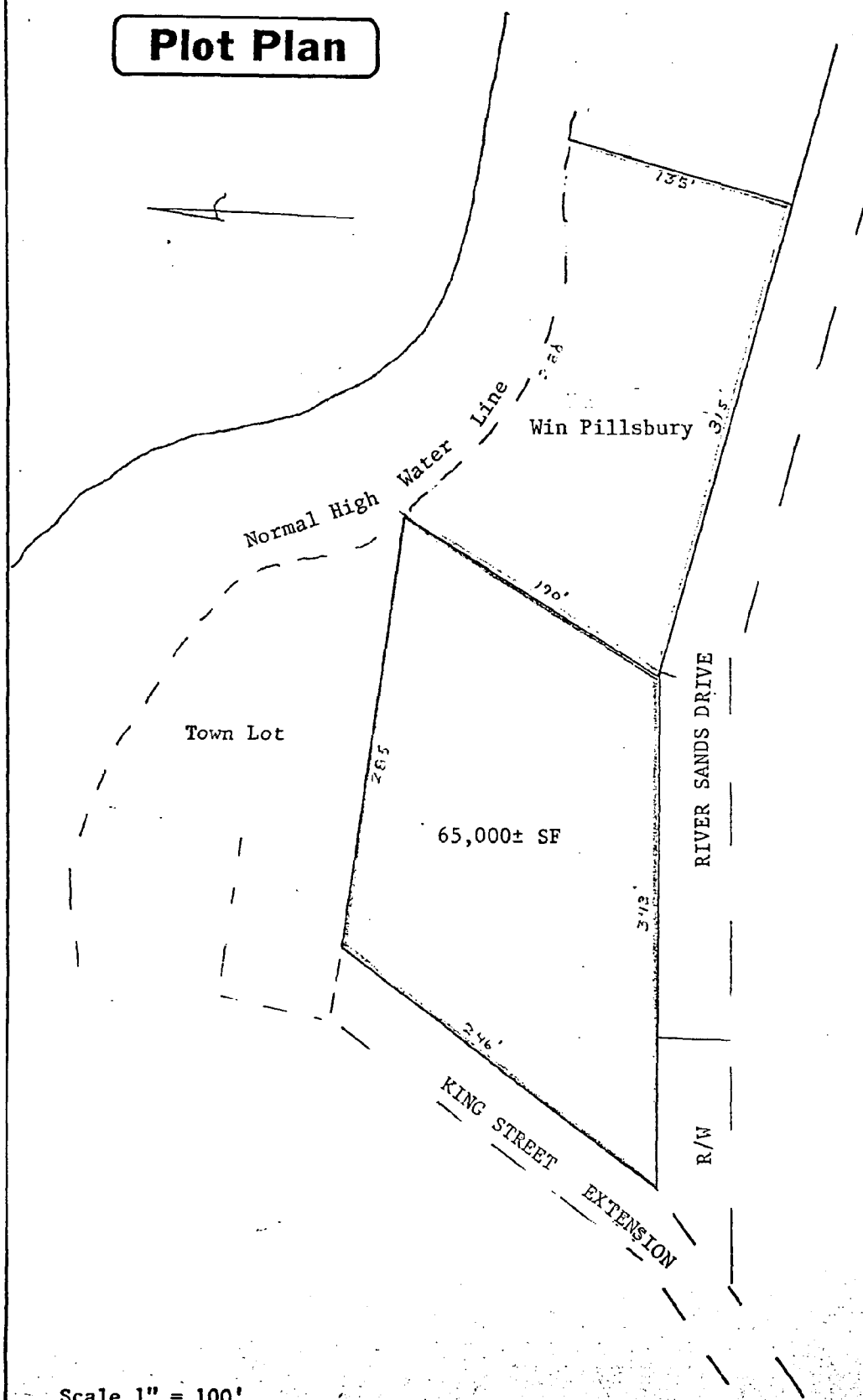
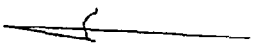
View North at Site
from River Sands Drive



View East at Site
and Pillsbury House from King Street Extension

Richard Lewis Sawyer

Plot Plan



Scale 1" = 100'

Richard Lewis Sawyer

PROPERTY DESCRIPTION

Pillsbury Site
River Sands Drive
Scarborough, Maine

The subject property is the westerly 343 feet of the land of W. S. Pillsbury which is located at the west end of River Sands Drive, east of King Street Extension and to the south of the Town of Scarborough parking lot. This site of 65,000± square feet is gentle sloping sandy soil with a beachgrass cover.

The site has public water and sewer available in King Street Extension which is a paved street. Access is also available to this site from the River Sands Drive frontage.

The total Pillsbury property of 2.5 acres is improved with a single-family residence on the east end of the site and has approximately 280 feet of frontage along the bay. The proposed taking is about 1.5 acres west of the point where the shore frontage meets the property of the Town of Scarborough.

This property is in the R-2 zone which allows only residential development, and the portion to be acquired by the town is surrounded on three sides with paved streets or public parking and does not have direct access to the water or frontage on the bay.

PERTINENT ZONING ARTICLES
Zoning Ordinance
of the
Town of Scarborough, Maine

Section XV. Residential Districts R-2

A. Purpose

To provide residential areas within the Town of Scarborough of low density in a manner which will promote a wholesome living environment. To this end, residential development shall not exceed 2 dwelling units per net residential acre and may occur in accordance with the provisions of Section VII of this Ordinance.

B. Permitted Uses

1. Single family detached dwellings exclusive of individual mobile homes.
2. Church, parish house.
3. School, library, museum.
4. Residential recreation facility.
5. Accessory uses including accessory stables on lots of at least two acres, beehives and rabbit warrens.

C. Special Exceptions

1. Farm, truck garden, nursery, exclusive of poultry and livestock raising.
2. Municipal buildings and uses other than those included in paragraph B, 3 above.
3. Cemeteries.
4. Public utilities facilities including substations, pumping stations and sewage treatment facilities.
5. Home occupations.
6. Family Day Care Homes, Group Day Care Homes, and Nursery Schools.

D. Space and Bulk Regulations

Maximum net residential density.....2 dwellings per net residential acre
Minimum lot area.....20,000 square feet
Minimum area per family.....20,000 square feet
Minimum street frontage.....100 feet
Minimum front yard all buildings....40 feet
Minimum rear and side yards, all buildings...15 feet*

*buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

Maximum building height.....See Section IX, A, 15
Maximum distance between principal buildings on the same lot.....the height equivalent of the taller building

E. Off-Street Parking

Off-street parking shall be provided in accordance with the requirements of Section XI of this Ordinance.

F. Signs

Signs shall be regulated in accordance with the requirements of Section XII of this Ordinance.

HIGHEST AND BEST USE

Pillsbury Site
River Sands Drive
Scarborough, Maine

Highest and best use is defined as "that reasonable and probable use that will support the highest present value, as defined, as of the effective date of the appraisal. Alternatively, that use, from among reasonable probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in the highest and best value".

In a sense these definitions recognize the contribution that specific uses make to the community environment or to community development goals as well as the maximum return to the individual property owners. Also it must be understood that the determination of highest and best use results from the appraiser's judgement and analytical skill, that is, the use concluded from analysis is basically an opinion, and not a proven fact. In appraisal practice, the concept of highest and best use establishes the basic assumption around which the valuation approaches are developed. In developing an estimate of market value (most probable selling price) another appropriate term to reflect the highest and best use would be most probable use.

The highest and best use of the area to be acquired is to utilize for residential development to three single family residences. This loss of this site from the total property will not cause any loss in value to the remaining portions of the property.

*Boyce, Byrl N., Real Estate Appraisal Terminology, Cambridge: Ballinger Publishing Co., (compiled for The Society of Real Estate Appraisers), 1984.

VALUATION PREMISE

Pillsbury Site
River Sands Drive
Scarborough, Maine

The best indication of the value of vacant residential development land is developed by utilizing the Comparable Sales Approach to Value. This appraisal technique is a process of analyzing sales of land with a similar highest and best use to derive an indication of the most probable sales price of the property being appraised. To effectively compare sales of different size parcels, each sale is reduced to a common unit of comparison of price per square foot.

The Cost Approach to Value, which calculates the reproduction cost of the improvements, is not a useful method of estimating land value and so is not utilized.

The Income Approach to Value is also not a useful tool in estimating land value if the land is not improved to the point where it can earn a return on the investment.

So after considering the three approaches to value, the appraiser will utilize the comparison of land sales as the method of developing an indication of the market value of the subject parcel of land.

COMPARABLE SALES APPROACH TO VALUE

Pillsbury Site
River Sands Drive
Scarborough, Maine

The Comparable Sales Approach to Value is a process of analyzing sales of similar recently sold properties in order to derive an indication of the most probable sales price of the property being appraised. The reliability of this technique is dependent upon: a) the availability of comparable sales data; b) the verification of the sales data; c) the degree of comparability; and d) the absence of non-typical conditions affecting the sales price.

The best indication of the value of the subject property is indicated by comparing the subject parcel of land to sales of other parcels of residential land in the coastal area.

On the following page is the tabular listing of some of the sale considered as comparable and indicative of the value of residential sites with public water and sewer. For ease in comparing different size sites, each sale is reduced to a price per square foot of site area.

| <u>Sale</u> | <u>Location</u> | <u>Sale Date</u> | <u>Sale Price</u> | <u>Site Size (SF)</u> | <u>Price/SF</u> | <u>Comments</u> |
|-------------|------------------------------------|------------------|-------------------|-----------------------|-----------------|-----------------------|
| A. | 7 Pillsbury Drive, Scarborough | 1-85 | \$150,000 | 15,525 | \$9.66 | Oceanfront lot |
| H. | Ferry Road, Saco | 8-86 | 65,000 | 30,360 | 2.14 | Riverfront |
| I. | Winter Harbor Terrace Biddeford | 12-85 | 44,000 | 24,500 | 1.80 | Tidal pool |
| J. | Sextant Lane, Scarborough | 4-86 | 37,900 | 14,100 | 2.69 | Development lot |
| K. | Fortune Rocks Biddeford | 1-85 | 36,500 | 20,654 | 1.76 | Public wtr; part.view |
| L. | Ocean View Avenue Wells | 5-85 | 37,000 | 22,500 | 1.64 | Distant ocean view |
| M. | Grasshopper Lane Ogunquit | 7-87 | 135,000 | 15,474 | 8.73 | Partial river view |

Adjusting these sales for time of sale, site size, and location and utility narrows the range and more strongly indicates the probable unit value of the subject parcel of residential development land.

| <u>Sale</u> | <u>Sale Date</u> | <u>Sale Price/SF</u> | <u>Time</u> | <u>Adjustments</u> | | <u>Adj. Price/SF</u> |
|-------------|------------------|----------------------|-------------|--------------------|-----------------------|----------------------|
| | | | | <u>Size</u> | <u>Loc.&Util.</u> | |
| A. | 1-85 | \$9.66 | 1.27 | 0.7 | 0.4 | \$3.44 |
| H. | 8-86 | 2.14 | 1.11 | 0.9 | 1.1 | 2.35 |
| I. | 12-85 | 1.80 | 1.17 | 0.8 | 1.4 | 2.36 |
| J. | 4-86 | 2.69 | 1.14 | 0.7 | 1.1 | 2.36 |
| K. | 1-85 | 1.76 | 1.27 | 0.8 | 1.2 | 2.15 |
| L. | 5-85 | 1.64 | 1.23 | 0.8 | 1.3 | 2.09 |
| M. | 7-87 | 8.73 | 1.02 | 0.7 | 0.5 | 3.11 |

Time is adjusted at a rate of 10% per year. The adjustment for size is to compensate for the supply and demand principle that larger sites bring less price per unit than do smaller sites. The adjustment for location and utility is the appraiser's judgment of the relative appeal of the subject site's location and use compared to each sale.

Giving the greater weight to the indicators developed from the adjustment of Sales H, I, J, and M, it is concluded the subject parcel most probably has a unit value of around \$2.30 per square foot, or a market value of

$$65,000\pm \text{ S.F. } @\$2.30/\text{S.F.} = \$149,500$$

Say \$150,000

LOCATION: 7 Pillsbury Drive
Scarborough, Maine

LAND SIZE
15,525 S.F.

H & B USE
Resid. Develop.

DATE:
1-7-85

PRICE: 17.
\$150,000

GRANTOR: Stephen Clough & Suzanne Clough
GRANTEE: Doris Sirkim
SOURCE:
DIMENSIONS: 100' x 150' x 100' x 155'

BOOK 6660 PAGE 14
TAX MAP REF: U21-51
ZONING: R-2

FRONTAGE: 100'

GROWTH: Sand and dunegrass VIEW: To ocean

TOPOGRAPHY: Gt1.slope STR. IMP.: Paved

TRAFFIC: Light 2-way ACCESS: Very good

SOIL: Sandy DRAINAGE: Good

UTILITIES: Water and sewer

USE AT SALE: Small cottage on lot

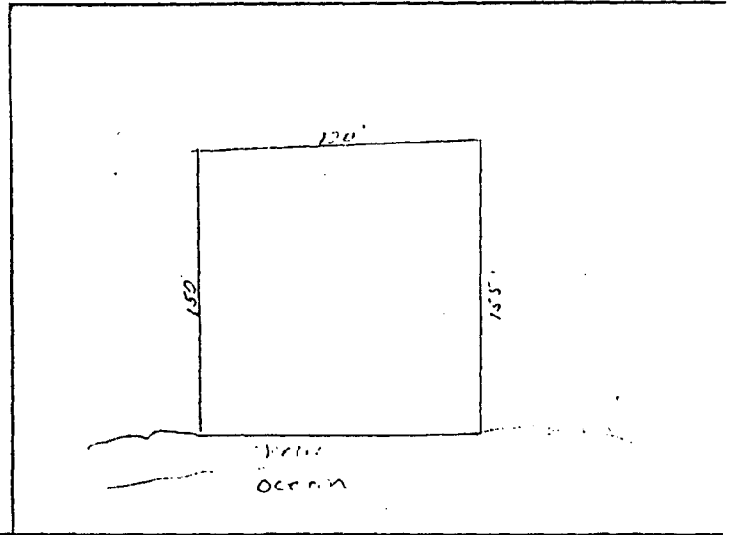
REMARKS:

Removed old cottage for development
of site.

$\$150,000 \div 100 \text{ FF} = \$1500/\text{FF}$

$\$150,000 \div 15,525\text{SF} = \$9.66/\text{SF}$

FINANCING:



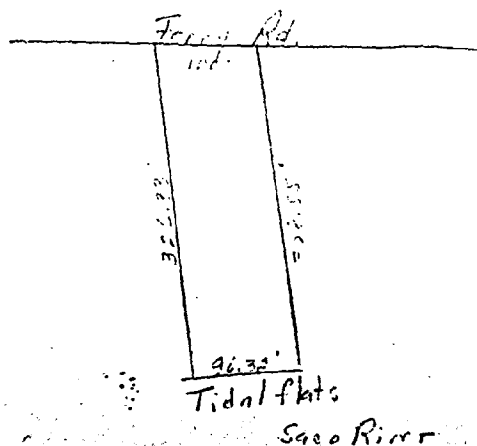
COMPARABLE LAND SALE

LOCATION Ferry Road TAX MAP REF.: 2-17-1
Saco, Maine VOLUME: _____ PAGE: _____
 SOURCE: YCMLS FLOOD ZONE: _____
 GRANTOR: _____ GRANTEE: _____
 DATE OF SALE: 8-3-86 SALES PRICE: \$65,000
 DESCRIPTION: 100' frontage on 30,360 S.F.

ZONING: RIA TOPOGRAPHY: _____
 TRANSPORTATION: _____ GROWTH: Partially cleared
 UTILITIES: Public water; sewer to be SUBSOIL: _____
available within one year
 NEIGHBORHOOD: _____ APPEAL: _____
 STREET IMP.: Paved street USE AT SALE: _____

REMARKS: City of Saco owns the tidal flats bordering the Saco River.
1/3 of a mile to the beach with beautiful views of the Saco River.
Easy access for the boating enthusiast.

INDICATED COST/S.F. : \$2.14



COMPARABLE LAND SALE

LOCATION: L#4 Winter Harbour Terr., TAX MAP REF.: _____

Biddeford Pool, Maine VOLUME: _____ PAGE: _____

SOURCE: MMLS TRANSFER TAX: _____

GRANTOR: Beckett GRANTEE: _____

DATE OF SALE: 12-23-85 SALES PRICE: \$44,000

DESCRIPTION: 100' x 245' on .5 Acre

ZONING: R-1A TOPOGRAPHY: _____

TRANSPORTATION: _____ GROWTH: _____

UTILITIES: Public water SUBSOIL: _____

NEIGHBORHOOD: \$100,000-\$250,000 homes APPEAL: _____

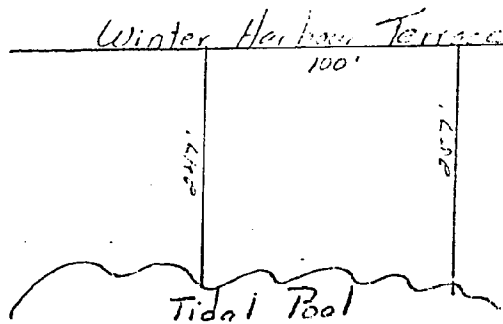
STREET IMP.: Paved USE AT SALE: _____

REMARKS: Beautiful building site with water frontage on historical

Biddeford Pool. Only steps away from sandy beaches. Near private

vacht club and golf course. Truly a rare taste of Maine

INDICATED COST/SF : \$1.80



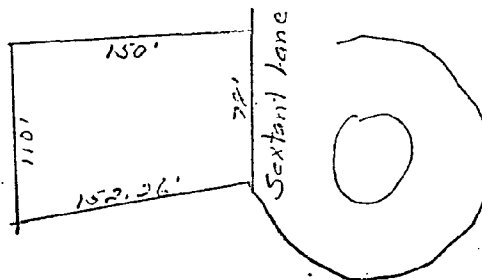
COMPARABLE LAND SALE

LOCATION: L220 Sextant Lane TAX MAP REF.: _____
Scarborough, Maine VOLUME: _____ PAGE: _____
SOURCE: MMLS TRANSFER TAX: _____
GRANTOR: Scott Norton GRANTEE: _____
DATE OF SALE: 4-2-86 SALES PRICE: \$37,900
DESCRIPTION: 78' x 150' or 14,100 SF

ZONING: Residential TOPOGRAPHY: _____
TRANSPORTATION: _____ GROWTH: _____
UTILITIES: Public SUBSOIL: _____
NEIGHBORHOOD: \$125,000 to \$150,000 APPEAL: _____
STREET IMP.: Paved USE AT SALE: _____

REMARKS: Pleasant Hill Subdivision on dead end street with cul-de-sac.
Brown Homes must approve plans of home to be built on this
lot.

INDICATED COST/SF : \$2.69



| | | | | | |
|---|--------------------------|-----------|-----------------|--------------------|-----|
| LOCATION: Fortunes Rocks Road Biddeford, Maine | LAND SIZE 20,654 S.F. | H & B USE | DATE: 1-6-85 | PRICE: \$36,500 | 21. |
|---|--------------------------|-----------|-----------------|--------------------|-----|

GRANTOR: BOOK PAGE
 GRANTEE: TAX MAP REF: 66-38
 SOURCE: YCMLS ZONING: R1A-1 fam. shoreland
 DIMENSIONS: 105x200

FRONTAGE: 105' GROWTH: Wooded VIEW:
 TOPOGRAPHY: Slopes STR. IMP.: Asphalt TRAFFIC: ACCESS:
 gently to street

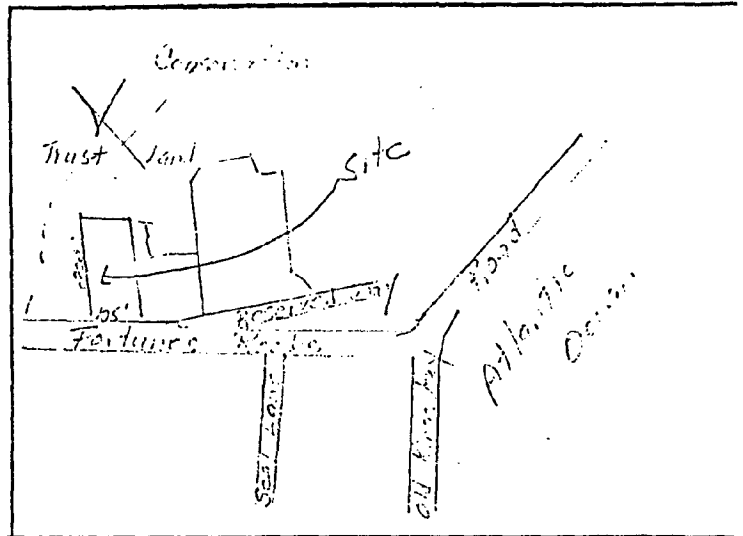
SOIL: Tested DRAINAGE:

UTILITIES: Public water

USE AT SALE:

REMARKS: Deed restricted lot in deed restricted area. Two sides abut large conservation trust area. Nice building lot.

FINANCING: Cash



| | | | | |
|--|-------------------------|---------------------------|-------------------|--------------------|
| LOCATION: 012 Wells 101 Ocean View Ave. | LAND SIZE: SF 22,500 | H & B USE: Residential | DATE: 85-05-20 | PRICE: \$37,000 |
|--|-------------------------|---------------------------|-------------------|--------------------|

GRANTOR: Benjamin R. Graves, Jr. BOOK/PAGE:
 GRANTEE: Ronald C. Turner TAX MAP REF: 130-13
 SOURCE: (P) ZONING: R
 DIMENSIONS: 100x225

FRONTAGE: ST 100' GROWTH: Pine trees VIEW: Hbr.&dist.ocean

TOPOGRAPHY: STR.IMP.: TRAFFIC: ACCESS:
 Flat@grade/drops Macadam

SOIL: DRAINAGE: Average

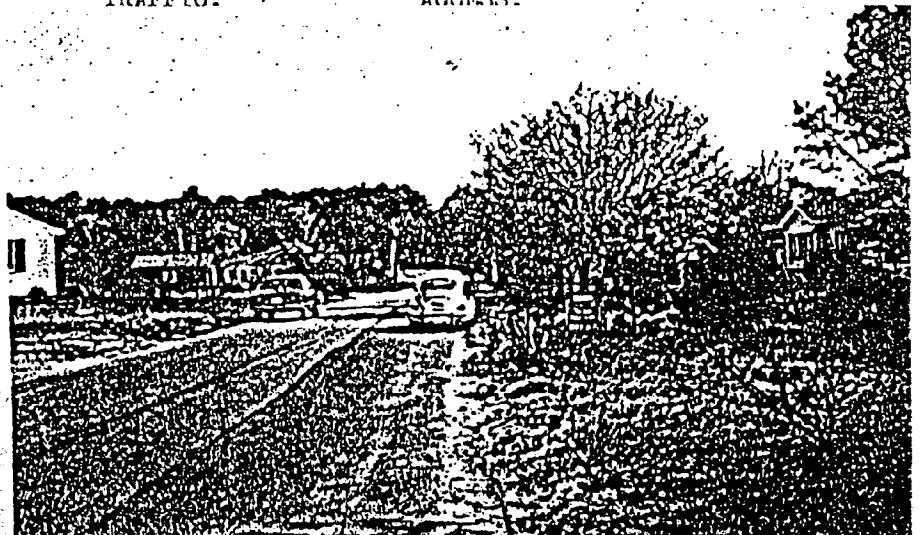
UTILITIES: Public

USE AT SALE: Vacant lot

REMARKS: Abuts R. Carson Wildlife Marsh-tidal harbor/dist.ocean.

PRICE/SF or AC:
1.64
PRICE/FF:
370.00

FINANCING: 80%@14.5%flex.10yrs



| LOCATION | Grasshopper Lane Ogunquit, Maine | LAND SIZE | 15,474 S.F. | H & B USE | Residential | DATE | 7-87 | PRICE | \$135,000 | 22. |
|--------------|--|------------|----------------|---------------|---------------------------------|-------------|------------|-------|-----------|-----|
| GRANTOR: | | | | BOOK | | PAGE | | | | |
| GRANTEE: | | | | TAX MAP REF.: | | 8-18-5 | | | | |
| SOURCE: | | | | ZONING: | | Residential | | | | |
| DIMENSIONS: | 94'x181'x29'x88'x16'x129 | | | | | | | | | |
| FRONTAGE: | 94' | GROWTH: | | VIEW: | Partial view of river and ocean | | | | | |
| TOPOGRAPHY: | Rel.level | STR. IMP.: | Paved | TRAFFIC: | Two-way | ACCESS: | Public st. | | | |
| SOIL: | Unknown | DRAINAGE: | Will need fill | | | | | | | |
| UTILITIES: | Public water and sewer | | | | | | | | | |
| USE AT SALE: | Development lot | | | | | | | | | |
| REMARKS: | Subject to Sewer User Ordinance which may delay development for two years. | | | | | | | | | |
| | $\$135,000 \div 15,474 \text{ S.F.} = \$8.73/\text{S.F.}$ | | | | | | | | | |
| | No Growth Permit at time of sale. | | | | | | | | | |
| FINANCING: | | | | | | | | | | |

CERTIFICATION

I hereby certify:

that I have no personal interest or bias with respect to the subject matter of this appraisal report or the parties involved;

that I have personally inspected the subject property, both inside and out;

that I have no present or contemplated future interest in the real estate that is the subject of this appraisal report;

that the amount of my fee is not contingent upon reporting a pre-determined value or upon the amount of the value estimate;

that to the best of my knowledge and belief the statement of fact contained in this appraisal report, upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct and that I have no knowingly withheld any significant information;

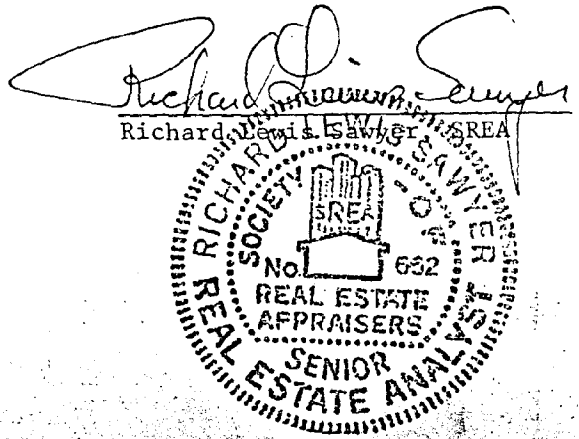
that this appraisal report sets forth all of the assumptions and limiting conditions (imposed by the terms of the assignment or by the undersigned) affecting the analyses, opinions, and conclusions contained in this report;

that this appraisal report has been made in conformity with and is subject to the requirements of the Code of Ethics and Standards of Professional Practice and Conduct of the Society of Real Estate Appraisers; and

that no one other than the undersigned prepared the analyses, opinions, and conclusions concerning real estate that are set forth in this report.

It is my opinion that the market value of the fee simple title of the subject property, as of September 18, 1987, was \$150,000.

Pillsbury Site
River Sands Drive
Scarborough, Maine



Richard Lewis Sawyer

CONTINGENT AND LIMITING CONDITIONS

The certification of the Appraiser appearing in this appraisal report is subject to the following conditions and to such other assumptions and special limiting conditions as are set forth in the report.

The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. No consideration has been given to liens or encumbrances which may be against the property except as specifically stated in the appraisal report.

The legal description furnished or acquired by the Appraiser is assumed to be correct.

Any sketch in the report is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property and land dimensions and/or areas given in the report are taken from information provided by the client or public records and the Appraiser assumes no responsibility for their accuracy.

Information, estimates and opinions, furnished to the Appraiser and contained in this report, were obtained from sources considered to be reliable, but the Appraiser assumes no responsibility for its accuracy.

The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or improvements which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions or for engineering which might be required to discover such factors.

Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

Neither all, nor any part, of the content of the report, or copy thereof, (including conclusions to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the Appraiser is connected) shall be used for any purposes by anyone but the client specified in the report and his assigns, nor shall it be conveyed to the public through advertising, public relations, news, sales or other media without the written consent and approval of the Appraiser.

The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.

PROFESSIONAL QUALIFICATIONS
of
Richard Lewis Sawyer

25.

Engaged in real estate valuation and consulting in Maine and New Hampshire for over thirty years. Assignments have included appraisals and analyses of residential, commercial, industrial, recreational and rural properties for government agencies, housing authorities, lending institutions, attorneys, developers, corporations and other private clients. Also prepared market studies, investment analyses and feasibility studies to advise and assist clients with real estate decisions.

Recognized as an expert witness in the valuation of real estate by the Superior Courts of Maine and New Hampshire and other judicial claims boards.

Education

University of Maine - B.S. Degree

American Institute of Real Estate Appraisers

Courses: I - Basic Principles, II - Urban Properties, IV - Condemnation,
VI - Techniques of Capitalization, VII - Industrial Properties.

Society of Real Estate Appraisers

Course: 202 - Applied Income Property Valuation

301 - Special Application of Appraisal Analysis

Seminars: - Single Family Residence, Appraising Apartments,
Appraising Condominiums, Math-Stat-Finance, Feasibility
Studies, Basic Money Market, Creative Financing/Cash
Equivalency, Techniques of Appealing a Tax Assessment,
Tax Considerations for Real Estate Transactions.

Appraisal Instructor

Society of Real Estate Appraisers; Maine Real Estate Commission

Experience

| | |
|---|-----------------|
| Self-employed Real Estate Appraiser and Consultant | 1974 to present |
| Vice President, Thomas J. Hennessy, Jr. Associates | 1971 to 1974 |
| Vice President, Sawyer Appraisal Company | 1962 to 1970 |
| Right of Way Negotiator, Maine State Highway Commission | 1958 to 1962 |
| Resident Forester, New England Forestry Foundation | 1954 to 1958 |

Professional Affiliations

Society of Real Estate Appraisers - Senior Real Estate Analyst (SREA)

Vice Governor (1983 and 1984) - New England District #18

Past President (1971-72; 1982-83) - State of Maine Chapter #202

Member and Former Director - New Hampshire Chapter #139
State of Maine Chapter #202

National Association of Review Appraisers - Certified Review Appraiser (CRA)

State of Maine Licenses

Real Estate Broker (Inactive)

Registered Professional Forester

Richard Lewis Sawyer



The international Society of Real Estate Appraisers has authorized

RICHARD L. SAWYER

to include the Senior Real Estate Analyst (SREA)
designation in his/her professional credentials through

April 27, 1990

Senior Real Estate Analysts (SREA) are professional members of the Society of Real Estate Appraisers who have extensive technical training, long and varied experience, who have earned the respect of the community and their peers for their expert knowledge, outstanding ability, professional leadership and integrity.

SREA members have demonstrated in practice that they are competent to appraise all types of real estate interests and ownerships in accordance with accepted definitions of market value, and to extend appraisal analysis beyond current market value to provide a basis for decision-making to clients responsible for committing funds or assets in the sale, financing, purchase, lease, trade, renovation, development, demolition or division of real property. The analyst's experience encompasses the most difficult appraisal problems.

Certification procedures require a comprehensive oral examination by an examination board of the Admissions Committee, inspection of office operations, review of appraisal and analysis reports and a thorough investigation of the applicant's competence and integrity. This investigation includes contact with other SREA members, professional appraisers, clients, attorneys, judges, and persons in the community. The SREA designation is awarded for five years only.

A member wishing to renew the SREA designation must apply for recertification at the end of the five (5) year period. Upon application for recertification, applicant is expected to show evidence of integrity, continued technical training, experience, and professional leadership commensurate with current SREA Admissions standards.

CERTIFIED SREA 4/27/85
CERTIFIED _____
CERTIFIED _____
CERTIFIED _____
CERTIFIED _____

This authorization has been prepared for inclusion in the certification section of the appraisal/analysis report. Any questions regarding this member's status should be directed to Headquarters office of the Society of Real Estate Appraisers, 645 North Michigan, Chicago, Illinois 60611; (312) 346-7422.



Sterling Appraisal Company

884 Broadway

South Portland, Maine 04106

Wallace R. Sterling, SRPA
George E. Koutalakis, SRA
Maurice J Taaffe, SRA; SRPA
David P. Bouffard
Independent Fee Appraisers

November 9, 1987

Town of Scarborough
P.O. Box 360
Scarborough, Maine 04074

Attention: James L. Lysen, P.E.
Asst. Planner & Engineer

Re: Review Appraisals
"Pillsbury Parcel" and "Harborside Site", Pine Point
Scarborough, Maine

Dear Mr. Lysen:

In response to your letter of October 28, 1987, I have reviewed the copies of the appraisal reports of the subject properties prepared by Richard L. Sawyer, SREA, dated September 18, 1987.

I find both reports in conformance with the basic requirements of an appraisal per the standards of the Society of Real Estate Appraisers and of the American Institute of Real Estate Appraisers which includes:

1. Legal description of the property appraised
2. Purpose of the appraisal
3. Definition of market value
4. Property rights appraised
5. Highest and best use
6. Date to which the value estimate applies
7. The conclusion of value
8. Signed statement of certifications
9. List of contingent and limiting conditions
10. Professional qualifications of the appraiser

I have inspected the subject properties and reviewed the pertinent facts and data relating to each and find that most are in agreement with the records of the tax assessor. In the instance of the shorefront parcel referred to as the Harborside Site, tax map reference U21-20, Mr. Sawyers shows a total area of 3.8± acres extending to the low water line of Jones Creek, so-called, and has appraised the lot based on upland buildable area of 26,000± SF, .60± acre.

Assessment records of U21-20 give an indicated area of .33 acre, 14,375± SF, on which the land assessment is predicated.

On-site inspection assists very little in determining what the area of the buildable part is. The highest elevated portion is the easterly most part abutting the town's paved parking lot where a small wood frame storage building is situated. The upland area extends westerly, southerly of the

normal high water line toward the midpoint of the lot, as Mr. Sawyer shows on his plot plan. However, to accurately determine the SF size of the buildable area would require a stadia survey be made.

In making his comparative sales analysis, the comparable sales data appears correct and the adjustments made in comparing the sales to the subject property are proper and appear reasonable for a relatively small commercial site such as this.

I agree with his estimated value, as of September 18, 1987, of \$110,000.

With respect to the Pillsbury site, Mr. Sawyer indicates the lot size to be 65,000± SF with 343'± frontage on River Sands Drive. The minimum building lot size in the subject R-4 Zone is 20,000SF with a minimum frontage requirement of 100 feet. This led Mr. Sawyer to conclude that the highest and best use of this property is to utilize for residential development to three single family residences.

The actual size of the Pillsbury site is less than 60,000 SF (computed to be 58,624±SF), which permits only two residential building sites.

In his comparative sales analysis, Mr. Sawyer has used 10 percent per year as the market appreciation rate adjustment, which is much too conservative when dealing with potential residential building sites with an unobstructed water view such as this.

Market sales of comparable residential sites which have taken place in various areas of Scarborough over the past few years have reflected an annual market appreciation rate of about 20 percent to 30 percent and more, with most emphasis on shorefront lots and on lots with a water view or overlooking the tidal marshes.

In his analysis, Mr. Sawyer has made his adjustment for differences in size based on a subject lot size of 65,000± SF whereas, in order to agree with his conclusion of highest and best use, he should be comparing the comparable sales to a subject building site of about 21,667± SF. Then, after estimating the costs involved in obtaining subdivision approval for three sites and other costs such as legal and engineering, he should have applied that residual lot value to his proposed three lots in arriving at a final estimate of value for the subject property.

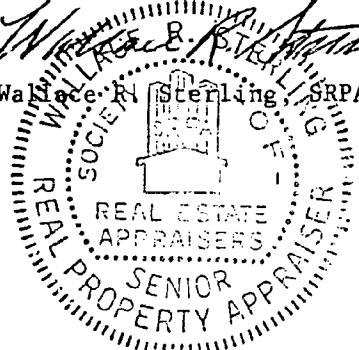
Mr. Sawyer's estimate of value of \$150,000 allocates to a per lot value of \$50,000, which in my opinion, is by far too low.

Lot U21-86 on Driftwood Lane, Pillsbury Shores, Scarborough, a neighboring lot to the subject, 15,000± SF in size, with very limited water view between properties, sold May 31, 1985, for \$50,000.

Several other market sales of residential building lots which took place 2 to 3± years ago will support the price of \$50,000 per lot at that time.

Since the Pillsbury site will only subdivide into two building lots, it is my opinion that the estimated value of \$150,000, which allocates to \$75,000 per buildable lot, is a reasonable estimate of the market value of this property, as of September 18, 1987.

Respectfully submitted,

Wallace R. Sterling
Wallace R. Sterling, SRPA


AUGUSTA

Riverfront Greenway Footpath

\$24,931

Project Description

The State capital of Augusta, located on the Kennebec River in Kennebec County, has been actively restoring its inner-city riverfront to provide attractive public access to the river while minimizing the potential of flood damage to this floodplain area. To date, the City has focused its improvement efforts on the western shore of the river. Waterfront Action Grant funds were used to construct one segment of the riverfront park while Land and Water Conservation funds were used for the remainder of the recently completed park. The proposed project will begin the implementation of the Augusta Greenway Park Proposal which was developed with a Coastal Planning Grant. Phase one of the plan calls for the construction of a 1200 foot pathway along the eastern shore of the river to provide direct pedestrian access between Fort Western, a National Historic Landmark; City Center, the new municipal office complex; and the Augusta boat landing/picnic area.

Scope

The City proposes to:

- 1) construct a 6' X 1200' pathway which will be paved to minimize the potential of flood damage;
- 2) install wooden footbridge over a drainage ravine which bisects the project area. This footbridge will be securely anchored to avoid flood damage;
- 3) stabilize the riverbank with natural vegetation and clear undesirable undergrowth along the riverbank to improve visual access;
- 4) install low impact lighting fixtures for security and aesthetic effect;
- 5) install park benches and covered picnic tables; and
- 6) develop interpretive displays.

Eligibility

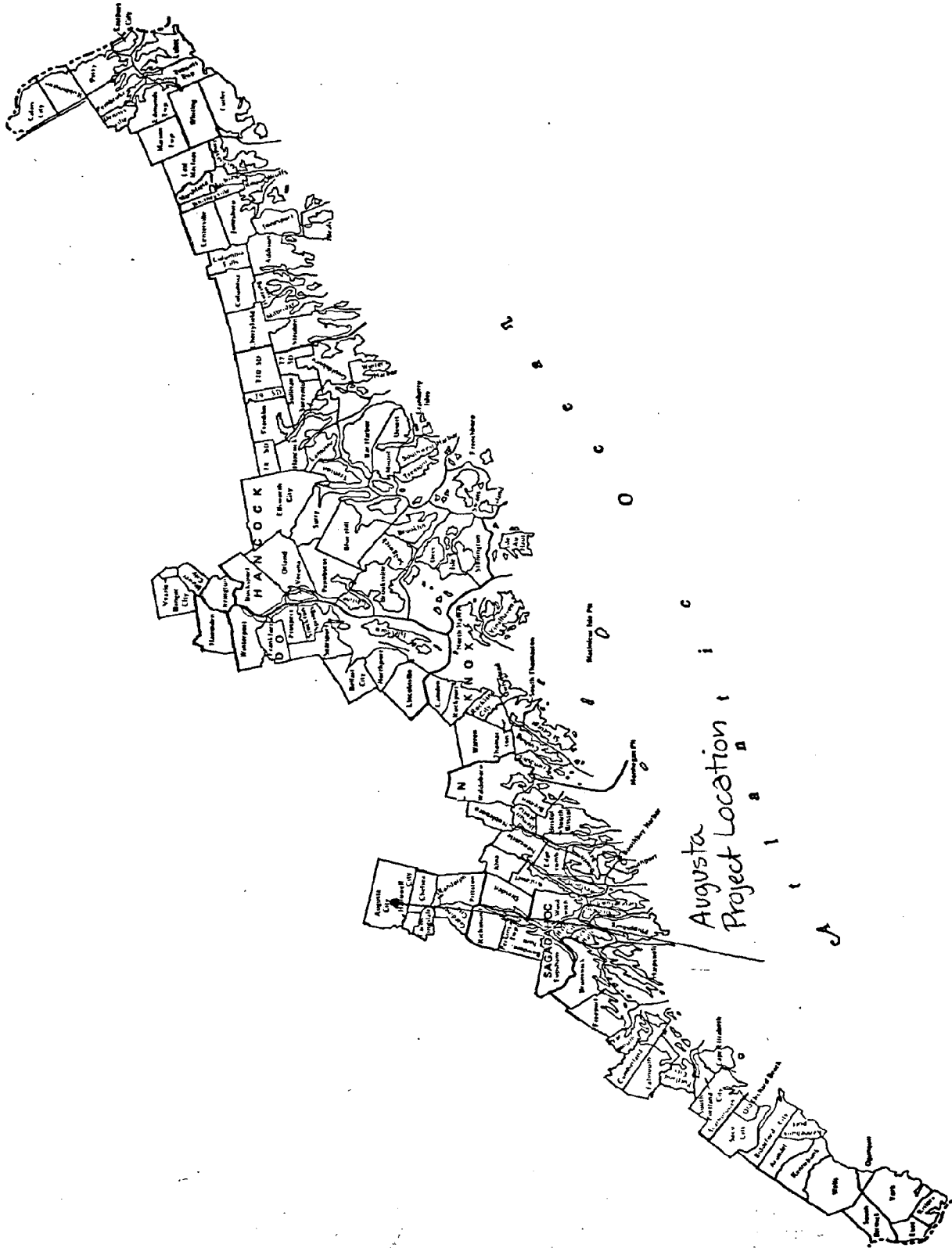
The project meets the eligibility requirements of Section 306 A (b)(3).

Budget

| | <u>COASTAL</u> <u>FUNDS</u> | <u>LOCAL</u> <u>MATCH</u> | <u>TOTAL</u> |
|--|--------------------------------|------------------------------|------------------|
| 1. Footpath construction | | | |
| A) Earthwork L.S. Equipment and labor | \$ 5,000 | \$ 5,000 | \$ 10,000 |
| B) Biuminous walkway 800 s.y. = 88 tons 88 tons @ \$95.00 per ton | 4,180 | 4,180 | 8,360 |
| C) Retaining wall (4'x150') 4'x150'=600 s.f. 600 s.f. @ \$15.00 per s.f. | 4,500 | 4,500 | 9,000 |
| D) Gravel 90 c.y. @ 12. | 540 | 540 | 1,080 |
| <u>SUBTOTAL</u> | \$ 14,220 | \$ 14,220 | \$ <u>28,440</u> |
| 2. Footbridge construction | | | |
| A) Pressure treated lumber 1,194 b.f. @ \$ 0.67/b.f. | \$ 400 | \$ 400 | \$ 800 |
| B) Special & misc. hardware | 100 | 100 | 200 |
| C) Labor - two men five days 80 hours @ \$15.00 per hour | 600 | 600 | 1,200 |
| D) Equipment rentals (generator, tools, etc.) | 150 | 150 | 300 |
| E) Rip-rap 100 c.y. @ \$30. | 1,500 | 1,500 | 3,000 |
| <u>SUBTOTAL</u> | \$ 2,750 | \$ 2,750 | \$ <u>5,500</u> |
| 3. Site improvements | | | |
| A) Benches, 4 each @ \$800. | \$ 1,600 | \$ 1,600 | \$ 3,200 |
| B) Picnic tables 2 @ \$250. | 250 | 250 | 500 |
| C) Picnic shelter 1 @ \$2,900. | 1,450 | 1,450 | 2,900 |
| D) Playground equipment | 2,950 | 2,950 | 5,900 |
| <u>SUBTOTAL</u> | \$ 6,250 | \$ 6,250 | \$ 12,500 |
| <u>TOTAL</u> | \$ 23,220 | \$ 23,220 | \$ <u>46,440</u> |
| 4. Engineering/contingencies @ 25% | \$ 1,711 | \$ 1,711 | \$ <u>3,422</u> |
| <u>GRAND TOTAL</u> | \$ 24,931 | \$ 24,931 | \$ <u>49,862</u> |

AUGUSTA

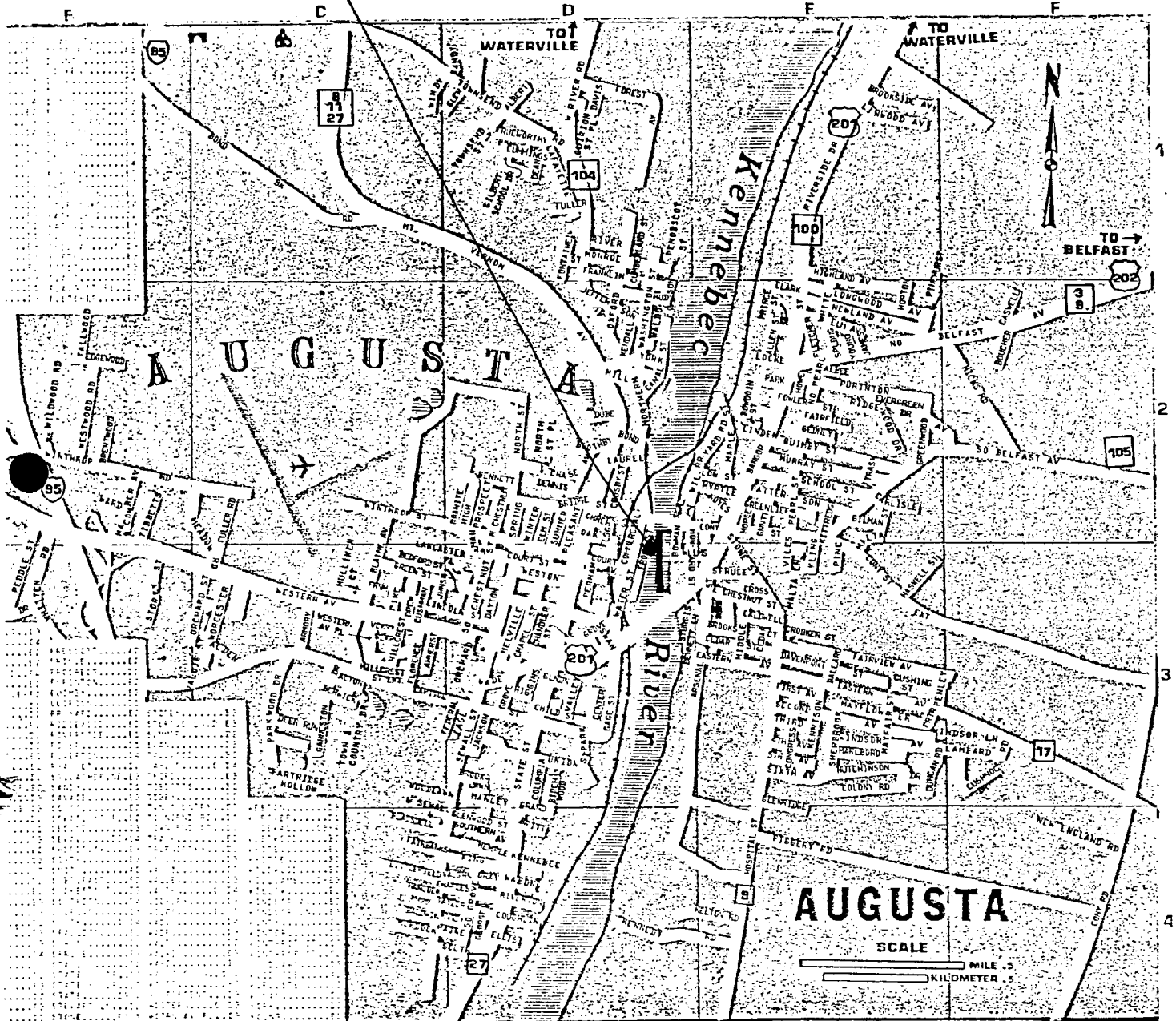
Site Location Maps and Project Design



Augusta
Project Location

J

Project Location



PHASE ONE



NEW CITY CENTER

* Fort Western



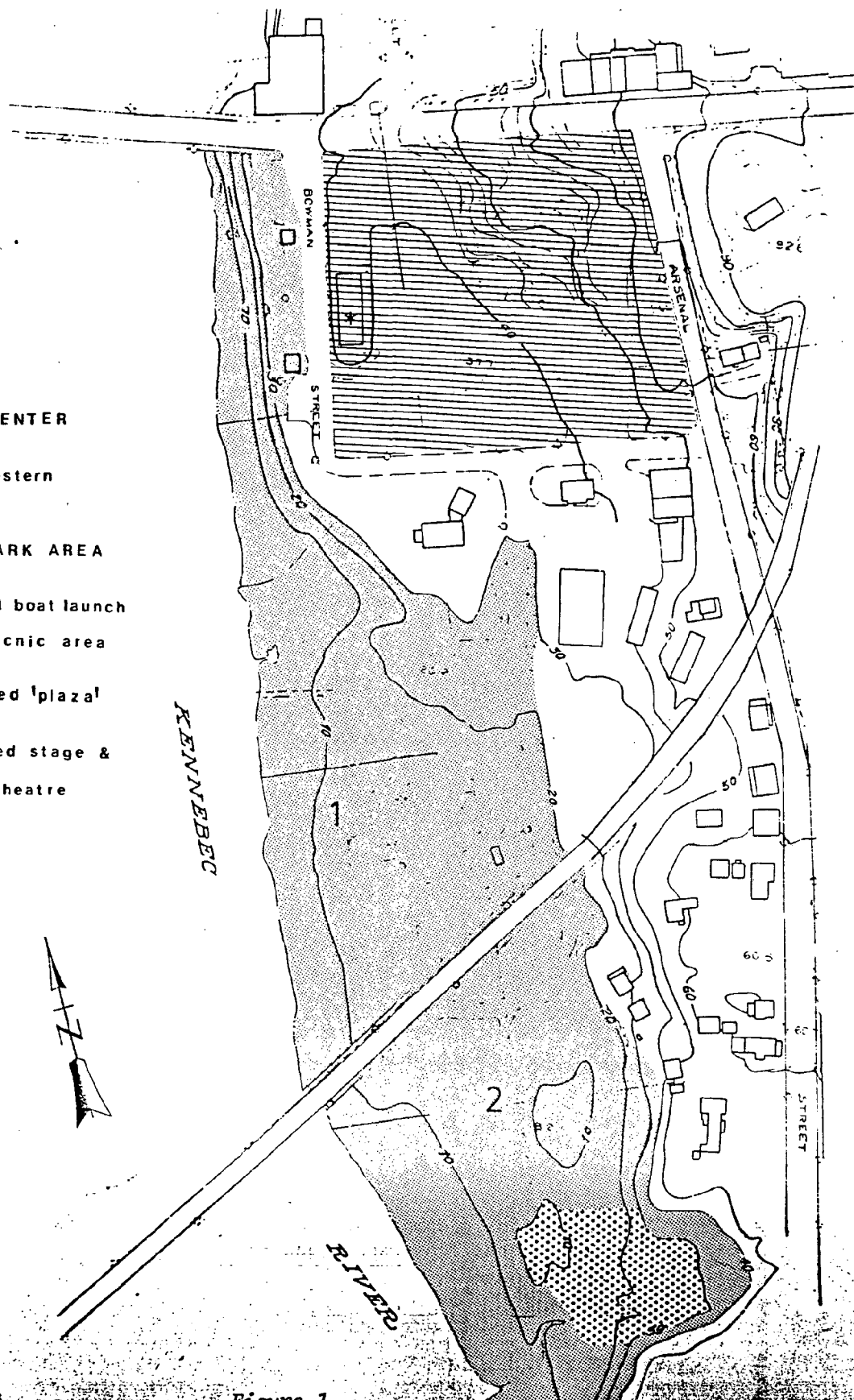
GENERAL PARK AREA

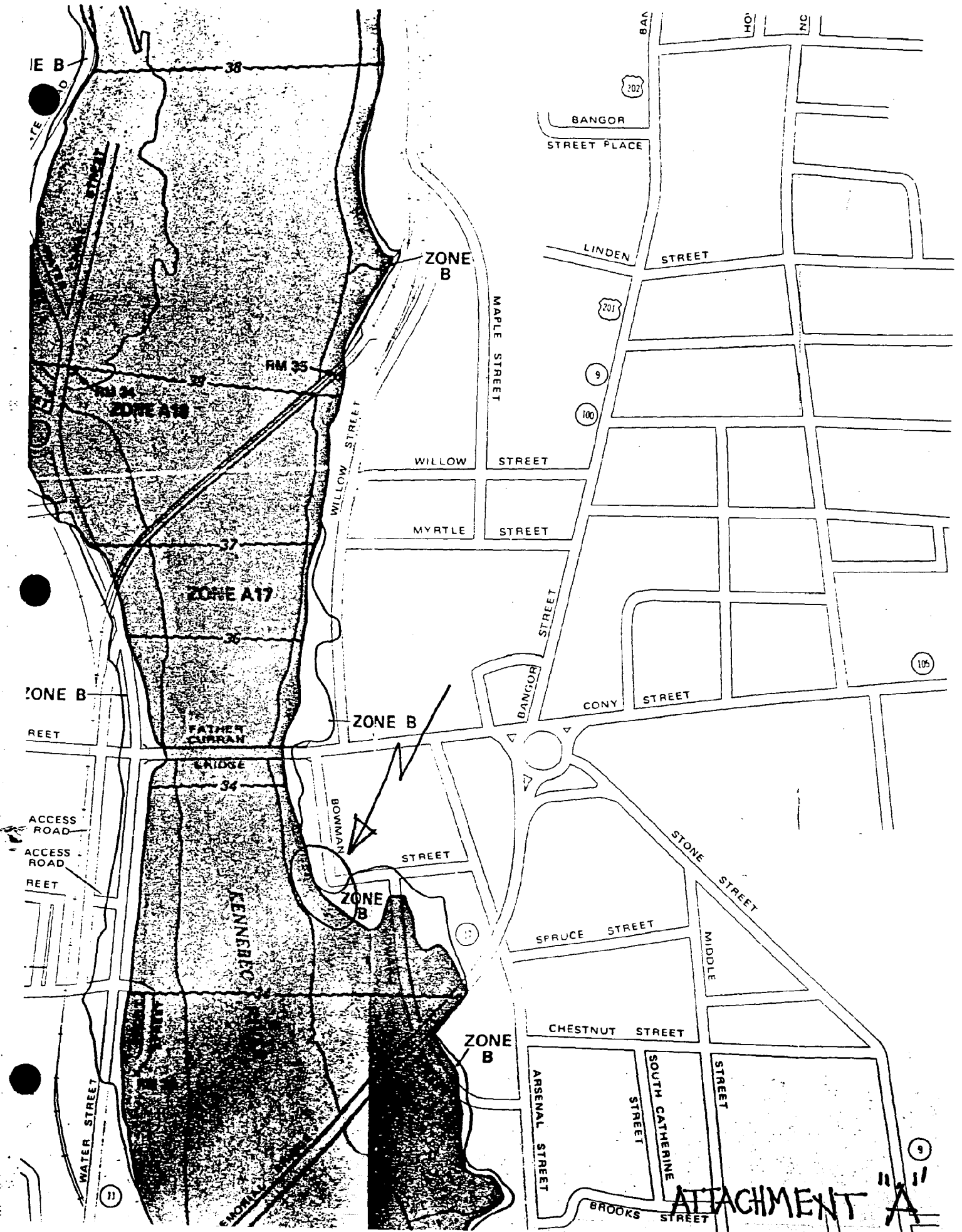
1 current boat launch
and picnic area

2 proposed 'plaza'



proposed stage &
amphitheatre





ATTACHMENT "A"

AUGUSTA

Environmental Review

A. Categorical Exclusion Checklist

The project area is located in the floodplain however, no adverse impact is anticipated. The proposed footbridge will be sufficiently anchored to withstand flooding.

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$49,862

- _____ Preservation or Restoration
- _____ Redevelopment of Urban Waterfronts and Ports
- _____ Public Access

Federal: \$24,931
 State: _____
 Local: \$24,931

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- 1. This action or group of actions would have a significant effect on the quality of the human environment. No Uncertain _____ Yes _____
- 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No Uncertain _____ Yes _____

B. Evaluation of exceptions to actions within Categorical Exclusion:

- 1. This action would have significant adverse effects on public health or safety. No Uncertain _____ Yes _____
- 2. This action will have highly controversial environmental effects. No Uncertain _____ Yes _____
- 3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. No Uncertain _____ Yes _____

4. The specific impact of the project on the following resources:

- | | | | |
|-------------------------------------|--|---|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input type="checkbox"/> | Minor <input checked="" type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects.

No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance.

No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible).

No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act.

No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map.

No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.**

No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained please attach to the application.

AUGUSTA

Environmental Review

B. Federal Executive Orders 11988 and 11990

See attached public notices published in the local newspaper in compliance with the required public review process.

NOTICE OF PUBLIC HEARING

The Augusta Planning Board will conduct a public hearing at 7:00 p.m., November 10, 1987 in the City Council Chambers, Augusta City Hall, Augusta, Maine for the purpose of receiving comment on the following project:

Construction of a footpath and bridge between the City Center project and the Augusta boat landing. The path will be approximately 1200 feet in length and is located in the floodplain. No practical alternative exists therefore the project will be developed and constructed in such a way as to mitigate environmental impacts. The footpath will be terraced along the riverbank, retaining walls will be constructed where appropriate. In addition disturbed soils will be stabilized using vegetation and existing trees will be undisturbed as much as possible.

Comments will also be received on the entire Greenway park proposal as outlined in the report entitled "Augusta Greenway 1986". Information on the construction and the plan can be obtained by contacting: Ed Heath, City Planner, City Hall Annex, 626-2366.



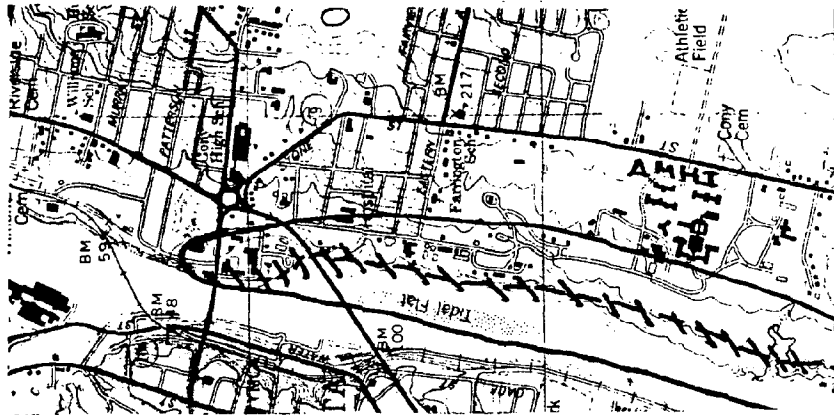
In Kennebec Journal Oct 27, 1987.

FINDINGS NOTICE

The Augusta Planning Board held a public hearing at 7:00 p.m., November 10, 1987 in the City Council Chambers, Augusta City Hall, Augusta, Maine and received comments on the following project:

Construction of a footpath and bridge between the City Center project and the Augusta boat landing. The path will be approximately 1200 feet in length and is located in the floodplain. No practical alternative exists therefore the project will be developed and constructed in such a way as to mitigate environmental impacts. The footpath will be terraced along the riverbank, retaining walls will be constructed where appropriate. In addition disturbed soils will be stabilized using vegetation and existing trees will be undisturbed as much as possible.

The City intends to proceed with the project as outlined in the report entitled "Augusta Greenway 1986". Permits as required by the Corp of Engineers, State Department of Environmental Protection (Wetlands) and local building permits will be obtained prior to construction. Information on the construction and the plan can be obtained by contacting: Ed Heath, City Planner, City Hall Annex, 626-2366.



KJ USE ONLY - TEAR SHEET REQUESTED

Advertise: Saturday November 14, 1987

P.O. # 3620

Bill: Edward I. Heath
City Planner
1 Cony Street
Augusta, Maine 04330

AUGUSTA

Federal and State Permits/Federal Consistency

- a. Applications are currently under review at the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection.
- b. The project is consistent with Maine's Coastal Program.

AUGUSTA

Proof of Ownership

CERTIFICATE OF PUBLIC OWNERSHIP

October 27, 1987

Re: Greenway Footpath (Phase I)

I am currently the attorney for the City of Augusta, Maine and have been requested by the City Planner, Edward I. Heath, to determine record ownership for the parcel of property on which the above referenced project will be constructed, being a parcel of land located on the west side of Howard Street and adjacent to the east bank of the Kennebec River.

After thoroughly examining the public land records or other appropriate records in accordance with Maine Law, I hereby certify that marketable title to the property described above is held by the City of Augusta, Kennebec County, Maine.

Additional comments: See attached title certification.

Sanborn, Moreshead, Schade & Gifford

By: Richard E. Bridges
Richard E. Bridges, Esq.

SANBORN, MORESHEAD, SCHADE & GIFFORD
ATTORNEYS AT LAW
341 WATER STREET
P. O. BOX 2305
AUGUSTA, MAINE 04330

CHARLES E. MORESHEAD
RICHARD M. SCHADE
LINDA B. GIFFORD
LESTER F. WILKINSON, JR.
JOSEPH J. WATHEN
Richard E. Bridges

WALTER M. SANBORN
(1882-1965)
RICHARD B. SANBORN
(RETIRED)

TELEPHONE
207-623-3579
207-622-7505

October 22, 1987

TITLE CERTIFICATE

Maine State Planning Office
184 State Street
State House Station 38
Augusta, Maine 04333

Re: Greenway Footpath (Phase I), Augusta, Maine

Gentlemen:

At the request of Edward I. Heath, City Planner of the City of Augusta and in conjunction with the City's application for the Maine Coastal Program Waterfront Action Grant, I am providing the following title certification.

In accordance with the Standards adopted by the Maine State Bar Association, I hereby certify that I have examined or caused to be examined records in the Registry of Deeds and the Registry of Probate within and for Kennebec County and State of Maine, and all instruments of record therein as reflected by indices, affecting the title to property described in deed from William T. Webster to the City of Augusta recorded in Kennebec County Registry of Deeds in Book 1540, Page 525 and in deed from Francis L. Goodheart and Yvonne M. Goodheart to The Inhabitants of the City of Augusta recorded in said Registry in Book 1578, Page 27, from December 29, 1930 as to a portion of the premises and from March 12, 1946 as to a portion of the premises.

I further certify that on October 22, 1987, the said City of Augusta was record owner of said premises in fee simple with good and marketable title thereto, free and clear of all encumbrances with the following exceptions:

1. Any bankruptcy proceeding and any and all provisions of any ordinance, municipal regulation or private law.
2. Any condition which an examination of the premises might reveal.

October 22, 1987

3. Title to and the rights of the public and others entitled thereto in and to that portion of the subject premises within the bounds of the "Town Landing Road," so-called.

4. Any matter that would be disclosed by an accurate engineering survey.

5. Title to and the rights of the public and others entitled thereto in and to any portion of the subject premises lying below the high water line of the Kennebec River.

6. Sewer easment to the Augusta Sanitary District recorded in said Kennebec Registry in Book 1337, Page 219, a copy of which is attached hereto.

7. Possible pole rights granted to Central Maine Power Company recorded in said Kennebec Registry in Book 969, Page 71.

8. The effect on the subject premises, if any, of the building restrictions set forth in deed recorded in said Kennebec Registry in Book 674, Page 382, a copy of which is attached hereto.

9. The property is not subject to municipal taxes, and there are no outstanding mortgages, assessments or attachments as of the aforementioned date.

10. This opinion is given without having made a determination as to the applicability of the Federal Flood Plain Insurance Law and this opinion is thus given subject to same.

Very truly yours,

Sanborn, Moreshead, Schade & Gifford

By: 

REB:mdk
S-7419
Attachments

May 8, 1964

A meeting of the Board of Commissioners of Augusta Sanitary District was held at the office of the District on Wade Street in Augusta on January 31, 1964 at 4:00 P.M. pursuant to Eminent Domain Notices and was thereafter continued until this date at 4:00 P.M. Present were all Commissioners, Chairman Bridge presided. The purpose of the meeting was to complete hearings on Eminent Domain Notices issued January 13, 1964.

WHEREAS, it is hereby found that due notice was given in accordance with the Eminent Domain Notices of said District issued January 13, 1964, and

WHEREAS, hearing has been held on said January 31, 1964 and on this date and evidence of value presented by interested parties;

NOW, THEREFORE, said District does hereby make its determination and decision in accordance with Section 3 of Chapter 139 of the Private and Special Laws of 1955 and does hereby by Eminent Domain take title as hereinafter described to the following properties from the following owners and award the following damages:

References are made to Survey Plan, East Side Land Boundaries, Augusta, Maine, Augusta Sewerage District Phase III, John L. Collins, E., dated September 14, 1963 recorded in the Kennebec Registry and made up of four pages.

Description of Ewer Easement Taking

The right to lay, construct, reconstruct, maintain, repair and operate a system of sanitary sewers and storm drainage lines with such manholes and appurtenances as may be required, said permanent easement to be ten feet wide. It is understood that the surface of the land disturbed will be replaced by the District with surfacing or seeding to the equivalent of the present condition of the property. Wherever structures permit it is understood that there is included herewith a temporary construction easement for the duration of the actual construction of Phase III of the District's sewer program, not to exceed 60 days, such temporary easement to be twenty-five feet wide and to be located upon said permanent easement and extending on either or both sides thereof as the District shall require. Said temporary time period in the construction time on each lot as a maximum.

The permanent easements above referred to appear on said Plan with the following item numbers and owners, an informative recapitulation being as follows:

| Item No. | Owner | Damages Awarded |
|----------|--|-----------------|
| 1. | William R. Fowler | \$20.00 |
| 2. | James C. Conannon, and Joan C. Eldridge | \$10.00 |
| 3. | John J. Loiko, and Stella J. Loiko | \$150.00 |

Description of Fee Taking

All land and rights in land within an area in said Augusta appearing on said Plan as Item No. 4 bounded on the east by Howard St. for a distance of 30 feet, on the south by the State of Maine Bridge Easement's northline, on the west by land of William T. Webster for a distance of 54.87 feet and on the north by land of said Webster for a distance of 35 feet, said land being owned by William T. Webster and mortgaged to Walter C. Ripley. \$ 300.00

Description of Sewer Easement Taking

The right to lay, construct, reconstruct, maintain, repair and operate a sewer and drainage line with necessary manholes and appurtenances as may be required, said easement to be 10 feet wide and the surface of the property after construction to be replaced by the District to its present or better condition.

Sanborn & Sanborn Attys May 18 1964

Said easement shall be located on the easterly portion of premises conveyed to said Lisotte by deed recorded in the Kennebec Registry in Book 837, Page 37, and as set forth on Plot Plan of Alfred Lisotte Lote, Augusta, Maine, made by John L. Collins, E. and to be recorded in the Kennebec Registry,

| <u>Item No.</u> | <u>Owner</u> | <u>Damages Awarded</u> |
|-----------------|--|------------------------|
| 5. | Alfred E. Lisotte, and Depositors Trust Company, mortgages | \$200.00 |

A copy hereof shall be forthwith recorded in the Kennebec Registry of Deeds and filed in the office of the District.

Dated at Augusta, Maine, the day and year above set forth.

Augusta Sanitary District

BY Robert D. Page
dep. of Recd.
James C. Lowell

A true copy
Attest:

James C. Lowell
 Clerk

Kennebec ss; Received May 14, 1964 at 3:30 P.M.

KNOW ALL MEN BY THESE PRESENTS, THAT

the Augusta Christian Science Society, a corporation duly organized and existing under the laws of the State of Maine, and located at Augusta, in the County of Kennebec and State of Maine,

in consideration of one dollar and other valuable consideration, paid by Edward L. Ripley, of Augusta, Maine, aforesaid,

the receipt whereof it does ^{es} hereby acknowledge, do hereby Give, Grant, Bargain, Sell and Convey unto the said Edward L. Ripley, his

Heirs and Assigns forever, All that part of the land conveyed to the Augusta Christian Science Society, by Henry M. Springer, late of Augusta, by his deed of warranty dated October 8, 1913, which is southerly of a line parallel to the northerly boundary line of said Grantor on the South line of Williams Street and said south line of Williams Street extended to the Kennebec River, said line so running parallel to the north boundary line of said Grantor's land beginning at an iron post near a small elm tree in the westerly line of Howard Street and running westerly to the Kennebec River, the place of intersection being marked on said River bank by an iron post, the post at the point of beginning being two hundred eighteen (218) feet, more or less, from an iron stake driven in the ground at the northeasterly corner of land of said Grantor and the iron bound on the River bank being two hundred eighteen (218) feet, more or less, from a stone bound on the northwesterly boundary line of said Grantor, said land so conveyed being bounded generally on the East, by Howard Street, and on the South and West, by Howard Street, so called, the Town Landing, so called, and the Kennebec River, and being a part of lots 474 and 475 as delineated on a plan of survey made by Cushing and Dewitt in 1866, and on file in Kennebec Registry of Deeds, and being a part of the land conveyed to Grantor by Henry M. Springer by his deed of warranty dated October 8, 1913, and recorded in Kennebec Registry of Deeds, Book 539, Page 72. This conveyance, however, is made subject to the express exception, reservation and limitation, that no buildings of any kind whatever are to be erected on the land hereby conveyed by the said Grantee, his heirs, successors or assigns, without the consent of the Grantor, said restriction and reservation being for the benefit of the said Grantor's lot and especially reserved by the said Grantor as a beneficial prospect and a beneficial control of the surroundings of the lot which is still retained by the Grantor adjoining the real estate hereby conveyed, but the said Grantee is granted the right to erect buildings of similar construction to that now located on the adjacent lot, known as the Town Landing, or buildings of concrete blocks or brick construction, the same to be used for mercantile or light manufacturing purposes, such as boat building, it being understood that such buildings as may be erected shall not be used for purposes which would impair or materially detract from the uses and purposes to which and for which the Grantor's remaining property is now used.

Revised to Torod

To have and to hold the afore granted and bargained Premises, with all the privileges and appurtenances thereof to the said Edward L. Ripley, his

Heirs and Assigns, to his and their use and behoof forever. And it does ^{es} warrant with the said Grantee, his Heirs and Assigns, that it is

lawfully seized in fee of the premises; that they are free of all incumbrances;

and convey the same to the said Grantee, ^{has} that it ^{has} good right to sell successors and assigns, to hold as aforesaid. And that it and its ^{heirs} shall and will warrant and defend the same to the said Grantee, his

Heirs and Assigns forever, against the lawful claims and demands of all persons

In Witness Whereof, It, the said Augusta Christian Science Society, has caused this instrument to be sealed and signed by its corporate name by Fred R. Fife, its President, thereunto duly authorized, this twenty-ninth day of December, in the year of our Lord one thousand nine hundred and thirty.

Signed, Sealed and Delivered in presence of

E. M. Thompson

Augusta Christian Science Society Seal

Fred R. Fife, Pres.

State of Maine, Kennebec, ss:

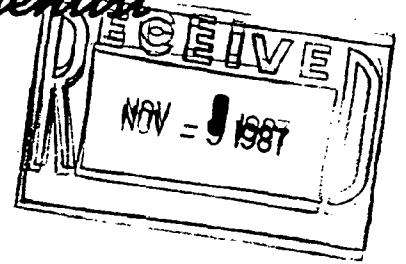
December 29, 1930.

Personally appeared the above named Fred R. Fife, President of the Augusta Christian Science Society, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of the said corporation Before me, E. M. Thompson, Seal

Red. Fife, Secy. Jan. 3, 1931

First Church of Christ, Scientist

6 Williams Street
Augusta, Maine 04330
207-622-7710



*File
Greenway
Footpath Book*

November 6, 1987

Edward I. Heath
City Planner
1 Cony Street
Augusta, ME 04330

Dear Ed:

I just wanted to let you know that we received the draft of the proposed easement, and our Board of Trustees reviewed it at their November meeting, held this week.

The Board voted to have the church's attorney review the document. We anticipate making a few changes and will send you a revised draft as soon as it is ready.

With best wishes,

Wendy

Wendy F. Rau
President

ROCKPORT

Floats and Ramps at Rockport Marine Park \$7,000

Project Description

The Town of Rockport, located in Knox County on Penobscot Bay, is facing demands for more harbor facilities as the number of pleasure boaters increases. The existing floats can accommodate 37 dinghies but there is a three or four year waiting list for people who would like tie-off space. The addition of four more floats and two ramps will create 24 new tie-off spots and provide additional float space for fishermen and other users for on and off loading their boats. These floats will improve access to Rockport Harbor by 65%.

Scope

The Town proposes to:

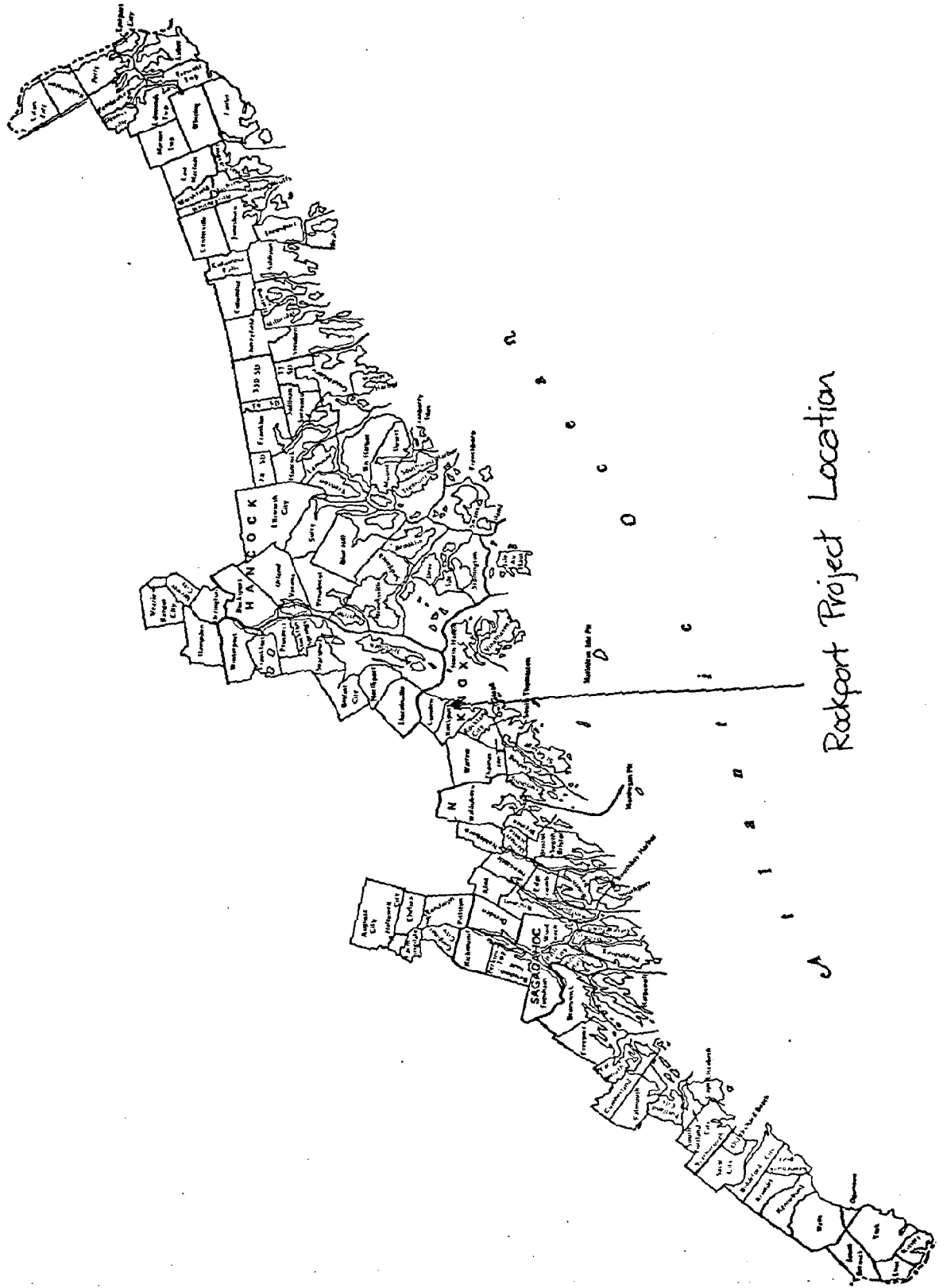
1. construct 4 wooden floats (10' X 20'); and
2. install 2 aluminum ramps to provide access to the floats.

Eligibility

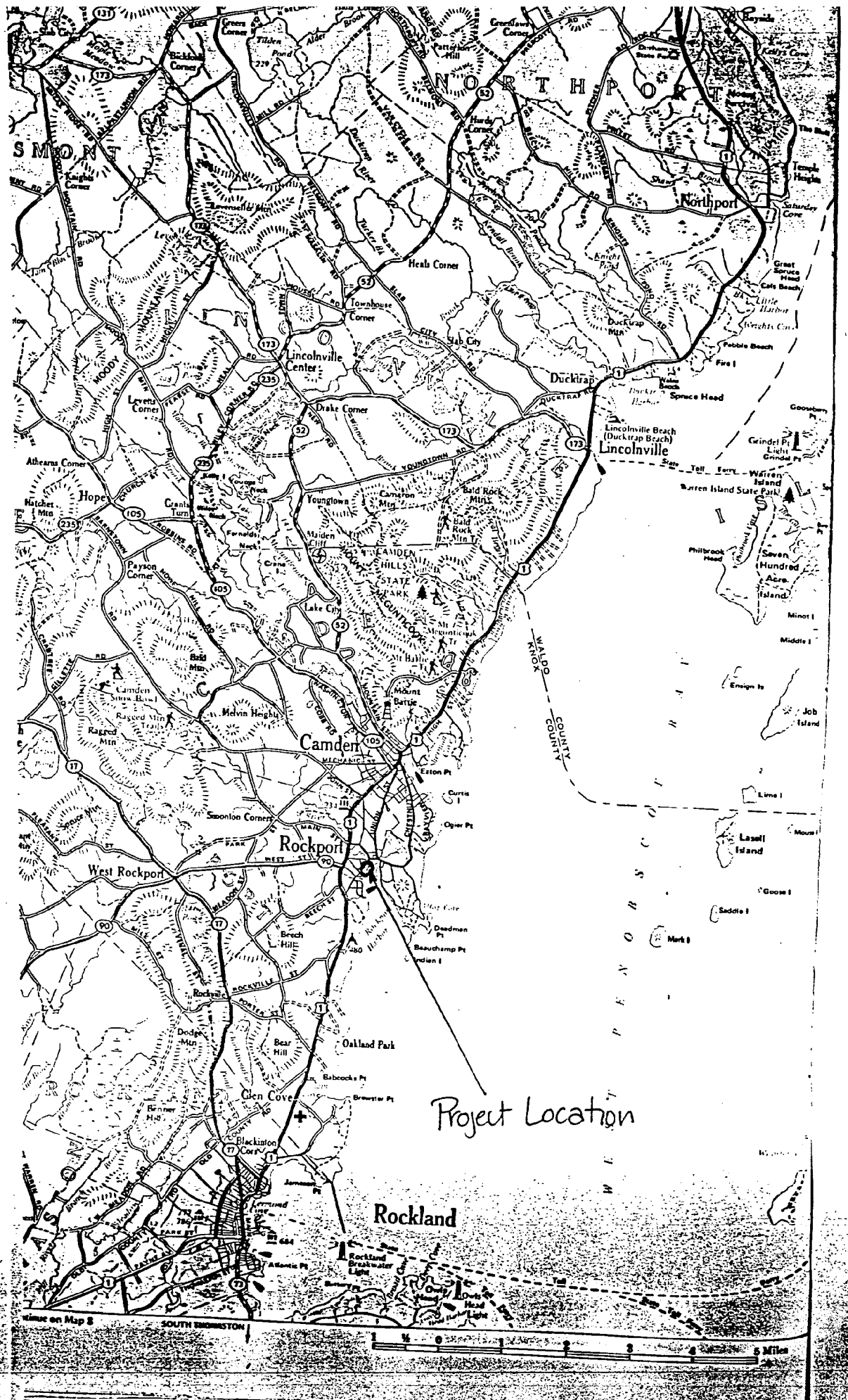
The project meets the eligibility requirements of Section 306A (b)(3).

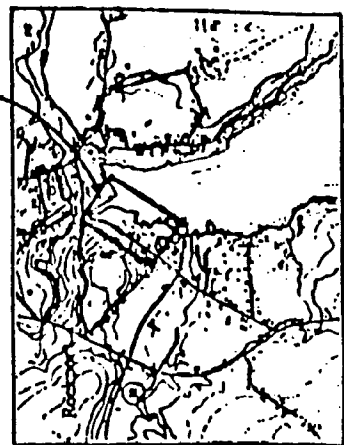
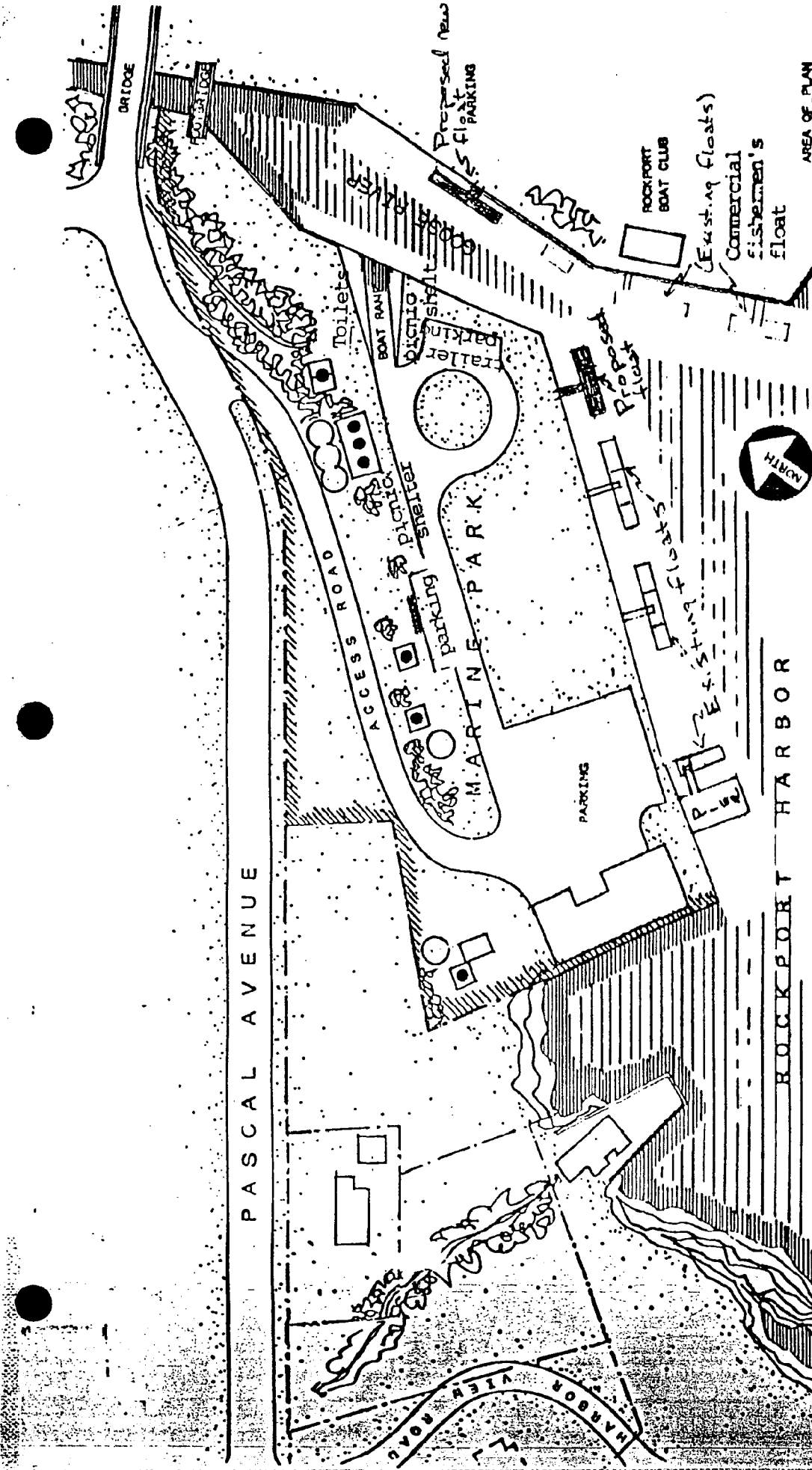
Budget

| | <u>COASTAL</u> <u>FUNDS</u> | <u>LOCAL</u> <u>MATCH</u> | <u>TOTAL</u> |
|---|--------------------------------|------------------------------|-----------------|
| 4 wooden floats 10' X 20' with rigid foam flotation, hardware, chain and mooring blocks, stiff arm supports | \$4,000 | \$4,000 | \$8,000 |
| 2 aluminum ramps 3' X 30', with handrails and hardware for attachment to seawall | <u>3,000</u> | <u>3,000</u> | <u>6,000</u> |
| TOTAL | \$7,000 | \$7,000 | \$14,000 |

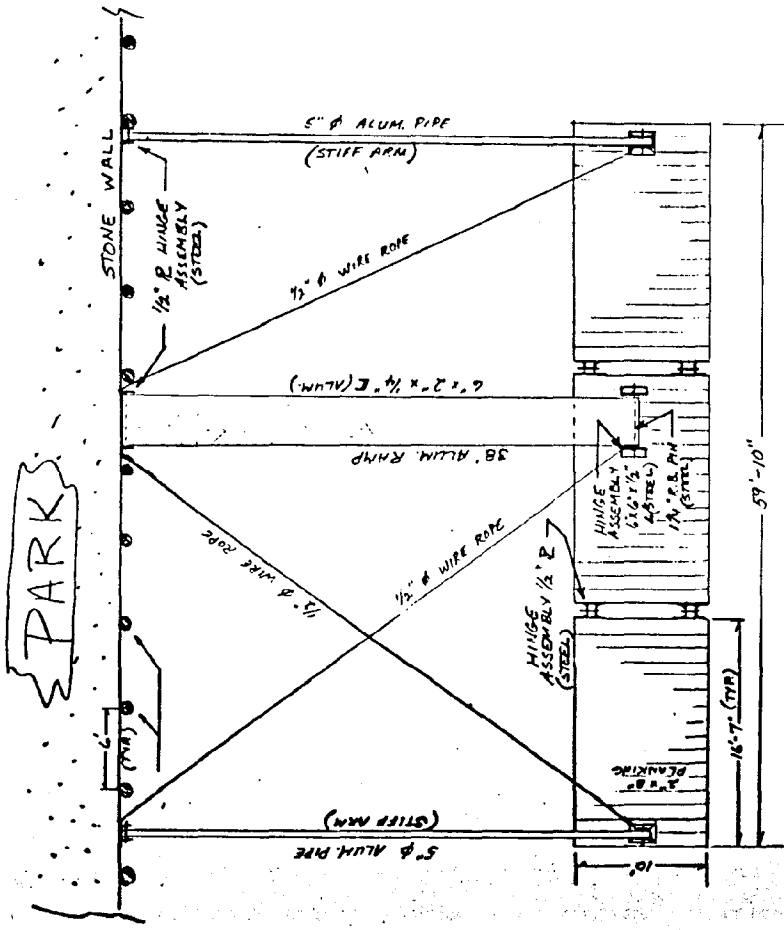


Rockport Project Location

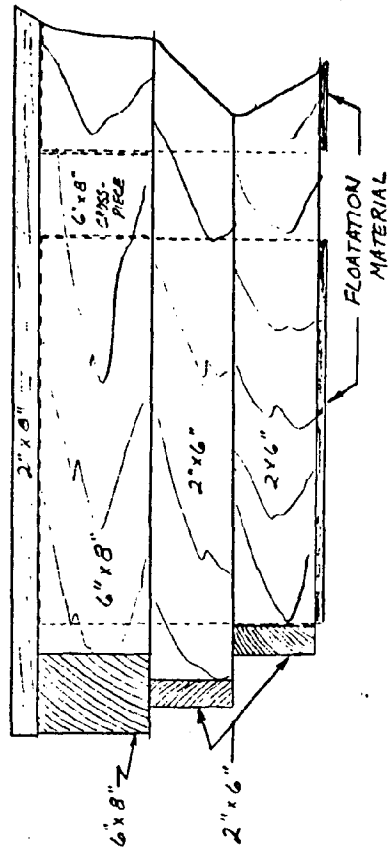




Rockport Proposal for 1987-88 Maine Coastal Program
 Local Assistance Grant



FLOATS
 PLAN VIEW
 (SCALE 1" = 10'-0")



FLOAT
 SECTION VIEW (END)
 (SCALE 1" = 10")

ROCKFORD HBR. FLOATS
 CONSTRUCTION DETAILS
 S.G. HENSLEGER 7/15/87

ROCKPORT

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$14,000

| | | |
|---------------|---|----------------------------|
| <u> </u> | Preservation or Restoration | Federal: <u> </u> |
| <u> </u> | Redevelopment of Urban Waterfronts and Ports | State: <u>7,000</u> |
| <u> x </u> | Public Access | Local: <u>7,000</u> |

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

1. This action or group of actions would have a significant effect on the quality of the human environment. No x Uncertain Yes
2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No x Uncertain Yes

B. Evaluation of exceptions to actions within Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No x Uncertain Yes
2. This action will have highly controversial environmental effects. No x Uncertain Yes
3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. No x Uncertain Yes

4. The specific impact of the project on the following resources:

| | | | | | | |
|-------------------------------------|------|-------------------------------------|-------|--------------------------|-------------|--------------------------|
| a) beaches and dunes | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| b) wetlands* | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| c) estuarine areas | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| d) wildlife habitat | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| e) barrier islands | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| f) wild or scenic river | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| g) reefs | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| h) threatened or endangered species | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| i) floodplains | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| j) other unique resources | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained, please attach to the application.

ROCKPORT

Environmental Review

B. Federal Executive Orders 11988 and 11990

Because the floats and ramps will be on or above the surface of the water, no development will actually take place in the floodplain or the wetland. The project thus complies with the Executive Orders.

ROCKPORT

Federal and State Permits/Federal Consistency

- a. No permits are required for this project.
- b. The project is consistent with Maine's Coastal Program.

OCT 14 1987



STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333

JOHN R. MCKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

September 30, 1987

Donald Willard Jr., Town Manager
P.O. Box 10
Rockport, Maine 04856-0010

Dear Mr. Willard:

I am writing in response to the letter you sent to Donald Witherill on September 16, 1987. In that letter, you requested information about any permits needed for the town to add two floats and access ramps at the Rockport Marine Park, Rockport Harbor.

I have reviewed your project description, the project plans, and the information obtained in a telephone conversation with Bruce Hensler CEO; and have concluded that the town is not constructing a permanent structure as defined in the Coastal Wetlands Act (38 M.R.S.A. sec. 471). Since this law does not give the Department jurisdiction to regulate construction of temporary structures, it is my opinion that you do not need a permit from this Department. Any changes to the plans submitted on September 6, 1987 or new work proposed on the site may need a Coastal Wetlands Alteration Permit.

You may also want to contact the Army Corps of Engineers. The Corps has jurisdiction over temporary structures in tidal waters under Section 10 of the River and Harbor Act of 1899. The town may need a permit from this agency to place temporary ramps and floats in Rockport Harbor.

If you have any questions please contact Stacie Ramsay or myself at 289-2111.

Sincerely,

WILLIAM LAFLAMME
Division of Licensing & Review
Bureau of Land Quality Control

DTW/lck

"WILLARD"

REGIONAL OFFICES

• Portland •

• Bangor •

• Presque Isle •

ROCKPORT

Proof of Ownership

CALDERWOOD, INGRAHAM & GIBBONS

Attorneys at Law
7 - 9 Washington Street
P.O. Box 616
Camden, Maine 04843
207-236-3325

Paul L. Gibbons
Terry W. Calderwood
Cathy G. Morgan

Mark W. Ingraham, Jr.
of Counsel

CERTIFICATE OF PUBLIC OWNERSHIP

October 7, 1987

Re: Additional Floats and Ramps, Rockport Marine Park

I am currently the attorney for the Town of Rockport, Maine, and have been requested by Town Manager Donald L. Willard, Jr., who will serve as Project Manager for the Waterfront Action Grant, to determine record ownership for the parcels of property on either side of the Goose River between the Goose River Bridge and Rockport Harbor, on which properties the proposed additional floats and ramps will be installed.

After thoroughly examining the public land records or other appropriate records in accordance with Maine law, I hereby certify that marketable title to the property described above is held by the Town of Rockport.

Very truly yours,



Paul L. Gibbons

PLG:jhg

VINALHAVEN

Vinalhaven State Beach Acquisition

\$50,000

Is it accessible by gen. public?

Project Description

The Town proposes to purchase a 24 acre beachfront parcel located on the eastern shore of the island of Vinalhaven in Penobscot Bay. The site stretches along 2,875 feet of one of the largest beaches in Penobscot Bay and has been actively used by residents for over one hundred years. During the past year, the Town has formalized its use of this State-owned property through a lease agreement with the State which contains an option for the Town to purchase the property for \$100,000. The State is strongly supportive of the acquisition as evidenced by its willingness to sell the parcel for one quarter of its appraised value.

Scope

The Town will purchase the 24 acre parcel of beachfront property from the State of Maine utilizing \$50,000 of Coastal funds and \$50,000 local match. Following acquisition, the Town plans \$12,500 of improvements to the parcel including the repair of the access road; and the installation of sanitary facilities, picnic tables, charcoal grills and children's play equipment.

Eligibility

The project meets the eligibility requirements of Section 306A (b)(1) and (3).

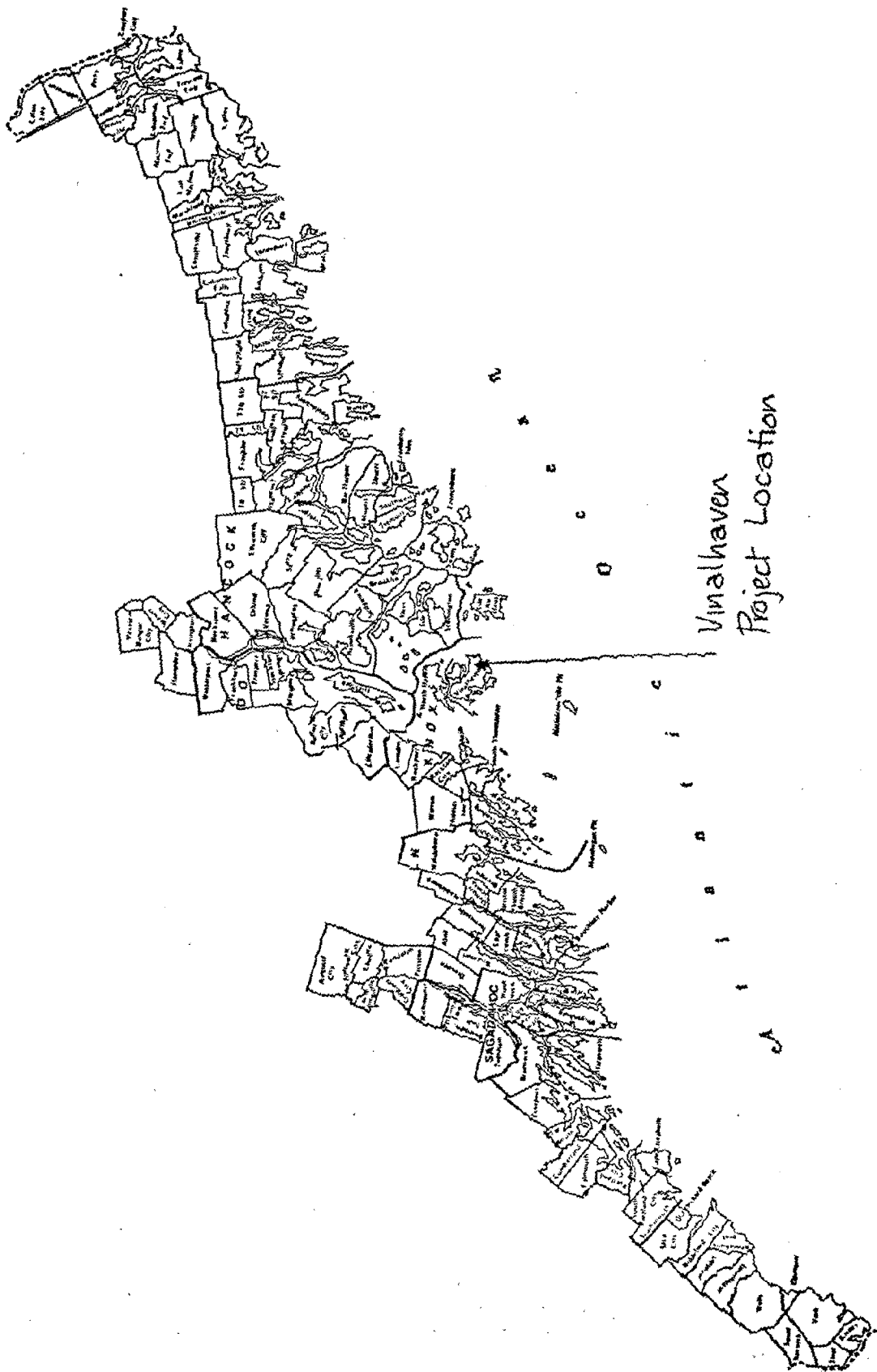
Budget

| | <u>COASTAL FUNDS</u> | <u>LOCAL MATCH</u> | <u>TOTAL</u> |
|--|----------------------|--------------------|------------------|
| Purchase the property | \$50,000 | \$50,000 | \$100,000 |
| Repair access road (1/4 mile) | | 2,000 | 2,000 |
| Area improvements - bush cutting, open paths, remove debris. | | 3,000* | 3,000 |
| Build privies, picnic benches, charcoal grills | | 2,500 | 2,500 |
| Swing set, monkey bars | | <u>5,000</u> | <u>5,000</u> |
| TOTAL | \$50,000 | \$65,500 | \$115,500 |

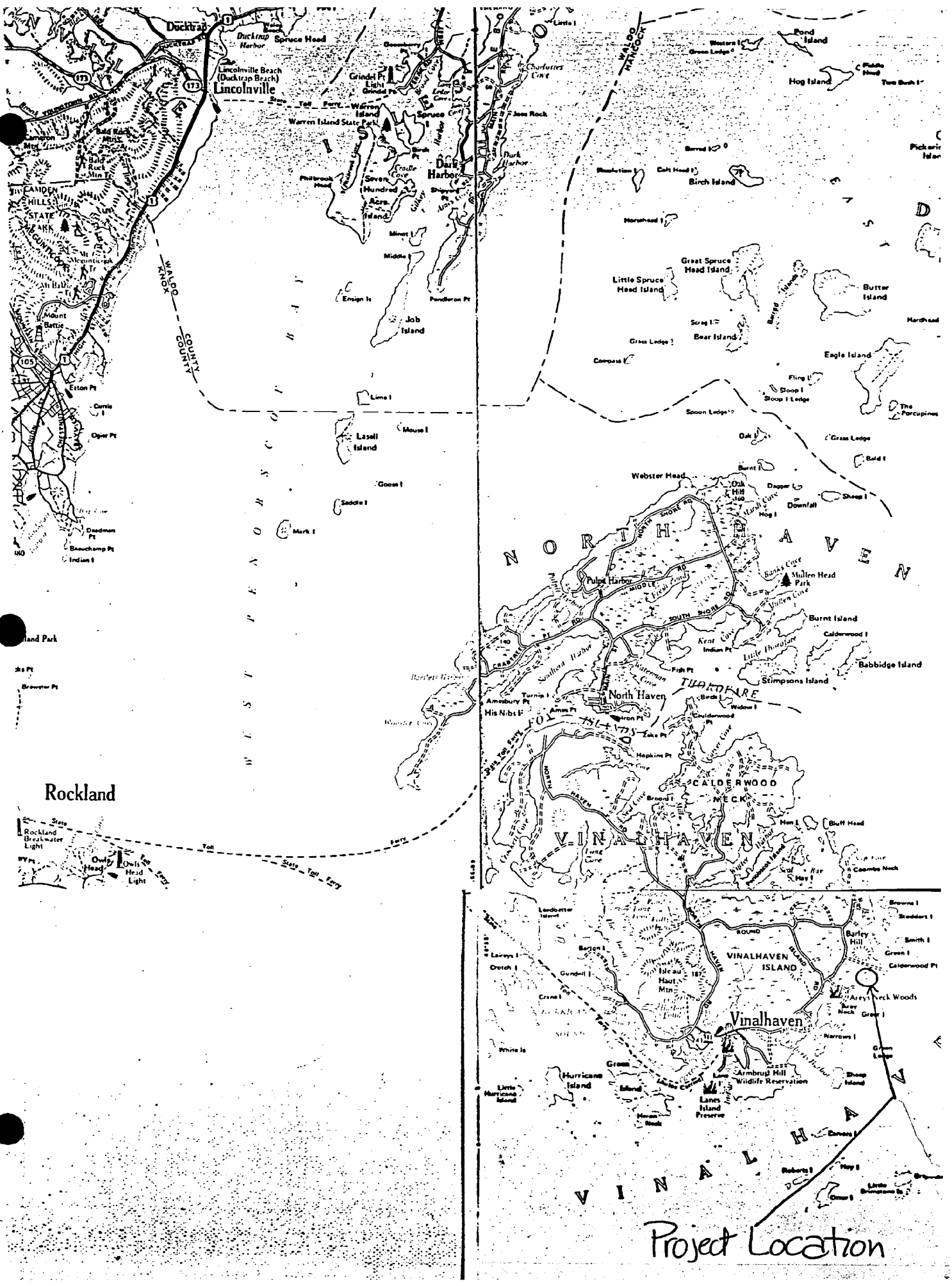
* 300 hours @ \$7.00 = \$2,100 has been accomplished by Hurricane Outward Bound.

VINALHAVEN

Site Location Maps and Project Design

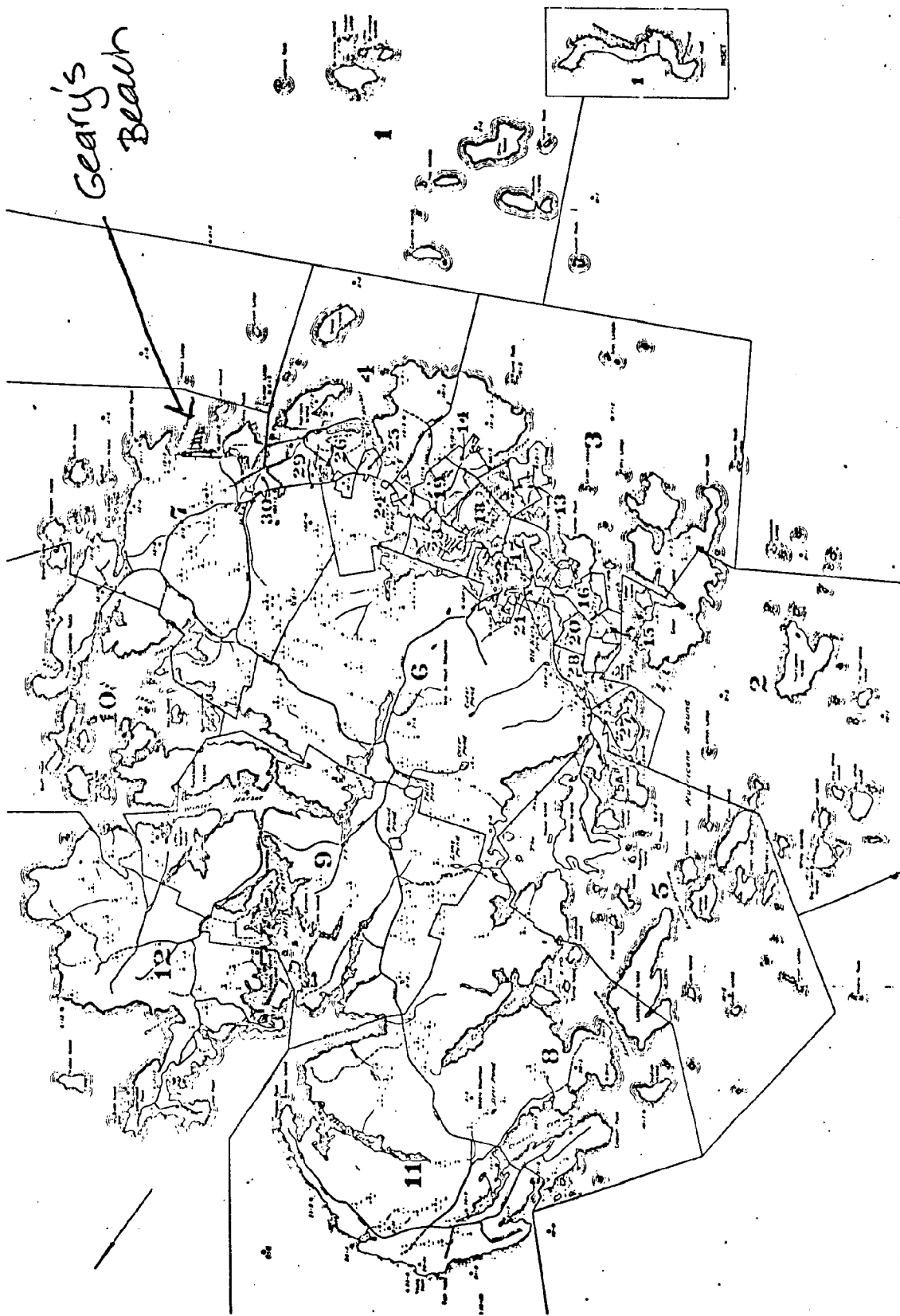


Vinalhaven
Project Location

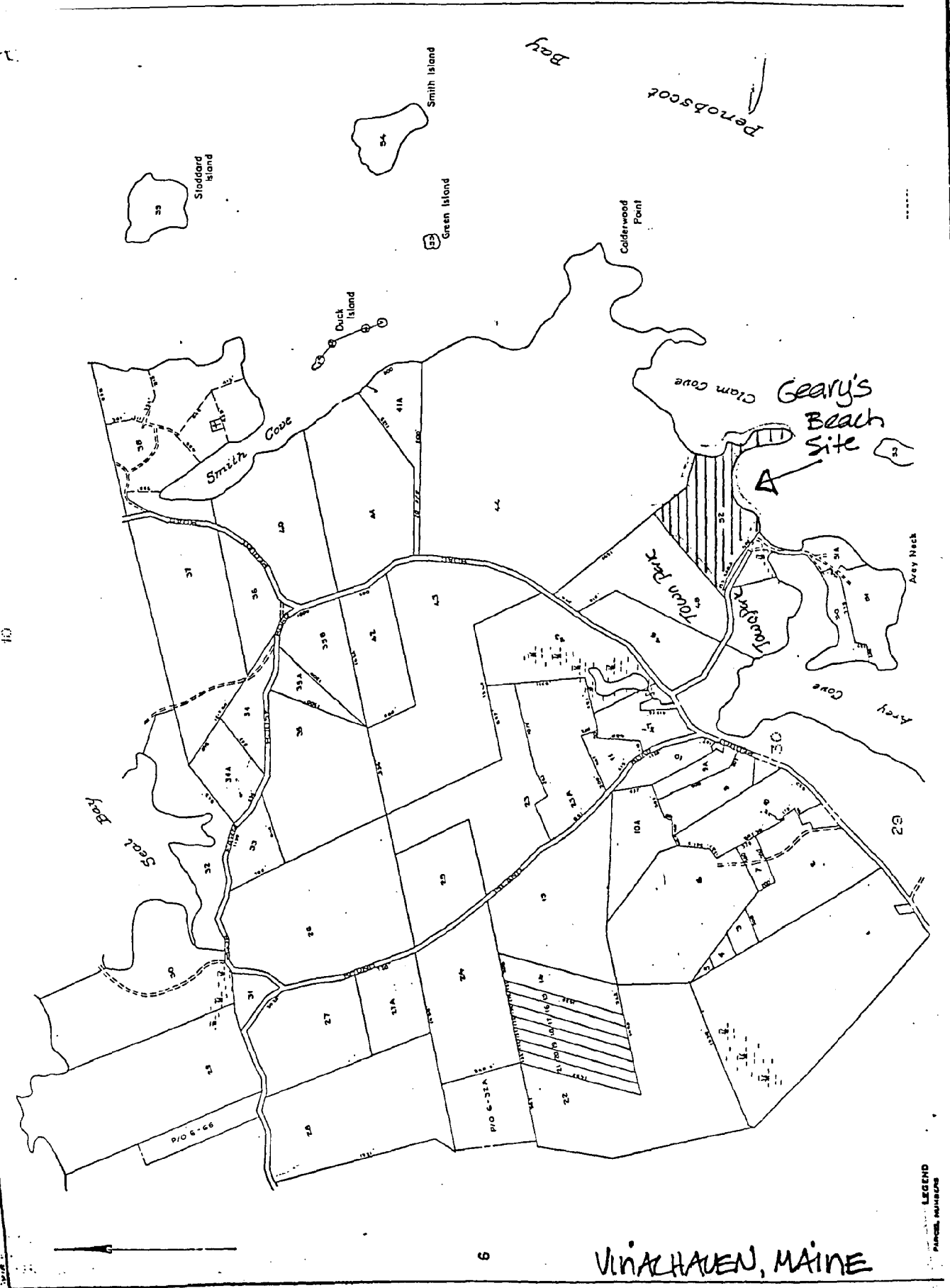


Rockland

Project Location



Appendix A



Appendix B

VINAL HAVEN, MAINE

B

VINALHAVEN

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$115,500

- Preservation or Restoration
- Redevelopment of Urban Waterfronts and Ports
- Public Access

Federal: \$50,000
 State: _____
 Local: \$65,500

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- 1. This action or group of actions would have a significant effect on the quality of the human environment. No X Uncertain _____ Yes _____
- 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No X Uncertain _____ Yes _____

B. Evaluation of exceptions to actions within Categorical Exclusion:

- 1. This action would have significant adverse effects on public health or safety. No X Uncertain _____ Yes _____
- 2. This action will have highly controversial environmental effects. No X Uncertain _____ Yes _____
- 3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. No X Uncertain _____ Yes _____

4. The specific impact of the project on the following resources:

| | | | |
|-------------------------------------|--|--------------------------------|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained, please attach to the application.

VINALHAVEN

Environmental Review

B. Federal Executive Orders 11988 and 11990

This is a land acquisition project therefore the Executive Orders are not applicable.

VINALHAVEN

Federal and State Permits/Federal Consistency

- a. No permits are required
- b. The project is consistent with Maine's Coastal Program.

VINALHAVEN

Proof of Ownership

This is a land acquisition project.

Attached are:

1. two real estate appraisals
2. title certification
3. lease agreement currently in effect between the Town of Vinalhaven and the State of Maine which states that the Town has the option to purchase the property for \$100,000 at any time during the term of the lease.

JARET & COHN

THE ISLAND GROUP, GOAT'S MILL ROAD, P.O. BOX 168, VINALHAVEN, MAINE 04863

Real Estate

207-863-2554

September 11, 1987

Town of Vinalhaven
Vinalhaven, Maine 04863

To whom it may concern;

It is my professional opinion that the parcel of land known locally as "The State Beach Property" would have a value on the open market between \$350,000.00 and \$400,000.00. Within the past year, there has been an increase in the market value of real estate on Vinalhaven never before experienced.

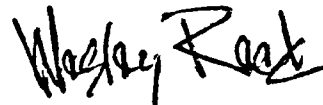
"The State Beach Property" consists of 24 acres of land with 2875 feet of water frontage on East Penobscot Bay. It has access by town road. The property has one of the few sand beaches on the Island along with unprotected deepwater frontage. Part of the property near the shore is marshland which is a very pleasant view from the property as it climbs away from the shore. The property appears to be very buildable, with several possible sites. If the property were used as a site for a private residence, it would afford a great deal of privacy, an asset that potential Purchasers would pay handsomely for.

Comparables:

- 1) Headley to Warlick ; Closed 9/87. 5.8 Acres with 1900' water frontage with sand beach and rough deep water wharf. Access to some protected anchorage. Small seasonal cottage and garage. \$357,000.00
- 2) Walker/Sandufer/Kellogg to Lally, Closed 7/87. 5.7 Acres with 640' unprotected deepwater frontage. No buildings. \$240,000.00
- 3) Sorosky to Mc Auley, Closed 12/86 . 3.4 Acres with 385' unprotected deepwater frontage. One bedroom seasonal cottage. little possibility of expansion or conversion to year-round dwelling. \$205,000.00

If this property were listed on the market for \$400,000.00, I would have several parties interested in viewing it immediately.

Sincerely,



Wesley Reed

Sept. 18, 1987

Victoria Dyer
Town Manager
Vinalhaven, Maine 04863

RE: Estimate the market value of " The State Beach,"
Town Tax Map #7, Lot # 52.

Dear Victoria,

To estimate value, similiar properties that have recently sold are compared with the subject property by elements listed in the Comparable Sales Analysis below.

| | Subject Property | Sale #1 | Sale #2 | Sale #3 | Sale #4 |
|--------------------------|---|---|--|--|---|
| Size | 24A, water-front 1500' depth 700' | 6A, 1900' waterfront, depth 325' | 7.3A, 640' waterfront depth 500' | 75A, aprox. 1000' water-front | aprox. 300A over 2000' waterfront |
| Location | Isle-Au-Haut Sound, Arey's Neck Rd., "State Beach" <u>better</u> | Hurricane Sound, City Pt. Rd., formally <u>Headly prop.</u> <u>good</u> | Norton Pt., The Reach, Walker, Sandefur subdivision <u>good</u> | "The Privilege Calderwood neck Rd. Nelson sub-division" <u>fair</u> | Old Harbor Rd. formally Osprey Inc. <u>equal to sub</u> |
| Physical Characteristics | Tidal flats, <u>open ocean view</u> , sand beach, forest peninsula, some rocky shore <u>better</u> | deep water-front, prop. mostly ledge, view of inner islands, quarry sites, <u>dwelling</u> <u>good</u> | deep water-front, rocky shore, farm fields, view of inner islands <u>good</u> | tidal cove, varied forest <u>fair</u> | deep water-front -300', 2 dwellings, pier, most water tidal on Basin land <u>equal to subj</u> |
| development potential | <u>good</u> | none | none | <u>better</u> | <u>better</u> |
| time of sale | summer 87 | same | same | same | same |
| selling price | | aprox. \$360,000. | aprox. \$240,000. | aprox. \$250,000. | aprox. \$500,000 |

Based on these four sales, and considering other smaller waterfront properties that have sold in the past year, It is this appraiser's opinion that the market value of the subject property is:

FOUR HUNDRED THOUSAND (\$400,000.00)

George Harrison

George Harrison
Sales Associate-Vinalhaven

Realty World-Gene Kenniston Assoc

Stephen A. Little
ATTORNEY AT LAW
38 UNION STREET
ROCKLAND, MAINE 04841
207-594-5581

STEPHEN A. LITTLE
HARRIS R. BULLERWELL

MAILING ADDRESS
POST OFFICE BOX 924

CERTIFICATE OF PUBLIC OWNERSHIP

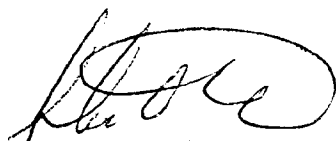
Date: October 9, 1987

Re: Project Name - The State Beach

I am currently the attorney for the Town of Vinalhaven, Maine, and have been requested by the State Planning Office to determine record ownership for the parcel of property on which the above referenced project will be constructed, for the purchase of the State Beach.

After thoroughly examining the public records or other appropriate records in accordance with Maine law, I hereby certify that marketable title to the property described above is held by the State of Maine.

Additional comments: None



Stephen A. Little

PROPERTY DESCRIPTION

A certain lot or parcel of land situated in Vinalhaven, County of Knox, and State of Maine, as shown on a Right of Way Map entitled State Aid Highway No. 1, Vinalhaven, Knox County, land of Clyde E. Talbot to State of Maine, dated October 1957, on file in the office of the State Highway Commission (SHC File No. 7-48) and filed in the Registry of Deeds of Knox County, bounded and described as follows:

BEGINNING at an iron pin in the division line between the lot herein conveyed and land now or formerly of Forest Oakes, at Arey's Harbor; thence northwesterly along the said Forest Oakes and land now or formerly of Bergen six hundred ten and five tenths (610.5) feet to the southerly corner of land now or formerly of C. M. Oakes; thence N. 47 deg. 40 min. E. one thousand one hundred sixty-seven (1,167) feet to an angle point; thence N. 4 deg. 20 min. W. five hundred fifteen (515) feet to the Pooles Hill Road; thence N. 53 deg. 35 min. E. by the Poole's Hill Road three hundred forty-four (344) feet to land now or formerly of H. H. and R. Y. Calderwood; thence S. 20 deg. 00 min. E. by land of the said Calderwood's two thousand one and six tenths (2,001.6) feet to an angle point; thence S. 60 deg. 05 min. E. three hundred and five tenths (300.5) feet to a wood post; thence S. 51 deg. 40 min. E. one hundred fifty-nine and eight tenths (159.8) feet to the shore line of Clam Cove; thence southerly, northerly and westerly following the shore line to an iron pin set in a boulder, at land now or formerly Spellman; thence N. 31 deg. 45 min. W. four hundred (400) feet to an angle point; thence N. 27 deg. 50 min. W. two hundred sixty and five tenths (260.5) feet to an angle point; thence N. 40 deg. 45 min. W. one hundred twenty-three and six tenths (123.6) feet to an angle point; thence S. 2 deg. 55 min. W. four hundred eighty-nine (489) feet to an iron pin set in a boulder at shore line; thence southwesterly and westerly following the shore line to the point of beginning. Also conveying all shore privileges.

For reference see deed from Clyde E. Talbot to the State of Maine, dated October 23, 1957, and recorded in the Knox County Registry of Deeds, Book 362, Page 282.

EXCEPTING AND RESERVING from the above described premises a certain lot or parcel of land situated in Vinalhaven in the County of Knox and State of Maine, bounded and described as follows, to wit:

BEGINNING at an iron pin in the division line between the lot herein conveyed and land now or formerly of Forest Oakes at Arey's Harbor; thence northeasterly along the Forest Oakes land, six hundred one and five tenths (601.5) feet, crossing the Town Road, to the southerly corner of land now or formerly of C. M. Oakes; thence North 47 deg. 40 min. East, one thousand one hundred sixty-seven (1,167) feet, to an angle point; thence North 4 deg. 20 min. West, five hundred fifteen (515) feet, to the Poole's Hill Road; thence North 53 deg. 35 min. East by the Poole's Hill Road, three

hundred forty-four (344) feet, to land now or formerly of H. H. and R. V. Calderwood; thence South 20 deg. 00 min. East by land of said Calderwoods, one thousand four hundred ninety-one and eight tenths (1,491.8) feet, more or less, to an angle point; thence southwesterly, along a line passing through a point, to the Town Road, said point being fifty (50) feet N. 40 deg. 45 min. West of the northerly corner of land formerly of Spellman and said course North 40 deg. 45 min. West being an extension of the said Spellman northeasterly line; thence easterly along the said Town Road to a point in the westerly line of said Spellman; thence South 2 deg. 55 min. West, about three hundred seventy-nine (379) feet, to an iron pin set in a boulder at shore line; thence southwesterly and westerly following the shore line to the point of beginning. Containing forty-six (46) acres, more or less, together with all shore privileges.

Meaning and intending hereby to describe and convey a part of the same premises conveyed by Clyde E. Talbot to the State of Maine by warranty deed dated October 23, 1957 and recorded in the Knox County of Deeds in Volume 362, Page 282.

Excepting and reserving, however, any and all right the public may have in and to the road within the bounds of the above described premises.

Also, excepting and reserving to the grantor, its successors and assigns, a right of way in common with the grantee fifty (50) feet in width along the easterly bound of the premises herein conveyed and abutting the said land now or formerly of Calderwood and extending from the Poole's Hill Road, State Aid Highway No. 1, southerly to the remaining land of the grantor.

The above described premises are hereby conveyed to the grantee for so long as and subject to the condition that they shall be used solely for park and recreational purposes by the grantee or any semi-public or quasi public organization or body acting for and in behalf of the grantee as its agent and that upon the termination of the aforesaid use by the grantee, title to the said premises shall revert to the State of Maine.

For reference see deed from the State of Maine to the Inhabitants of Vinalhaven, dated September 17, 1969, and recorded in the Knox County Registry of Deeds, Book 495, Page 399.

LEASE AGREEMENT

This Agreement is made and entered into by the MAINE DEPARTMENT OF TRANSPORTATION, as Lessor, and the Town of Vinalhaven, as Lessee, on November 26, 1986. Lessor leases to Lessee the land (hereafter "premises") situated in Vinalhaven, County of Knox, State of Maine, as shown on a Right of Way Map entitled, State Aid Highway " No. 1", Vinalhaven, Knox County, Land of Clyde E. Talbot to State of Maine, Dated: October, 1969, D.O.T. File No. 7-48 - Sheet 1 of 1. The street address of the premises is off Poole's Hill Road.

The term of the Lease will commence on February 1, 1987, and will continue for two years. Lessor shall deliver possession to Lessee on that date. The Lease shall be terminated by either party 30 days after receipt of written notice of intent to terminate.

At any time during the term of this lease, the Lessee shall have the option to purchase the property, subject of this Lease, for a price of \$100,000.00. Any rent payments made by the Lessee shall be credited to the purchase price.

The Lease shall be subject to the following conditions:

1. RENT. Lessee agrees to pay as rental for the premises One Thousand Dollars (\$1,000.00) per year, payable, without demand, in advance on February 1; Payments will be made to the "Treasurer, State of Maine" and mailed to Maine Department of Transportation, State House Station 16, Augusta, Maine 04333.
2. OCCUPANCY. Neither the premises nor any part thereof shall be used at any time during the term of this Lease by Lessee for the purpose of carrying on any business, profession, or trade of any kind, or for any purpose other than as a recreational area. Lessee shall comply with all the sanitary laws, ordinances, rules, and orders of appropriate governmental authorities pertaining to the premises.
3. ASSIGNMENT AND SUBLETTING. Lessee shall not sublet the premises, or any part thereof, or assign this Agreement.
4. ALTERATIONS AND IMPROVEMENTS. Lessee may improve and maintain existing access roads and may place picnic tables and accessories on the premises.
5. DANGEROUS MATERIALS. Lessee shall not keep or have on the premises any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

6. RIGHT OF ENTRY. Lessee shall allow Lessor to enter the premises at all reasonable hours and upon 24 hours' notice for the purpose of inspection and to make repairs and alterations to the premises. Lessee shall allow Lessor to enter the premises at all times in the case of an emergency. Furthermore, Lessor need not give Lessee notice of its intent to enter when it is impracticable to do so or an emergency exists.
7. INDEMNIFICATION AND WAIVER. Lessee shall indemnify and save harmless Lessor from all liability, loss, cost, damage or expense arising from injury to the person and/or property of Lessee and to Lessee's employees, family, agents, guests, invitees or licensees and their property; said injury or damage occurring on the premises or any part thereof or in the common areas thereof.

Lessee therefore agrees to hold Lessor harmless from any claims for damages no matter how caused. Lessee waives all present and future claims against Lessor, as such, that might be considered as exceptions to the immunity otherwise provided to Lessor by the Maine Tort Claims Act.

Should a provision or part of this Condition be declared void by a court of competent jurisdiction, the other provisions of this Condition shall remain in force.

Furthermore, Lessee acknowledges:

1) That Lessee shall surrender the premises to Lessor on the expiration or sooner termination of the Lease in as good condition as when received, ordinary wear and tear and damage by the elements excepted;

2) That any holding over by Lessee under this Agreement, without Lessor's written consent, shall be a tenancy at will;

3) That upon default in the payment of rent, or any part thereof, or if any default is made in the performance of any of the conditions described above, the Lease shall terminate immediately at the option of the Lessor;

4) That waiver by Lessor of any breach of condition under this Lease is not a waiver of any other condition or duty of Lessee, or of any subsequent breach of the same condition or duty.

IN WITNESS WHEREOF, the parties have executed this Agreement at Augusta, County of Kennebec, State of Maine, on this day, November 26, 1986.

Witness: Stephen H. Smith

Mark Honan

Rudolph S. Kucero
Selectman

Charles Honan

William H. Merson
Selectman

John E. Fox

Dana Young
Agent
Maine Department of Transportation

SOUTHWEST HARBOR

Manset Dock Boat Pollution Abatement Facility \$5,812

Project Description

Commercial and recreational boaters have few locations along the coast of Maine where they can discharge sewage wastes for proper on-shore treatment. Consequently, the primary disposal method is direct overboard discharge which is degrading the water quality of Maine's heavily used harbors. Many areas can no longer assure safe public access for swimming and must seasonally close local shellfish beds, thus limiting the access of commercial fishermen to their livelihood. The economy of Southwest Harbor, located on Mount Desert Island, is centered around its harborfront. More than 50% of the Town's workforce is employed in boatbuilding, commercial fishing, or the servicing of recreational boats. In addition, the Mount Desert Island area is the most popular yatching area of Maine drawing many boaters in need of shoreside facilities. The Town proposes to install a pumping station at its Manset Dock Facility which was expanded this year by the addition of a boat ramp funded by a Waterfront Action Grant. This is the least congested area of the harbor and will provide convenient access for all boaters.

Scope

The Town will install a system composed of a holding tank and a pump on the Manset Dock. The effluent will be pumped from boats into the holding tank and then on to the Manset sewage pump station 300 feet from the dock which will transport the sewerage to the Town's secondary treatment plant. The Town will provide a 100% local match for the requested grant funds.

Eligibility

The project meets the eligibility requirements of Section 306A (b)(1) and (3).

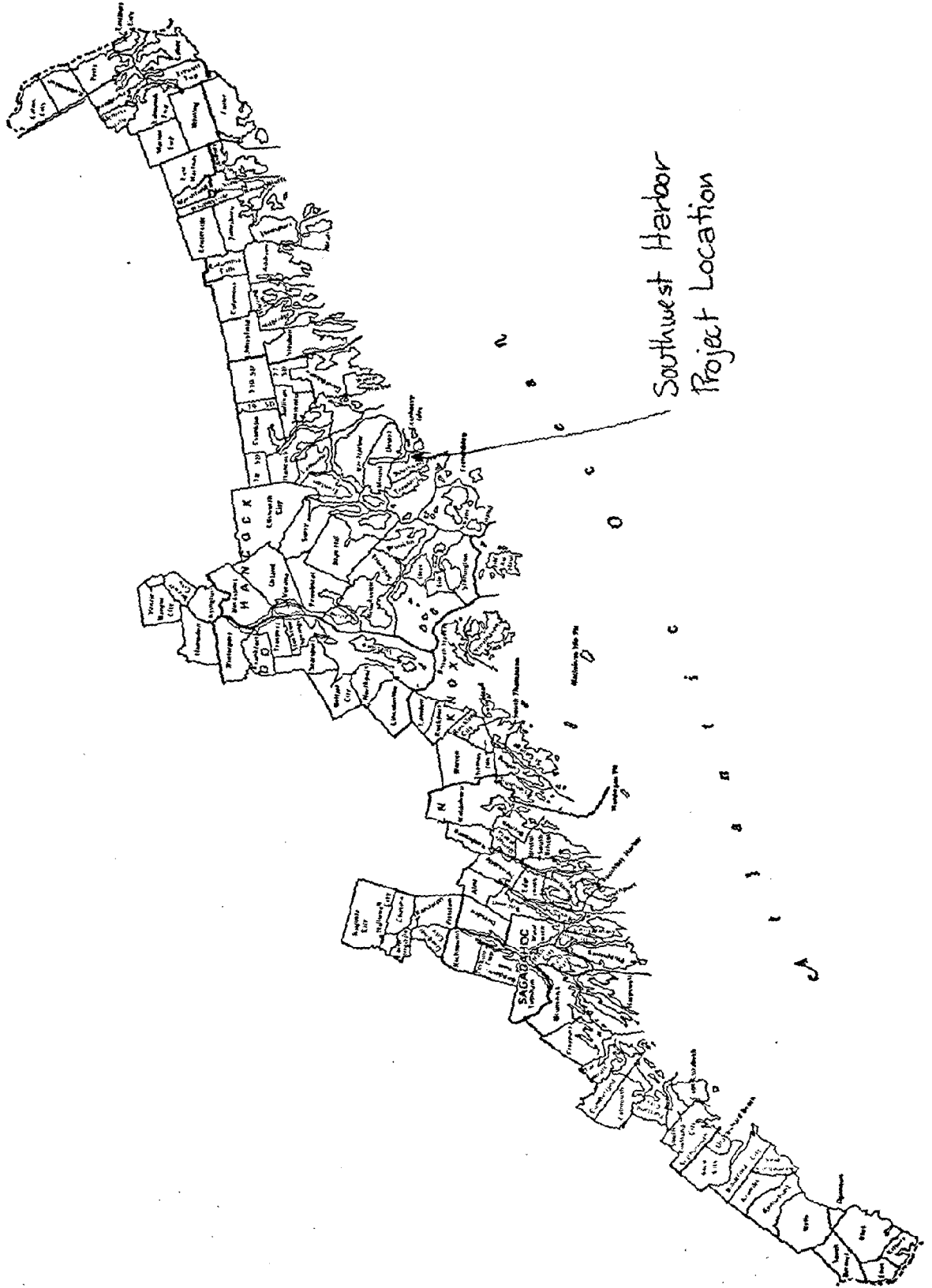
Budget

| | <u>COASTAL FUNDS</u> | <u>LOCAL MATCH</u> | <u>TOTAL</u> |
|-------------------|--------------------------|------------------------|--------------|
| 1. Pipe Materials | \$1,125 | \$1,125 | \$2,250 |
| 2. Excavation | 1,562 | 1,562 | 3,124 |
| 3. Pump Station | 2,075 | 2,075 | 4,150 |

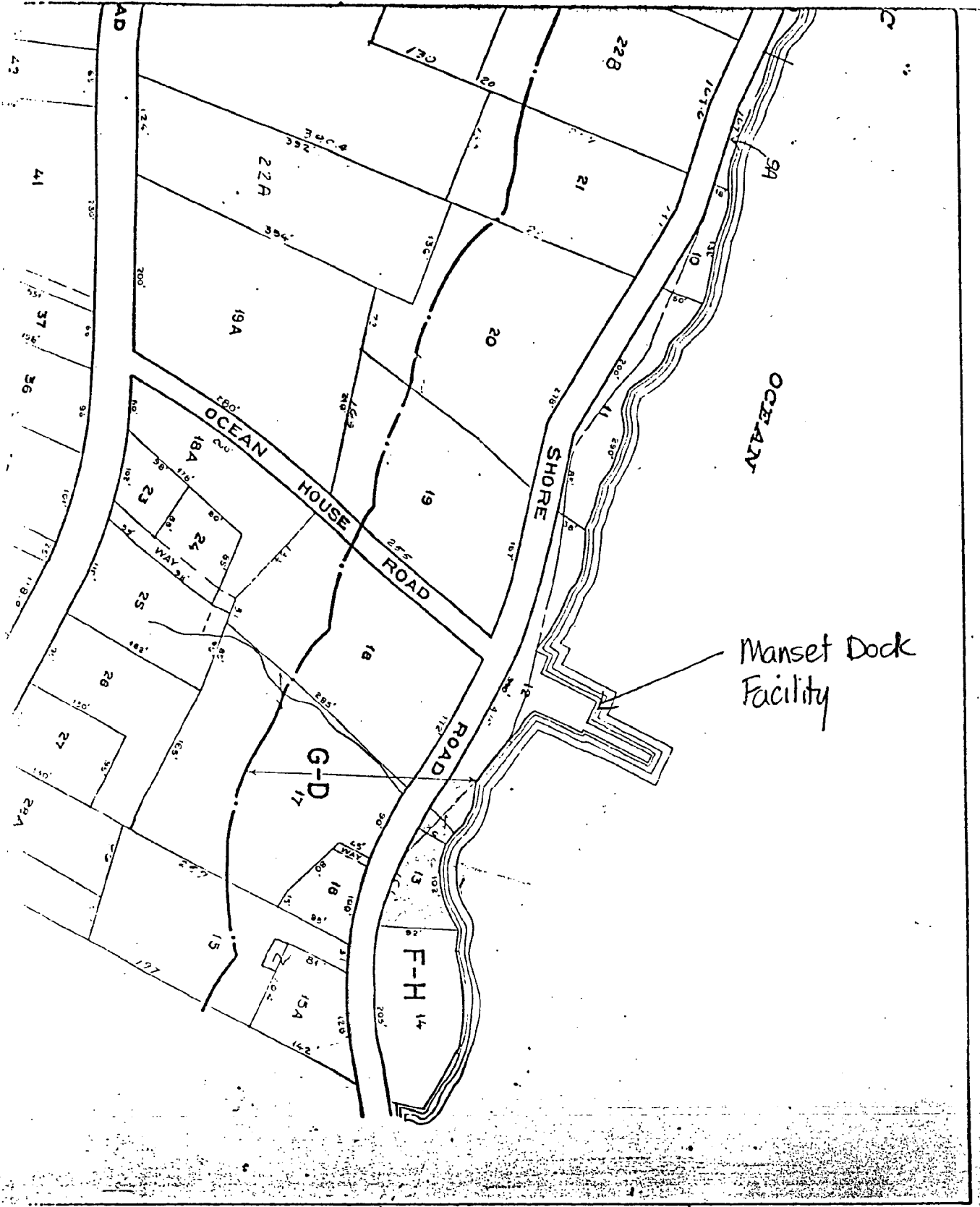
| | | | |
|------------------------|------------|------------|------------|
| 4. Drop Inlet | 100 | 100 | 200 |
| 5. Braces and Hardware | 100 | 100 | 200 |
| 6. Power Facilities | 250 | 250 | 500 |
| 7. Admin. & Eng. | 150 | 150 | 300 |
| 8. Contingency | <u>450</u> | <u>450</u> | <u>900</u> |
| TOTAL | \$5,812 | \$5,812 | \$11,624 |

SOUTHWEST HARBOR

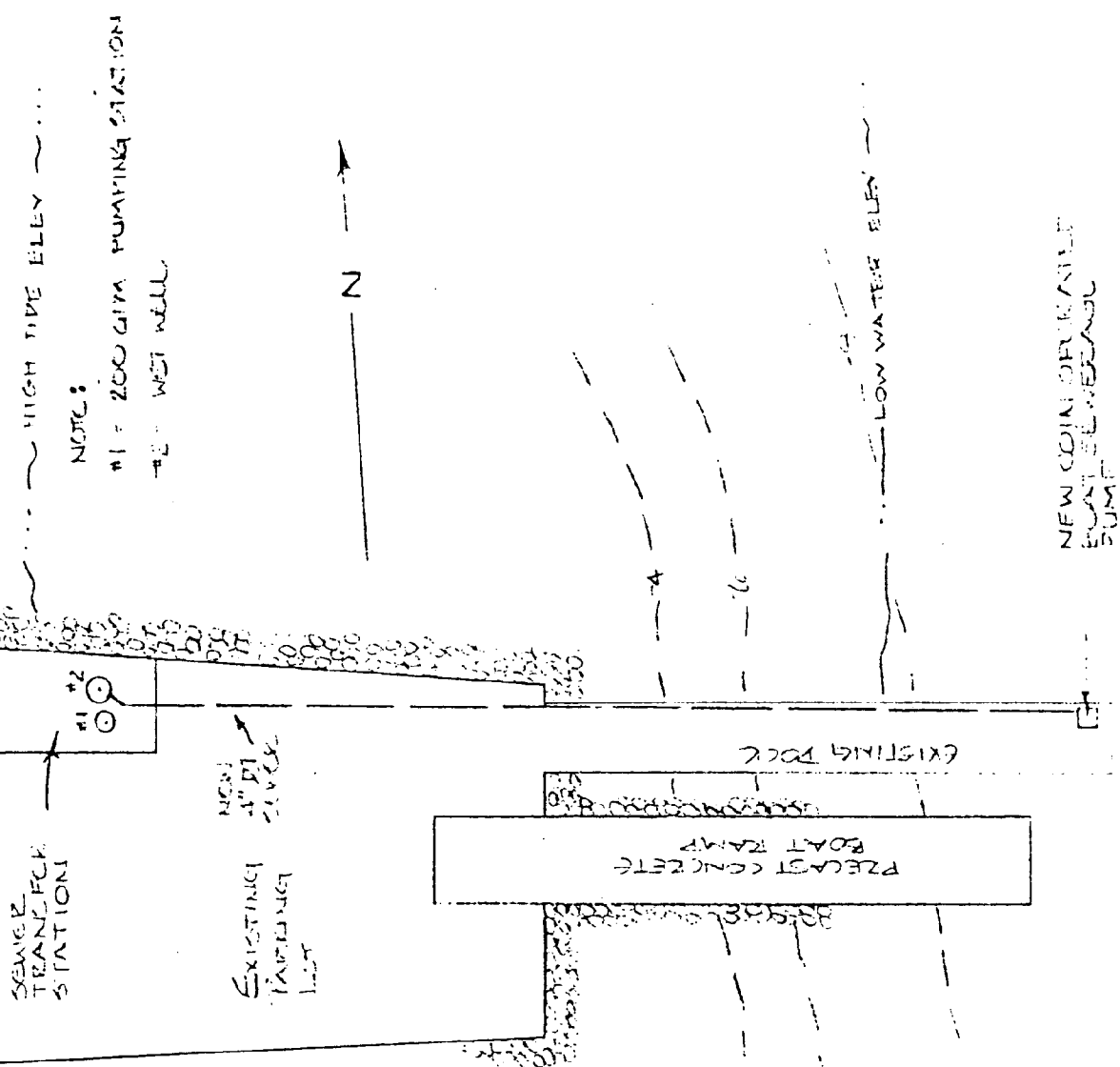
Site Location Maps and Project Design



Southwest Harbor
Project Location



SHORE ROAD



NOTE:
 #1 - 200 GPM PUMPING STATION
 #2 - WEST WELL

N

SITE PLAN
 SCALE: 1" = 50'

EXISTING
 RIP-RAP

NEW COIN OPERATED
 BOAT LIFT MECHANISM
 SUMP

SEWAGE
 TREATMENT
 STATION

EXISTING
 PAVING
 SLICE

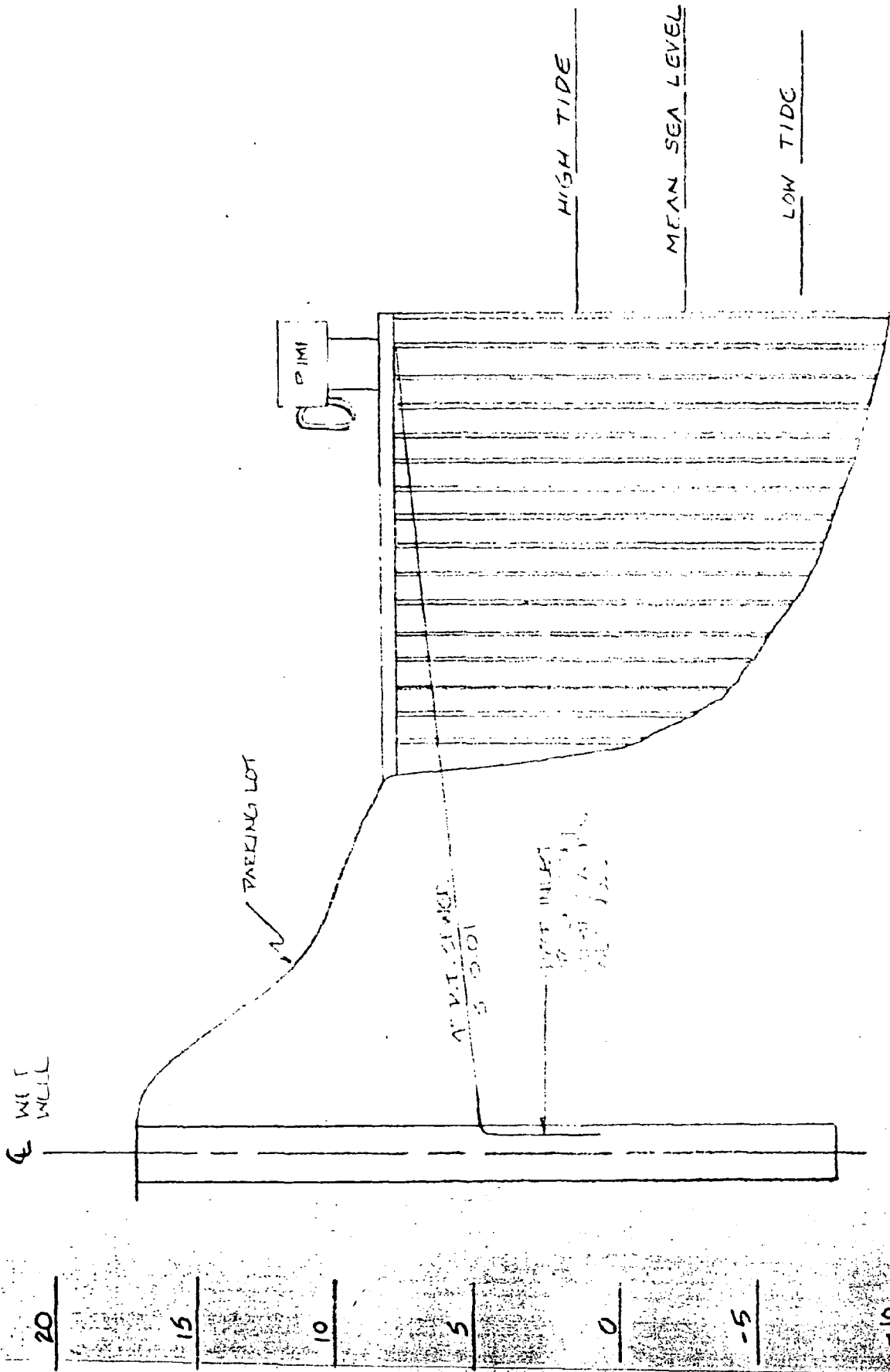
NEW
 4" DI
 PIPE

PRECAST CONCRETE
 BOAT RAMP

EXISTING DOCK

LOW WATER ELEV

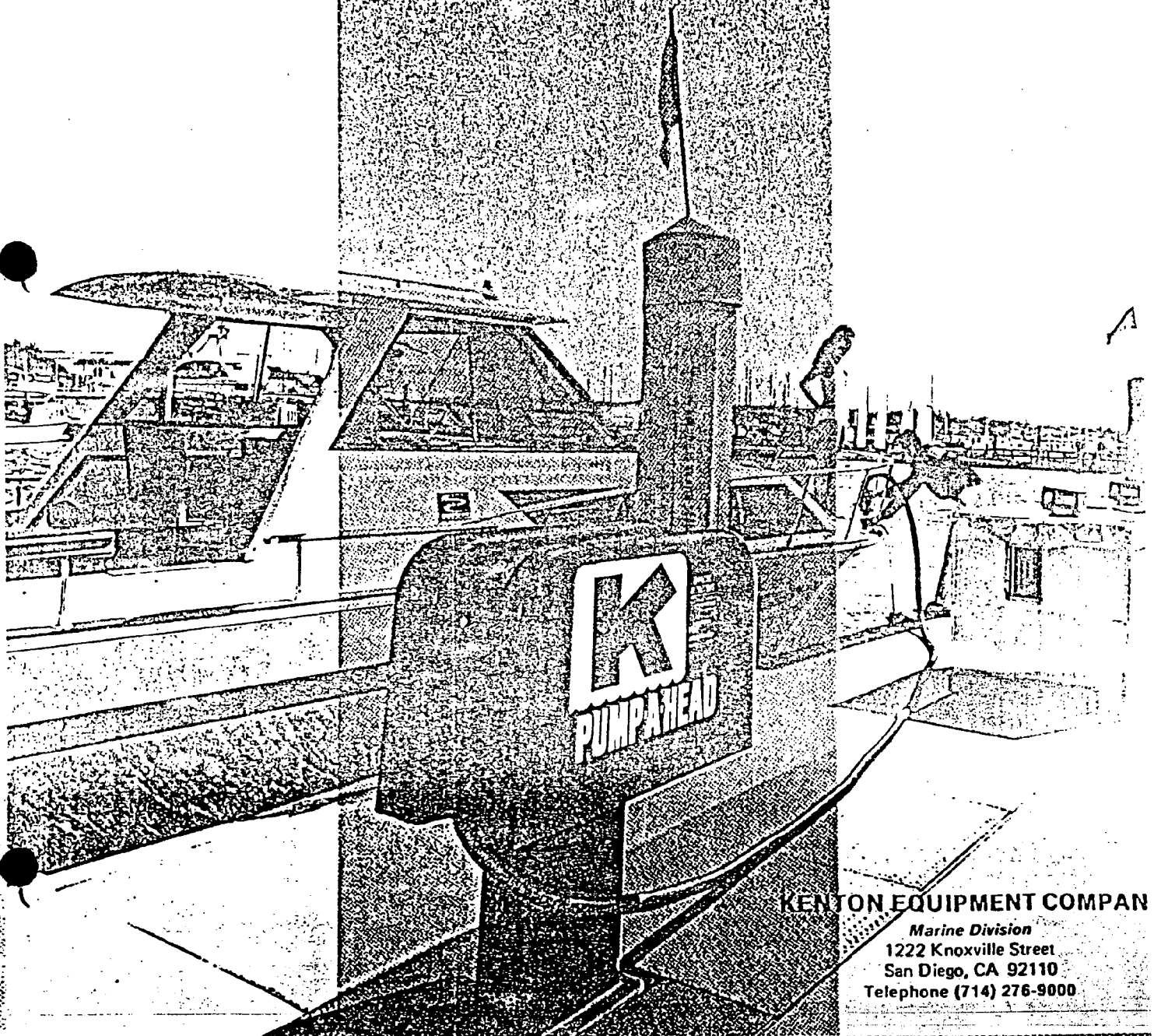
HIGH TIDE ELEV



PROFILE
 SCALE: HORIZ. 1" = 50'
 VERT. 1" = 5'

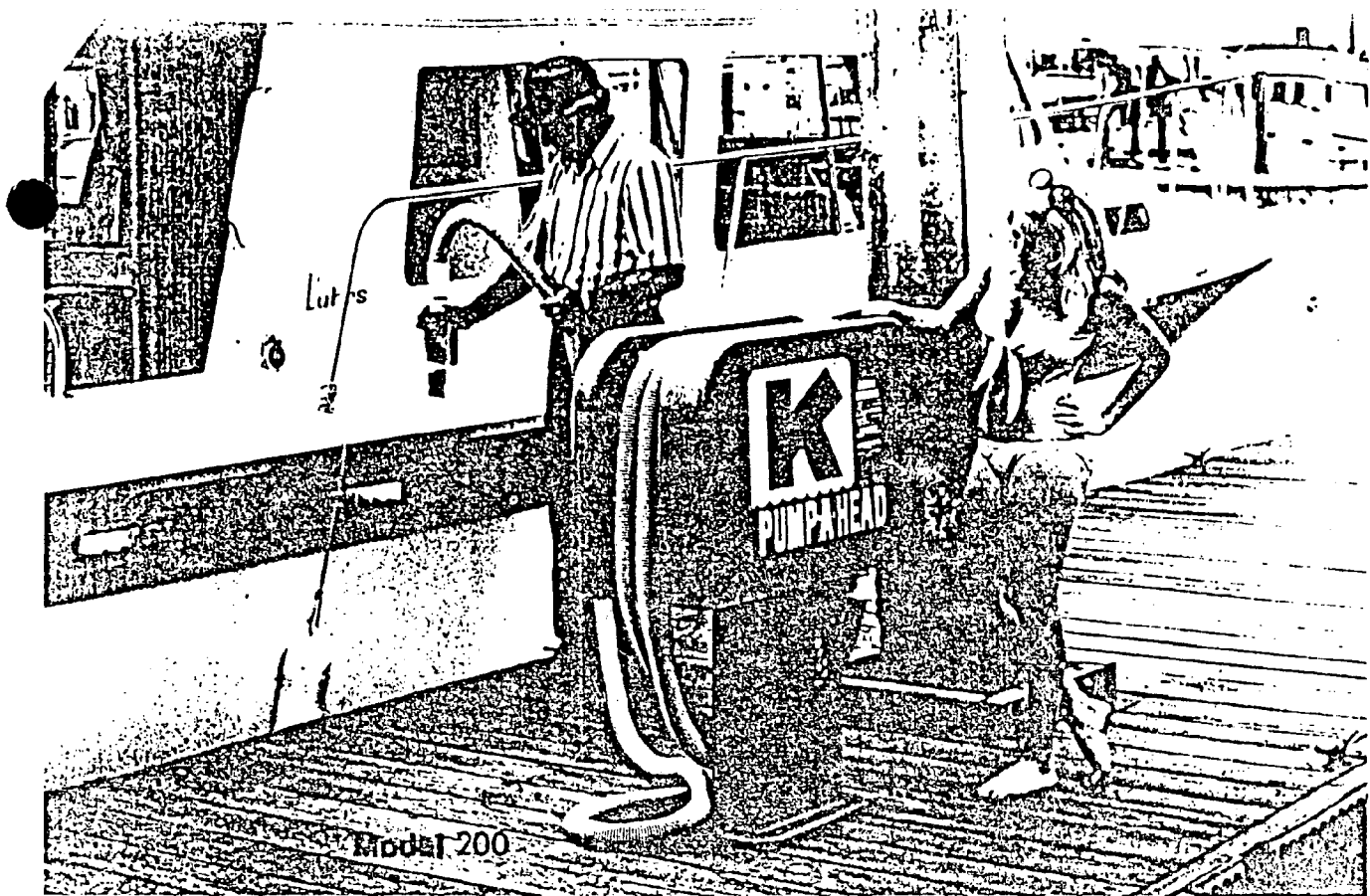
KENTON PUMP-A-HEAD

THE PERFECT
PUMP-OUT SYSTEM
FOR
SANITARY WASTE
HOLDING TANKS



KENTON EQUIPMENT COMPAN

Marine Division
1222 Knoxville Street
San Diego, CA 92110
Telephone (714) 276-9000



GENERAL SPECIFICATIONS

Pump-A-Head is a self-contained marine pump-put station specifically designed for handling marine sewage. Pump-A-Head has a capacity of 19 gallons per minute when operating at a discharge pressure of 20 pounds per square inch and is capable of a suction lift of 20 feet in 5 seconds. Overall dimensions are 37 inches long by 15 inches wide by 45 inches tall.

STRUCTURE: The structure is specifically designed to support the necessary equipment and provide firm mounting for the pump unit. All structural components are of non-corrosive materials. All steel parts are galvanized or baked epoxy coated. The structure will support all enclosures, electrical components, pumps, and internal valving, plus an additional test weight of 250 pounds.

SANITARY PUMP: The pump is a diaphragm type manufactured by Kenton Equipment Company capable of passing a maximum solid of 1½ inches in diameter. The reinforced neoprene diaphragm is supported by two plates secured to a stainless steel drive rod by stainless steel nuts and lock washers. The inlet and discharge valves are of reinforced neoprene seating against replaceable stainless steel seats. The valves are easily accessible by removal of 4 stainless steel

bolts. The advanced design of Pump-A-Head's intake and discharge valve housings make it the most efficient diaphragm type of its size available. It requires no external priming source and no maintenance.

ELECTRICAL: The pump is powered by a ½ HP 115/230 single phase 60 Hz gear head motor. The switch is internally mounted, and only the actuator is open to the weather or accessible to touch.

Models 150 and 175 motors and switches are totally enclosed and weather-tight. Model 150 is controlled by a timed coin operator. The Model 175 is controlled by a 0 to 15 minute timer.

Model 200 motors and switches are Explosion Proof, and meet all requirements for hazardous locations and can be used on fuel docks.

PUMP-A-HEAD without the coin operated or timing devices meets all NEMA Class 1 Group D requirements for hazardous locations and can be used on fuel docks. However, coin operated or timing devices cannot meet the explosion-proof electrical standards.

ENCLOSURE: The entire unit is fully housed in an attractive, shatterproof fiberglass enclosure and is connected to

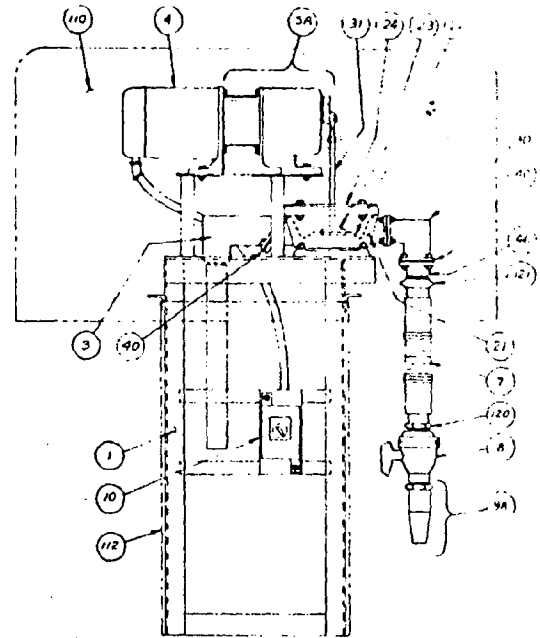
the structural frame by stainless steel bolts with provision for a security padlock if desired. The cover is easily removable for servicing the unit should it be necessary. The enclosure provides complete weather protection as well as protection from dock wash-down water or wave action. The enclosure's non-mechanical built-in storage rack provides neat and simple storage for the hose and suction nozzle assembly.

ACCESSORIES: The suction hose is 30 feet in length and 1½ inches in diameter. It is crush proof, smooth bore, and long lasting. This extremely flexible hose is impervious to most chemicals and is equipped with a 1½ inch full opening plastic ball valve on the inlet and has a rubber suction adaptor to prevent leakage. The rubber adaptor is equipped with brass reinforcement and fits all standard marine 1½ inch deck waste fittings.

OPTIONAL EQUIPMENT: An optional 50 foot, 1½ inch suction hose is available. An all-plastic "quick disconnect" unit is available for the suction hoses.

**A PARTIAL ROSTER OF
PUMP-A-HEAD USERS**

- U.S. Corps of Engineers, Denison Dam, Denison, Texas
- U.S. Corps of Engineers, Keystone Lake, Sand Springs, Oklahoma
- U.S. Corps of Engineers, East Lynn Lake, East Lynn, West Virginia
- East Harbor State Park, Port Clinton, Ohio
- City of Naples, Florida
- Bay Haven Marina, Holland, Michigan
- Washington Park Marina, Michigan City, Indiana
- The Dry Dock, Hyde Park, Ontario, Canada
- D & M Sport Fishing Center, Virginia Beach, Virginia
- Greenwich Grass Island Marina, Greenwich, Connecticut
- Waheap Marina, Lake Powell, Page, Arizona
- Patricia Bay Marina, Vancouver, Canada
- Kentucky Dam Marina, Gilbertsville, Kentucky
- Lithia Springs Marina, Shelbyville, Illinois
- Bullfrog Marina, Lake Powell, Hanksville, Utah
- Duchow's Island Yacht, Milwaukee, Wisconsin
- River Street Marina, Port Huron, Michigan
- Johnson Boat Yard, Ithaca, New York
- Harbor District, Oceanside, California
- Harbor District, Orange County, California
- San Diego Unified Port District, San Diego, California
- Ala Wai Marina, Honolulu, Hawaii
- Cedar Point Marina, Sandusky, Ohio
- Shilshole Bay, Seattle, Washington
- Ballena Bay Yacht Harbor, Alameda, California
- Lake of the Ozarks, Camdenon, Missouri
- Dana Point Marina, Dana Point, California
- Los Angeles Municipal Pier, Los Angeles, California
- Catalina Harbor Department, City of Avalon, California
- Tahoe Keys Marina, Lake Tahoe, California
- Oak Harbor Marina, Oak Harbor, Washington
- Lane County, Eugene, Oregon
- City of Poulsbo, Washington
- Marina Pacifica, Long Beach, California
- City of Santa Barbara, California



MAJOR COMPONENTS

PUMP-A-HEAD PART NUMBERS:

- 1. Frame assembly
- 3. Discharge elbow
- 4. Explosion proof motor - 1/2 HP
- *5a. Speed reducer camblock assembly
- *7. Inlet hose 1 1/2 x 30 ft.
- *7a. Inlet hose 1 1/2 x 50 ft. (optional)
- 8. Suction isolation valve
- *9a. Suction nozzle assembly
- 10. Coin-operator (Model 150)
- Timer (Model 175)
- On-off switch (Model 200)
- 21. Pump bowl
- 22. Diaphragm
- 23. Diaphragm reinforcing plates (2)
- 24. Diaphragm retaining ring
- 40. Valve only
- 46. Suction hose adaptor flange
- 90. Suction elbow
- 110. Top cover (fiberglass)
- 112. Side panels (fiberglass)
- 120. Adaptor (male)
- 121. Adaptor (female)

* These items are available as assemblies only

MODEL 150: COIN OPERATED
 MODEL 175: TIMED ON - OFF CONTROL
 MODEL 200: STANDARD, EXPLOSION PROOF

OVERALL DIMENSIONS

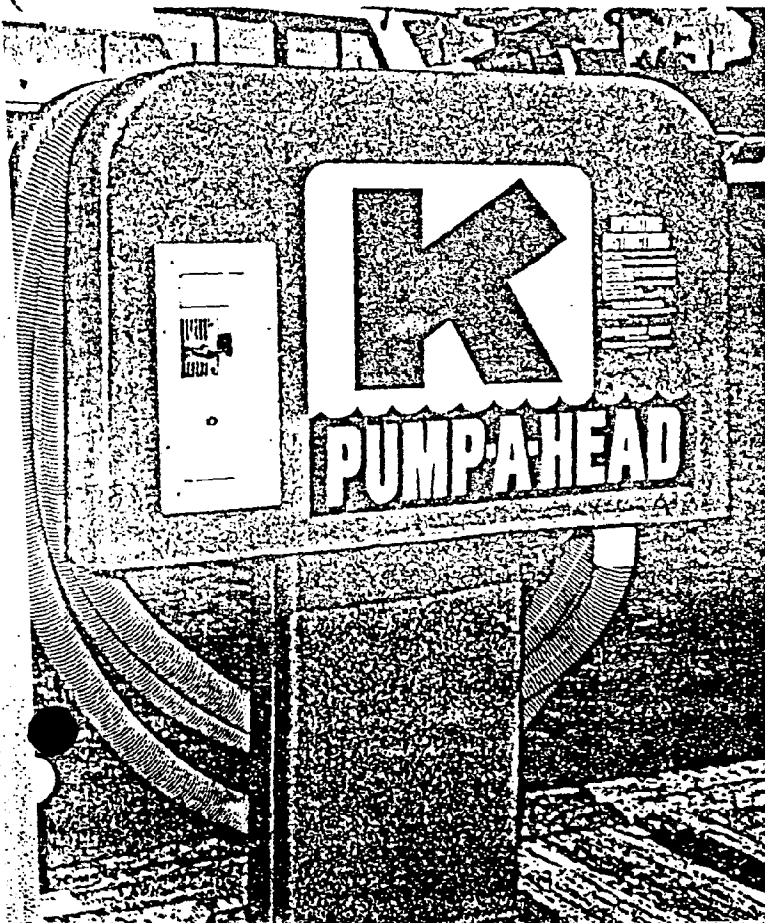
Height 45 inches
 Length 37 inches
 Width 15 inches

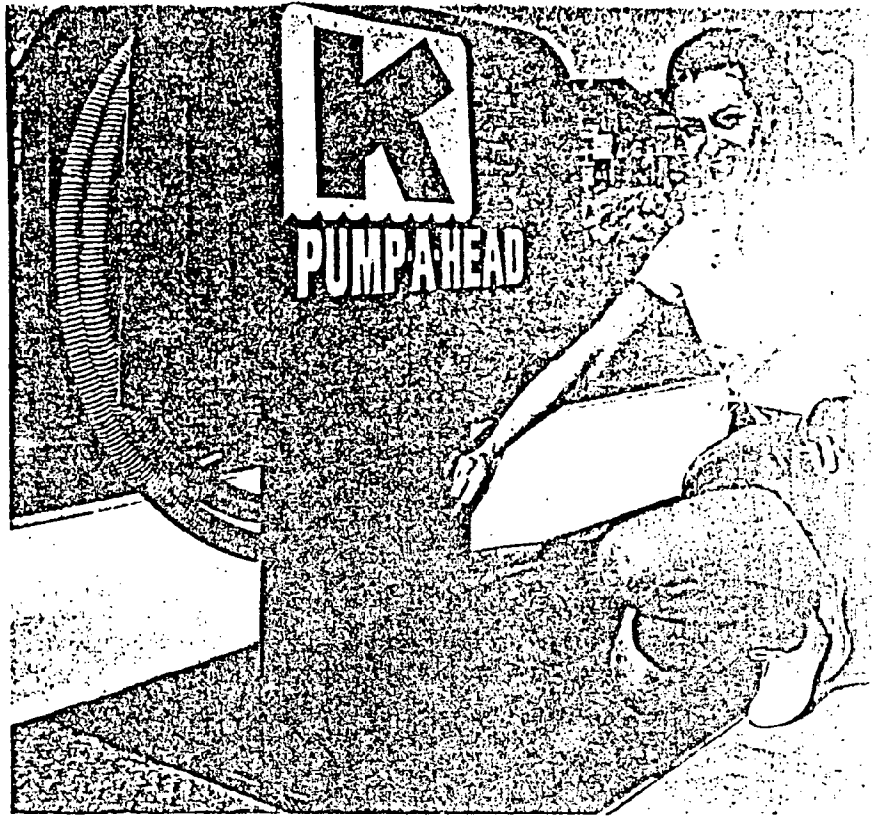
SHIPPING WEIGHT

Approximately 165 pounds

KENTON EQUIPMENT COMPANY

Marine Division
 1222 Knoxville Street
 San Diego, CA 92101





KENTON EQUIPMENT COMPANY

PUMP-A-HEAD PERFORMANCE

DISCHARGE PERFORMANCE — The discharge performance of Pump-A-Head depends on the length of the discharge piping (distance), the size and type of pipe used, and the height the fluid must be lifted before it discharges under atmospheric pressure into a sewer line, wet well, or storage tank.

To determine how well the Pump-A-Head will meet your application, measure the total length of discharge piping and the height above the pump that the fluid must be raised. Refer to the height-distance table and find your distance. The corresponding height in the table is the recommended maximum. As long as your height is less than the maximum determined, the Pump-A-Head will provide satisfactory performance with a pumping rate of fifteen gallons per minute. (See example below)

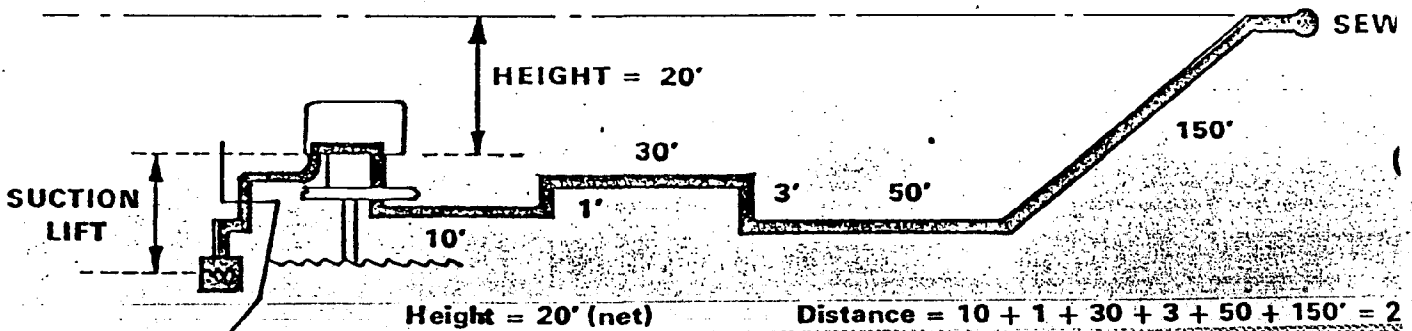
SUCTION PERFORMANCE — The Pump-A-Head will lift fluid maximum height of 25 feet, providing there are no air leaks in suction system. The time necessary to draw the fluid from the tank to the pump will increase as suction height increases.

| | | |
|-------|--------|-------------------------|
| 40 ft | 300 ft | Max. Allowable Distance |
| 30 ft | 400 ft | |
| 20 ft | 500 ft | |
| 10 ft | 600 ft | |

Note: The height-distance table is correct for most types of pipe. If 2" pipe is used, multiply the distance in the table by Discharge pipe size below 1 1/2" is not recommended.

EXAMPLE

Referring to the table, the closest listed distance is 300ft with a corresponding maximum height of 40 ft. Since only 20 ft of lift is required, the Pump-A-Head's performance is well within the requirements.



SOUTHWEST HARBOR

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$11,621

| | | |
|-------------------------------------|--|------------------|
| <input checked="" type="checkbox"/> | Preservation or Restoration | Federal: \$5,811 |
| <input type="checkbox"/> | Redevelopment of Urban Waterfronts and Ports | State: _____ |
| <input type="checkbox"/> | Public Access | Local: \$5,811 |

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigation actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- | | | | |
|---|--|-----------------|-----------|
| 1. This action or group of actions would have a significant effect on the quality of the human environment. | No <input checked="" type="checkbox"/> | Uncertain _____ | Yes _____ |
| 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. | No <input checked="" type="checkbox"/> | Uncertain _____ | Yes _____ |

B. Evaluation of exceptions to actions within Categorical Exclusion:

- | | | | |
|---|--|-----------------|-----------|
| 1. This action would have significant adverse effects on public health or safety. | No <input checked="" type="checkbox"/> | Uncertain _____ | Yes _____ |
| 2. This action will have highly controversial environmental effects. | No <input checked="" type="checkbox"/> | Uncertain _____ | Yes _____ |
| 3. This action will have highly uncertain environmental effects or involve unique or unknown environ- | No <input checked="" type="checkbox"/> | Uncertain _____ | Yes _____ |

4. The specific impact of the project on the following resources:

| | | | |
|-------------------------------------|--|--------------------------------|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained, please attach to the application.

SOUTHWEST HARBOR

Environmental Review

B. Federal Executive Orders 11988 and 11990

The project is not located in a 100 year floodplain or in a wetland.

SOUTHWEST HARBOR

Federal and State Permits/Federal Consistency

- a. An application is currently under review at the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection. Although the project will not actually be located in the wetland area, the nature of the development called for a precautionary review of the proposed installation plan by review agencies.
- b. The project is consistent with Maine's Coastal Program.

SOUTHWEST HARBOR

Proof of Ownership

CERTIFICATION OF PUBLIC OWNERSHIP

September 29, 1987

Re: Manset Dock Pollution Abatement Facility

I am currently the attorney for the town of Southwest Harbor, Maine and have been requested by Eric Swanson to determine record ownership for the parcel of property on which the above referenced project will be constructed, for a sewerage pump station to be located on the Manset dock.

After thoroughly examining the public land records in accordance with state law, I hereby certify that marketable title to the property described above is held by the Town of Southwest Harbor.

Additional Comments: None

Sandra Hylander Collier

Sandra Hylander Collier

J. L. STANLEY & SONS Co.
(By Treas.)
at Southwest Harbor

-TO-

INHABITANTS OF
SOUTHWEST HARBOR

Book 660

Page 341

Warranty Deed.
Consideration \$1. &c.

Dated Mar. 3, 1939
Recorded Sept. 18, 1939

DESCRIPTION:

A certain lot of land at Manset in Southwest Harbor bounded as follows:-Beginning on the easterly side of Shore Road so-called, at the southwest corner of a lot conveyed by Isaac F. Stanley et als to Theresa M. Bond et als, by deed dated November 21, 1929, and recorded in Book 628, Page 316 of the Hancock County Maine, Reg. of Deeds, thence southerly following the easterly line of said road, one hundred one feet to a point twelve feet northerly from the northerly side of the ice-house, known as Stanley's ice-house; thence easterly and parallel to and twelve feet distant northerly from said northerly side of said ice-house, to the water; thence northerly by the water to the southerly line of the lot hereinabove mentioned as conveyed by Isaac F. Stanley et als to Theresa M. Bond et als; thence south forty-one degrees thirty minutes west, passing through bounds erected on September 9, 1929 to the place of beginning.

This conveyance is made subject to such restrictions described in a deed from J. L. Stanley & Sons Company to C. W. Marion and P. C. Parkhurst, dated October 10, 1927, and recorded in said Registry in Book 614, Page 506, as are pertinent thereto. Also subject to the rights of the heirs and assigns of Eldora F. Ward to maintain a sewer across said property hereinabove described.

Manset Town Hall
114 K13.

BAR HARBOR

Harbor Park Development

\$40,000

Project Description

The Town of Bar Harbor is located on Mount Desert Island, home of the Acadia National Park, and one of the most frequently visited areas in Maine. The Harbor Park will occupy a newly created site along Bar Harbor's downtown harborfront in the Town's central business district. Several years ago, the Town completed a Coastal Planning Grant project which recommended the construction of a new retaining wall to support the existing harborside wall which is near collapse. The construction of the new wall, to be completed this fall, will create a surface (20ft by 250ft) which is ideally suited to development as a harborfront park. Its location, on the harbor adjacent to the Town's busy public wharf facility, will provide a safe, attractive destination point from which the public can observe the harbor activities of fishing boats, pleasure craft, ferries and sightseeing boats and, occasionally, large cruise ships such as the QE2.

Scope

The Town proposes to construct a 20 ft. by 250 ft. park which will be designed to resemble a wharf with timber decking and benches. Surrounding the deck section of the park, will be paved access walkways and a heavy timber railing. The site will be selectively landscaped with trees and raised planters. The Town will provide a 125% match to the grant funds request.

Eligibility

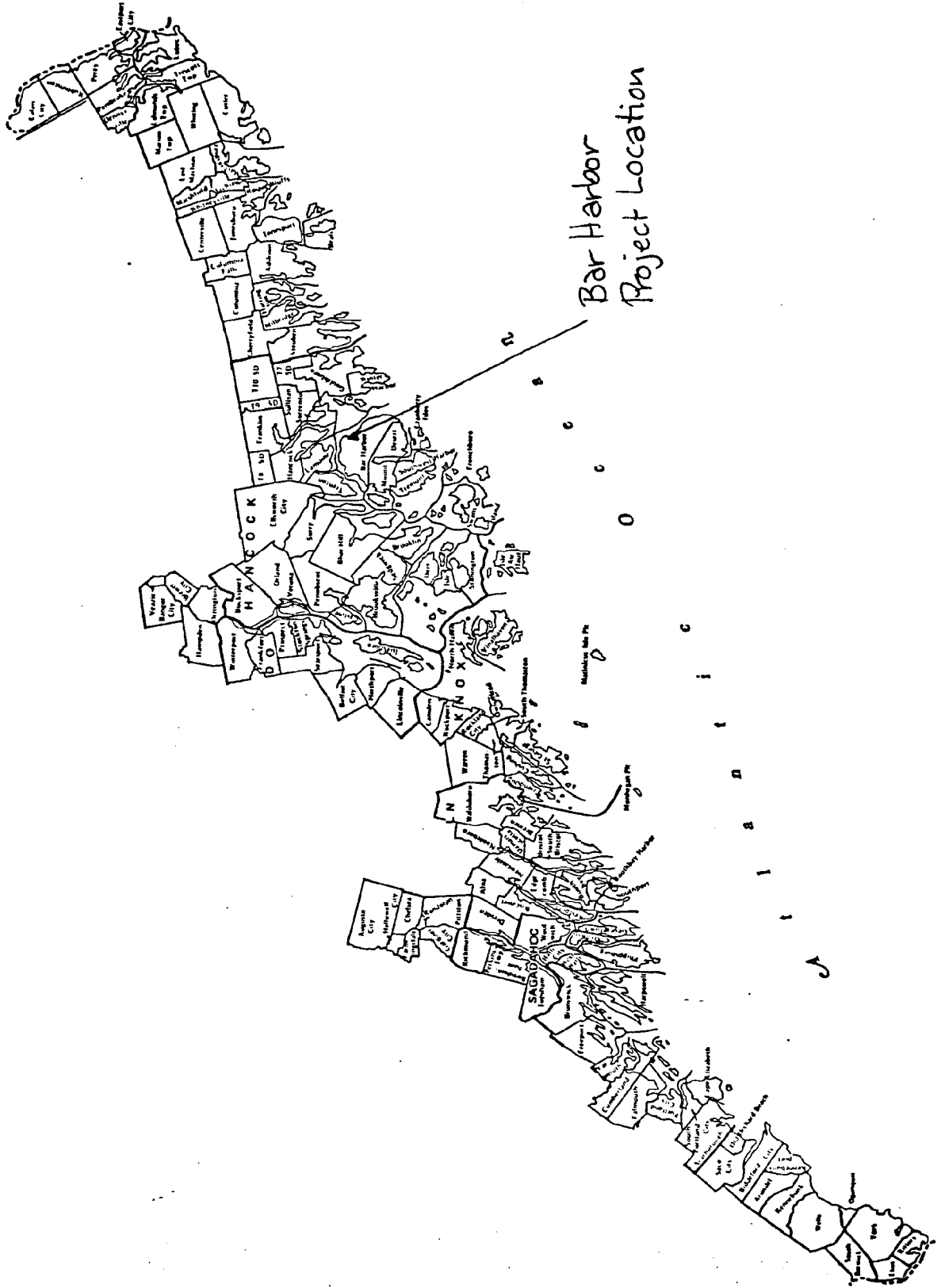
The project meets the eligibility requirements of Section 306 A (b)(3).

Budget

| | <u>COASTAL FUNDS</u> | <u>LOCAL MATCH</u> | <u>TOTAL</u> |
|---------------------------------------|--------------------------|------------------------|--------------|
| Subgrade Preparation & Gravel | | | |
| Base - 4,000 c.y. @ \$2.00 | ---- | \$ 8,000 | \$ 8,000 |
| Asphalt Paving - 250 s.y. @ \$8.00 | ---- | 2,000 | 2,000 |
| Sidewalk Surface - 2,400 s.f. @\$6.00 | ---- | 14,400 | 14,400 |
| Timber Deck - 2,300 s.f. @ \$8.00 | \$18,400 | --- | 18,400 |
| Granite Curbing - 220 ft @ \$30.00 | ---- | 6,600 | 6,600 |
| Rail - 230 LF @ 47.50 | ---- | 10,925 | 10,925 |
| Lighting - 4 poles @ \$1,000 | 4,000 | --- | 4,000 |
| Raised Wooden Planters - Lump Sum | 7,000 | --- | 7,000 |
| Trees - Lump Sum | 2,000 | --- | 2,000 |
| Benches - 5 @ \$1,000 | 5,000 | --- | 5,000 |
| Sign, Trash Receptacles, etc. | 3,600 | --- | 3,600 |
| Design Fee | <u>----</u> | <u>8,075</u> | <u>8,075</u> |
| TOTAL | \$40,000 | \$50,000 | \$ 90,000 |

BAR HARBOR

Site Location Maps and Project Design



Bar Harbor
Project Location

T
E
N
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E
E



MEAN LOW WATER EL. 0.0

MEAN SEA LEVEL EL. 5.0

MEAN HIGH WATER EL. 10.5

MEAN HIGH SPRING TIDE EL. 12.5

FRENCHMANS
BAY BOATING
COMPANY

FUEL TANK BUNKER
TO BE REMOVED

PROPOSED RETAINING WALL

PROPOSED FILL

EXISTING GRANITE RETAINING WALL

GRANITE CURB

SIDEWALK

WEST STREET

PROJECT PLAN

BAR HARBOR
HANCOCK COUNTY, MAINE
APPLICATION BY:
JUNE, 1986
TOWN OF BAR HARBOR
BAR HARBOR, MAINE

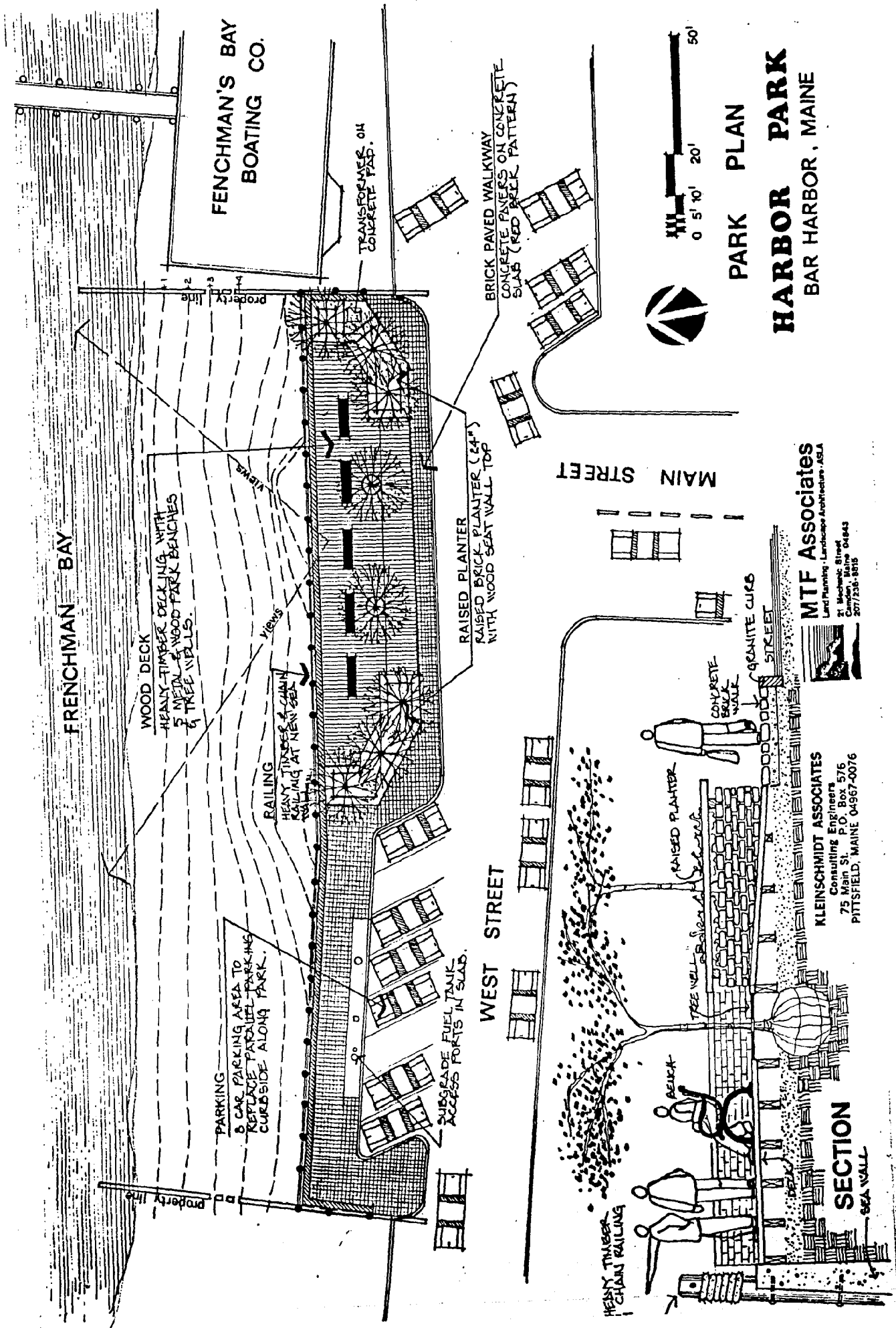


feet

scale

ALL ELEVATIONS BASED ON MEAN LOW WATER

FIG.



FENCHMAN'S BAY
BOATING CO.

TRANSFORMER ON
CONCRETE PAD.

BRICK PAVED WALKWAY
CONCRETE PANELS ON CONCRETE
SLAB (RED BRICK PATTERN)

0 5' 10' 20' 50'

PARK PLAN

HARBOR PARK
BAR HARBOR, MAINE

FRENCHMAN BAY

WOOD DECK

HEAVY-TIMBER DECK JIG WITH
5 METAL & WOOD PARK BENCHES
& TREE WELLS.

RAILING
HEAVY TIMBERS & CHAIN
RAILING AT NEW SEA
WALL

RAISED PLANTER
RAISED BRICK PLANTER (24")
WITH WOOD SEAT WALL TOP

MAIN STREET

CONCRETE
SEAL
WALK

GRANITE CURB
STREET

MTF Associates
Landscape Architecture, ASLA

21 Mechanic Street
Canaan, Maine 04843
807/238-8818

KLEINSCHMIDT ASSOCIATES
Consulting Engineers

75 Main St., P.O. Box 576
PITTSFIELD, MAINE 04967-0076

WEST STREET

RAISED PLANTER

TRIE WELLS

HEAVY TIMBERS
& CHAIN
RAILING

SECTION

SEA WALL

BAR HARBOR

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$ 90,000

- Preservation or Restoration
- Redevelopment of Urban Waterfronts and Ports
- Public Access

Federal: \$ 40,000
 State: _____
 Local: \$ 50,000

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- | | | | |
|---|--|------------------------------------|------------------------------|
| 1. This action or group of actions would have a significant effect on the quality of the human environment. | No <input checked="" type="checkbox"/> | Uncertain <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. | No <input checked="" type="checkbox"/> | Uncertain <input type="checkbox"/> | Yes <input type="checkbox"/> |

B. Evaluation of exceptions to actions within Categorical Exclusion:

- | | | | |
|--|--|------------------------------------|------------------------------|
| 1. This action would have significant adverse effects on public health or safety. | No <input checked="" type="checkbox"/> | Uncertain <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2. This action will have highly controversial environmental effects. | No <input checked="" type="checkbox"/> | Uncertain <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. | No <input checked="" type="checkbox"/> | Uncertain <input type="checkbox"/> | Yes <input type="checkbox"/> |

4. The specific impact of the project on the following resources:

| | | | |
|-------------------------------------|--|--------------------------------|--------------------------------------|
| a) beaches and dunes | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| b) wetlands* | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| c) estuarine areas | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| d) wildlife habitat | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| e) barrier islands | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| f) wild or scenic river | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| g) reefs | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| h) threatened or endangered species | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| i) floodplains | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |
| j) other unique resources | None <input checked="" type="checkbox"/> | Minor <input type="checkbox"/> | Significant <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained please attach to the application.

BAR HARBOR

Environmental Review

B. Federal Executive Orders 11988 and 11990

The park is not located in a floodplain or in a wetland.

BAR HARBOR

Federal and State Permits/Federal Consistency

- a. No permits are required for the park development project. The proper permits were obtained for the seawall expansion on which the park will be developed. These permits are on file in our Office.
- b. The project is consistent with Maine's Coastal Program.

BAR HARBOR

Proof of Ownership

BERNARD C. STAPLES
ATTORNEY AT LAW
P. O. BOX 237
BAR HARBOR, MAINE 04609

RECEIVED

SEP 25 1987

TOWN OF BAR HARBOR

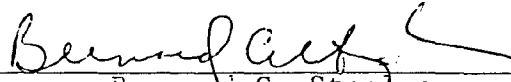
CERTIFICATE OF PUBLIC OWNERSHIP

September 25, 1987

Re: Harbor Park - West Street, Bar Harbor, Maine

I am currently the attorney for the Town of Bar Harbor, County of Hancock, Maine, and having been requested to determine the record ownership for the parcel of property on which the above referenced project will be constructed, to wit, a certain lot or parcel of land situated in the Town of Bar Harbor, Hancock County, Maine, northerly of West Street and being that certain parcel of land conveyed to the Town of Bar Harbor by Frenchmans Bay Boating Company by deed dated May 18, 1987 and recorded in Book 1636, Page 238 of the Hancock County, Maine, Registry of Deeds, and also that certain parcel of land conveyed to the Town of Bar Harbor by deed of the Maine Central Railroad, dated December 7, 1934 and recorded in Book 647, Page 83 of said Registry of Deeds. Excepting, however, that part of the above described property conveyed by the Town of Bar Harbor to Frenchmans Bay Boating Company, dated May 18, 1987 and recorded in Book 1636, Page 240 of said Registry of Deeds.

After thoroughly examining the Public Records or other appropriate records, in accordance with the Standards of the Maine State Bar Association, I hereby certify that marketable title to the property described above is held by the Town of Bar Harbor, subject to the provisions of a certain Lease Agreement by and between the Town of Bar Harbor and Frenchmans Bay Boating Company, dated August 4, 1987 whereby the Town of Bar Harbor leased the right to install two underground fuel storage tanks upon the above described property.


Bernard C. Staples

MACHIAS

Machias Riverfront Park South Side Shorepath \$24,000

Project Description

The Machias Riverfront Park encompasses land on both sides of the Machias River and the scenic Bad Little Falls. In 1980 and 1982, the Town used Coastal Planning funds to develop the Machias River Waterfront Plan and the design and engineering plans necessary to begin Park construction. The Town has now successfully completed Phases I and II of the Park development plan using Waterfront Action Grant funds. The results have transformed an unattractive area of old bridge abutments and decaying mill foundations into an inviting series of observation decks overlooking Bad Little Falls with a footbridge that provides access to the existing picnic/park area on the south side of the River. The Park has become a centerpiece for downtown Machias which is undergoing total revitalization with a Community Development Block Grant. The current proposal will implement Phase IV of the Park development plan by creating a walking/jogging path along the south side of the river on top of the sewer easement from the picnic area to the base of a Town road. This path will complete a loop from the downtown area through the Park to the neighborhood on the south side of the River.

Scope

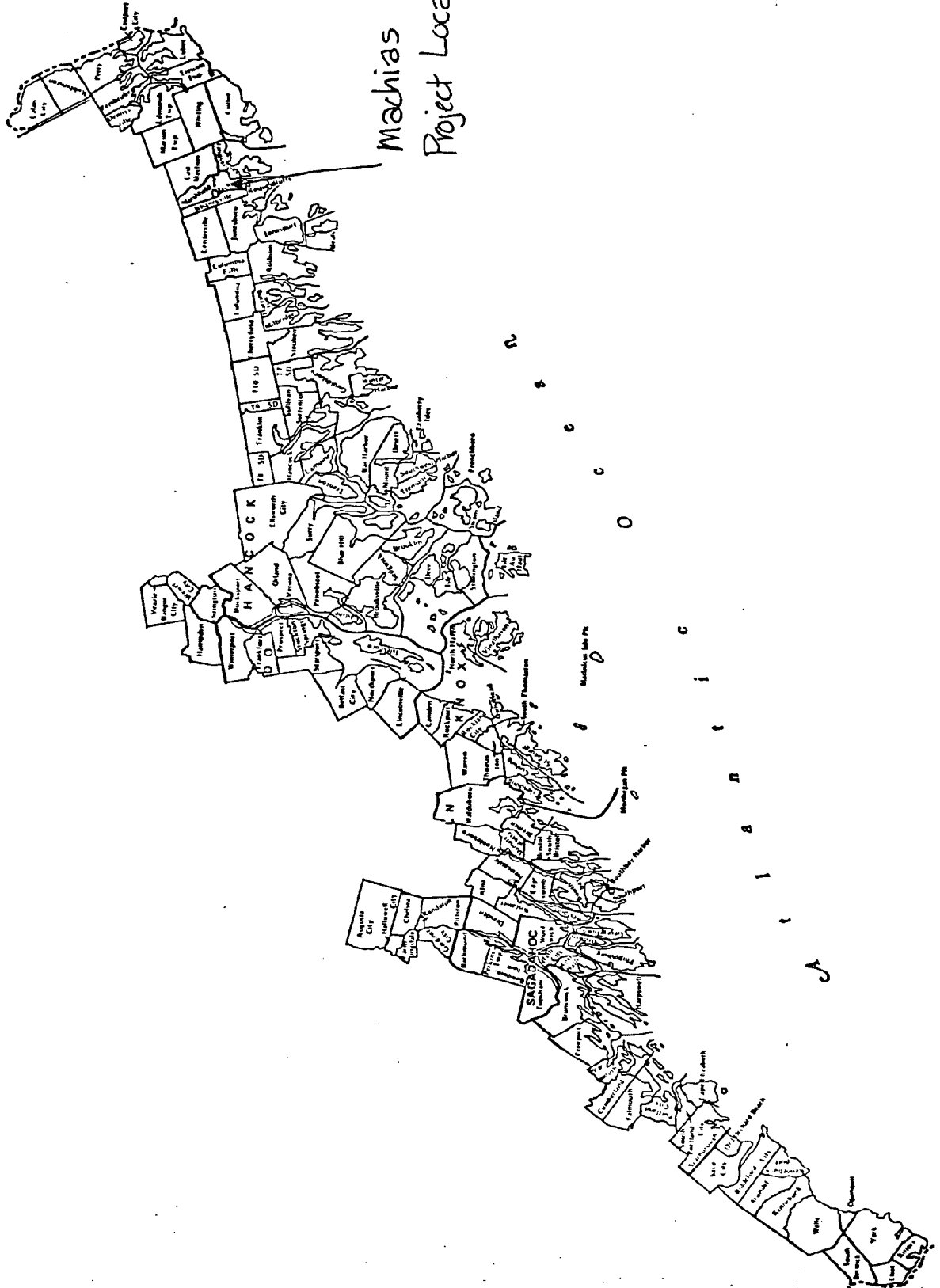
The Town proposes to:

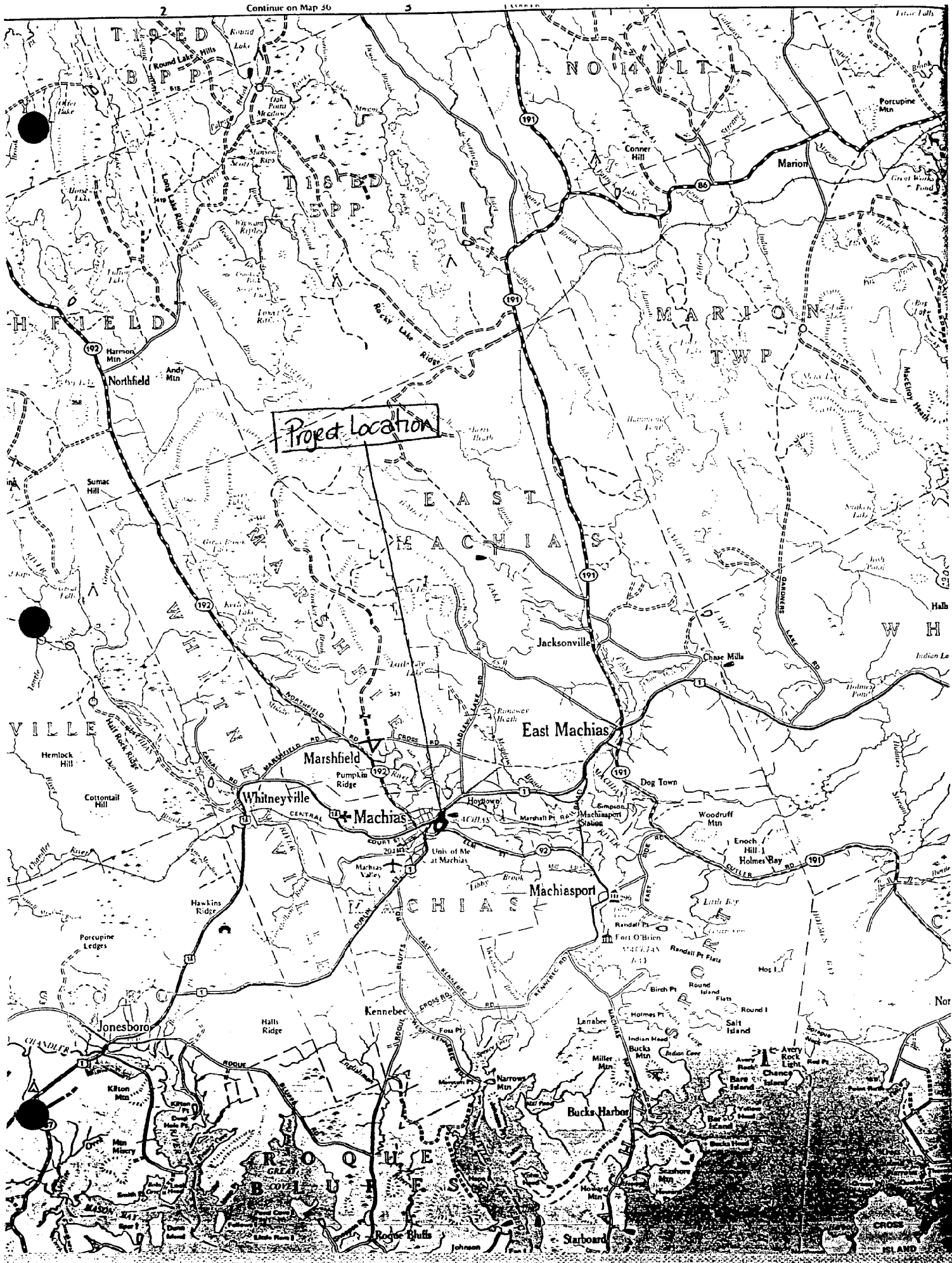
- 1) construct a pathway along the sewer easement from the picnic area to the bottom of Lincoln Street on the south side of the River;
- 2) place benches along the pathway;
- 3) install swings and playground equipment in the park area by the Falls;
- 4) install childproof fencing around critical areas of the Park such as the observation decks and around areas of picnic/park area on the south side; and
- 5) selectively thin areas around the Falls and along the south side pathway and plant wildflowers in several locations.

MACHIAS

Site Location Maps and Project Design

Machias
Project Location





Project Location

H F I E L D

N O R T H

M A R I O N

E A S T M A C H I A S

V I L L E

East Machias

Machias

Machiasport

Jonesboro

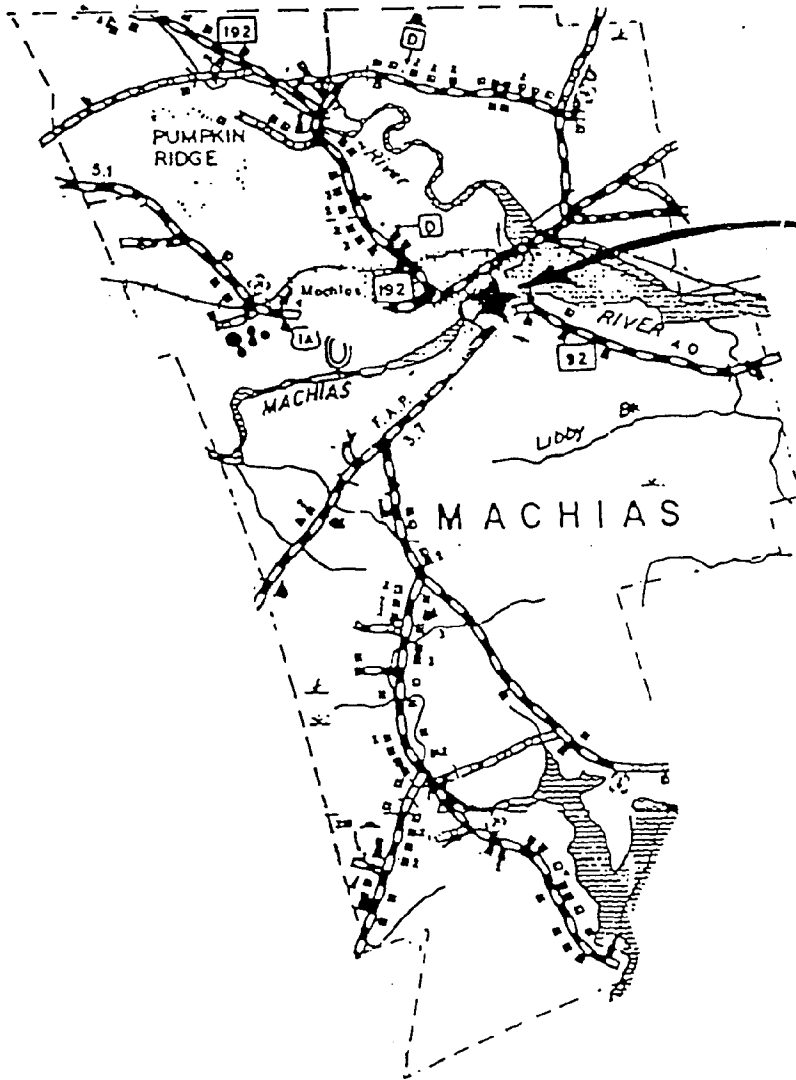
Kennebec

Bucks Harbor

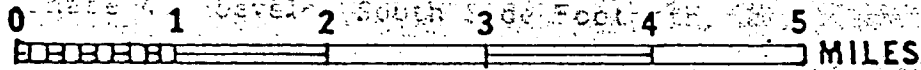
R O C K E S

Starboard

C R O S S I S L A N D



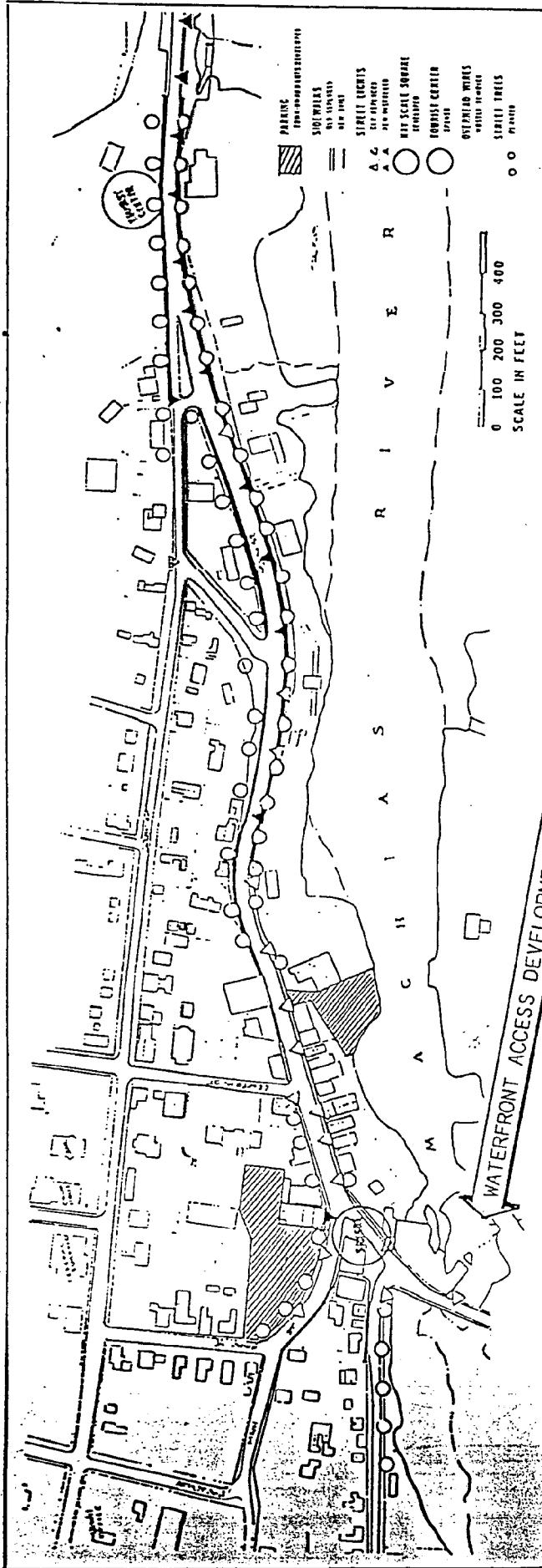
PROJECT LOCATION



Washington County
REGIONAL PLANNING COMMISSION

27

REVITALIZING MACHIAS DOWNTOWN



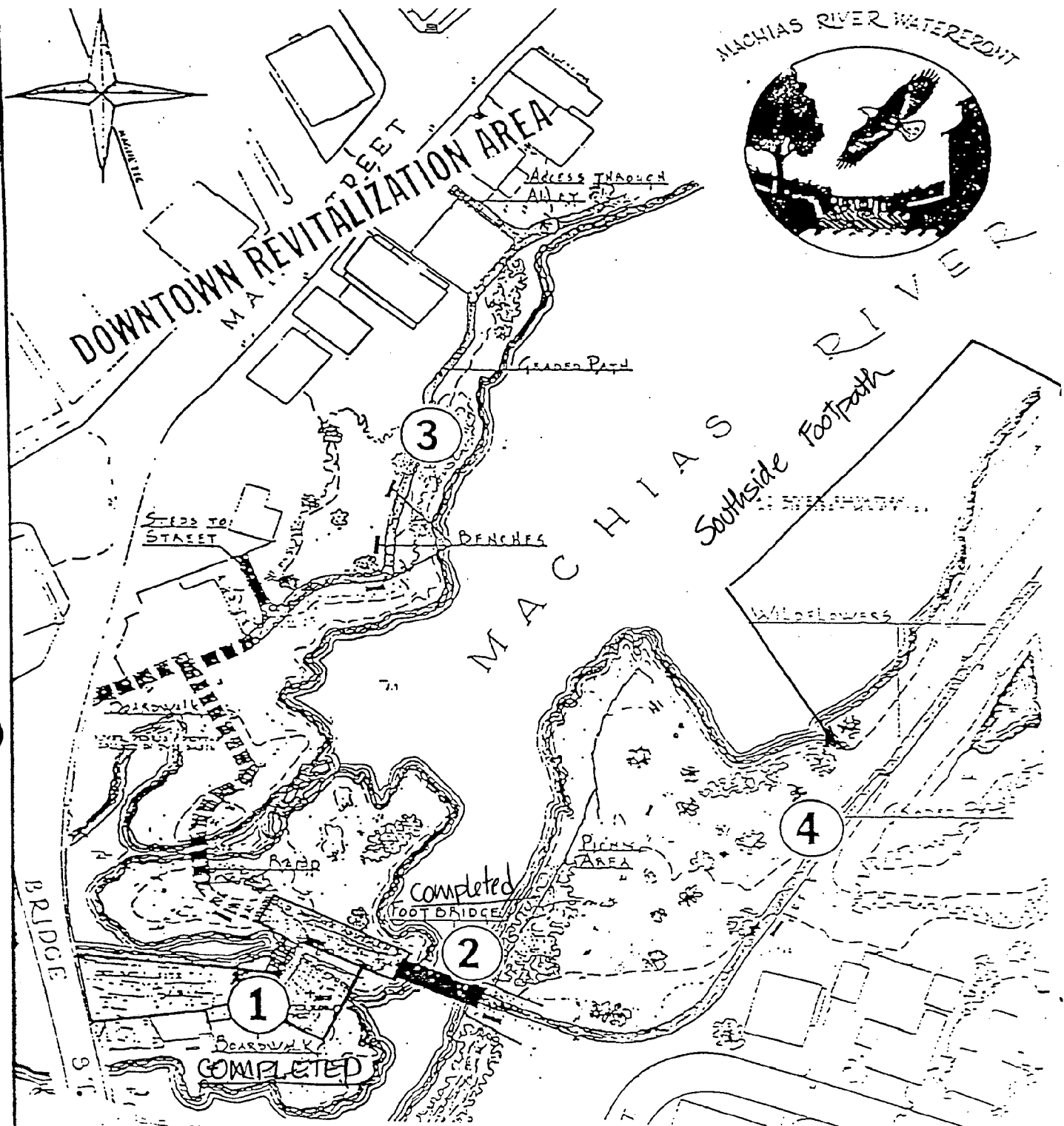
YEAR 1

- ACQUIRE PROPERTY FOR PARKING
- DEVELOP COLONIAL PARKING
- REPLACE OLD SIDEWALKS
- CONSTRUCT NEW SIDEWALKS
- REPAIR HIGHWAYS
- CLEAN UP OVERHEAD WIRING
- ADD STREET LIGHTS
- PLAN RE-USE OF OLD POST OFFICE

YEAR 2

- SET UP REVOLVING LOAN FUND
- CONTROL EROSION
- DEVELOP WATERFRONT PARKING
- CONSTRUCT WAY SCALE SQUARE
- OPEN TOURIST CENTER
- PLANT STREET TREES
- EXPAND HISTORIC TAVERN SITE
- BUILD GOVERNMENT CENTER WALK
- REHABILITATE HOUSING

This map shows the relationship of the access development project to the Town's Community Development Block Grant Project.



- WATERFRONT ACCESS DEVELOPMENT PLAN**
- Completed Phase 1: Construct overlook access across mill foundations.
 - Completed Phase 2: Construct footbridge.
 - Not Feasible Phase 3: Develop walkway along North Side of River connecting Downtown Parking Lot.
 - Current Application Phase 4: Develop South Side Footpath.

MACHIAS

Environmental Review

A. Categorical Exclusion Checklist

CATEGORICAL EXCLUSION CHECKLIST

TOTAL COST OF PROJECT: \$36,000.00

| | | |
|----------|---|---------------------------|
| <u>x</u> | Preservation or Restoration | Federal: <u>24,000.00</u> |
| <u>x</u> | Redevelopment of Urban Waterfronts and Ports | State: _____ |
| <u>x</u> | Public Access | Local: <u>12,000.00</u> |

DESCRIPTION OF PROJECT: Attach description of project to include siting information (area to be impacted), project design, materials to be used.

INSTRUCTIONS: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None," then the action(s) meet the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is checked "Yes" or "Significant," then an EA may be required unless: 1) additional information is provided stating why the applicant believes an EA is not required, or 2) there is no doubt that an environmental impact statement (EIS) is required. If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A. Evaluation of criteria for Categorical Exclusion:

- | | | | |
|---|-------------|-----------------|-----------|
| 1. This action or group of actions would have a significant effect on the quality of the human environment. | No <u>X</u> | Uncertain _____ | Yes _____ |
| 2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. | No <u>X</u> | Uncertain _____ | Yes _____ |

B. Evaluation of exceptions to actions within Categorical Exclusion:

- | | | | |
|--|-------------|-----------------|-----------|
| 1. This action would have significant adverse effects on public health or safety. | No <u>X</u> | Uncertain _____ | Yes _____ |
| 2. This action will have highly controversial environmental effects. | No <u>X</u> | Uncertain _____ | Yes _____ |
| 3. This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. | No <u>X</u> | Uncertain _____ | Yes _____ |

4. The specific impact of the project on the following resources:

| | | | | | | |
|-------------------------------------|------|-------------------------------------|-------|--------------------------|-------------|--------------------------|
| a) beaches and dunes | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| b) wetlands* | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| c) estuarine areas | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| d) wildlife habitat | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| e) barrier islands | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| f) wild or scenic river | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| g) reefs | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| h) threatened or endangered species | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| i) floodplains | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |
| j) other unique resources | None | <input checked="" type="checkbox"/> | Minor | <input type="checkbox"/> | Significant | <input type="checkbox"/> |

5. This action is related to other actions with individually insignificant but cumulatively significant effects. No Uncertain Yes

6. This action will affect properties listed in the National Register of Historic Places or otherwise protected by section 106 of the National Historic Preservation Act or a similar State Preservation Act. Include SHPO clearance. No Uncertain Yes

7. Condemnation is required for the purchase of property (attach list of names and addresses of property owners if possible). No Uncertain Yes

8. The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act. No Uncertain Yes

9. The project is located in a designated floodway or "V" zone on a NFIP Floodway Map. No Uncertain Yes

10. This action is inconsistent with Federal, State (both CZM and other), local or tribal law or requirements imposed for protection of the environment.** No Uncertain Yes

* If a U.S. Army Corps of Engineers permit has been obtained, please attach a copy of the permit and a copy of their environmental assessment if one was prepared.

** Please list permits required and their status. If permits have been obtained, please attach to the application.

MACHIAS

Environmental Review

B. Federal Executive Orders 11988 and 11990

See attached public notices and articles published in the local newspaper in compliance with the required public review process. You will note that the entire park development plan was reviewed at one time although the project described here represents Phase IV of the plan.



TOWN OF MACHIAS

TOWN OFFICE

70 COURT STREET - P. O. BOX 418
MACHIAS, MAINE 04654



September 18, 1987

COMPLIANCE WITH FEDERAL EXECUTIVE ORDERS 11988 and 11990

This portion of the Machias River Waterfront Project is not within a flood plain or wetland. The site is included in a "Zone A" on the 1976 interim flood hazard boundary map only because the map is of such a small scale that areas of this size can not be indicated. The flood insurance rate maps will not include this site in a designated zone.

The project site is at elevations of 26 feet to 24.4 feet. F.E.M.A. recommends that new construction in the flood plain be at or above 14.7 feet. All work on this portion of the project will be from 11.3 to 19.7 feet above the F.E.M.A. recommended elevation.

The current project does not require a wetlands permit. The Maine Department of Environmental Protection has determined that the footbridge (Phase II) will not require a wetlands permit. However, some portions of Phase III will require a permit. We therefore initiated last year, the eight-step executive order compliance procedure for all 4 phases of the project:

| | |
|-----------|------------------------------|
| Phase I | Overlook Access and Overlook |
| Phase II | Bad Little Falls Footbridge |
| Phase III | Northside shorepath |
| Phase IV | Southside shorepath |

Newsclippings attached.

Machias Valley

WEDNESDAY NOVEMBER 19, 1986

News Observer

TOWN OF MACHIAS
PUBLIC NOTICE
BAD LITTLE FALLS
PARK ACCESS

The Selectmen of the Town of Machias will meet on December 2, 1986 at 7 p.m. in the Town Office located at 70 Court Street, Machias.

A footbridge will be constructed across the Machias River on the existing abutments at the foot of Elm Street and directly across the river from the first abutment.

A riverside footpath will be developed along the southside and the North side of the river, providing access across the old mill foundations.



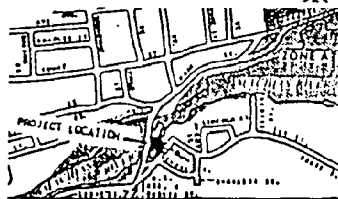
Omitted by newspaper,
see attached newsclipping

Because the footbridge will be constructed at the former site of bridge locally known as "The Old Iron Bridge", the project will be located within a coastal wetland and floodplain area.

The project will be constructed in such a way to mitigate environmental impacts.

Interested parties are invited to submit comments to Linda S. Pagels, Director, Community Development Department, P.O. Box 418, Machias, Maine 04654.

For additional information, contact Linda S. Pagels by calling (207) 255-4649.



TOWN OF MACHIAS, ME

LEGAL NOTICES

WEDNESDAY NOVEMBER 26, 1986

TOWN OF MACHIAS PUBLIC NOTICE BAD LITTLE FALLS PARK ACCESS

The Selectmen of the Town of Machias will meet on December 2, 1986 at 7 p.m. in the Town Office located at 70 Court Street, Machias.

A footbridge will be constructed across the Machias River on the existing abutments at the foot of Elm Street and directly across the river from the first abutment.

A riverside footpath will be developed along the southside and the North side of the river, providing access across the old mill foundations.

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For additional information, contact Linda S. Pagels by calling (207) 255-4649. (10)



TOWN OF MACHIAS, ME (10)

Selectmen to discuss Bad Little Falls project

By Herb Cleaves
Down East Bureau

MACHIAS—The Bad Little Falls Access Project, a four-phase program designed to make the Machias tidal basin accessible to residents and tourists, will be discussed by the Board of Selectmen at 7 p.m. Tuesday, Dec. 2, at the town office.

Linda S. Pagels, director of community development, said Monday that plans were being made to construct an "overlook access" at the site of the former Grain Mill, a landmark that was razed in the early 1970s. The overlook, an area restricted to pedestrian traffic, would be built with money from a \$20,000 grant the town expects to receive from the Maine Coastal Program.

In July, town officials were noti-

fied that Machias would receive \$20,000 from the grant program to apply to its Waterfront Improvement Project. Town planners applied for \$50,000, the maximum amount of money provided under the grant program. The Maine Coastal Program is supported by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management.

Pagels said that if a new grant proposal were approved by the Maine Coastal Program, money would be made available to start Phase II of the waterfront project, construction of a footbridge over the foot of Bad Little Falls. That proposal will be delivered to the State Planning Office before Dec. 6, she said.

See **SELECTMEN** on Page 8

Selectmen to discuss Bad Little Falls project

● from page 1

If the application for an added \$50,000 were approved, planners would attempt to develop visual access to the waterfront from Main Street by acquiring and demolishing certain structures. An optional plan would be to build a boardwalk from the north end of the overlook to the Main Street area in the business district.

Phase III of the project would be the development of a walkway and placement of benches along the north side of the tidal basin. Phase IV would focus on a footpath on the south side of the basin.

"The top priority of the entire program would be to provide public access to the waterfront," Pagels said.

The community development director said that had the original application for \$50,000 been approved, work might have begun immediately on the footbridge and the footpath on the north side of the basin.

"We questioned whether construction of a footbridge without approaches would have provided safe passage in the area," she said. "By building an overlook with access to the highway bridge, we will be providing a safe spot for people to come and get a good look at the area that eventually will be developed."

In a background report, Pagels said local efforts to improve the Machias waterfront began in 1979 with the formation of a Waterfront Redevelopment Committee. The committee recognized the value of the Bad Little Falls area, noting that much of it was no longer accessible because of the deterioration of accessways. After a \$830,000 Community Development Block Grant was awarded in 1985 to improve the business district, some planners turned their attention again to the waterfront, she said.

Harris Hyman, an engineer and surveyor for Design Works, a local planning group, described how the waterfront project might be carried out. The footpath system would start at Bad Little Falls Park and follow the embankment of the sewer line along the south side of the tidal basin to a point at the base of a hill off Lincoln Street. There, it would end in a circle.

At the falls, the footpath would extend across the new footbridge to the islands in the Machias River. Access would be provided between the old Elm Street bridge abutment and boardwalks to Bridge Street (Route 1) and the Greenbelt Park on the north side of the Machias River.

Other improvements would in-

clude the scattered planting of wild flowers along the footpath and around O'Brien Cemetery. The hillside on the southwest corner of the cemetery would be terraced with railroad ties and planted with flowers. A flower garden would be developed in the area at the base of the hill off Lincoln Street.

Also, benches would be placed at convenient resting places as well as at scenic areas along the footpath, the park on the islands, and along the Greenbelt Park on the north side of the river. Picnic tables would be placed in Bad Little Falls Park and along the Greenbelt Park. Child-proof fences would be placed in appropriate areas.

Pagels said Phase I would address the safety hazards created by the abandoned mill foundations by turning the area into an overlook park.

"The actual construction plan... will consist of repairing one retaining wall, and removing debris from a gully adjacent to the foundations," she said. "Earth areas atop the foundations will be graded, some concrete surfaces will be repaired and others areas will be decked over with pressure-treated lumber. Steps will be constructed to link the various levels. Fencing will be installed

around the perimeters of the project."

People who are interested in the project should submit comments to Linda S. Pagels, director, Department of Community Development, Box 418, Machias 04654, or call 255-4649.

MACHIAS

Federal and State Permits/Federal Consistency

- a. No permits are required for the proposed development.
- b. The project is consistent with Maine's Coastal Program.

MACHIAS

Proof of Ownership

CERTIFICATE OF PUBLIC OWNERSHIP

October 7, 1987

Re: Project name specifically referenced to South Side Shorepath grant package submitted to OCRM on 9/9/87.

I am currently the attorney for the Town of Machias, Maine and have been requested by Linda S. Pagels, Community Development Director, to determine record ownership for the parcel of property on which the above referenced project will be constructed, Map 12, Lot 15.

After thoroughly examining the public land records or other appropriate records in accordance with State of Maine law, I hereby certify that marketable title to the property described above is held by the Town of Machias.

Additional Comments: The above property is subject to easements in favor of New England Telephone and Telegraph Company and Bangor Hydro-Electric Company.

The premises are more particularly described in a deed from John Worcester to the Inhabitants of the Town of Machias, dated October 30, 1973 and recorded in the Washington County Registry of Deeds in Book 816, Page 218. This title opinion assumes that the property described in the aforesaid deed is the same as that described by Map 12, Lot 15 on the town tax maps. A survey is the only way to confirm this assumption.


John V. Romei

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