



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

April 26, 2021

Regulatory Division
File Number: NAE-2021-00314

Tony Panciocco
Atlantic Resource Consultants
541 U.S. Route 1, Suite 21
Freeport, Maine 04032

Mr. Panciocco:

This letter responds to a request submitted for an approved jurisdictional determination (JD) on the presence or absence of waters of the United States, including wetlands, located on a parcel located off 350 U.S. Route 1 at Yarmouth, Maine.

Colin Greenan of this office conducted field inspections of the site on March 19 and 24, 2021 and on April 8, 2021. During these inspections, the area labeled "Project Location" or "AJD wetland" on the enclosed maps was reviewed for potential Federal jurisdiction. We have determined that this wetland is a water of the United States and therefore within the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

This approved JD determination is valid for a period of five years from the date of the letter, unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at naomi.j.handell@usace.army.mil or the following address:

Ms. Naomi Handell
Regulatory Program Manager
U.S. Army Corps of Engineers
North Atlantic Division - Fort Hamilton
301 General Lee Avenue – First Floor
Brooklyn, NY 11252-6700

You may direct specific questions regarding the Corps appeals process to Bob DeSista, of my

staff, at robert.j.desista@usace.army.mil or 978-318-8879.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by November 3, 2020. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you have any questions regarding this letter, please contact Bob DeSista, of my staff, at robert.j.desista@usace.army.mil or 978-318-8879.

Sincerely,



Tammy R. Turley
Chief, Regulatory Division

Enclosures

cc:

Jackie Leclair, U.S. EPA, leclair.jackie@epamail.epa.gov



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/19/2021

ORM Number: NAE-2021-00314

Associated JDs: N/A

Review Area Location¹: State/Territory: Maine City: Yarmouth County/Parish/Borough: Cumberland

Center Coordinates of Review Area: Latitude 43.793099 Longitude -70.189051

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☐ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters). ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
Royal River	N/A.	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	Subject to the ebb and flow of the tide from East Main Street natural falls 2.4 miles downstream to outlet at Casco Bay

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Royal River	N/A.	N/A.	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Freshwater lower perennial river to East Main Street natural falls; tidal from falls to outlet at Casco Bay
Unnamed tributary to Royal River	4,321	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Naturally-occurring freshwater intermittent stream channel from approximately 210 linear feet upstream of railroad, 4,321 linear feet northeast where it outlets into the Royal River. This stream is located 533 linear feet northeast (downgradient) of the site. See additional comments below.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Scrub-shrub wetland associated with unnamed tributary to Royal River	1.9	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This scrub-shrub wetland directly abuts the unnamed tributary to the Royal River, an (a)(2) water. See additional comments below.
Subject AJD wetland (scrub-shrub with few trees)	0.236	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	This scrub-shrub wetland is connected to the above wetland via a 15-in. dia. clay culvert beneath the adjacent railroad. See additional comments below.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)). ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Existing conditions plan in one sheet entitled "EXISTNG CONDITIONS & REMOVALS PLAN" dated "JANUARY 26, 2021", vernal pool assessment with associated wetland delineation prepared by James Logan, Longview Partners, LLC dated "July 30, 2018", Maine DEP NRPA Tier 1 application dated "3/2/2021".

This information is sufficient for purposes of this AJD.

Rationale: Based on the 4 site visits and review of the information submitted by the applicants agent that the wetlands on the site were delineated using the methodology in the 1987 "Corps fo Engineers Wetland Delineation and Regional Supplement. The limits of the wetland shown on the existing conditions plan were consistent with conditions in the field and the wetland boundary is acceptable and sufficient for preparation of an AJD.

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial and Other: Ground-level photos taken during 3 Corps site visits, available Google Earth aerial photographs, MAXAR Digital Globe aerial photos from 1960 and 1970
- ☒ Corps site visit(s) conducted on: 8FEB2021, 19MAR2021, 24MAR2021, 8APR2021
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: 1974
- ☒ USFWS NWI maps: 1992
- ☒ USGS topographic maps: Yarmouth 7.5 minute quad, 1:24,000

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats reviewed 23MAR2021
USDA Sources	N/A.
NOAA Sources	Unable to find readily available daily precipitation; used WeatherUnderground.com instead.
USACE Sources	N/A.
State/Local/Tribal Sources	Stream determination on unnamed tributary by the Maine Departments of Environmental Protection and Inland Fisheries and Wildlife
Other Sources	Drainage analysis prepared by agent for Town of Yarmouth culvert rehabilitation associated with unnamed tributary to Royal River (Corps File No. NAE-2020-02934); closed drainage plans provided by Town of Yarmouth engineer.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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B. Typical year assessment(s): On 19MAR2021, 24MAR2021 and 8APR2021 the Corps conducted field visits to determine if the subject wetland for this AJD was connected to an (a)(1) water. During these site visits, water was found to be flowing in both the (a)(1) and (a)(2) waters. The APT report for 17MAR2021 (ATTACHMENT 9) concludes that at the time of the 19MAR2021 field visit, drier than normal conditions existed (January - normal, February - dry, March - dry). Based on observed water flowing in the stream during this drier than normal period, it is reasonable to conclude that the unnamed tributary to the Royal River has flow in it during a typical year and is therefore a tributary (a)(2) water. It is noted that snow in the Yarmouth area had melted far before the site visits.

C. Additional comments to support AJD:

Supporting info for (a)(2) Unnamed Tributary:

Based on multiple field visits made by the Corps, the (a)(2) unnamed tributary has flows that are based on more than a direct response to precipitation. Prior to the 19MAR2021 field visit, the most recent rainfall events included 0.22" on 1MAR, 0.26" on 2MAR and 0.25" on 18MAR. While there was 0.25" of rainfall on the day preceding the 24MAR field visit, stormwater outfalls in this urban area were not flowing and stormwater treatment basins did not contain any standing water. This minor rainfall event did not spur the flow as observed in the (a)(2) unnamed tributary. The Corps performed a follow-up visit on 24MAR and despite the lack of rainfall between 18MAR and 23MAR, the (a)(2) unnamed tributary was still flowing. Baseflow was again observed during a field visit on 8APR2021. It is also noted for the record that in 2020 the Maine Departments of Environmental Protection and Inland Fisheries and Wildlife characterized the (a)(2) unnamed tributary as a stream under their jurisdiction for State permitting purposes during their evaluation of a culvert rehabilitation project at U.S. Route 1 located 980 linear feet north of the subject wetland (Corps File No. NAE-2020-02934, ATTACHMENT 12).

The (a)(2) unnamed tributary and associated visible water can clearly be seen in readily available aerial photographs such as the MAY2016 and May2018 Google Earth images and MAY1970 MAXAR Digital Globe image (ATTACHMENTS 4 and 7). The (a)(2) unnamed tributary is not mapped on the Yarmouth, Maine USGS 7.5 minute quad (ATTACHMENT 1) nor the 1992 U.S. Fish and Wildlife National Service National Wetlands Inventory (NWI) map (ATTACHMENT 5); however, it is delineated by the USGS Stream Stats model (Attachment 8) and identified as a stream on the 1974 Soil Conservation Service soil survey map for Cumberland County (ATTACHMENT 6). The (a)(2) unnamed tributary is conveyed through several drainage structures prior to its connection with the Royal River: a stone box culvert beneath the railroad, concrete box culvert beneath U.S. Route 1, pipe culvert beneath a Yarmouth Academy athletic field, pipe culvert beneath U.S. Route 1, and closed drainage beneath Main Street, Town of Yarmouth Library and athletic fields associated with the William H. Rowe Elementary School (ATTACHMENT 4). The Town of Yarmouth engineer provided the Corps with the closed drainage plans known locally as "Brickyard Hollow" which confirmed the ultimate connection between the (a)(2) unnamed tributary and the Royal River (ATTACHMENT 10). The Corps has concluded that this (a)(2) unnamed tributary is at least intermittent.

Supporting info for abutting wetlands:

The Corps reviewed the 1992 U.S. Fish and Wildlife National Wetlands Inventory map and found that the wetland under the AJD review was mapped as a PSS wetland connected to a PFO wetland (it is also noted for the record that the (a)(2) unnamed tributary flows to a NWI-mapped PEM and PUB wetland complex near the U.S. Route 1/Main Street interchange, ATTACHMENT 5). During the field reviews it was confirmed that the 15-in. dia. culvert leading from the subject AJD wetland hydrologically connects the subject wetland to an extensive scrub-shrub wetland on the opposite of the railroad tracks. This abutting



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scrub-shrub wetland's sapling layer was dominated by alder and the herbaceous layer was dominated by sensitive fern both species indicative of a preponderance of hydrophytic vegetation. This wetland directly abuts the ordinary high water mark of the above-described (a)(2) unnamed tributary and as such is an adjacent wetland; (a)(4) water.

CONCLUSION:

The subject AJD wetland is hydrologically connected to an (a)(4) water that abuts the ordinary high water mark of an (a)(2) water that contributes flow to another (a)(2) water which in turn contributes flow to an (a)(1) water. As such, the Corps has determined that the subject AJD wetland is a water of the U.S. and is therefore regulated by the Corps.

Digitally signed by Colin M
Greenan
Date: 2021.04.20 12:39:57
-04'00'

Colin M. Greenan
Project Manager
Regulatory Division

Branch Chief (Del Giudice)

Frank J Del
Giudice
Digitally signed by
Frank J Del Giudice
Date: 2021.04.21
06:15:27 -04'00'

Deputy Chief (DeSista) DESISTA.ROBERT.J.
1229271241

Digitally signed by
DESISTA.ROBERT.J.1229271241
Date: 2021.04.21 07:46:08 -04'00'

Division Chief (Turley)

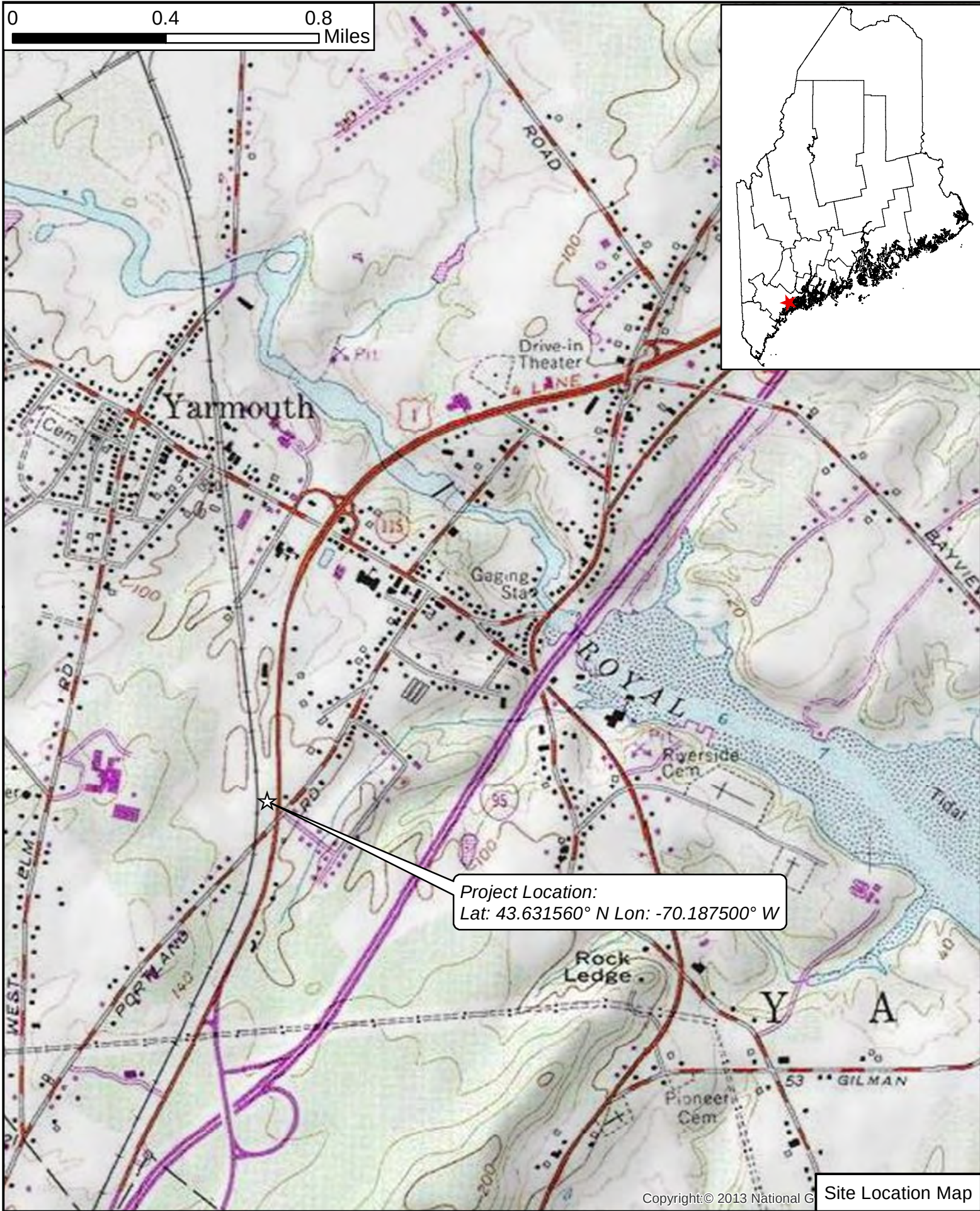
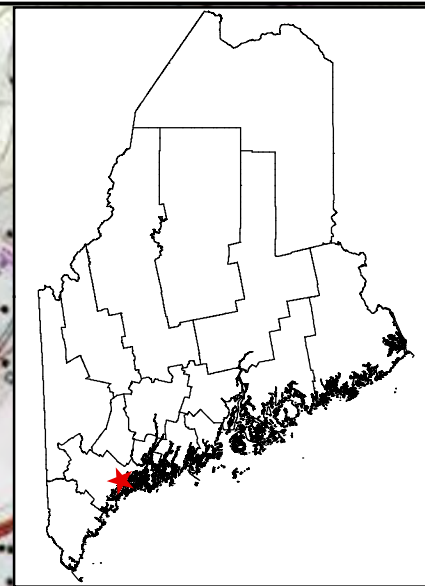
NWPR AJD Team (Minkin)

Paul Minkin
Digitally signed by Paul Minkin
Date: 2021.04.20 13:29:07
-04'00'

Supporting Materials:

- ATTACHMENT 1. USGS Quad Location Map
- ATTACHMENT 2. Agent's submitted location map
- ATTACHMENT 3. Existing conditions plan sheet
- ATTACHMENT 4. Google Earth aerial overviews
- ATTACHMENT 5. 1992 NWI Map
- ATTACHMENT 6. 1974 Soil Survey
- ATTACHMENT 7. 1970 aerial photo
- ATTACHMENT 8. USGS StreamStats
- ATTACHMENT 9. Antecedent Precipitation Tool Results
- ATTACHMENT 10. Ground-Level Photos
- ATTACHMENT 11. Town of Yarmouth closed drainage
- ATTACHMENT 12. U.S. Route 1 stream crossing information
- ATTACHMENT 13. Copy of applicant's MaineDEP NRPA Tier 1 Application

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Miles



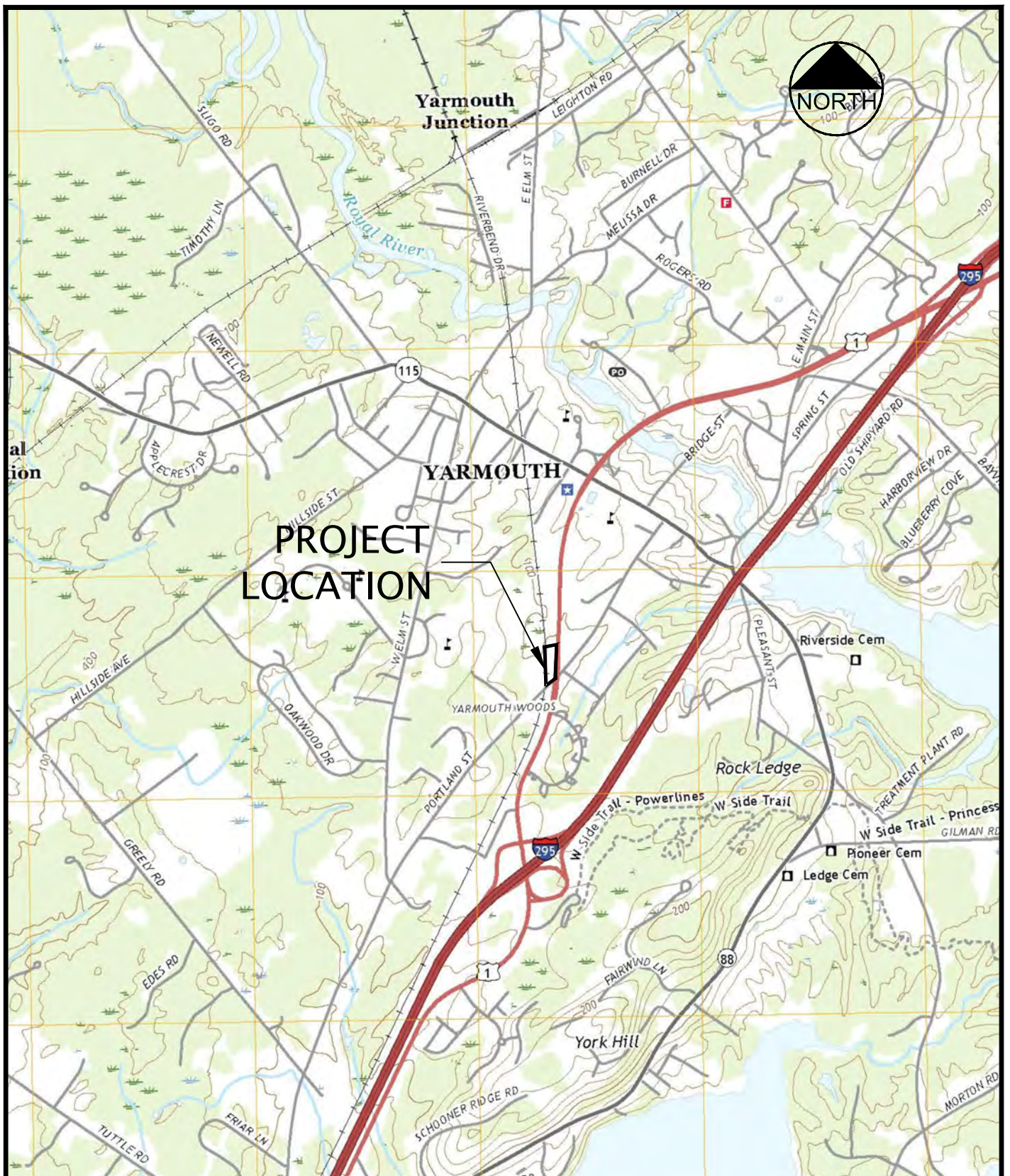
Project Location:
Lat: 43.631560° N Lon: -70.187500° W

Copyright © 2013 National Geographic Society Site Location Map

Nate Green, 103 Development, LLC
350 U.S. Route 1 Yarmouth, Maine
USGS 7.5 QUAD: Yarmouth

ATTACHMENT 1

CORPS FILE NO. NAE-2021-00314



REFERENCE:: USGS QUAD YARMOUTH, MAINE

350 U.S. ROUTE ONE

USGS LOCATION MAP

103 DEVELOPMENT LLC.
PORTLAND, MAINE

DRAWN: APP

DATE: 01-07-2021

FIGURE

DESIGNED: APP

SCALE: 1" = 2000'

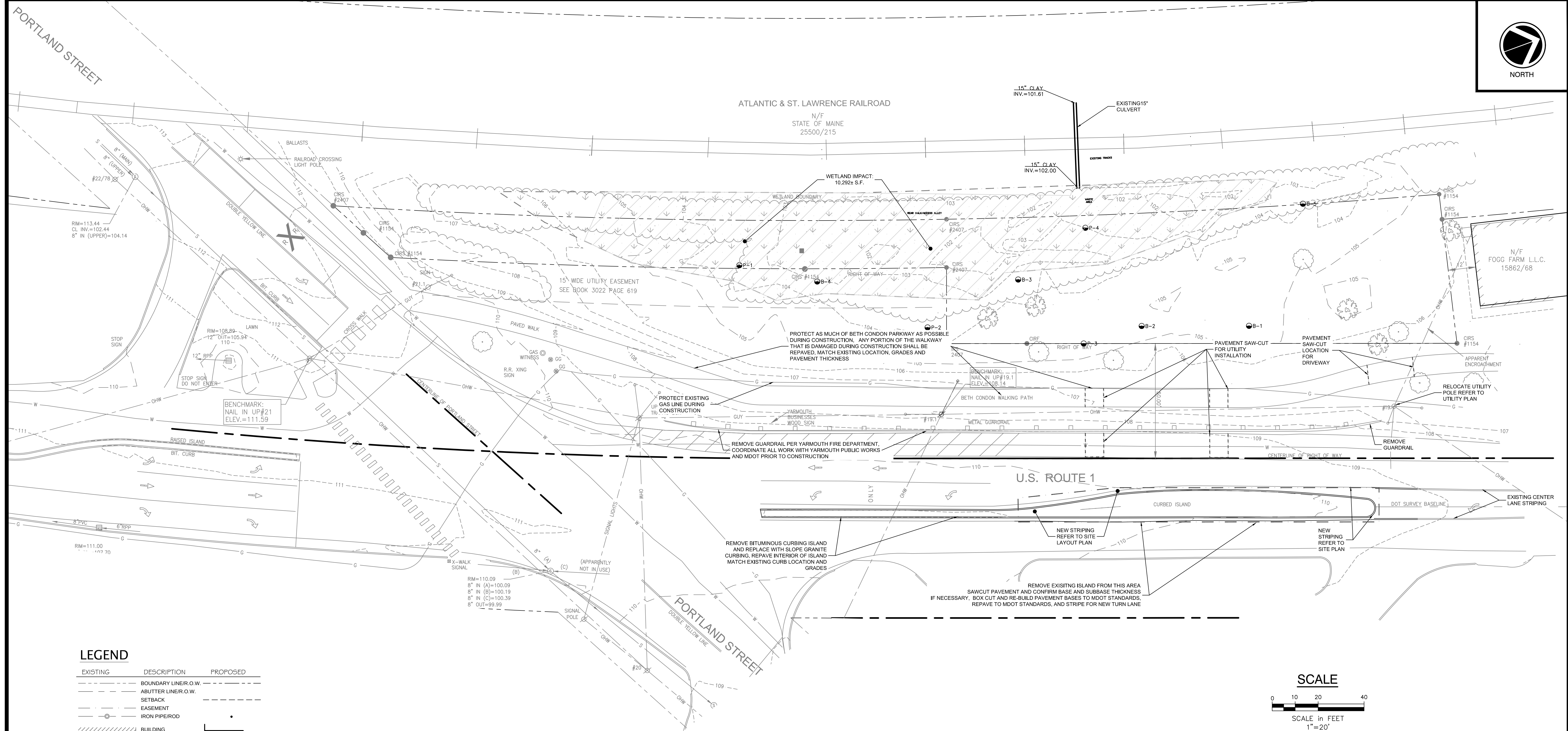
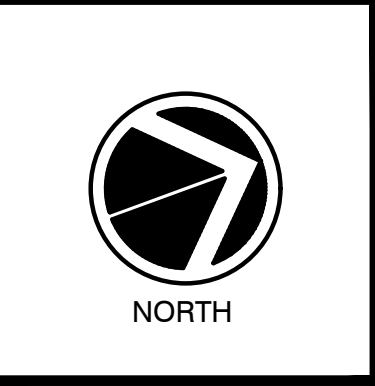
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CHECKED: APP

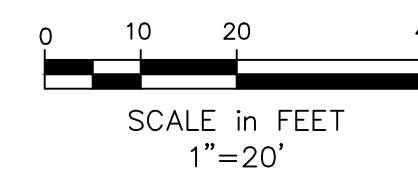
JOB NO. 20-043

FILE NAME: 20-043

ATTACHMENT 2



SCALE



PLAN REFERENCES:

THIS PLAN REFERENCES A PLAN BY: OWEN HASKELL INCORPORATED
TITLED: BOUNDARY & TOPOGRAPHIC SURVEY ON U.S. ROUTE 1,
YARMOUTH, MAINE MADE FOR EDWARD LIBBY 374 U.S. ROUTE 1,
YARMOUTH, MAINE, JOB NO. 2016-141 Y DATED: OCT. 11, 2018, DRAWN
BY: SDG / JLW CHECKED BY: RRL, DWG. NO. 1T, SCALE: 1" = 20' LAST
REVISED: 10/31/2018

OWNER OF RECORD: EDWARD LIBBY P/O TAX MAP 31(A) LOT 67
C.C.R.D. BOOK 33083 PAGE 51 & C.C.R.D. BOOK 34963 PAGE 275
BEARINGS ARE BASED ON MAGNETIC NORTH, 2016.
ELEVATIONS ARE BASED ON NAVD88 PER POST PROCESSED GPS

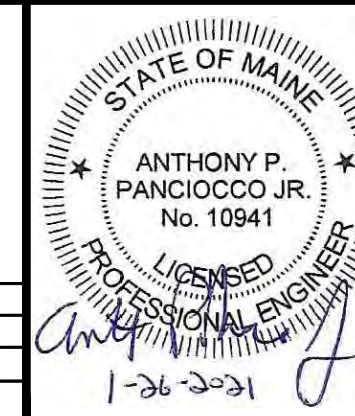
ATTACHMENT 3

COMMONS		Atlantic Resource Consultants
TH, MAINE		541 US Route One
CONDITIONS		Freeport, ME 04032 Tel: 207.869.9050

DRAWN: MPV	DATE: JANUARY 26, 2021
DESIGNED: APP	SCALE: 1" = 20'
CHECKED: JAV	JOB NO. 20-043
FILE NAME:	
SHEET: C-100	

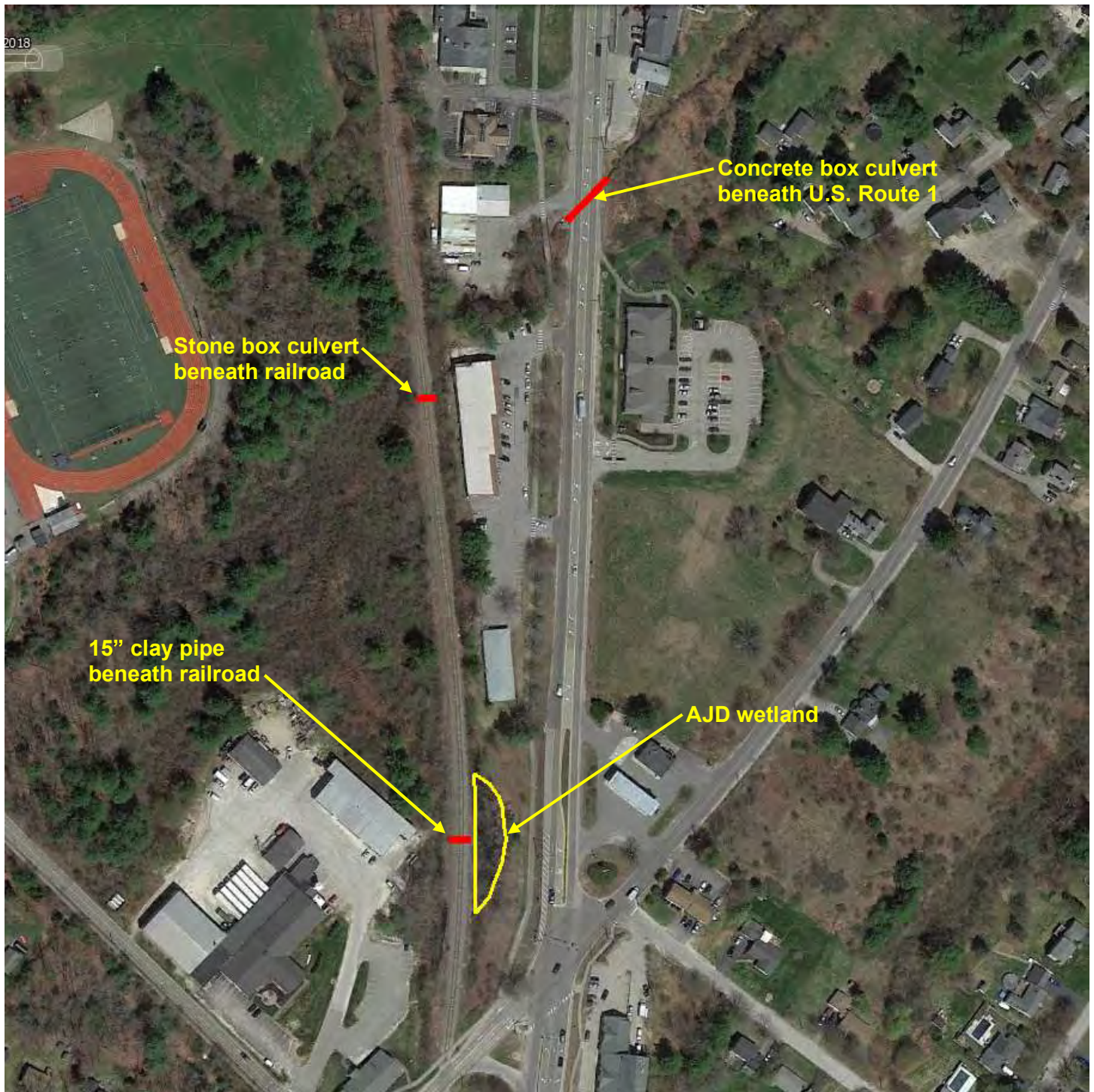
ROUTE 1 COMMONS
YARMOUTH, MAINE
EXISTING CONDITIONS
& REMOVALS PLAN

103 DEVELOPMENT LLC
7 MARION STREET
PORTLAND, MAINE 04101

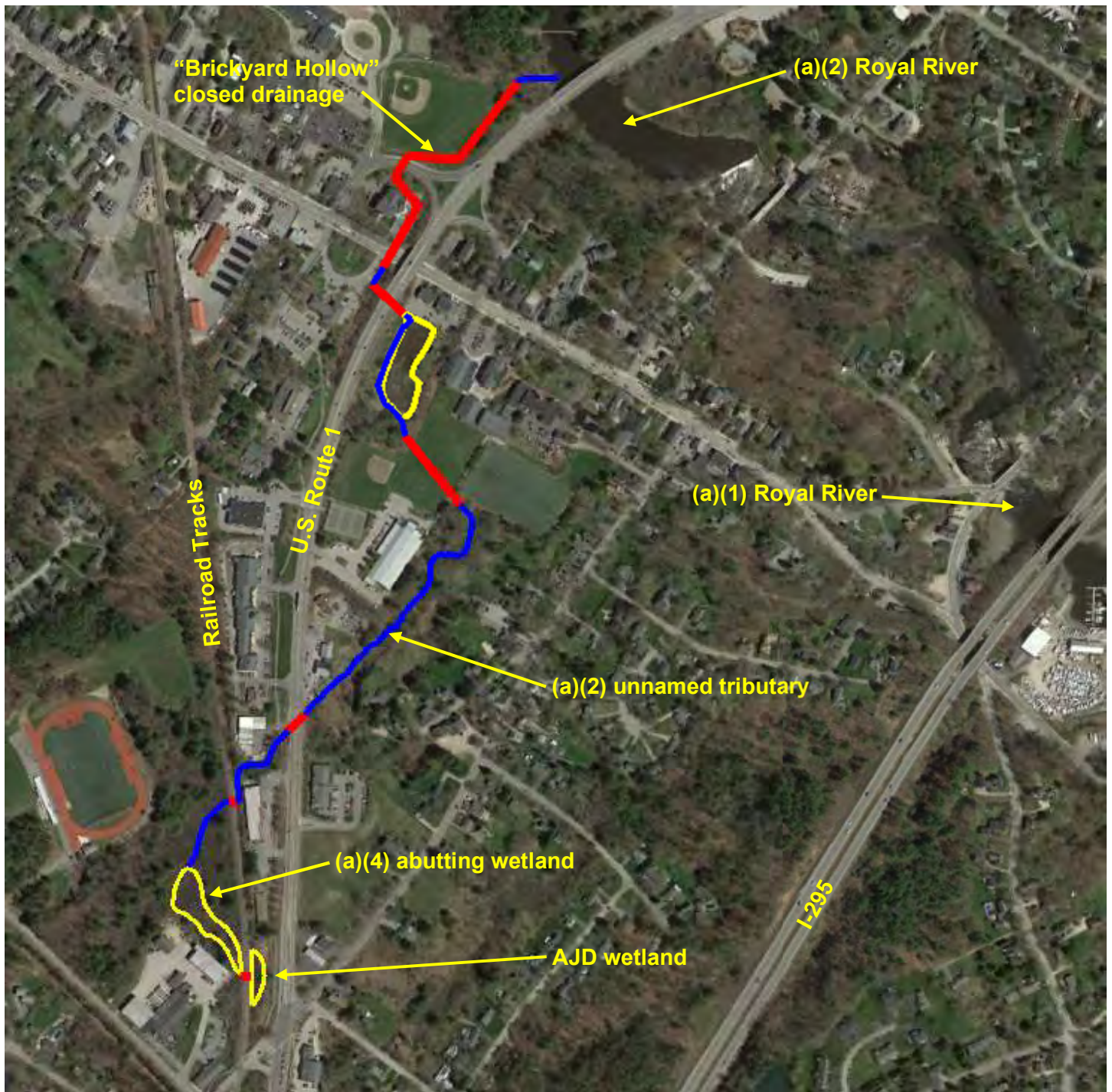


ISSUED FOR REVIEW
NOT FOR CONSTRUCTION

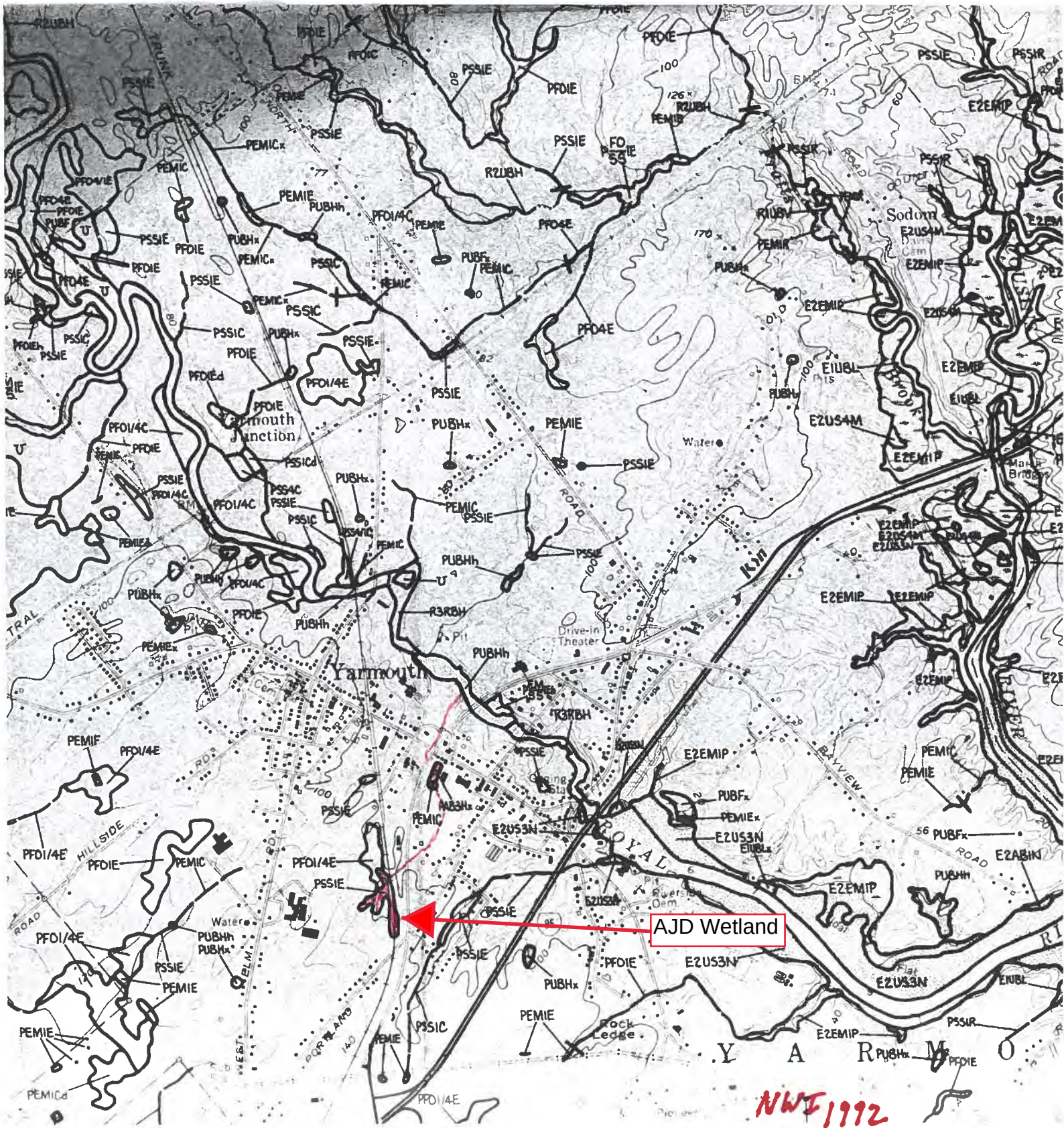
REV	DATE	DESCRIPTION
REVISIONS		



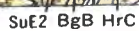
Overview of AJD wetland and immediate area, Google Earth MAY2018 aerial photograph.



Overview of review area and waters identified, Google Earth MAY2016 aerial photograph.



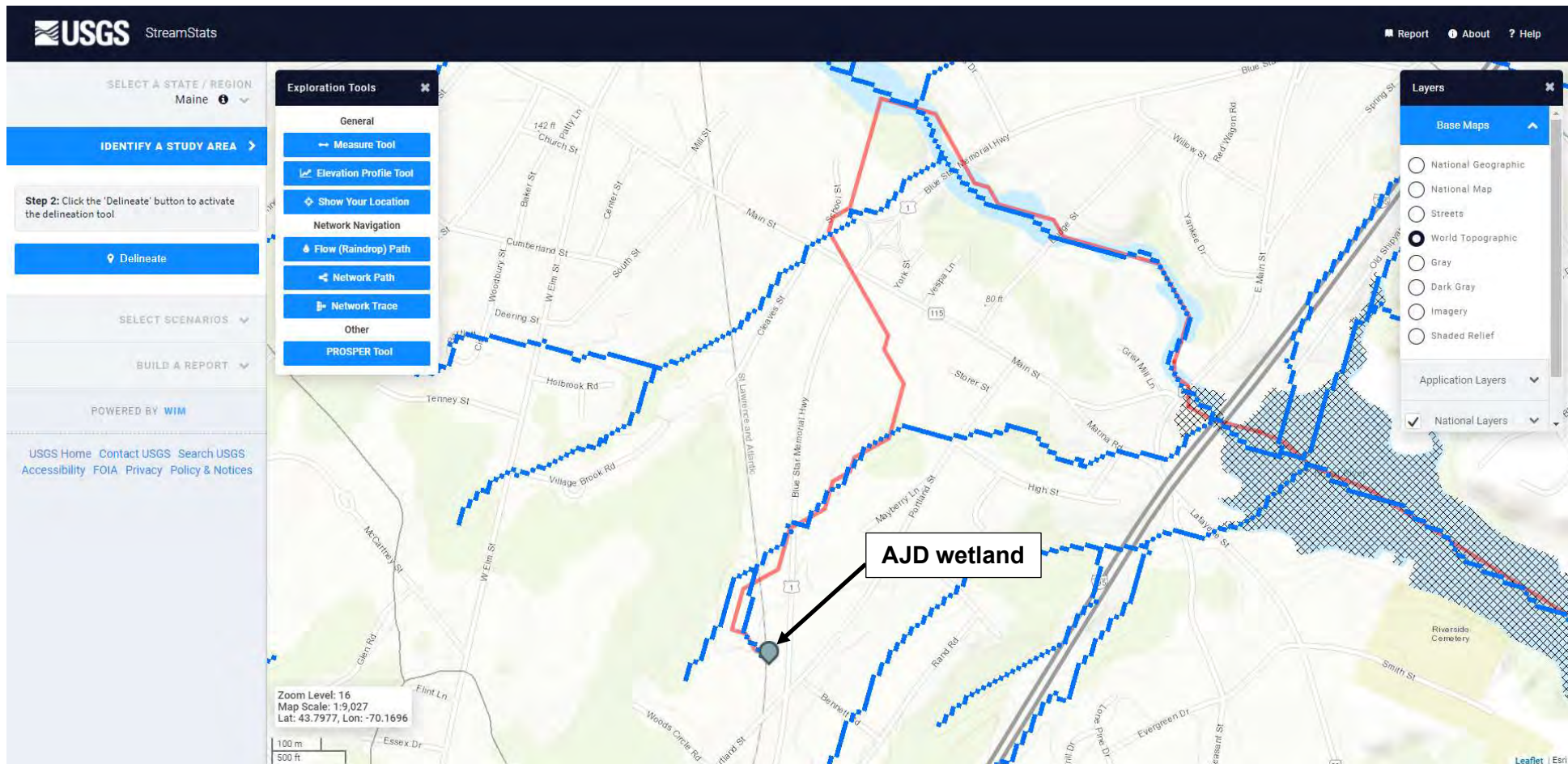
(Joins sheet 58)



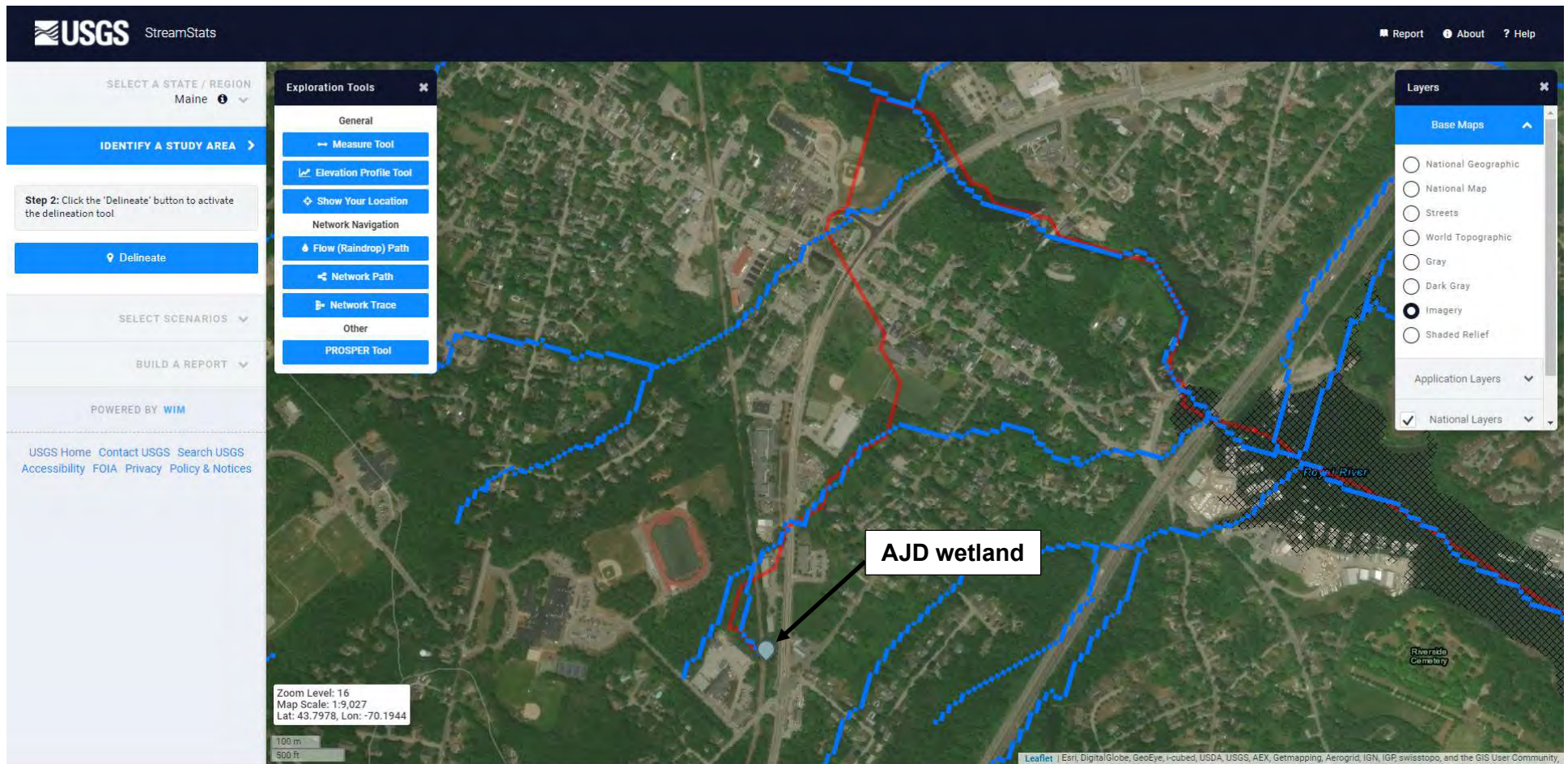
SCS 1974



15MAY1970 historic photo

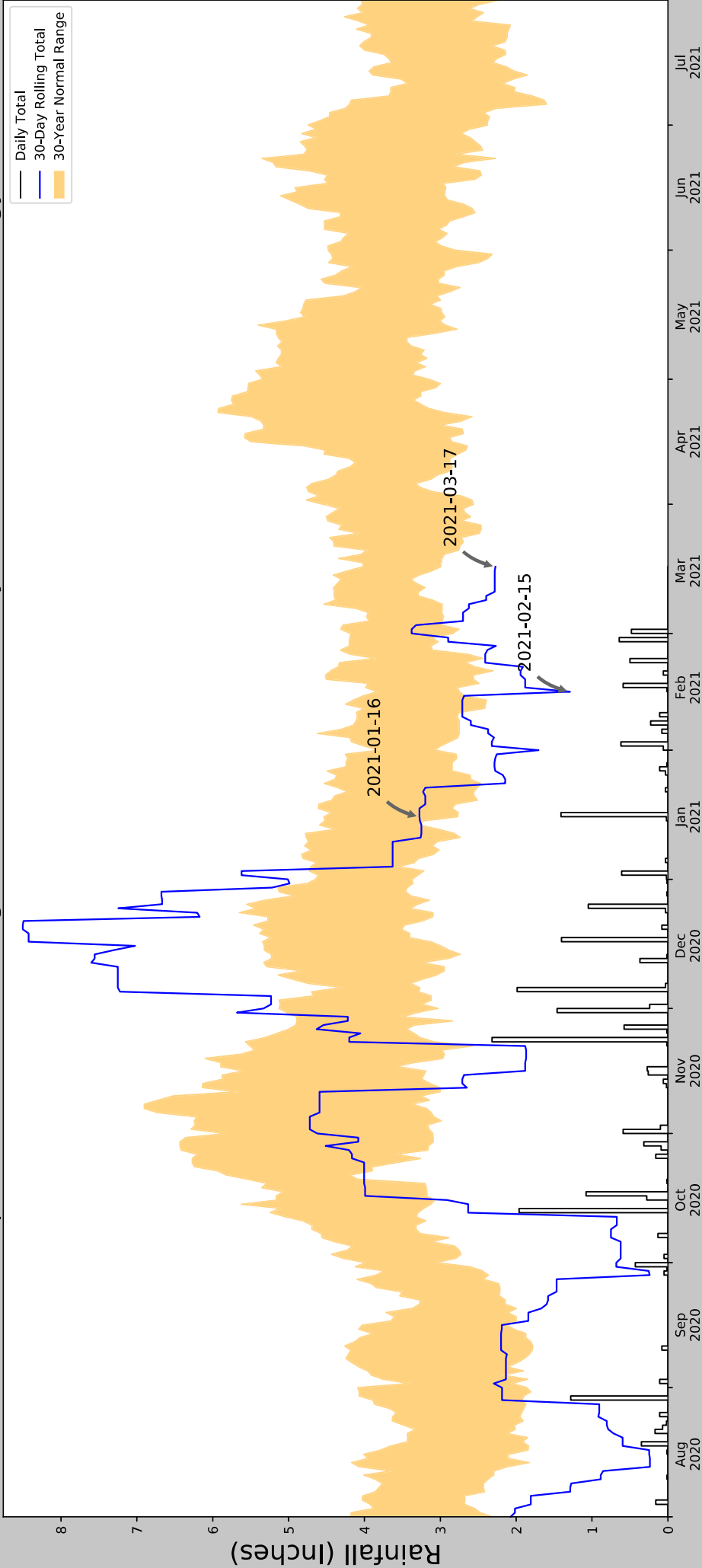


Screenshot taken from Stream Stats showing hydrologic connection from subject AJD wetland to Royal River (connection mapped by red line).



Screenshot taken from Stream Stats showing hydrologic connection from subject AJD wetland to Royal River (connection mapped by red line).

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-03-17	2.99685	4.01378	2.271654	Dry	1	3	3
2021-02-15	2.746063	3.831496	1.291339	Dry	1	2	2
2021-01-16	2.77441	4.533465	3.275591	Normal	2	1	2
Result							Drier than Normal - 7

Coordinates	43.793093, -70.189055
Observation Date	2021-03-17
Elevation (ft)	107.0
Drought Index (PDSI)	Mild drought (2021-02)
WebWIMP H ₂ O Balance	Wet Season

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
PORTLAND INTL JETPORT	43.6497, -70.3003	44,948	11.359	62.052	5.816	11353	90



Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers



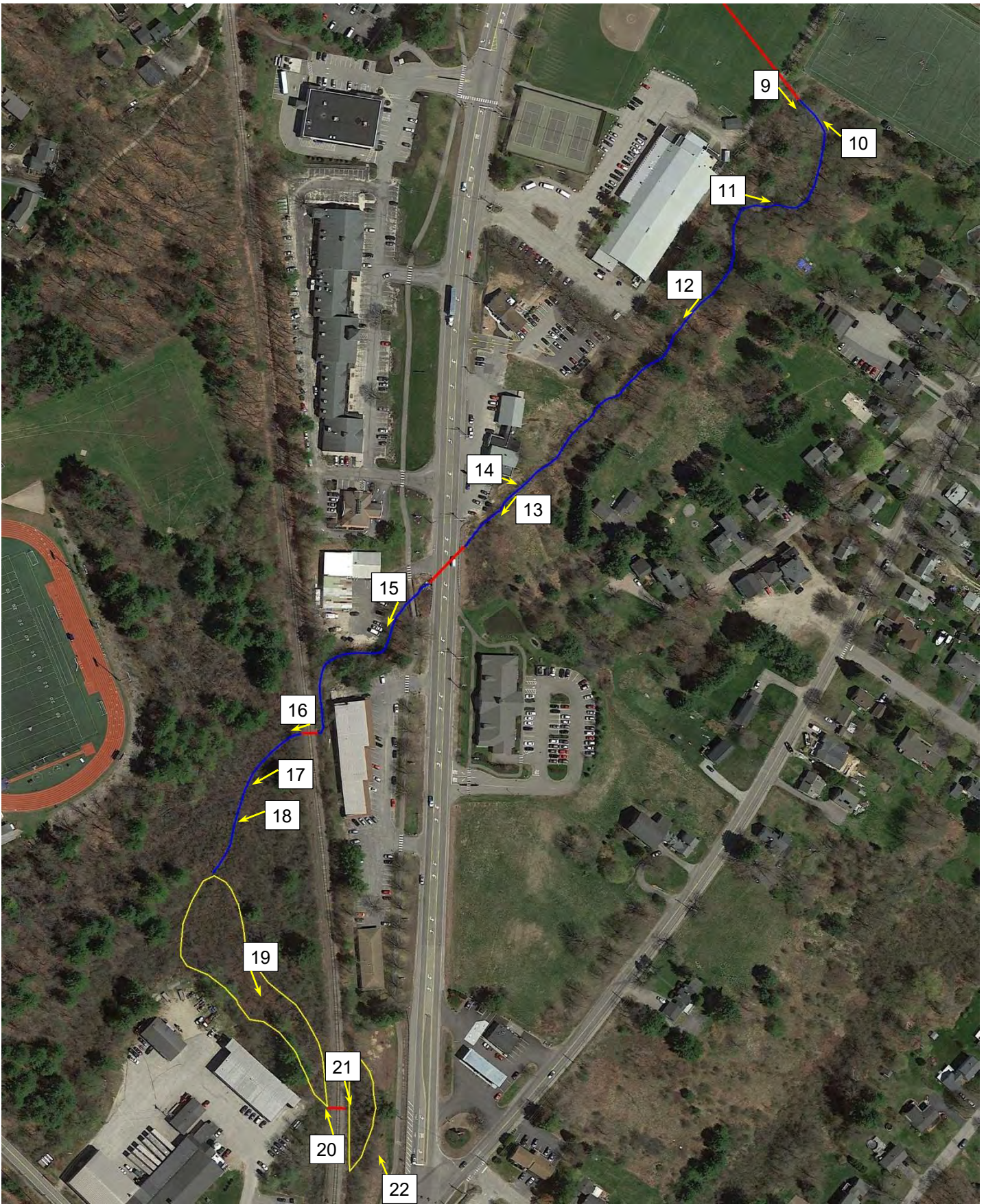




Photo 1: View looking east from outfall of "Brickyard Hollow" closed drainage.



Photo 2: Looking southwest at outfall of "Brickyard Hollow" closed drainage.



Photo 3: View looking northeast at outlet of culvert beneath U.S. Route 1 and towards inlet of closed drainage.



Photo 4: View looking south/southeast at water control structure near inlet of culvert beneath U.S. Route 1.



Photo 5: View looking at southwest channelized flow at toe of U.S. Route 1 embankment.



ATTACHMENT 10
Cont'd

Photo 6: View looking southeast at channelized flow at toe of embankment; athletic field culvert in background.



Photo 7: View looking north/northwest at flowing water from outlet of culvert beneath athletic field.



Photo 8: View looking south/southeast at flowing water from outlet of culvert beneath athletic field.

ATTACHMENT 10
Cont'd



Photo 9: View looking southeast from above inlet of culvert beneath athletic field.



Photo 10: View looking northwest at inlet area of culvert beneath athletic field.



Photo 11: View looking east at typical stream section behind Travis Roy ice arena.



Photo 12: View looking southwest at typical stream section behind Travis Roy ice arena.



Photo 13: View looking southwest at outlet of box culvert beneath U.S. Route 1.



Photo 14: View looking southeast at typical stream section downstream of U.S. Route 1 crossing



Photo 15: View looking south/southwest at stream section upstream of U.S. Route 1 crossing.



Photo 16: View looking west at inlet area of culvert beneath railroad.



Photo 17: View looking southwest at stream section located upstream of railroad crossing.



Photo 18: View looking west/southwest at stream section and scrub-shrub wetland.



Photo 19: View looking southeast at emergent wetland area within scrub-shrub wetland.



Photo 20: View looking at outlet area of 15-in. dia. clay pipe beneath railroad.



Photo 21: View looking at inlet area of 15-in. dia. clay pipe beneath railroad; subject AJD wetland in background.



Photo 22: View looking northwest at subject AJD wetland from pedestrian path.

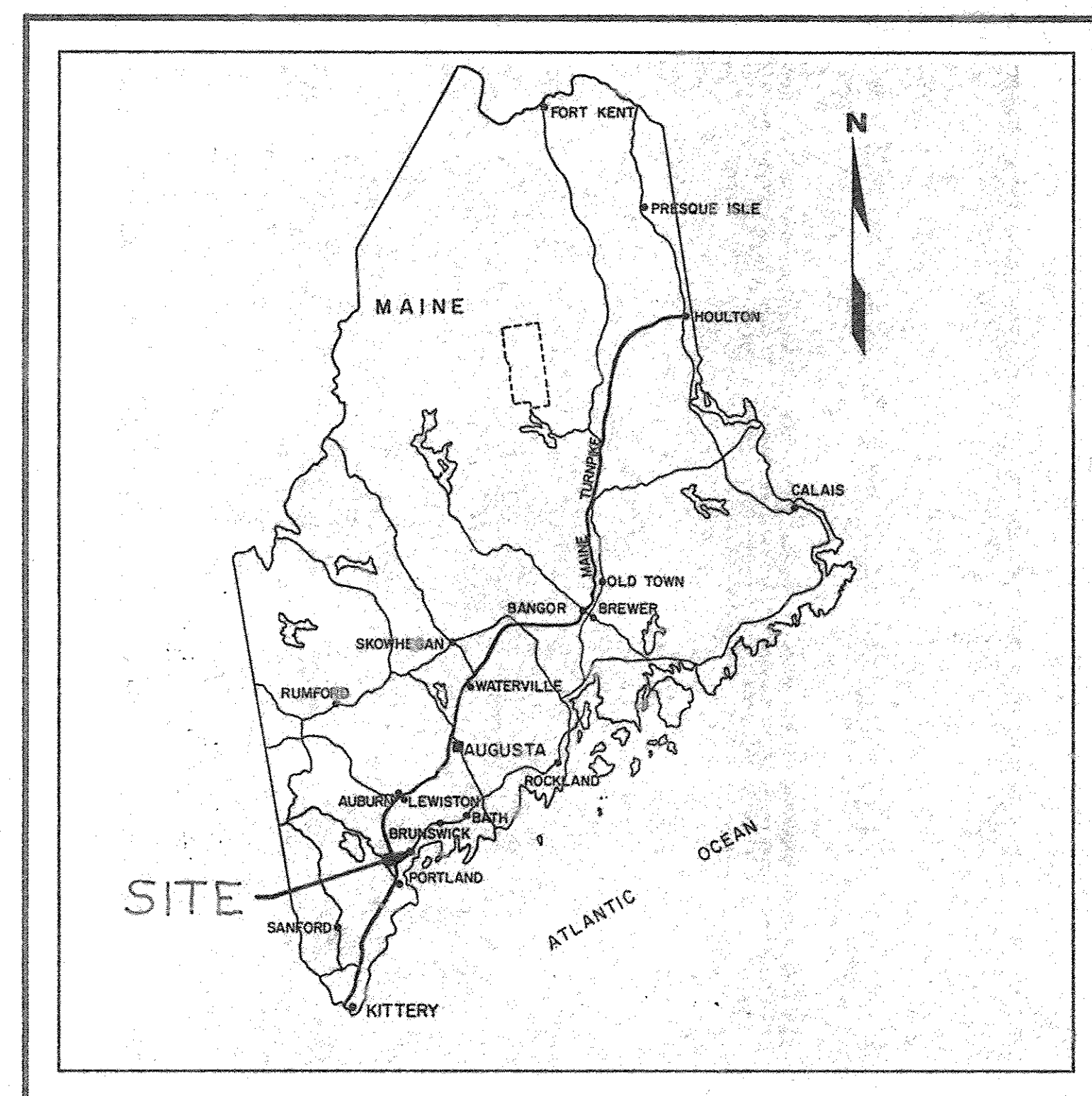
The following is the closed drainage plans provided to the Corps by the Town of Yarmouth engineer.

TOWN
COPY

TOWN OF YARMOUTH, MAINE

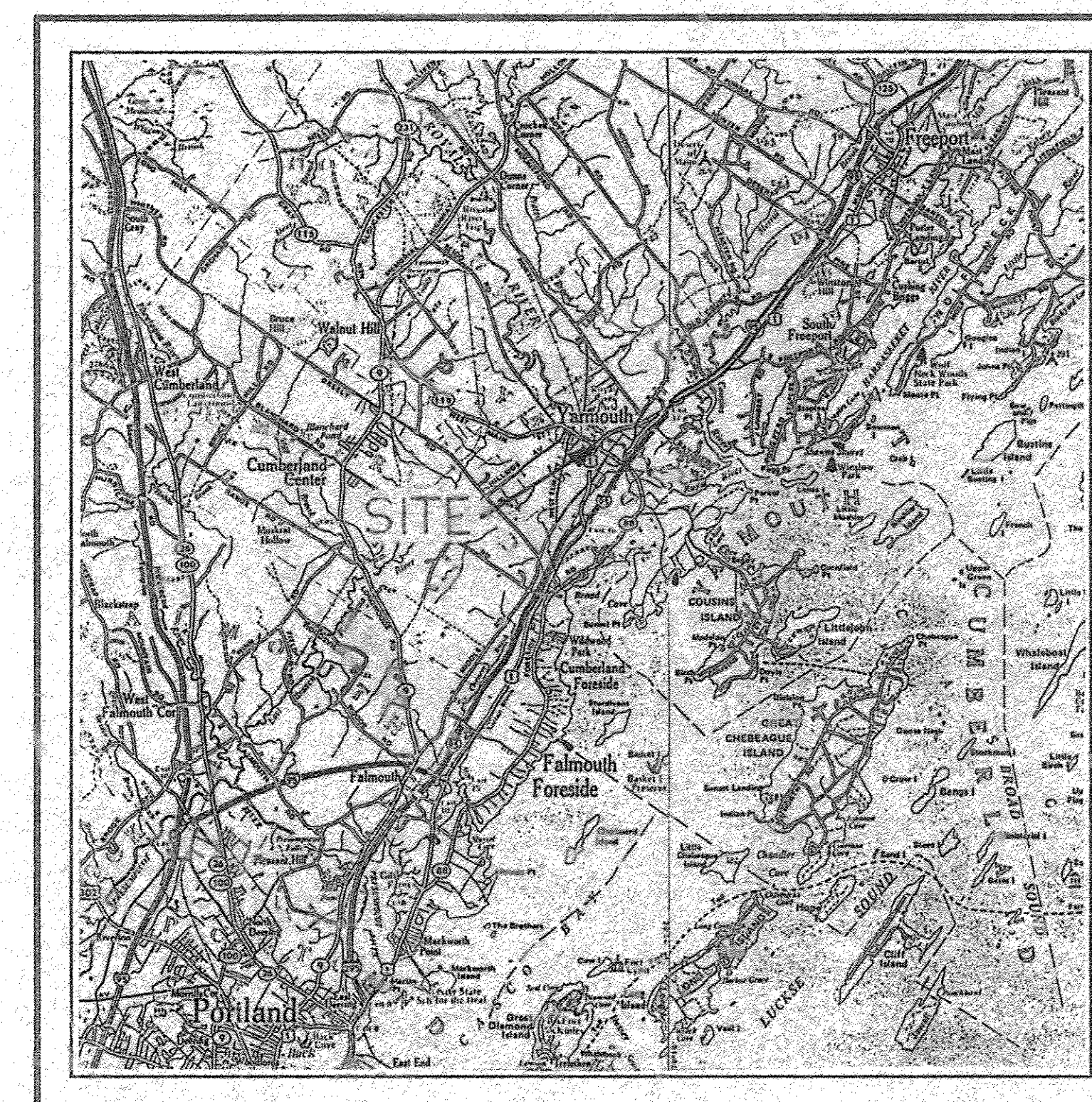
BRICKYARD HOLLOW STORM DRAIN

INDEX OF PLANS



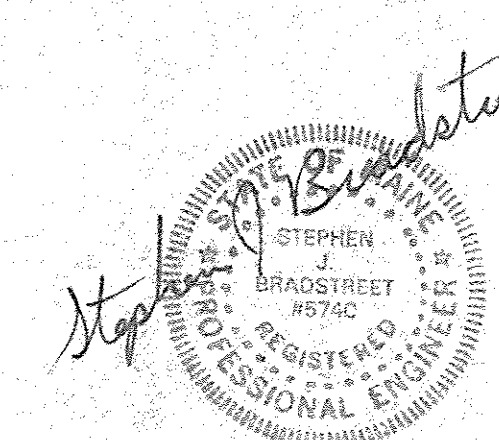
LOCATION MAP
SCALE:

SHEET DESCRIPTION	SHEET NUMBER
TITLE SHEET	1
GENERAL NOTES & LEGEND	2
KEY PLAN	3
PLAN/PROFILE SHEETS	4-8
MISCELLANEOUS PROFILES	9
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SPECIAL STRUCTURE NO. 1	15
SPECIAL STRUCTURE NO. 2	16
TRASH RACK DETAILS	17
PEDESTRIAN BRIDGE	18



VICINITY MAP
SCALE:

DATE
JANUARY 6, 1992



APPROVALS

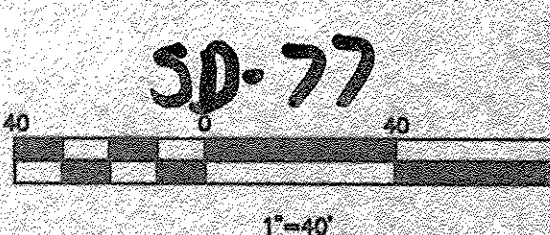
NATHANIEL J. TIPPER, TOWN MANAGER
TOWN OF YARMOUTH, MAINE

WILLIAM R. SHANE, PUBLIC WORKS ADMINISTRATOR
TOWN OF YARMOUTH, MAINE

ROBERT E. HUNTER, VICE PRESIDENT
T.Y. LIN INTERNATIONAL

T.Y. LIN HUNTER-BALLEW
INTERNATIONAL ASSOCIATES

5 Fundy Road
Falmouth, Maine 04106



SHEET NO
3

***The following materials are related to the U.S. Route 1
concrete box culvert slipline project and support the AJD.***

Greenan, Colin M CIV USARMY CENAE (USA)

From: Pryor, Travis <t.pryor@bakerdesignconsultants.com>
Sent: Friday, May 29, 2020 4:19 PM
To: Dawn Hallowell; Greenan, Colin M CIV USARMY CENAE (USA); Kalejs, Nicholas; Steven Johnson; Baker, Barney; Langlois, Lucien; Briggs, Claire
Subject: [Non-DoD Source] Yarmouth Rte 1 Culvert Crossing - PreApplication Permitting Assistance Request
Attachments: 17-14_Rte1_DrainageMap.pdf; 17-14-DrainagePhotos.pdf; 17-14-Rte1-YarmouthPlans-20200319.pdf

Hi Dawn and Colin,

We have been discussing the subject project with some of your staff over the past 6 months to determine the level of permitting required by MaineDEP (Lucien Langois and Claire Briggs). They have visited the site on their own after reviewing the attached materials and have determined that stormwater drainage flowing under Route One is part of a River, Stream or Brook as defined in NRPA, 39 M.R.S. §480-B(9). They have also provided guidance with regards to section 480-Q public works exemptions that will require a determination of fish passage by IF&W and will require an individual NRPA permit.

We have also discussed the project with MaineDOT's engineering, maintenance and environmental departments and understand that the project as funded with their support does not qualify for their Section 11 PBR. They also noted that wetlands of special significance can be altered for pedestrian walkways as a public infrastructure safety need, and recommended IF&W fish passage determination be a priority for determining permitting under both MaineDEP and ACOE jurisdictions.

The Town of Yarmouth has MaineDOT funding support to make public safety improvements along a portion of Route 1 including a new sidewalk segment, crosswalk and rehabilitation of an existing cross culvert under Route 1. In the area of the sidewalk segment is an approximate 75-year old concrete box culvert originally constructed for cattle crossing by a private owner when Route 1 was originally constructed in the 1950's in the area. It is approximately 105 feet in length, 4 feet in width and 6.5 ft in height. A 30-inch PE pipe extends approximately 10 feet beyond the concrete box culvert on the inlet (western) side of Route 1. Overtime, the culvert was abandoned as a cattle crossing and the Town as utilized the structure as a drainage crossing under Route 1, conveying upland drainage from nearby residential neighborhoods, Yarmouth High School, commercial developments and a railroad corridor. The project intends to construct a vertical concrete masonry unit retaining wall system at the bottom of the road shoulder slope and outlet of the existing culvert, to accommodate the new sidewalk segment. The proposed slip-lined culvert will match the existing culvert location on the outlet (eastern) side of Route 1 and the retaining wall system will impact 6 square feet of wetlands. On the inlet (western) side of Route 1, the slip-lined culvert will extend approximate 10 feet beyond the existing 30-inch PE inlet extension from the concrete box culvert to improve safety conditions of Route 1 where a section of the shoulder embankment is deteriorating, impacting 129 square feet of wetlands.

We had a site visit with MaineDEP staff and IF&W (Nick Kalejs) scheduled for March 12, 2020 which was cancelled by MaineDEP due to COVID-19. We have been in a waiting pattern to move this project forward for the Town of Yarmouth since. Given the importance of IF&W's review regarding fish passage, we are in hopes that your departments can assist us in moving forward with your project managers and with the assistance of IF&W to determining fish passage and then subsequent permitting requirements.

Attached are a project area drainage map and keyed photographs of the drainage system. Also attached are project design plans and a couple of photographs of the concrete box culvert.

We are available to meet on-site, via video or teleconference as your departments best see fit to move forward and request assistance with coordinating determination of fish passage by IF&W.

Please don't hesitate to contact me with any questions or comments.

Regards,

-Travis

--

Travis Pryor, LEED-AP
Baker Design Consultants

7 Spruce Road

Freeport, Maine 04032-6202

t.pryor@bakerdesignconsultants.com

phone.207.846.9724 cell 207.209.0595

[Blockedhttp://www.bakerdesignconsultants.com](http://www.bakerdesignconsultants.com)





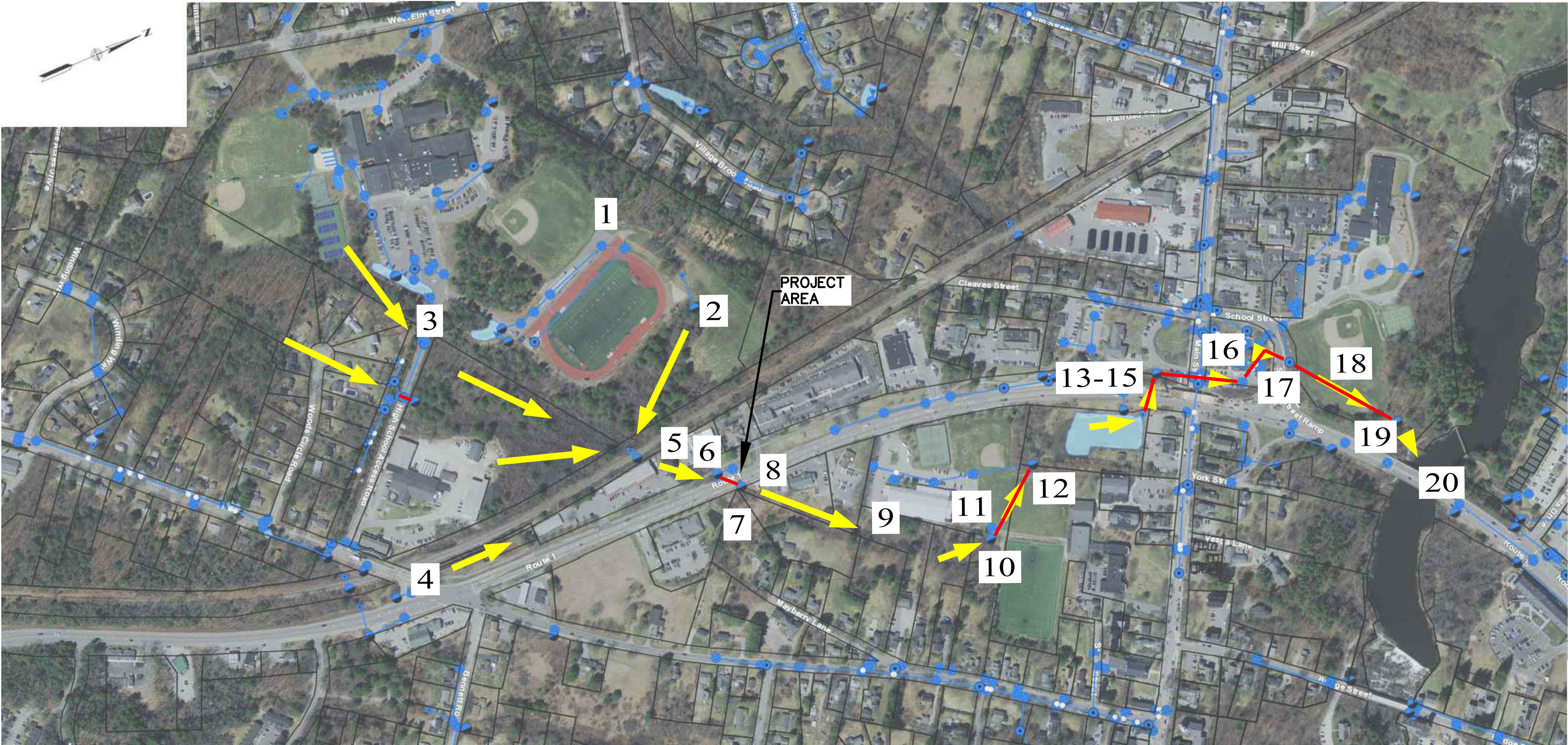
INDEX OF PHOTOGRAPHS

PHOTO #	DESCRIPTION
1	HIGH SCHOOL ATHLETIC FIELDS WITH CAMPUS FLOWS PIPED THROUGH SWALES, RETENTION PONDS, SUBSURFACE PIPES AND CATCH BASINS TO OUTFALL
2	HIGH SCHOOL OUTFALL INTO WOODLANDS
3	ACCESS ROAD TO HIGH SCHOOL, BETWEEN RESIDENTIAL & COMMERCIAL PROPERTIES WITH SURFACE FLOWS COLLECTED BY CATCH BASINS AND PIPES
4	BEGINNING OF CHANNEL FLOW DRAINAGE VIA SWALES ALONG RAILROAD TRACKS, BETWEEN COMMERCIAL PROPERTIES, U.S. ROUTE 1 AND WOODLANDS
5	CHANNEL FLOW FROM SWALE ALONG RAILROAD TRACKS
6	CHANNEL IN-FLOW INTO PROJECT CULVERT CROSSING AT U.S. ROUTE 1
7	PIPED DRAINAGE FROM UPGRADEMENT COMMERCIAL DEVELOPMENT ADJACENT TO U.S. ROUTE 1 CULVERT PROJECT OUTFALL
8	CHANNEL OUTFLOW FROM PROJECT CULVERT CROSSING AT U.S. ROUTE 1
9	CHANNEL FLOW THROUGH WOODLANDS BETWEEN COMMERCIAL AND RESIDENTIAL PROPERTIES
10	PIPE INLET WITH GRATE PRIOR TO PIPED CONVEYANCE UNDER NYA ATHLETIC FIELDS
11	SUBSURFACE CONVEYANCE UNDER NYA ATHLETIC FIELDS THROUGH PIPES AND CATCH BASINS
12	PIPED OUTFALL LEAVING NYA ATHLETIC FIELDS AND ENTERING DETENTION POND / PUBLIC OUTDOOR ICE SKATING AREA
13-15	SURFACE FLOW THROUGH DETENTION POND / PUBLIC OUTDOOR ICE SKATING AREA WITH WEIR AT POND OUTFALL
16-17	SUBSURFACE CONVEYANCE UNDER U.S. ROUTE 1 AND MAIN STREET, THROUGH CATCH BASINS AND PIPES
18	SUBSURFACE CONVEYANCE UNDER PUBLIC SCHOOL ATHLETIC FIELDS THROUGH PIPES AND CATCH BASINS
19	OUTFALL PIPE WITH APPROXIMATE 2-FT DROP TO RIPRAP SWALE
20	CHANNEL FLOW THROUGH RIPRAP SWALE APPROXIMATELY 16 FEET ABOVE THE ROYAL RIVER

- NOTES:
- SEE ATTACHED PHOTOGRAPHS WITH THIS REVIEW SUBMISSION FOR ADDITIONAL SITE DETAILS.
 - DRAINAGE INFORMATION IS PROVIDED FROM THE TOWN OF YARMOUTH'S 2020 GIS ONLINE DATABASE.
 - PROJECT LOCATION IS AN EXISTING CULVERT CROSSING UNDER U.S. ROUTE 1. THE CULVERT WAS FIRST INSTALLED AS A CONCRETE TUNNEL FOR PASSAGE OF LIVESTOCK UNDER U.S. ROUTE 1, ORIGINALLY CONSTRUCTED DURING THE 1950'S.
 - THE TUNNEL WAS EVENTUALLY ABANDONED AS PASSAGE FOR LIVESTOCK AND, THE TOWN OF YARMOUTH HAS TAKEN OVER MAINTENANCE OF THE CROSSING AS PART OF ITS PUBLIC DRAINAGE SYSTEM UPGRADEMENT OF THE CURRENT DRAINAGE CULVERT CROSSING UNDER U.S. ROUTE 1.
 - UPGRADIENT DRAINAGE IS FROM RESIDENTIAL NEIGHBORHOODS, PUBLIC HIGH SCHOOL, RAILROAD CORRIDOR AND COMMERCIAL BUSINESSES ALONG U.S. ROUTE AND IS CONVEYED BY A COMBINATION OF SURFACE FLOWS OVER IMPERVIOUS SURFACES, LAWNS AND WOODS, THROUGH RETENTION PONDS, SUBSURFACE PIPES AND CATCH BASINS.
 - DOWNGRADIENT DRAINAGE FLOWS THROUGH RESIDENTIAL AND COMMERCIAL PROPERTIES, UNDER NORTH YARMOUTH ACADEMY'S ATHLETIC FIELDS, THROUGH A DETENTION POND / PUBLIC OUTDOOR ICE SKATING AREA WITH WEIR CONTROL AT THE OUTFALL, UNDER U.S. ROUTE 1 AND MAIN STREET, UNDER A PUBLIC SCHOOL ATHLETIC FIELD THROUGH A SERIES OF PIPES AND CATCH BASINS, AND OUTFALLS INTO A RIPRAP SWALE ABOVE THE ROYAL RIVER.

MAP KEY

- 1 PHOTO GRAPH REFERENCE #
- DRAINAGE FLOW DIRECTION
- SUBSURFACE DRAINAGE STRUCTURE FLOW SEGMENTS
- TOWN OF YARMOUTH GIS MAPPED DRAINAGE STRUCTURES



TOWN OF YARMOUTH 2020 GIS MAPPING

PRELIMINARY
FOR REVIEW ONLY

NOT FOR CONSTRUCTION

NO.	SUBMISSION	REVIEW	DATE	INT.
A	Matr-DEP PRE-APPLICATION	05.19.20	TJP	

DESIGNED BY:	TJP
DRAWN BY:	TJP
CHECKED BY:	TJP
SCALE:	AS SHOWN

SHEET TITLE:	DRAINAGE MAP
PROJECT:	TOWN OF YARMOUTH ROUTE 1 CULVERT & SIDEWALK YARMOUTH, ME
DATE:	MAY 2020
CONTRACT NO.:	17-14
SHEET NO.:	F-1
REV.:	A













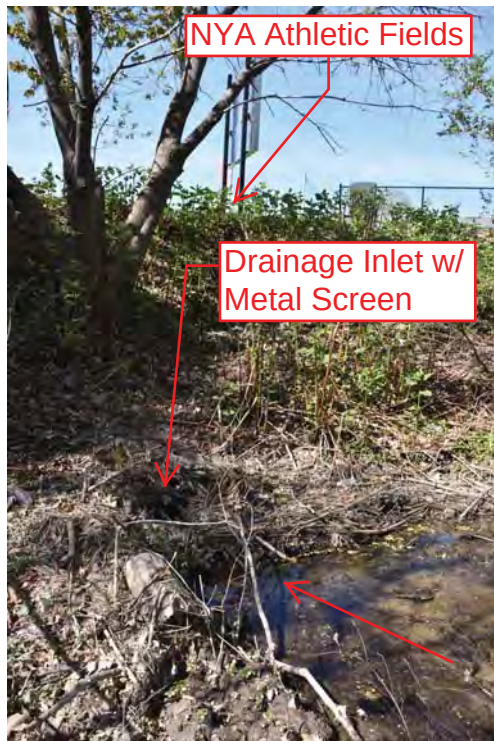






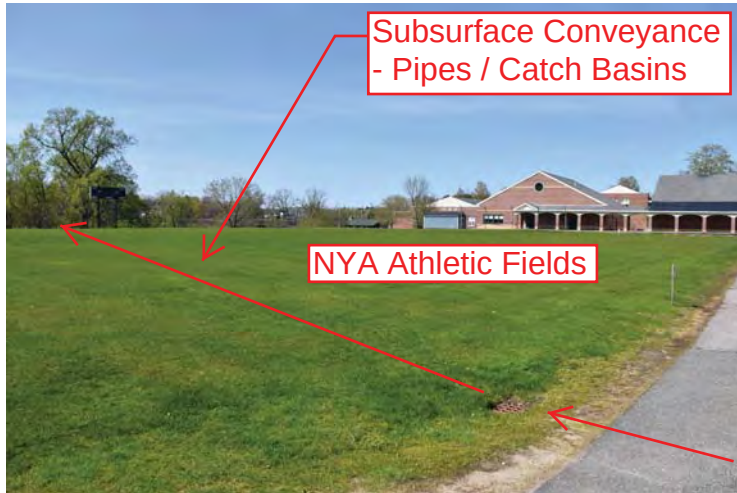
Residential
Abutters

Commercial
Abutters



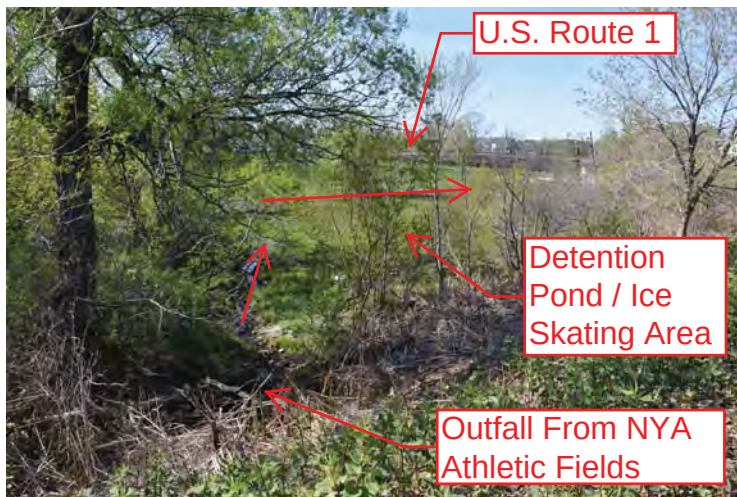
NYA Athletic Fields

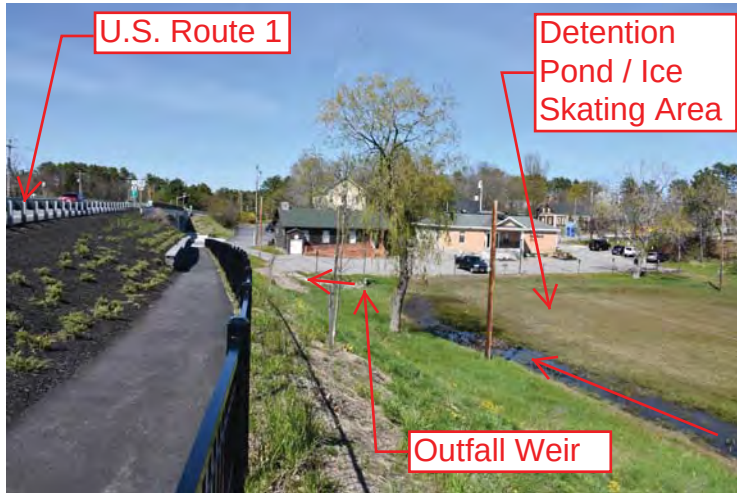
Drainage Inlet w/
Metal Screen

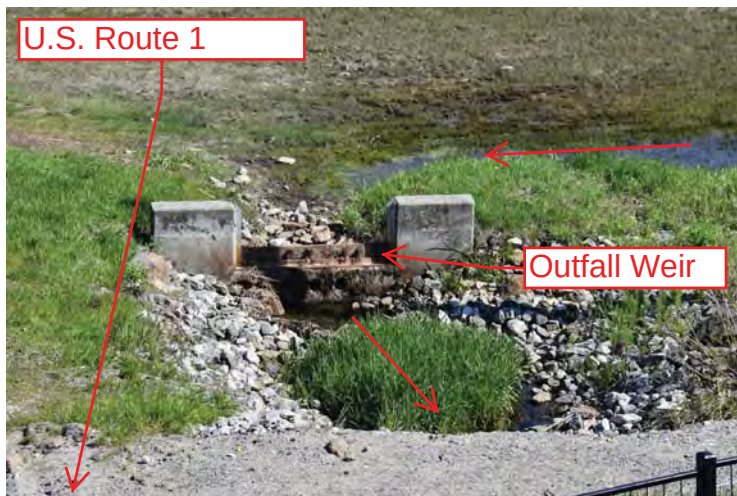


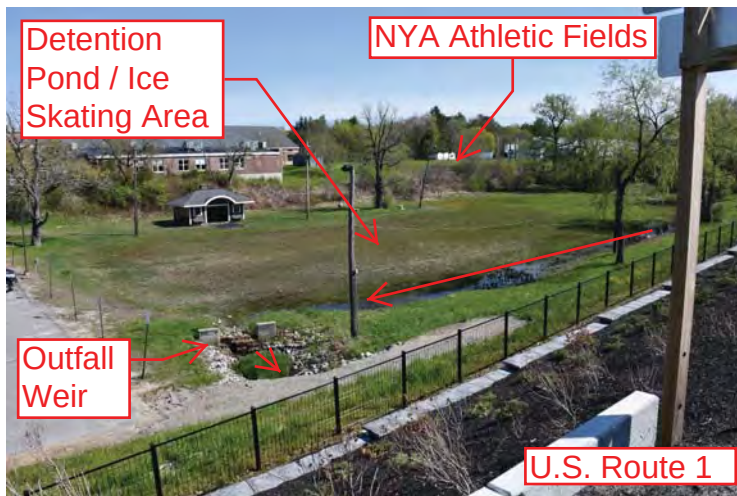
Subsurface Conveyance
- Pipes / Catch Basins

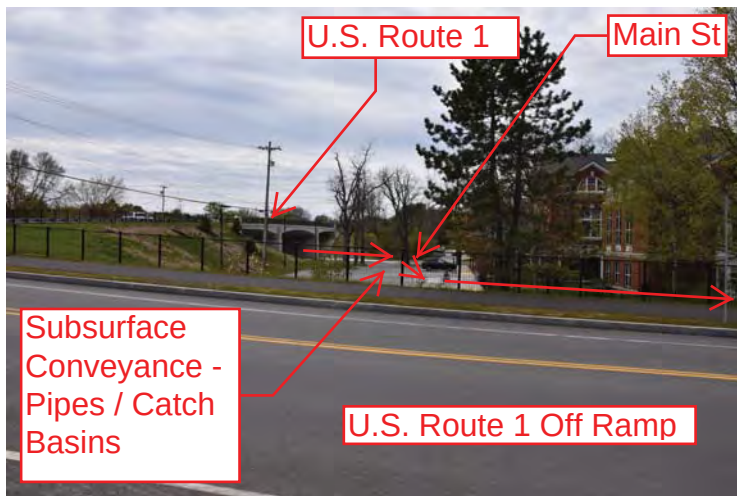
NYA Athletic Fields

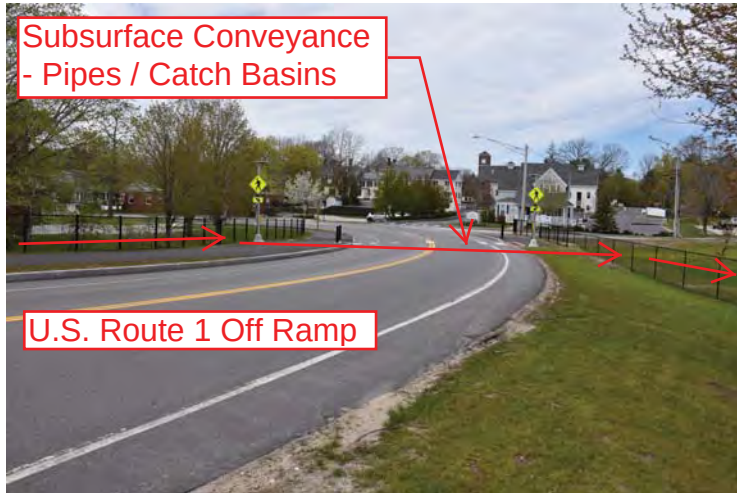






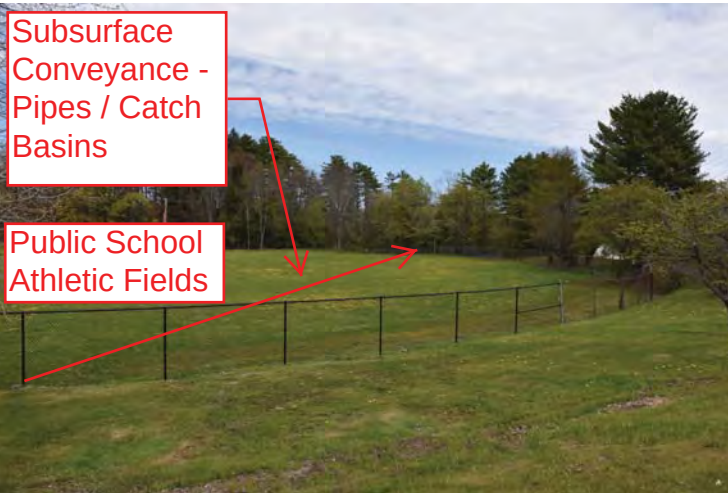






Subsurface Conveyance
- Pipes / Catch Basins

U.S. Route 1 Off Ramp

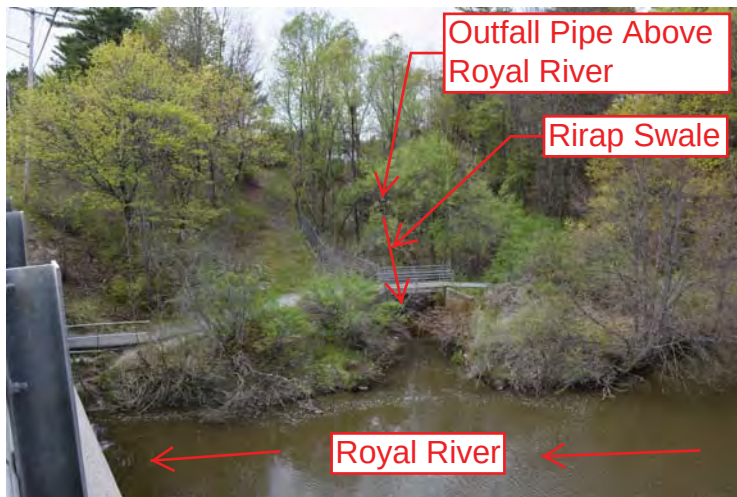


Subsurface
Conveyance -
Pipes / Catch
Basins

Public School
Athletic Fields



Outfall Pipe Above
Royal River



The following is the applicants Maine Department of Environmental Protection NRPA Tier 1 application and includes the wetland delineation.

350 U.S. ROUTE ONE MIXED USE DEVELOPMENT

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION TIER I NATURAL RESOURCE PROTECTION ACT PERMIT APPLICATION

**PREPARED FOR:
103 DEVELOPMENT, LLC
7 MARION STREET
PORTLAND, MAINE 04101**

**PREPARED BY:
ATLANTIC RESOURCE CONSULTANTS
541 US ROUTE ONE, SUITE 21
FREEPORT, MAINE 04032
207.869.9050**

March 2021



Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-7688

FOR DEP USE

ATS # _____
L- _____
Total Fees: _____
Date Received: _____

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant: 103 Development LLC, c/o Nate Green		5. Name of Agent: Atlantic Resource Consultants, C/O Tony Panciocco							
2. Applicant's Mailing Address: 7 Marion Street, Portland Maine, 04101		6. Agent's Mailing Address: 541 US Route One, Suite 21 Freeport Maine 04032							
3. Applicant's Daytime Phone #: 207-317-0033		7. Agent's Daytime Phone #: 207-869-9050							
4. Applicant's Email Address (Required from either applicant or agent): nate@103dev.com		8. Agent's Email Address: tonyp@arc-maine.com							
9. Location of Activity: (Nearest Road, Street, Rt.#) 350 US Route 1		10. Town: Yarmouth	11. County: Cumberland						
12. Type of Resource: (Check all that apply)	☐ River, stream or brook ☐ Great Pond ☐ Coastal Wetland ☒ Freshwater Wetland ☐ Wetland Special Significance ☐ Significant Wildlife Habitat ☐ Fragile Mountain		13. Name of Resource: n/a						
	14. Amount of Impact: (Sq.Ft.) Fill: 10,292 square feet Dredging/Veg Removal/Other:								
15. Type of Wetland: (Check all that apply)	☒ Forested ☒ Scrub Shrub ☐ Emergent ☐ Wet Meadow ☐ Peatland ☐ Open Water ☐ Other _____	FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> ☐ 0 - 4,999 sq ft. ☐ 5,000-9,999 sq ft ☒ 10,000-14,999 sq ft </td> <td> ☐ 15,000 – 43,560 sq. ft. </td> <td> ☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>		Tier 1	Tier 2	Tier 3	☐ 0 - 4,999 sq ft. ☐ 5,000-9,999 sq ft ☒ 10,000-14,999 sq ft	☐ 15,000 – 43,560 sq. ft.	☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1
	Tier 1	Tier 2	Tier 3						
☐ 0 - 4,999 sq ft. ☐ 5,000-9,999 sq ft ☒ 10,000-14,999 sq ft	☐ 15,000 – 43,560 sq. ft.	☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1							
16. Brief Activity Description: Project consists of a mixed use development with associated paved parking areas and utility infrastructure.									
17. Size of Lot or Parcel & UTM Locations:		UTM Northing: 43 47 33.45N UTM Easting: 70 11 20.31 W							
18. Title, Right or Interest:		☒ own ☐ lease ☐ purchase option ☐ written agreement							
19. Deed Reference Numbers: Book#: 37647 Page: 163		20. Map and Lot Numbers: Map #: 31 Lot #: 67-1							
21. DEP Staff Previously Contacted: n/a		22. Part of a larger project: ☐ Yes ☒ No							
23. Resubmission of Application?: ☐ Yes → ☒ No		After-the-Fact: ☐ Yes ☒ No							
24. Written Notice of Violation?: ☐ Yes → ☒ No		Previous project manager:							
25. Previous Wetland Alteration:		☐ Yes ☒ No							
26. Detailed Directions to the Project Site: see attached									
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS							
☒ Title, right or interest documentation ☒ Topographic Map ☒ Narrative Project Description ☒ Plan or Drawing (8 1/2" x 11") ☒ Photos of Area ☒ Statement of Avoidance & Minimization ☒ Statement/Copy of cover letter to MHPC		☐ Title, right or interest documentation ☐ Topographic Map ☐ Copy of Public Notice/Public Information Meeting Documentation ☐ Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions ☐ Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized ☐ Erosion Control/Construction Plan ☐ Functional Assessment (Attachment 3), if required ☐ Compensation Plan (Attachment 4), if required ☐ Appendix A and others, if required ☐ Statement/Copy of cover letter to MHPC ☐ Description of Previously Mined Peatland, if required							
28. FEES Amount Enclosed: \$ 150.00									

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."



SIGNATURE OF AGENT/APPLICANT

Date: 3/2/2021

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

TABLE OF CONTENTS

APPLICATION FORM

EXHIBIT 1	PROJECT DESCRIPTION
EXHIBIT 2	LOCATION MAP
EXHIBIT 3	TITLE, RIGHT, OR INTEREST
EXHIBIT 4	DRAWINGS
EXHIBIT 5	WETLANDS/ VERNAL POOL
EXHIBIT 6	AVOIDANCE AND MINIMIZATION
EXHIBIT 7	SITE PHOTOGRAPHS
EXHIBIT 8	CORRESPONDENCE WITH MHPC AND MAINE INDIAN TRIBES

EXHIBIT I

PROJECT DESCRIPTION

103 Development, LLC is proposing to construct two new mixed-use buildings containing approximately 2,300 s.f. of first floor retail/commercial space and 18 residential dwelling units within a three-story building. The project site is located at 350 U.S. Route One in Yarmouth Maine at the intersection of Route One and Portland Street. The lot is identified as Lot 67-1 on the Town of Yarmouth's Tax map 31 and encompasses approximately 0.416 acres of land.

The project site is currently under contract by 103 Development LLC and is currently undeveloped. The property is bounded by an existing small commercial building to the north, U.S. Route One to the east, Portland Road to the south and existing railroad tracks to the west. The project site is mostly grass covered with light wooded areas along the railroad tracks. The topography of the site is relatively flat sloping westerly to an existing 15-inch culvert which conveys runoff underneath the railroad bed to the west. The property slopes up to the Beth Condon trail which is abutted by Route One to the east. The property receives runoff from Route One to the east and Portland Road to the south. A wetland area has been identified in the western portion of the site associated with backup up from the existing railroad culvert. The previous landowner has indicated that the culvert was buried and blocked and since has been located and cleaned out and is now functioning. An insignificant vernal pool was identified on the project site. Attached with this submission is a MDEP Vernal Pool Significance Determination. There are no identified streams on the project site.

The predominant soil type within the area of proposed development at the site has been identified from the Natural Resource Conservation Service (NRCS) Web Soil Survey. The mapped unit is Nicholville very fine sandy loam. The existing project site is depicted on the figures, and drawings that accompany this submission.

The new project will be served by a new curb cut on Route One. A new turning lane in Route One will support the new driveway curb cut. New utility services, including water, sewer, and underground electricity will service the project.

Runoff from all the new development will be captured and treated in a series of permeable paver with sand filter Best Management Practices mainly located under the walkway, plaza areas and a portion of the parking areas. The stormwater management system is designed to meet current local, and State standards and ensure that there are no significant detrimental impacts to downstream properties or receiving waters.

The new development has been designed to fit within the practically developable area of the site while achieving the core objectives of providing practical and viable mixed-use developments.

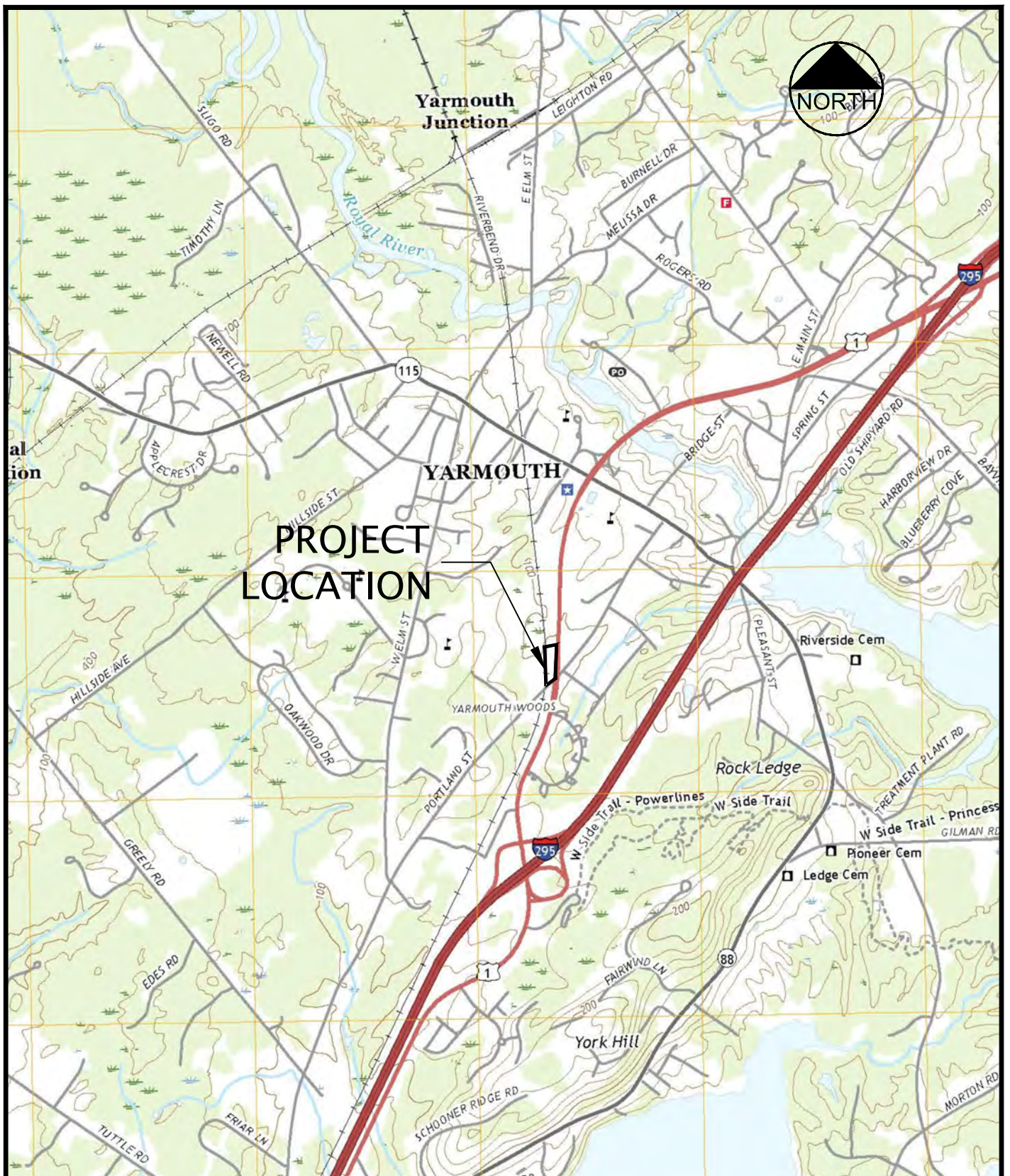
Project Schedule

Construction of the proposed project will begin once regulatory approvals have been obtained. It is anticipated that this could occur in the spring/summer of 2021.

EXHIBIT 2

LOCATION MAP

An excerpt of the USGS Topographic Map with the project site delineated is attached following this page.



REFERENCE:: USGS QUAD YARMOUTH, MAINE

350 U.S. ROUTE ONE

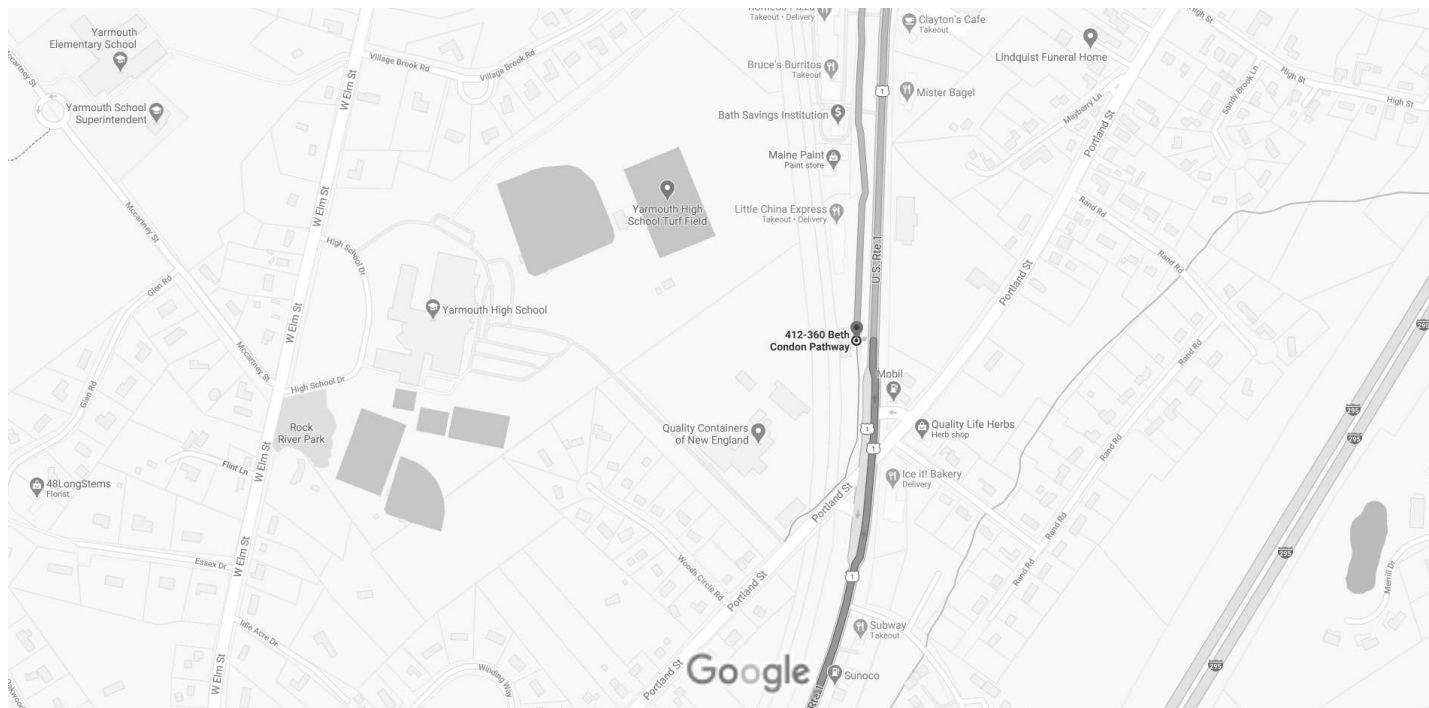
USGS LOCATION MAP

103 DEVELOPMENT LLC.
PORTLAND, MAINE

DRAWN: APP	DATE: 01-07-2021
DESIGNED: APP	SCALE: 1" = 2000'
CHECKED: APP	JOB NO. 20-043
FILE NAME: 20-043	

FIGURE

1



Map data ©2021 200 ft



via I-295 N

14 min

Fastest route, the usual traffic

11.1 miles



via State Rte 9 and I-295 N

16 min

10.0 miles



1:18 PM–2:13 PM

55 min

9A
 BRZ

Explore 412-360 Beth Condon Pathway



Restaurants



Hotels



Gas stations



Parking Lots



More

EXHIBIT 3 – TITLE, RIGHT, OR INTEREST

The project site parcel has a total area of approximately 0.416 acres and is identified on Tax Map 31, Lot 67-1. The Land is currently owned by 103 Development, LLC. The property deed is attached.

MAINE REAL ESTATE TAX-Paid

SPECIAL WARRANTY DEED
(Maine Quitclaim Deed with Covenant)

DLN 1002040127400

Pacific Premier Trust, a division of Pacific Premier Bank, successor by merger to PENSICO TRUST COMPANY, LLC, CUSTODIAN FBO EDWARD LIBBY IRA 100%, for consideration paid, grants to 103 DEVELOPMENT LLC, a Maine limited liability company, having a mailing address of 445 Main Street #14, Saco, ME 04072, with Quitclaim Covenant, the land in Yarmouth, Cumberland County, Maine, described in Exhibit A, attached hereto.

Being all and the same premises conveyed to PENSICO TRUST COMPANY, LLC, CUSTODIAN FBO EDWARD LIBBY IRA 100%, by deed from the State of Maine dated June 12, 2018, and recorded in the Cumberland County Registry of Deeds in Book 34936, Page 275.

In witness whereof, Pacific Premier Trust, a division of Pacific Premier Bank, successor by merger to PENSICO TRUST COMPANY, LLC, CUSTODIAN FBO EDWARD LIBBY IRA 100%, has caused this instrument to be executed by Becky Fichter, its Authorized Signer, thereunto duly authorized, this 24th day of December, 2020.

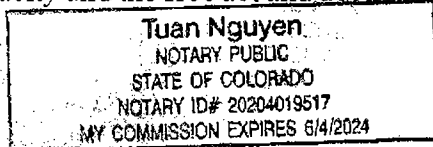
Pacific Premier Trust, a division of Pacific Premier Bank, successor by merger to PENSICO TRUST COMPANY, LLC, CUSTODIAN FBO EDWARD LIBBY IRA 100%

By: Becky Fichter
Printed name:
Title:

Pacific Premier Trust
A Division of Pacific Premier Bank
By: Becky Fichter
It's: Authorized Signatory

Colorado
State of California
County of Denver, ss.

Personally appeared before me the above named Becky Fichter, Authorized Signer of Pacific Premier Trust, a division of Pacific Premier Bank, successor by merger to PENSICO TRUST COMPANY, LLC, CUSTODIAN FBO EDWARD LIBBY IRA 100%, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of said corporation.



Tuan Nguyen
Notary Public

Printed name: Tuan Nguyen
My commission expires: 6/4/2024

EXHIBIT A

Legal Description

PARCEL 1

Highway Lot

A certain lot of parcel of land located northwesterly of U.S. Route 1, and northwesterly of but not adjacent to Portland Street, formerly known as Middle Road, in the Town of Yarmouth, County of Cumberland, State of Maine, more particularly bounded and described as follows:

BEGINNING AT A POINT on the northwesterly right of way line of U. S. Route 1 at a southerly corner of land now of formerly (N/F) of Edward F. Libby as described in a deed recorded in Book 33083, Page 50 at the Cumberland County Registry of Deeds, 50 feet northwesterly from and normal to the survey base line at station 400+50 as shown on sheet 11 of a right of way map by the Maine State Highway Commission entitled "State Highway "C-3", Federal Aid Project No. S. N. 377-A, Yarmouth, Cumberland County" S. H. C. File no. 3-49, dated October 1941, and recorded in Plan Book 31, Page 17, being revised through April 2018, and on file at the Maine Department of Transportation Property Office;

THENCE southwesterly on a line parallel with said survey base line and maintaining a distance 50 feet northwesterly therefrom, a distance of 35 feet to a point opposite station 400+15;

THENCE northwesterly on a line normal to said survey base line at station 400+15, a distance of 30 feet, more or less, to a point on a southeasterly line of land of said Libby;

THENCE northeasterly adjoining land of said Libby, a distance of 35 feet, more or less, to a corner of land of said Libby and of U. S. Route 1;

THENCE southeasterly adjoining land of said Libby on a line normal to said survey base line, a distance of 30 feet, more or less, to the POINT OF BEGINNING.

The parcel described above contains 1,173 square feet, more or less.

The parcel described above is subject to an easement for sewer and water line purposes, as described in a deed from the State of Maine to Frank S. Rand, dated December 6, 1967, and recorded in Book 3022, Page 619.

PARCEL 2

Railroad Lot

A certain lot of parcel of land located northwesterly of Portland Street, formerly known as Middle Road, and northwesterly of U.S. Route 1, in the Town of Yarmouth, County of Cumberland, State of Maine, more particularly bounded and described as follows:

BEGINNING AT A POINT at the most westerly corner of land now of formerly (N/F) of Edward F. Libby as described in a deed recorded in Book 33083, Page 50, at the Cumberland County Registry of Deeds, on the northwesterly right of way line of Portland Street, 93 feet, more or less, northwesterly of and normal to the survey base line at station 397+57, more or less, as shown on sheet 11 of a right of way map by the Maine State Highway Commission entitled "State Highway "C-3", Federal Aid Project No. S. N. 377-A, Yarmouth, Cumberland County", S.

H. C. File no. 3-49, dated October 1941, and recorded in Plan Book 31, Page 17, being revised through April 2018, and on file at the Maine Department of Transportation Property Office;

THENCE southwesterly adjoining the northwesterly right of way line of Portland Street, a distance of 18 feet, more or less, to a point 33 feet southeasterly from and normal to the base line of a railroad N/F of the State of Maine Department of Transportation as described in a deed recorded in Book 25500, Page 215, as said base line is shown on Right of Way and Track Map No. V.26/18 of the Atlantic and Saint Lawrence Railroad, dated June 30, 1917;

THENCE along a non-tangent curve to the left having a radius of 3307.1 feet concentric with said railroad base line, always maintaining a distance of 33 feet therefrom, an arc length of 480 feet, more or less, to a point;

THENCE southeasterly on a line that is the extension projected northwesterly of the property line between land N/F of A. Ross, LLC, as described in a deed recorded in Book 33192, Page 63, and land of said Libby, a distance of 11 feet, more or less, to the westerly corner of land of said Ross, and the northerly corner of land of said Libby at a point 44 feet southeasterly from said railroad base line as measured along a line normal thereto;

THENCE southwesterly adjoining land of said Libby along a non-tangent curve to the right having a radius of 3318.1 feet, an arc length of 470 feet, more or less, to the POINT OF BEGINNING.

The parcel described above contains 5,235 square feet, more or less.

THERE IS RESERVED TO THE STATE OF MAINE the perpetual right to enter upon the Premises to maintain any state or state-aid highway slopes and drainage facilities or installations that may exist.

THIS CONVEYANCE IS ALSO MADE subject to all above-ground and underground utility easements and installations, if any, located on the Premises, including but not limited to those shown on the Plan and those rights which any utility enjoys over the above-described Premises for maintenance, location or relocation of poles or other installations.

EXHIBIT 4 – DRAWINGS

Plan view drawings of the wetland impact area is provided following this page. Also included in this section are photographs of the proposed wetland impact areas.



WETLAND FILL
10,292 S.F.

ATLANTIC & ST. LAWRENCE RAILROAD
N.Y.
STATE OF MAINE
25500/215

NEW JAW
WETLAND

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350 U.S. ROUTE ONE
YARMOUTH, MAINE

MIXED USE DEVELOPMENT
WETLAND EXHIBIT



Atlantic Resource Consultants
Engineering Strategies and Solutions

DRAWN: MPV

DATE: MARCH 1, 2021

FIGURE

DESIGNED: APP

SCALE: 1" = 60'

EX - I

CHECKED: MPV/APP

JOB NO. 20-043

FILE NAME: 20-043 BASE

EXHIBIT 5 – WETLANDS / VERNAL POOL

The wetlands were mapped by Longview Partners in 2016 the same time the vernal pool was identified. As previously mentioned, an insignificant vernal pool was identified on the property. A Vernal Pool Significance Determination was issued by MDEP in August of 2018. A copy of that determination is attached.



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

August 29, 2018

Edward Libby
374 US Route 1
Yarmouth, ME 04096

Re: Vernal Pool Significance Determination, Pool ID # 3523-Yarmouth

Dear Edward Libby,

Vernal pools are temporary to semi-permanent wetlands occurring in shallow depressions that typically fill during the spring and dry during the summer or in drought years. They provide important breeding and foraging habitat for a wide variety of specialized wildlife species including several rare, threatened, and endangered species.

After conducting a field survey at your request, it has been determined that the vernal pool identified above on your property is NOT SIGNIFICANT because either: 1. the feature does not meet the definition of a vernal pool under the Significant Wildlife Habitat rules, 06-096 CMR 335(9) or 2. the vernal pool does not meet the biological standards for exceptional wildlife use of the Significant Wildlife Habitat rules, 06-096 CMR 335(9)(B). Therefore, activities within 250 feet of the pool are not regulated under the Natural Resources Protection Act (NRPA) unless there are other protected natural resources nearby such as streams or freshwater wetlands. I have attached a copy of the database printout that verifies the State's findings with respect to your survey.

I want to also advise you that the pool area on your property can be considered a freshwater wetland and therefore direct pool alterations may require permitting under the NRPA.

If you have any questions or need further clarification, please contact me at (207) 215-4397 or email at: Mark.Bergeron@maine.gov

Sincerely,

Mark Bergeron, P.E.
Bureau of Land Resources

cc. town file

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

IFW Recommendations for Significant Vernal Pool Determinations

The following is a list of pools and IFW's recommendations for whether or not they qualify as Significant Vernal Pools, one of Maine's Significant Wildlife Habitats.

Data current as of: Wednesday, August 29, 2018

IFW's Pool ID: 3523 Twp: Yarmouth
Observer's ID: Pool#1

UTM Coordinates of Pool Center: 404329 E, 4849576 N
ProjectType: Edward Libby, 374 US Route 1, Yarmouth

Landowner: Edward Libby
374 US Route 1
Yarmouth, ME 04096

Contact: James Logan - Longview Partners, LLC
6 Second Street
Buxton, ME 04093
(207) 693-8799 longviewpartners213@g

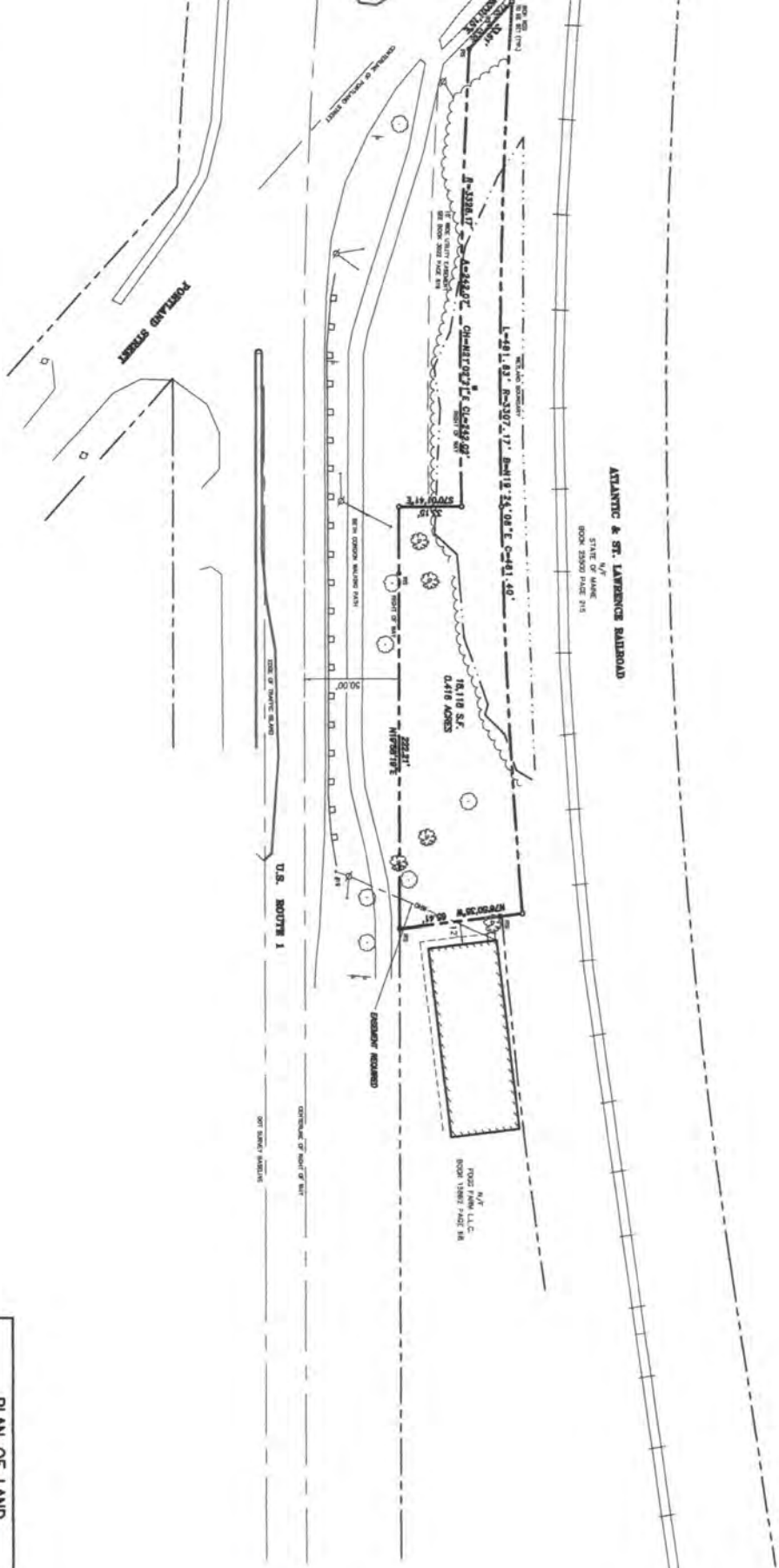
Survey Date: 4/11/2016 Additional Survey Dates: 04/20/2016, 05/04/2016

IFW's Recommendation: RED: NOT SIGNIFICANT, does not meet the vernal pool definition

IFW Comments:

FOR: BOG FARM, LLC YAMAGUCHI, MAINE DATED NOV. 14, 2000
BY: H. 11/16/2000 BY REED SURVEYING, INC. SCHAUBOROUGH, MAINE
IN G.C.R.D. PLAN BOOK 201 PAGE 139
SUNNEY CO. INC.

1. ORIGIN OF RECORD: EDWARD LIBERT
P/O TAX MAP 31(A) LOT 87
C.R.D. BOOK 33083 PAGE 51 &
C.R.D. BOOK 34903 PAGE 275



U.S. ROUTE 1, YARMOUTH, MAINE
MADE FOR OWNER OF RECORD
EDWARD LIBBY

374 U.S. ROUTE 1, YARMOUTH, MAINE 04096

PROFESSIONAL LAND SURVEYORS
7380 U.S. ROUTE ONE, FALMOUTH, ME 04106 (207) 774-0446

PROFESSIONAL LAND SURVEYORS

Trace 5

Checked By	ICSP/PNL	Soops	Drug No.
Book No.	FILE	1" x 10"	1A

MEMO

Date: JULY 30, 2018

To: JASON CZAPIGA
ME. INLAND FISH & WILDLIFE

From: James Logan, CSS/LSE
Longview Partners, LLC

JASON:

ENCLOSED FOR YOUR REVIEW AND PROCESSING IS A VERNAL POOL ASSESSMENT FORM WE PREPARED FOR MR. ED LIBBY AT 374 U.S. ROUTE 1 IN YARMOUTH, IN APRIL/MAY 2016. IT IS A 'STRADDLER' POOL, ON PROPERTY THAT BELONGED TO MR. LIBBY BUT EXTENDING ONTO THE ADJACENT RAILROAD BED (ABANDONED). MR. LIBBY WAS ABLE TO PURCHASE A PORTION OF THIS TO ADD TO HIS LOT.

WHILE I BELIEVE THAT PROXIMITY TO THE MAN-MADE RAILROAD BED SUGGESTS IT IS NOT "NATURALLY OCCURRING," WE ARE SUBMITTING THE DATA IN THE INTEREST OF PROFESSIONAL TACT.

SINCERELY,
JAMES LOGAN

Longview Partners, LLC
6 Second Street
Buxton, ME 04093
207-693-8799
longviewpartners213@gmail.com



Maine State Vernal Pool Assessment Form



INSTRUCTIONS:

- Complete all 3 pages of form thoroughly. Most fields are required for pool registration.
- Clear photographs of a) the pool AND b) the indicators (one example of each species egg mass) are required for all observers.

Observer's Pool ID: Pool #1

MDIFW Pool ID: _____

1. PRIMARY OBSERVER INFORMATION

- a. Observer name: James Logan
- b. Contact and credentials previously provided? ☐ No (submit Addendum 1) ☒ Yes

2. PROJECT CONTACT INFORMATION

- a. Contact name: ☒ same as observer ☐ other _____
- b. Contact and credentials previously provided? ☐ No (submit Addendum 1) ☐ Yes
- c. Project Name: Edward Libby, 374 US Route 1, Yarmouth

3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner? ☐ Yes ☒ No If no, was landowner permission obtained for survey? ☒ Yes ☐ No
- b. Landowner's contact information (required)
- Name: Edward Libby Phone: _____
- Street Address: _____ City: _____ State: ME Zip: _____
- c. ☐ Large Projects: check if separate project landowner data file submitted

4. VERNAL POOL LOCATION INFORMATION

- a. Location Township: Yarmouth

Brief site directions to the pool (using mapped landmarks):

Please see attached directions & Vernal Pool Location Plan prepared by Longview Partners, LLC

b. Mapping Requirements

- i. USGS topographic map OR aerial photograph with pool clearly marked.

ii. GPS location of vernal pool (use Datum NAD83 / WGS84)

Longitude/Easting: 70 11' 21" W Latitude/Northing: 43 47' 35" N

Coordinate system: Lat/Lon WGS 84

- Check one: ☐ GIS shapefile
- send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (Best)
 - ☐ The pool perimeter is delineated by multiple GPS points. (Excellent)
 - Include map or spreadsheet with coordinates.
 - ☒ The above GPS point is at the center of the pool. (Good)
 - ☐ The center of the pool is approximately _____ m ☐ ft ☐ in the compass direction of _____ degrees from the above GPS point. (Acceptable)



Maine State Vernal Pool Assessment Form



5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3): _____

b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

- ☒ Isolated depression
☐ Floodplain depression

☒ Pool associated with larger wetland complex
☐ Other: _____

■ Check all wetland types that best apply to this pool:

- | | | | |
|--|---|--|--|
| ☐ Forested swamp | ☐ Wet meadow | ☐ Slow stream | ☐ Dug pond or borrow pit |
| ☐ Shrub swamp | ☐ Lake or pond cove | ☐ Floodplain | ☐ Roadside ditch |
| ☐ Peatland (fen or bog) | ☐ Abandoned beaver flowage | ☐ Mostly unvegetated pool | ☒ Other: Base of Railroad Subgrade |
| ☐ Emergent marsh | ☐ Active beaver flowage | ☐ ATV or skidder rut | |

c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin: ☐ Natural ☐ Natural-Modified ☒ Unnatural ☐ Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (required):

Pool is backed-up drainage behind a railroad subgrade

II. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale in box (required):

- ☐ Permanent ☒ Semi-permanent (drying partially in all years and completely in drought years) ☐ Ephemeral (drying out completely in most years) ☐ Unknown

Explain:

Aquatic vegetation is present in pool

■ Maximum depth at survey: ☐ 0-12" (0-1 ft.) ☒ 12-36" (1-3 ft.) ☐ 36-60" (3-5 ft.) ☐ >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width: 45 ☐ m ☒ ft Length: 337 ☐ m ☒ ft

■ Predominate substrate in order of increasing hydroperiod:

- ☐ Mineral soil (bare, leaf-litter bottom, or upland mosses present) ☐ Organic matter (peat/muck) shallow or restricted to deepest portion
☒ Mineral soil (sphagnum moss present) ☐ Organic matter (peat/muck) deep and widespread

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

- | | |
|---|---|
| ☐ Terrestrial nonvascular spp. (e.g. haircap moss, lycopodium spp.) | ☒ Wet site ferns (e.g. royal fern, marsh fern) |
| ☐ Dry site ferns (e.g. spinulose wood fern, lady fern, bracken fern) | ☒ Wet site shrubs (e.g. highbush blueberry, maleberry, winterberry, mountain holly) |
| ☐ Moist site ferns (e.g. sensitive fern, cinnamon fern, interrupted fern, New York fern) | ☐ Wet site graminoids (e.g. blue-joint grass, tussock sedge, cattail, bulrushes) |
| ☐ Moist site vasculars (e.g. skunk cabbage, jewelweed, blue flag iris, swamp candle) | ☒ Aquatic vascular spp. (e.g. pickerelweed, arrowhead) |
| ☒ Sphagnum moss (anchored or suspended) | ☐ Floating or submerged aquatics (e.g. water lily, water shield, pond weed, bladderwort) |
| | ☐ No vegetation in pool |

■ Faunal indicators (check all that apply):

- ☐ Fish ☐ Bullfrog or Green Frog tadpoles

☐ Other: _____

iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

- ☒ No inlet or outlet ☐ Permanent inlet or outlet (channel with well-defined banks and permanent flow)
☐ Intermittent inlet or outlet ☐ Other or Unknown (explain): _____



Maine State Vernal Pool Assessment Form



6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates: April 11, April 20, & May 4, 2016

b. Indicator abundance criteria and pool survey effort

- Is pool depression bisected by 2 ownerships (straddler pool)? ☐ Yes ☒ No
- Was the entire pool surveyed for egg masses? ☒ Yes ☐ No; what % of entire pool surveyed? _____
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)									Tadpoles/Larvae ⁴			
	Visit #1	Visit #2	Visit #3	Confidence Level ¹			Egg Mass Maturity ²			Observed	Confidence Level ¹		
Wood Frog	1	17	17	3	3	3	M	M/A	H				
Spotted Salamander	0	0											
Blue-spotted Salamander	0	0											
Fairy Shrimp ³	0	0											

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (loose matrix, curved embryos), H= Hatched or Hatching

3-Fairy shrimp: X = present

4-Tadpoles/larvae: X = present

c. Rarity criteria

- Note any rare species associated with vernal pools. Observations should be accompanied by photographs.

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle	☐	☐	☐		Wood Turtle	☐	☐	☐	
Spotted Turtle	☐	☐	☐		Ribbon Snake	☐	☐	☐	
Ringed Boghaunter	☐	☐	☐		Other:	☐	☐	☐	

*Method of verification: P = Photographed, H = Handled, S = Seen

**CL - Confidence level in species determination: 1 = <60%, 2 = 60-95%, 3 = >95%

d. Optional observer recommendation:

☐ SVP ☐ Potential SVP ☒ Non Significant VP ☐ Indicator Breeding Area

e. General vernal pool comments and/or observations of other wildlife:

Abandoned duck nest nearby. Poor water quality in pool.

Send completed form and supporting documentation to: Maine Dept. of Inland Fisheries and Wildlife
Attn: Vernal Pools
650 State Street, Bangor, ME 04401

NOTE: Digital submission (to Jason.Czapiga@maine.gov) of vernal pool field forms and photographs is only acceptable for projects with 3 or fewer assessed pools; larger projects must be mailed as hard copies.

For MDIFW use only

Reviewed by MDIFW Date: _____ Initials: _____

This pool is: ☐ Significant ☐ Potentially Significant but lacking critical data ☐ Not Significant due to: ☒ does not meet biological criteria.
☐ does not meet MDEP vernal pool criteria.

Comments:

YOUR TRIP TO:

374 Route 1, US, Yarmouth, ME, 04096-6734



1 HR 57 MIN | 123 MI

Est. fuel cost: \$9.81

Trip time based on traffic conditions as of 1:01 PM on July 26, 2018. Current Traffic: Light



Print a full health report of your car with HUM vehicle diagnostics (800) 906-2501



1. Start out going **northeast** on State St/US-2 E toward State Hospital Dr.

Then 0.27 miles

0.27 total miles



2. State St/US-2 E becomes Hogan Rd.

Then 1.31 miles

1.58 total miles



3. Turn **slight left** to take the **I-95 S** ramp toward **Newport/Augusta**.

0.1 miles past Hogan Rd.

If you reach Springer Dr you've gone about 0.1 miles too far.

Then 0.01 miles

1.58 total miles



4. Merge onto I-95 S via the ramp on the **left** (Portions toll).

Then 84.17 miles

85.75 total miles



5. Merge onto I-295 S via EXIT 103 toward **Gardiner/Brunswick/ME-9/ME-126** (Portions toll).

Then 34.98 miles

120.73 total miles



6. Take the **US-1** exit, EXIT 17, toward **Yarmouth**.

Then 0.45 miles

121.18 total miles



7. Merge onto Route 1/US-1 S toward **Yarmouth**.

Then 1.46 miles

122.64 total miles



8. 374 Route 1, US, Yarmouth, ME 04096-6734, 374 ROUTE 1, US is on the **right**.

If you reach Portland St you've gone about 0.1 miles too far.

Use of directions and maps is subject to our [Terms of Use](#). We don't guarantee accuracy, route conditions or usability. You assume all risk of use.



Book a hotel tonight and
save with some great deals!
(1-877-577-5766)



Car trouble mid-trip?
MapQuest Roadside
Assistance is here:
(1-888-461-3625)

Libby property
US Route 1
Yarmouth, Maine

April 11, 2016



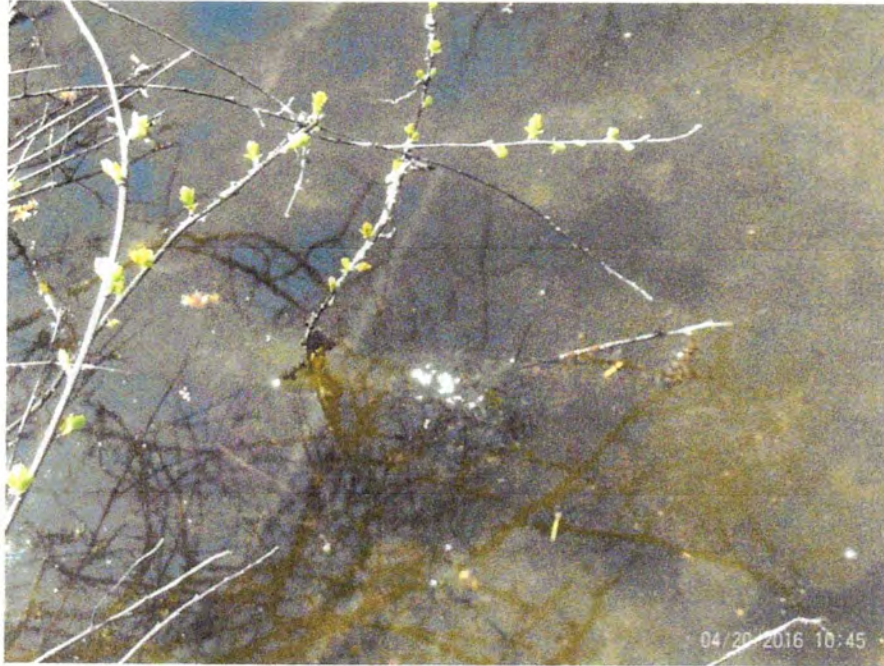
Vernal pool habitat with railroad tracks in background



US Route 1 as seen from edge of habitat

April 20, 2016

Libby property
US Route 1
Yarmouth, Maine



Wood frog egg masses



Advanced wood frog egg mass, nearly disintegrated

Libby property
US Route 1
Yarmouth, Maine



Habitat directly adjacent to railroad tracks



Ponded habitat, with railroad tracks in rear

**LOCATIONS OF EGG
MASSES (TYPICAL)**

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

**VERNAL POOL LOCATION
PLAN**
**PREPARED FOR
ED LIBBY**
**374 US ROUTE 1
(MAP 28, LOT 31-67)
YARMOUTH, MAINE**

LONGVIEW
PARTNERS, LLC
ENVIRONMENTAL PERMITTING SPECIALISTS

DRAFT:
BO

SCALE:
1" = 50'

CHECKED:
JL

PLAN DATE:
5-10-16

EXHIBIT 6 – AVOIDANCE & MINIMIZATION

Wetland investigations and delineation at the site were undertaken by Longview Partners, in accordance with the US Army Corps of Engineers Wetland Delineation Manual (1987). A total of one wetland area was identified on the western portion of the property adjacent to the railroad bed.

Wetland Impacts

The wetland impacts associated with the proposed project is located on the western portion of the site. The table below summarizes the wetland impacts.

Location of Impact	Amount of Impact (sf)
Wetland area adjacent to railroad	10,292 +/-
TOTAL WETLAND IMPACTS	10,292 sf

Avoidance & Minimization

The site location for the proposed project was selected as the applicant currently has rights to the property and the site is within the CD4-C Route One Corridor District in the Town of Yarmouth. The site has frontage on US Route One and Portland Street.

There are limited mixed use developments in the Town of Yarmouth with the amount of desirable residential component. This represents a viable opportunity to create infill development within a suitably zoned site with good access and visibility. The project site is surrounded by existing development and the site is mostly developed lawn area adjacent to the Beth Condon pathway.

The layout of the proposed project was developed through an extensive and iterative design process that considered the opportunities and constraints offered by the site, and the need to create a desirable and viable project. Obviously, the low spot of the site is where the existing 15" culvert conveys runoff under the railroad bed. As previously mentioned, the 15" culvert was previously blocked and prevented runoff from exiting the site under the railroad bed.

The project has been designed to conform to the current Town of Yarmouth Zoning Ordinance. The resulting plan maximizes the efficient use of space and maintains the smallest possible development footprint while achieving the primary goals and objectives of the project. The resulting wetland impacts are limited to the minimum possible to achieve a viable project.

Conclusions

The proposed project site features a forested / scrub shrub freshwater wetland. An insignificant vernal pool was identified on the property. Attached with this submission is a Vernal Pool Significance Determination from Mark Bergeron.

The development has been specifically tailored to fit within the developable area of the site to the maximum extent practical, limiting unnecessary disturbance while adhering to the Town of Yarmouth Code of Ordinances. Each of the elements of the proposed development have been carefully vetted to

ensure that they represent the most practical way to achieve the core objectives of the project, provide a safe, and desirable environment with the minimum practicable impacts to protected natural resources.

EXHIBIT 7 – SITE PHOTOGRAPHS



LOOKING WESTERLY AT THE WETLAND AREA



LOOKING WESTERLY AT THE WETLAND AREA, EXISTING RAILROAD BED IN THE BACK



LOOKING NORTHERLY AT THE WETLAND AREA

EXHIBIT 8 - CORRESPONDENCE WITH THE MAINE STATE HISTORIC PRESERVATION COMMISSION & MAINE INDIAN TRIBES

In accordance with U.S. Army Corps of Engineers requirements, a copy of this NRPA application has also been forwarded to MHPC. A copy of the correspondence with MHPC is attached herein.

Also attached are copies of the correspondence with the five Maine Indian Tribes, providing notification of the project and requesting any comments or concerns.

March 1, 2021

Mr. Kirk Mohney
Maine Historic Preservation Commission
55 Capitol Street
State House Station 65
Augusta, Maine 04333

**Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

Dear Mr. Mohney:

On behalf of 103 Development, LLC. and in accordance with Natural Resource Protection Act (NRPA) Permit application requirements, we are forwarding you a complete copy of the Tier 1 Wetland Impact Application associated with a proposed new mixed-use development on a 0.416 acre+/- parcel of land located at 350 US Route One in the Town of Yarmouth, Maine.

In the attached application documents, you will find information on the project site, applicant, and the proposed wetland impacts.

Please do not hesitate to contact us if you have any questions regarding this application.
Regards,



Atlantic Resource Consultants
Anthony Panciocco, PE
Senior Civil Engineer

March 1, 2021

Aroostook Band of Micmacs
Attn: Jennifer Pictou, Tribal Historic Preservation Officer
7 Northern Road
Presque Isle, Maine 04769

**RE: Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

Dear Tribal Historic Preservation Officer:

Atlantic Resource Consultants has been retained by 103 Development, LLC for the preparation of site design and site permitting including a Natural Resources Protection Act (NRPA) Application for a proposed new mixed use development on a 0.416 acre+/- parcel of land at 350 US Route One in the Town of Yarmouth, Maine.

A copy of the NRPA Application is on file with the Maine Historic Preservation Commission and the Maine DEP office in Portland, ME.

Regards,



Atlantic Resource Consultants
Anthony Panciocco, PE.
Senior Engineer
Email: tonyp@arc-maine.com

March 1, 2021

Houlton Band of Maliseet Indians
Attn: Tribal Historic Preservation Officer
88 Bell Road
Littleton, Maine 04730
By Email to: ogs1@maliseets.com

**RE: Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

Dear Tribal Historic Preservation Officer:

Atlantic Resource Consultants has been retained by 103 Development, LLC for the preparation of site design and site permitting including a Natural Resources Protection Act (NRPA) Application for a proposed new mixed use development on a 0.416 acre+/- parcel of land at 350 US Route One in the Town of Yarmouth, Maine.

A copy of the NRPA Application is on file with the Maine Historic Preservation Commission and the MaineDEP office in Portland, ME.

Regards,



Atlantic Resource Consultants
Tony Panciocco, PE.
Senior Engineer
Email: tonyp@arc-maine.com

March 1, 2021

Passamaquoddy Tribe of Indians
Indian Township Reservation
Attn: Tribal Historic Preservation Officer
P.O. Box 301
Princeton, Maine 04668

**RE: Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

Dear Tribal Historic Preservation Officer:

Atlantic Resource Consultants has been retained by 103 Development, LLC for the preparation of site design and site permitting including a Natural Resources Protection Act (NRPA) Application for a proposed new mixed use development on a 0.416 acre+/- parcel of land at 350 US Route One in the Town of Yarmouth, Maine.

A copy of the NRPA Application is on file with the Maine Historic Preservation Commission and the Maine DEP office in Portland, ME.

Regards,



Atlantic Resource Consultants
Tony Panciocco, PE.
Senior Engineer
Email: tonyp@arc-maine.com

March 1, 2021

Passamaquoddy Tribe of Indians
Pleasant Point Reservation
Attn: Donald Soctomah, Tribal Historic Preservation Officer
P.O. Box 343
Perry, Maine 04667-0343

**RE: Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

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Regards,



Atlantic Resource Consultants
Tony Panciocco, PE.
Senior Engineer
Email: tonyp@arc-maine.com

March 1, 2021

Penobscot Indian Nation
Indian Island Reservation
Attn: Christopher Sockalexis, Tribal Historic Preservation Officer
12 Wabanaki Way
Indian Island, ME 04468

**RE: Mixed Use Development, 350 US Route One, Yarmouth, Maine
NRPA Tier 1 Wetland Impact Application**

Dear Tribal Historic Preservation Officer:

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Regards,



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Email: tonyp@arc-maine.com