

**Planning Board  
Application for Site Plan Review**

June 28, 2017

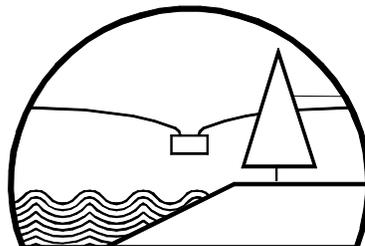
**Mitchell Field Pier Removal**  
**Town of Harpswell**  
Harpswell, Maine

**Applicant:**

Town of Harpswell  
Attn: Kristi Eiane- Town Administrator  
Town of Harpswell  
PO Box 39  
Harpswell, ME 04079

**Submitted To:**

Mark Eyerman -Town Planner  
William Wells- Code Enforcement  
Town of Harpswell  
PO Box 39  
Harpswell, ME 04079



**BAKER DESIGN CONSULTANTS**  
*Civil, Marine and Structural Engineering*

7 Spruce Road, Freeport, Maine 04032

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## Planning Board Application



**Town of Harpswell**  
Planning Office  
263 Mountain Road  
P.O. Box 39  
Harpswell, ME 04079

### PLANNING BOARD APPLICATION

Dear Applicant:

Welcome to the Town of Harpswell Planning Board process.

The Planning Board is established in accordance with the Town of Harpswell's Basic Land Use Ordinance § 12.2. All decisions reached by the Planning Board are in accordance with and governed by the Town of Harpswell's ordinances. Copies of all ordinances are available on line at [www.harpswell.maine.gov](http://www.harpswell.maine.gov) or at the Town Office. It is recommended that you familiarize yourself with the requirements and standards of the Town's ordinances as applicable to your application review.

The regular meeting date of the Harpswell Planning Board is the 3<sup>rd</sup> Wednesday of each month. A complete application must be submitted to the Planning Office **NO later than three weeks prior to the next meeting**. The proper application fee must accompany the application.

Attached is the Planning Board application packet. Please use the checklist or refer to the ordinances as you prepare your application to determine completeness. You are encouraged to schedule a meeting with the Town Planner to discuss your proposal two months prior to submitting an application to the Planning Board. The Town Planner will be able to assist you in determining what type of application you need to submit, identify submittal materials required and answer any questions you may have. The Town Planner may be reached at (207) 833-5771.

A site visit (on property) will be scheduled the Friday prior to the regularly scheduled Planning Board meeting. If this Friday is a holiday, the site visit will be the Monday before the meeting. Applicant/owners and abutters are invited to attend the site visit and the meeting.



Town of Harpswell  
 Planning Board Application

Project # _____
Map# _____ Lot# _____

Name of Applicant:	<u>TOWN OF HARPSWELL</u>		
Mailing Address:	<u>263 MOUNTAIN ROAD</u>	City or Town:	<u>HARPSWELL</u>
State:	<u>MAINE</u>	Zip:	<u>04079</u> Telephone: <u>207 833 5771</u>
E-mail Address:	<u>KEIANE@TOWN.HARPSWELL.ME.US</u>		

Name of Property Owner:	<u>TOWN OF HARPSWELL</u>		
Mailing Address:	<u>SAME AS ABOVE</u>	City or Town:	_____
State:	_____	Zip:	_____ Telephone: _____
E-mail Address:	_____		

Name of Representative: (If applicable)	<u>BARNEY BAKER ; PE (AGENT)</u>		
Mailing Address:	<u>7 SPRUCE ROAD</u>	City or Town:	<u>FREESTPORT</u>
State:	<u>MAINE</u>	Zip:	<u>04032</u> Telephone: <u>207 846 9724</u>
E-mail Address:	_____		

*The undersigned requests that the Planning Board consider the following:*

Subject Property(s): Tax Map: 13 Lot: 4 (and) Tax Map: \_\_\_\_\_ Lot: \_\_\_\_\_

Physical Address(es) or Location: MITCHELL FIELD

Zoning District: (Circle all that apply) INT ▪ SR ▪ SB ▪ CF1 ▪ CF11 ▪ RP ▪ Other MEMBD

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 1. <b>Site Plan Review</b> (see Site Plan Review Ordinance §14 for submission requirements) | <input type="checkbox"/> 2. <b>Subdivision Review</b> (see Subdivision Ordinance §8 for submission requirements) |
| <input type="checkbox"/> Pre-Application Review   | <input type="checkbox"/> Pre-Application Review  |
| <input checked="" type="checkbox"/> Plan Submission   | <input type="checkbox"/> Preliminary Plan Submission   |
| <input type="checkbox"/> Amendment  | <input type="checkbox"/> Final Plan Submission   |
|   | <input type="checkbox"/> Amendment   |

3. **Approval of Land Use in the Shoreland Zone** (see Table 1 in Shoreland Zoning Ordinance) (See attached checklist for submission requirements.)

4. **Reconstruction of Nonconforming Structure** (See Sec. 10.3.2 of Basic Land Use Ordinance) OR **Exemption for Nonconforming Foundation** (See Sec. 10.3.1.2 of Basic Land Use Ordinance) (See attached checklist for requirements)

5. **Wharf Approval** (Land Use Application, Deed and Sketch must accompany this request.)

6. **Other:** \_\_\_\_\_

Signature of Applicant: Barney Baker (AGENT) Date: 6.28.17

Office Use Only	Fee Paid: <input type="checkbox"/> Planning Board <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Staff Review <input type="checkbox"/> Subdivision \$ _____
	Escrow Fee: \$ _____ Received by: _____

Project # \_\_\_\_\_  
Map# \_\_\_\_\_ Lot# \_\_\_\_\_

**BASIC PLANNING BOARD APPLICATION REQUIREMENTS**

**A complete application to the Planning Board consists of 10 copies of the following documentation** (Note: For Site Plan and Subdivision applications please refer to the applicable ordinance(s)): **This is not all encompassing. Please see relevant ordinances.**

1.  Planning Board Application
2.  Receipt of Fees – (circle one) *Planning Board – Site Plan – Staff Review - Subdivision*
3.  Land Use Application
4.  **Existing** Conditions Site Plan to include the following information: (site plan drawn to scale)
  - Required setbacks for the edge of all boundaries (Building Envelope)
  - Zoning District Lines
  - North Arrow
  - Footprints and dimensions of all structures
  - Impermeable surface areas: includes all buildings, drives, parking areas etc.
  - High water line
  - Septic system location
  - Well location(s)
  - Square footage of lot
  - Abutting Roads
    - Road right-of-way widths if applicable
    - Amount of frontage if applicable
  - If applicable:
    - Wetlands
    - Streams, ponds, etc.
    - USGS contours of 2ft (5 ft waiver, 20ft for basic application)
    - Erosion Control Plan
    - FEMA 100 yr floodplain line
5.  **Proposed** Conditions Site Plan to show the following information:
  - All elements as required above and any changes thereof
6.  Erosion control plan
7.  Written description of proposed project/activity
8.  Planning Board Signature Block
9.  Stormwater Management Plan
10.  Septic Plans (Subsurface Wastewater Design)
11.  Letter of authorization if applicable
12.  Copy of any applications or permits from other agencies (MDOT, LOMA, DEP etc.)
13.  Letter of financial and technical capacity
14.  Copy of letter to Maine Historic Preservation Commission
15.  Applicant's right, title or interest in the property (usually a copy of the deed)

**Reviewed for Completion by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Codes:  Site Plan  Staff Review  Land Use in SLZ  Wharf  N/C Structure  Other

## Submission Requirements

### 14.1 General Information

- 1) Record owner's name, address, and phone number and applicant's name, address and phone number if different. If the person signing the application is not the owner of the property, then that person must submit a letter of authority from the owner.

Owner: Town of Harpswell  
Attn: Kristi Eiane- Town Administrator  
Town of Harpswell  
PO Box 39  
Harpswell, ME 04079

Applicants Agent/Project Engineer (See Exhibit No. 1 on page 31):

Baker Design Consultants  
Attn: Barney Baker PE  
7 Spruce Road  
Freeport, Maine 04032

- 2) The area in square feet of the lot which is to be developed. The lot area includes the area of land enclosed within the boundary lines of a lot, minus land below the maximum high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Map 13, Lot 4 has an area of 119 acres.

- 3) Names and addresses of all property owners within five hundred (500) feet of any and all property boundaries.

Refer to Exhibit No. 3 Abutting Property Owners on page 34.

- 4) Sketch map showing general location of the site within the town based upon a reduction of the tax maps.

Refer to Exhibit No. 2 Location Map and Tax Maps located on page 32.

- 5) Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.

Refer to Exhibit No. 3 Abutting Property Owners on page 34. The Town owns the Fire Station parcel (Map 13 Lot 3) at the entrance to the Mitchell Field property.

- 6) The tax map and lot number of the parcel or parcels on which the development is located.

Map 13, Lot 4

- 7) A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

A copy of the Town Assessor Card and Property Deed can be found in Exhibit No. 4 on page 35.

- 8) A copy of all existing covenants, deed restrictions, easements, right-of-ways, or other encumbrances affecting the property, delineated on the site plan wherever possible.

Approval is required for any soil disturbance on the property by the Maine Department of Environmental Protection. This is a holdover from the site fuel spill remediation and associated groundwater monitoring that was undertaken as part of the property transfer from the US Navy to the Town of Harpswell. Soil disturbance will be limited to minor grading associated with the creation of the Laydown areas and temporary access roads.

A site walk was undertaken with the DEP Mitchell Field compliance representative (Naji Akladiss) to review the project. As a result of this meeting, the following contract provisions were added to the project:

- All creosoted timber materials associated with the pier demolition will be separated as they come ashore and placed in storage containers to prevent contact with the ground until they can be transferred to a licensed facility for disposal.
- If any ground contamination is found or results from the construction activity, DEP will be notified immediately.

*We ask that a DEP Project Approval letter for any soil disturbance associated with the project be made a condition of Site Plan Review approval.*

- 9) The name, registration number, and seal of the person who prepared the plan, if applicable.

Barney Baker PE is a Maine registered professional engineer #5737. Project Plans located in Appendix C of the attached NRPA Individual Permit Application are 'sealed'. A full size Sheet C-101 SITE PLAN will be provided for Planning Board signature and record.

- 10) Evidence of the applicant's technical and financial capability to carry out the development as proposed.

In the fall of 2016 the Town hired Baker Design Consultants (BDC), a Civil Engineering consultant that specializes in waterfront work, to review options, costs and recommendations for a pier demolition program.

On March 11, 2017 the Town passed a warrant authorizing the Board of Selectmen to raise \$5,000,000 for the project.

With funding authorization in place, the Town authorized BDC to proceed with permitting and construction document preparation for the pier demolition project.

## 14.2 Existing Conditions

- 1) Zoning classification(s), including overlay and/or sub-districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub-districts or abuts a different district.

Refer to Zoning Map in Exhibit No. 5 on page 44. The Zones that will be impacted by the project are the Interior Zone (INT) and the Mitchell Field Marine Business District (MFMB).

Note that a section of the Mitchell Field property shoreline is located within the Shoreland Residential Zone (SR). However, no construction activity will take place in this zone area of the property.

- 2) A boundary survey including the bearings and length of all property lines and required setbacks and buffers of the property to be developed and the source of this information. The Planning Board may waive the requirement of a boundary survey when the Planning Board deems that sufficient information is available to establish, on the ground, all property boundaries.

Sheet C-100 EXISTING CONDITIONS was developed following a Bathymetric and Topographic survey of the project area.

*Due to the size of the property and the 'demolition' nature of the project (i.e. no new structures), the applicant requests that the requirement for a formal Boundary Survey be waived.*

- 3) Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, or on abutting roads, and land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use.

The existing road network was built to support the traffic and equipment loading associated with a US Navy Marine Fuel Terminal operations and Maintenance. Sheet C-99 LEGACY UTILITY PLANS provides a record of where site utilities and tanks were originally located.

The proposed project will not impact any existing utilities. As shown on Sheet C-100 EXISTING CONDITIONS, all the tanks have been removed. Records and reports on file with the Town indicated the entire fuel piping infrastructure has also been removed.

Based on a review of original construction plans for the site and inspection in the field, the road network should be adequate for the pier demolition project which involves transfer of pier demolition material to stockpile areas on site and process recycling prior to transfer to an offsite location.

4) Location, names, and present widths of existing public and/or private roads and rights-of-way within or adjacent to the proposed development.

Refer to Sheet C-1 EXISTING SITE PLAN and C-101 SITE PLAN. Road widths are noted.

5) The location and dimensions of all existing structures on the site.

No changes are proposed to existing site structures that include the Town Bandstand and several buildings that originally supported Navy operations. Refer to EXHIBIT No. 6 Town Assessors Card Data on page 45 for existing building descriptions.

6) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

No changes are proposed to existing driveways parking and loading areas as part of the project.

7) Location of intersecting roads or driveways within two hundred (200) feet of the site.

The entire Mitchell Field property is 119 acres with one entrance in from Harpswell Neck Road-Route 123. Refer to Tax Map 13 located in Exhibit No.2 Location Map and Tax Map on page 32 for entry location and that of adjacent properties.

8) The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features. For any proposed land use activity involving structural development or soil disturbance on sites listed on the National Register of Historic Places, the applicant shall provide evidence that they have submitted their proposal to the Maine Historic Preservation Commission for review and comment. The Planning Board may require a written statement from the Maine Historic Preservation Commission indicating the proposed development will not adversely impact archeological

or historic resources or recommending how the proposed development might be modified to minimize any adverse impact on archeological or historic resources.

Refer to Sheet C-99 LEGACY UTILITY PLANS which identifies former tank farm infrastructure to illustrate previous development on the site. All tank infrastructure including fuel lines were reported to have been removed prior to transfer of the property to the Town from the Navy.

Refer to Sheet C-100 EXISTING CONDITIONS which shows current features of the site. The delineation and characterization of the site wetlands was undertaken by Stantec Consulting Services Inc. Site bathymetry and topographic survey information was completed by Little River Land Survey.

- 9) The direction of existing surface water drainage across the site and, if specifically required by the Planning Board, a topographic survey.

The appended plans are based on a topographic survey of the pier and upland area completed by Little River Land Survey Inc. Surface water flow direction can be determined from the contour information provided.

- 10) The location, front view, dimensions, and lighting of existing signs.

There is a gate at Mitchell Field located at the entrance from Route 123. The gate can be locked to prevent unauthorized access. The speed limit for vehicles on site is 15 MPH.

- 11) The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

Fire protection for the property is provided by the Fire Station that is located at the entrance to the property on Rte. 123. There is a legacy of saltwater hydrants on the property that are no longer active.

### 14.3 Proposed Development Activity

- 1) Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including a site evaluation and plan indicating soil suitability for sewage disposal if on-site sewage disposal is proposed.

The pier demolition project will require water for drinking and dust control. Toilet facilities will be needed for site workers. The Contractor will be responsible for hauling water to the site and providing and servicing sufficient portable toilets for construction staff for the duration of the project.

- 2) A surface drainage plan that shows the location and size of ditches, culverts, drainage ways, easements and other improvements as well as the direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.

The Contractor will be required to reinstate any surfaces or drainage paths altered by the construction activity. Therefore, no long-term changes to the site topography or drainage paths will result with the following exceptions.

- New access road to Laydown Area II. As shown on Sheet C-101 SITE PLAN, this road link will enter the Laydown Area from the main internal road to bypass the bandstand and public beach area. The purpose of this road will be to segregate construction activity. This route will require a new culvert to maintain drainage paths as shown on Sheet C-101- SITE PLAN.
- Direct Road Link from Laydown Area II to Causeway. The Contractor will have the option of using the existing north loop road to access Laydown Area II or to construct a direct route to the Causeway as shown on Sheet C-103 OPTIONAL ACCESS ROAD PLAN & PROFILE. The latter construction will require a culvert to maintain existing drainage path at the base of the existing slope.
- Material Stockpiled onsite for reuse. The contract will have a provision for leaving material on site that is suitable for reuse. The stone ballast material may be suitable for construction of the boat ramp that has been designed for the facility. As shown on Sheet C- 102 POST DEVELOPMENT PLAN, the material would be stockpiled on the north side of the field with access from the perimeter road.

The Contractor will be responsible for maintaining site drainage and erosion control for the duration for the work.

- 3) A description of the solid, special, and hazardous waste to be generated, provisions for handling that waste, and the location and proposed screening of any on-site collection or storage facilities.

All material transported offsite will either be recycled or disposed of at a licensed landfill facility. A description of material is provided below.

### **Recycled Material**

- **Ballast Material-** Rock and Gravel fill material from the Breasting Dolphin and Mooring Platform could be crushed and graded in the Laydown Area if the Contractor elected to bring in temporary plant for this operation. Another possibility is one where the material is hauled to another location where a permanent crushing operation is located. Suitable ballast material for Causeway Armor repairs and /or construction of a future boat ramp would be stockpiled on site for reuse at a future date.
- **Steel** can be recycled, but must be separated from other materials. Loose mangled steel would be taken to the stockpile area, cut into 4-ft sections and stockpiled until it could be transferred to a recycle facility.
- **Steel Sheet-Pile.** The Contractor may be able to stack and bundle the steel sheeting as the pier is dismantled. The bundles could then be loaded onto trucks and hauled directly off site.
- **Steel Pipe Piles** would need to be cut in half to remove any concrete fill and bundled or cut into 4-ft sections.
- **Reinforced Concrete-** The reinforcement would need to be separated from the concrete matrix. The concrete pieces would be brought to the stockpile area. The material would then be chopped and pulverized to separate the steel reinforcement. The reinforcement would be cut into 4-ft lengths and hauled to a recycle facility. The concrete would likely be hauled away, crushed and graded for resale. The equipment to pulverize and crush the concrete would not be needed for the duration of the project. The operation would be most efficient if the concrete sections were stockpiled at the facility to complete the steel separation and crushing operation efficiently in a short timeframe. The Contractor could be required to do this in a window (say winter) to minimize disruption to other activities at the site.
- **Aluminum-** Light poles that will be recycled.
- **Miscellaneous-** Miscellaneous small volume material would include wiring, piping, plastics, that would be recycled or added to the general waste stream.

### **Disposed of in a landfill**

- **Timber Piles and Fendering-** It is known that fendering was installed on the pier when it was originally constructed and in a 1980 maintenance contract. Some material remains fastened to the pier and some sections are sitting on the seabed. Because the material is treated with preservatives it is classified as a special waste. The Contractor will be required to place the material in dedicated containers on site for transfer to a licensed disposal facility.
- **Asbestos-** While there is no indication that Asbestos is present on the pier a survey, any asbestos encountered during demolition will be handled and disposed of by a licensed Subcontractor.

- 4) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

Refer to Sheet C103 ACCESS ROAD PLAN & PROFILE appended to this document.

The only new routes proposed are for construction access to Laydown Area II. Road buildup would include base gravels and stabilization fabric, but no finish paving. The materials used for the road base could be generated from pier demolition materials if they meet the gradation of the subbase material specified for the project.

**5) Existing and proposed landscaping and buffering.**

No formal landscaping is proposed as part of the project as any areas impacted by the project will be reinstated after construction, with one exception. Any material stockpiled for future use will be loamed, seeded and screened with small trees and shrubs from adjacent property site lines. Refer to Sheet C-102 POST DEVELOPMENT PLAN.

**6) The location, dimensions, height and, if a structure is in a flood plain, ground floor elevation of all proposed structures including expansions or alterations.**

No new structures are proposed seaward of the Base Flood elevation.

**7) A calculation of total area covered by all structures, driveways, parking areas, and other impermeable surfaces expressed in square feet and as a percentage of lot area.**

There will be no change in the total area of non-vegetated surfaces when the project is complete, because all disturbed areas will be loamed and seeded. Refer to the tabulated impervious surfaces on Sheet C-101 SITE PLAN for an accounting of the area impact of temporary road access and stockpile areas.

**8) Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.**

All traffic signs would be secured to a post and anchored in the ground.

At the Mitchell Field Committee Public Forum on June 26 several questions were asked regarding the truck traffic generated by the project on Route 123 that were related to volume and turning movements at the property entrance.

In researching construction traffic impacts and signage requirements for the project, a Town report entitled 'Preliminary Infrastructure Planning'; Feb 2012 by Deluca Hoffman Associates, Inc. was reviewed. The report addressed the infrastructure needed to support the proposed Mitchell Field Business District. As relevant to this section, the report concluded that internal access roads were well constructed and of sufficient width (26-ft paved surface with 8-ft shoulders) to be suitable for the type of commercial traffic that could be expected in the MFMBD. However, the vehicle site distance to the north at the Route 123 site entrance was found to be deficient for the posted Rte. 123 speed limit of 40 MPH.

Based on the public input and research noted, the following provisions that relate to traffic control and safety will be made part of the project.

1. Signage and Traffic Control Plan-

The Contractor will be required to provide a Signage and Traffic Control plan based on site operations for the project that complies with guidance and approval from Baker Design Consultants, Town staff and the Mitchell Field Committee. Generally, the plan will include:

- Internal signage on site to direct and control construction traffic. Speed limit will be posted at 15 MPH.
- Site Entrance/ Route 123 Intersection signage in accordance with Maine DOT standards and the Manual on Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA).
- Seasonal Truck Traffic Limitations.
  - Demotion material transfer will not be allowed when roads are ‘posted’ by Harpswell.
  - Demolition material transfer during the summer months from Memorial Day to Labor Day is limited to container (creosoted timbers) or palletted materials (steel sheets). The material volume is such that the number of truck trips per day must be less than 5.

2. Site Entrance Site Distance.

- Maine DOT will be petitioned to reduce speed limit to 30 MPH on Rte. 123 in the vicinity of the Mitchell Field entrance so that existing site distance does not exceed posted speed thresholds.
- In the event the postage speed cannot be changed permanently, the speed should be adjusted for the period of construction by temporary signage.
- In the event, the Rte. 123 speed cannot be changed temporarily or permanently, the Contractor shall use a temporary signal or flaggers to control construction traffic.

9) Location and type of exterior lighting.

No permanent lighting is proposed as part of the project.

Construction lighting may be required during demolition to take advantage of the tides. The lighting would be limited and directed to the work area around the pier.

Only emergency lighting will be allowed in the upper field Laydown Area.

Navigation and fixed lighting will be necessary on the marine tug and barge equipment in accordance with US Coast Guard requirements.

10) The location of all utilities, including fire protection systems.

No new utilities are proposed as part of this project. Refer to Sheet C- 99 LEGACY UTILITY PLANS that reference original utility location.

11) A general description of the proposed use or activity.

The original pier was constructed as a fuel terminal pier facility to serve the Brunswick Naval Air Station 65 years ago. It has been 25 years since the pier was actively used for the purpose it was

constructed. Ownership was transferred to the Town of Harpswell along with the entire Mitchell Field parcel 15 years ago. In the intervening years, no viable rehabilitation or redevelopment program has emerged for the pier structure. Today, the pier is a rapidly deteriorating relic of the past that serves no function or purpose. Refer to Sheet C-1 PIER DEMOLITION PLAN located in Exhibit 8 Project Plans. All elements of the Mitchell Field Pier are in an advanced state of deterioration with the exception of the stone armored causeway. The window of opportunity for a controlled demolition of the pier is also rapidly closing. As elements of the structure deteriorate and collapse (North Dolphin-2012, Pump House-2015), the cost of demolition and removal rises exponentially.

In December 2016 Baker Design Consultants (BDC) was retained by the Town of Harpswell to develop a detailed program for the demolition of all pier elements seaward of the causeway. A report entitled "Mitchell Field Removal Plan" dated 28Feb2017 considered regulatory permit requirements, handling of demolition materials, opportunities for material recycling and the use of upland property at Mitchell Field to review several options for disposal of pier demolition material. The report recommended a demolition program that was approved at the Town Meeting in March 2017. The recommended demolition program is the project that is the subject of this Site Plan Review application. All elements of the pier apart from the Causeway will be removed to the seabed.

The project transfers demolition materials ashore where they are initially separated, stockpiled and processed before be taken off site to recycling or licensed disposal facilities. As shown on Sheet C101-SITE PLAN, the landside work area is located on the property shorefront that is within the Mitchell Field Marine Business District (MFMBD) and extends into the upper field (Laydown Area 2) that is part of the Interior Zone (INT) of the property. Construction fencing is provided to close in the construction area. By restricting construction activity to this area, the bandstand and beach areas are segregated from the construction activity and allows for their use throughout the construction project.

The schedule for the project is defined by the target dates below.

- August 2017                      Project put out to Bid to Marine Contractors
- September 2017                Construction Start
- Spring 2019                     Construction Complete with area restoration and planting.

It is anticipated the construction activity on site will take 15 to 18 months to complete. The time is needed for the in-water demolition of the pier elements which involves crane mounted barges dismantling pier elements in coordination with divers. The marine work is slow and is subject to tides and weather.

The landside activity includes processing material in the Laydown Areas so that it can be transported offsite. As identified in Section 3), the material processing will include crushing stone and concrete elements to remove rebar and cutting steel piles and sheets so that the material is suitable for transportation off site. The crushing operation would be done in Laydown Area 2 using portable equipment that the Contractor brings to the site for the activity. Because the landside activity takes less time than the marine work, the demolition program will include the following provisions to limit the impact of the work on neighboring properties and to activities that take place on the Mitchell Field property.

- All heavy truck traffic entering or leaving the site must be undertaken during daylight hours. This would not apply to workers reporting for work.

- No Truck or equipment traffic shall be allowed when Harpswell roads are ‘posted’ to prevent damage by frost action.
- Transfer of Demolition Materials offsite by heavy truck may not occur between Memorial Day and Labor Day with some exceptions.
  - Demolition material that is separated and placed in containers for disposal at a licensed facility (e.g. creosoted lumber) may be removed from the site at any time of the year.
  - Steel sheets that are stacked, bundled and paced on pallets may be removed from the site at any time of year.
- Crushing operations may not occur between Memorial Day and Labor Day and must be completed within a 4 month period.
- All demolition material must be removed from the site and the areas reinstated with loam and seed at the project completion. The only exception to this would be any stone material the Town designates to remain and any sections of the temporary access road that the Town determines shall remain gravel.

**12) An estimate of the amount, type and impact of peak hour and daily traffic to be generated by the development.**

Construction traffic will be determined by the rate at which the Contractor elects to remove material from the site. As noted in the Section 11) above, truck transport of materials is restricted to daylight hours and cannot occur between Memorial Day and Labor Day except for limited quantities of pressure treated timber and sheet steel that has been bundled in pallets. These restrictions are placed on the truck traffic to limit impact to the traffic on Rte. 123.

The Contractor will be required to present a Traffic Control and Signage plan for review and approval by Town staff and Baker Design Consultants. This plan will include vehicle and truck volume estimates for the construction activity and traffic signage (see Section 8)). A rough conservative projection of truck traffic based on the volume of demolition materials is provided below:

23150	Total Volume CY of Demolition Material
1746	Estimated Volume of Storage Windrow CY
<hr style="border: 0.5px solid black;"/>	
21404	Balance to be removed from site CY
1529	No of Truck Trips (14 Yard Trucks)
38	No Hauling Days (10 trucks @ 4 Trips per day)

These projections show that the truck traffic is small in comparison to the background traffic on Rte. 123 as noted in Maine DOT Average Annual Daly Traffic (AADT) counts from Rte. 123 provided in the Table that follows. As a percentage, truck traffic generated by the calculation above is  $(10 \times 4 \times 2) / 3760$  or 2% of the AADT that occurs NE of the Mountain Road intersection.

05	GRAY	01007	PW	(PW) GRAVEL PIT ENT/EXIT W/O SR 26A	T I	-	80	-	-	-	
05	HARPSWELL	59500	0024X	SR 24 @ BR# 3144	C III	-	-	2860	-	-	
05	HARPSWELL	58602	0123X	SR 123 NE/O IR 1416 (MOUNTAIN RD)	C II	-	-	3760	-	-	
05	HARPSWELL	58604	01416	IR 1416 (MOUNTAIN RD) SE/O SR 123	C III	-	-	2560	-	-	
05	HARPSWELL	89000	01416	IR 1416 (MOUNTAIN RD) @ BR# 6217	S III	-	-	2380	-	-	
05	HARRISON	41005	0035X	SR 35/117 (MAIN) S/O SR 117 (BRIDGTON)	C 38704	-	-	4670	-	-	
05	HARRISON	41008	0035X	SR 35 NW/O SR 117 (MAIN ST) (W JCT)	C 32601	-	-	1430	-	-	
05	HARRISON	41907	0035X	SR 35 (NAPLES) W/O IR 784 (CARSLY RD)	C 38704	-	-	1510	-	-	
05	HARRISON	42100	0035X	SR 35 @ NAPLES TL	C 38704	-	-	1260	-	-	
05	HARRISON	70705	0035X	SR 35 (NAPLES RD) S/O IR 1773(SCHOOL ST)	C 38704	-	-	1750	-	-	
05	HARRISON	41508	00751	IR 751 (DEER HILL) NW/O IR 1786 (S JCT)	C II	-	-	680	-	-	
05	HARRISON	42604	00755	IR 755 (BOLSTERS MILLS RD) SE/O SR 117	C I	-	-	520	-	-	
05	HARRISON	42608	00755	IR 755 (TEMPLE HILL RD) NW/O SR 117	C II	-	-	540	-	-	
05	HARRISON	42904	00755	IR 755 SE/O IR 4041@OTISFIELD TL@BR#3354	C I	-	-	870	-	-	
05	HARRISON	34704	00765	IR 765 (MAPLE RIDGE RD) SE/O SR 117	C I	-	-	430	-	-	
05	HARRISON	31000	00766	IR 766 (SCRIBNERS MILL) @ TL @ BR # 3345	C I	-	-	60	-	-	
05	HARRISON	41903	00784	IR 784 (CARSLY RD) E/O SR 35(NAPLES RD)	C I	-	-	270	-	-	
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County											
Cumberland											
TOWN											
		STATION	ROAD	LOCATION	TYPE	GROUP	AADT11	AADT12	AADT13	AADT14	AADT15
05	HARRISON	41307	00816	IR 816 (DAWES HILL) W/O IR 1776 (W JCT)	C	I	-	-	560	-	-

13) Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the development requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the development or the existing conditions in the vicinity of the development.

A Stormwater permit is not required because the work does not change the net footprint of non-vegetated surfaces. All surfaces will be loamed and seeded following construction. If the Town determines some portion of the temporary access road link should remain a gravel surface, the additional stormwater impact would need to be mitigated at that time.

During construction the runoff characteristics of the site will be altered by the stockpile areas. The Contractor will be responsible for maintaining the quality of the existing stormwater discharge on the beach.

#### 14.4 Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board Chair and date together with the following words, "Approved: Town of Harpswell Planning Board".

Sheet C-101 appended to this has a signature block prepared for plan approval. Full size plan sheets will be provided separately for this purpose.

## **Project Standards Compliance- Basic Land Use Ordinance**

### **11.1 Minimum Lot Standards**

*The lot standards for the Mitchell Field Marine Business (MFMBD) and Internal (Int) Districts are noted on Sheet C-10 Site Plan. With the exception of the Laydown Area II access road, Laydown Area II and the Long-term storage stockpile, all proposed work is located in the MFMBD.*

*There are no new structures proposed as part of the project.*

*There is no change to the property frontage on Rte. 123 proposed as part of this work.*

*The closest point of Laydown Area II to the property line is 71.5 feet. This is within the minimum setback required (20-feet) for both districts.*

#### **11.1.1 Impermeable Surface Area -**

*All areas disturbed during the project to create vehicle access or material laydown areas will be reinstated when the project is complete. Reinstatement shall include restoration of existing paved surfaces and grass areas. During the project the laydown areas and access roads created for the work will be gravel surfaces with drainage and erosion control in accordance with the Erosion control requirements of the contract as noted on Sheet G-2 NOTES and SCHEDULES.*

*Sheet C-101 SITE PLAN provides an accounting of existing impermeable surface areas within the MFMBD and INT zones of the property. The impact of leaving the temporary access road in place is shown for consideration. The calculations show that the Impermeable Surface Area before, during and after the construction activity are well below the allowable threshold values.*

#### **11.3.1 Setback**

*Refer to Sheet C-101 SITE PLAN. All construction activity is within the required setback associated with the MFMBD and INT Zones.*

#### **11.3.2 Height of Structures**

*Refer to Sheet C-101 SITE PLAN. Although not technically structures, all Stockpile Areas are within required height associated with the MFMBD and INT Zones.*

### **11.4 Subsurface Waste Disposal**

*There are no Subsurface Waste Disposal elements in the proposed work plan.*

### **11.6 Stormwater -**

*Runoff from the temporary access roads and laydown areas follows existing drainage paths and will be monitored in accordance with the latest edition of the procedures and specifications of*

*The Maine Erosion and Sediment Control Handbook for Construction; Best Management Practices.*

### 13.3 Allowed Uses

*The site activity proposed is for pier demolition and may influence, but does not directly impact the future land use of the site.*

## Project Standards Compliance- Site Plan Review

### 15.1. Dimensional Requirements

The plan for development must meet the dimensional requirements of the Basic Land Use Ordinance or Shoreland Zoning Ordinance, as applicable, pertaining to lot area, setbacks, impermeable surface coverage, structural height and frontage. For nonresidential development in areas other than the Shoreland Zone, the minimum lot size standard and the minimum road frontage standard is identical to the requirements for a single dwelling unit.

*The proposed activity is in the MFMBD and the INT zones. Development standards are summarized on Sheet C-101 for guidance and comparison with the temporary construction activity proposed. Because the site will be largely reinstated to the existing conditions, no dimensional requirements are impacted. The only long-term feature that may remain is a material stockpile and access road as noted on Sheet C-102 POST DEVELOPMENT PLAN.*

### 15.2. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Structures, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for threatened and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

*The proposed construction activity is in the MFMBD and the INT zones. The property changes include potential access road improvements to the MFMBD and a long-term material stockpile that are consistent with the long-term utilization of the site.*

### 15.3. Adequacy of Road System

**15.3.1.** Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

**15.3.1.1.** For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any

entrance road which are functioning at a Level of Service of D or better at the time the application is reviewed by the Planning Board must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower at the time the application is reviewed by the Planning Board, the development must not reduce the current level of service. This requirement may be waived by the Planning Board if the development is located within a growth area identified in the Town's land use ordinances and the Board determines that the development will not have an unnecessary adverse impact on traffic flow or safety.

**15.3.2.** A development not meeting this requirement may be approved if the applicants demonstrate that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- 2) The applicants will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.

*The proposed work incorporates a temporary access road into the MFMBD to effectively segregate the construction activity from beach and bandstand areas. Rte. 123 speed limit reduction at the site entrance is proposed to address construction traffic associated with removal of construction materials from the site.*

#### **15.4. Access into the Site**

Vehicular access to and from the development must be safe and convenient.

- 1) Any driveway or proposed road and adjacent landscaping must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- 2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- 3) The grade of any proposed access/egress way must be not more than  $\pm 3\%$  for a minimum of forty (40) feet, from the intersection.
- 4) The intersection of any proposed access/egress way must function: (a) at a Level of Service of D following development if the development will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the development if less than one thousand (1,000) trips are generated.
- 5) Where a lot has frontage on two (2) or more roads, the primary access to and egress from the lot must be provided from the road where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other roads may be allowed if it is safe and does not promote shortcutting through the site.
- 6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicants shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public roads.

- 7) Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public road.
- 8) The following criteria must be used to limit the number access/egress ways serving a proposed development:
  - a. No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way access/egress way onto a single road. Such access/egress way must be no greater than thirty (30) feet wide. The Planning Board may approve a wider width if it deems a wider width to be functionally necessary to the development.
  - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) access/egress ways from and to a single road. The combined width of both access/egress ways must not exceed sixty (60) feet.

*The proposed work incorporates a recommendation for Rte. 123 speed limit reduction at the site entrance to address substandard sight distance and with consideration of construction truck traffic associated with removal of demolition materials from the site.*

### 15.5. Access/Egress Way Location and Spacing

Access/egress ways must meet the following standards:

- 1) Entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced by the Planning Board if the shape of the site does not allow conformance with this standard.
- 2) Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

*No changes are proposed to the existing entrance to the Mitchell Field property from Rte. 123 with the exception of the Rte. 123 speed limit reduction noted in the previous section.*

### 15.6. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- 1) Nonresidential developments that will be served by delivery vehicles must provide, as necessary, off-road loading facilities located entirely off roads and entirely on the same lot as the structure or use to be served, and provide a clear route for such vehicles with geometric design to allow turning and backing.
- 2) Clear routes of access and egress must be provided and maintained for emergency vehicles. The Planning Board may require that such a route be kept clear and posted with appropriate signs.
- 3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

- 4) All roads must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

*The proposed work includes a separate entrance into the Construction Area and perimeter fencing to segregate the activity from other activities on the Mitchell Filed property.*

## 15.7. Parking

### 15.7.1. Parking Spaces Required

The site must provide for sufficient off-road parking. Parking requirements shall be calculated utilizing one or more of the following formulas in a cumulative fashion, as appropriate:

<b>Use</b>	<b>Parking Spaces Required</b>
Lodging and Accommodations	1 per lodging unit and 1 per employee
Campground	1 per site, 1 per employee
Multi-Family Residential	2 per dwelling unit
Church	1 per 3 seats in the assembly room
School	1 per 3 seats in principal assembly room or 2 per classroom whichever is greater
Private Club or Lodge	1 per 4 members
Hospital and Nursing Homes	1 per 3 beds and 1 per employee based upon expected average occupancy
Retail and Commercial Sales	1 per 180 sf. of gross leasable floor area
Business and Professional Structures	1 per 250 sf. of gross leasable floor area
Eating, Drinking, Amusement and Recreation Establishment	1 per 3 seats and 1 per employee on shift
Auto Service and Repair	1 per employee and 1 per 50 sf. of floor space used for service work
Funeral Homes	1 per 75 sf. of floor space in slumber rooms, parlors and individual service rooms
Industrial, Public Utilities, Warehouse and Storage Facilities, Truck Facility, Construction Services	1 per employee based upon highest average employee occupancy on the largest shift and 1 for each vehicle used in the conduct of the enterprise

Adequate spaces shall be provided to accommodate customers, patrons, and employees of all other uses not specifically listed above.

In specific cases where it is demonstrated that a particular structure can be occupied or used with fewer parking spaces than required under this section, the Planning Board may reduce the requirement for off-road parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the road.

*There is extensive opportunity for construction vehicle parking within the Construction Area shown on Sheet C101-SITE PLAN. No construction related parking will be allowed outside this area.*

**15.7.2. Layout and Design**

Off-road parking must conform to the following standards:

- 1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the road.
- 2) All parking spaces, access drives, and impervious surfaces must be located at least twenty (20) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within ten (10) feet of the front property line. Parking lots on adjoining lots may be connected by access/egress ways not exceeding twenty-four (24) feet in width.
- 3) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width*
90°	8'-6"	8'-6"	18'-6"	12'-0" one way only
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

\* Aisle width doubled for two way traffic.

- 4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- 5) Parking areas for non-residential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

- 6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

*Onsite parking within the construction area will be coordinated and maintained by the Contractor. Parking for Town Staff and consultants assigned to the project will be assigned by the Contractor.*

## 15.8. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major structure entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the development. The pedestrian network may be located either in the road right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the development with residential, recreational, and commercial facilities, schools, bus stops, and sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

*It is recognized that pedestrian activity on the Mitchell Filed property uses the same road network that the Construction vehicles will use. During the construction period the following provisions will be made to prevent any pedestrian conflicts on the site.*

- *Signage will be provided to notify both vehicles and pedestrians of Construction activities and work hours and truck route.*
- *The Contractor will be required to sign and enforce a 15MPH speed limit on internal access roads for construction vehicles.*
- *No unauthorized pedestrians will be allowed within the fenced in construction area.*
- *The Contractor will work with Town Staff and the Mitchell Field Committee to address any concerns that develop.*

## 15.9. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed roads, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- 1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- 2) Stormwater runoff systems must detain or retain water to minimize the rate of flow from the site after development.
- 3) The applicants must demonstrate that on and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

- 4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the Site Plan Review.
- 5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to roads, adjacent properties, downstream properties, shoreland areas, inter-tidal areas, wetlands, soils, and vegetation.
- 6) The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.
- 7) The biological and chemical properties of the receiving waters and adjacent shoreland or inter-tidal areas must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required as part of the site plan approval, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond, wetland, inter-tidal area, or the ocean.

*Runoff from the temporary access roads and laydown areas follows existing drainage paths and will be monitored in accordance with the latest edition of the procedures and specifications of The Maine Erosion and Sediment Control Handbook for Construction; Best Management Practices.*

#### **15.10. Erosion Control**

All structures, site, and road designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Natural vegetation must be preserved and protected wherever possible. Earthmoving, erosion, and sedimentation control must conform to the provisions of Section 15.16 of the Shoreland Zoning Ordinance.

*Refer to Erosion Control requirements noted on Sheet G-2 NOTES and SCHEDULES. The Contractor will be required to maintain effective erosion control in accordance with the latest edition of the procedures and specifications of The Maine Erosion and Sediment Control Handbook for Construction; Best Management Practices.*

#### **15.11. Water Supply and Groundwater Protection**

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the development is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

In the Mitchell Field Marine Business District all uses must be provided with an adequate fire protection water supply. If the community system located on the Mitchell Field property does not

provide adequate fire protection flows and pressure, the applicant must demonstrate how adequate fire protection will be provided.

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose developments involve on-site water supply or sewage disposal systems with a capacity of five hundred (500) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

*The proposed work does not include any provisions for a permanent water supply. Access road and Laydown Areas are developed with minimal grading and soil disturbance without extensive excavation.*

## **15.12. Subsurface Waste Disposal**

**15.12.1.** All subsurface sewage disposal systems must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and to minimize adverse impacts on ground water quality.

**15.12.2.** All new, replacement, renovated, or expanded structures or uses generating waste, must provide evidence of the type specified in 13.3.4 of the Basic Land Use Ordinance that an adequate waste water disposal system can be constructed or that an adequate waste water disposal system already exists.

**15.12.3. Existing Use, Continuation of Use:** The use of any legal system which exists on the effective date of this Ordinance, or which had previously been approved for installation, may be continued without change except as may be specifically covered by the Maine State Plumbing Code or deemed necessary by the plumbing inspector for the general safety and welfare of the occupants and the public.

**15.12.4.** The minimum setback for new subsurface sewage disposal systems shall be not less than one hundred (100) horizontal feet from the maximum high water line of a perennial water body. The minimum setback distances from the water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

**15.12.5.** Replacement systems shall meet the standards for replacement systems as contained in the Maine Subsurface Wastewater Disposal Rules.

**15.12.6.** When two or more lots or structures in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owner's association. Covenants in the deeds for each lot, or in the case of the Mitchell Field Marine Business District, provisions in the leases for each lot, must require mandatory membership in the association and provide for adequate funding for the association to assure proper maintenance of the system.

*The proposed activity does not include any provisions for Subsurface Waste Disposal.*

### 15.13. Utilities and Essential Services

Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors and above ground facilities must be located so as to avoid crossing open areas and scenic views as identified in the Comprehensive Plan.

*The proposed work does not include the installation of any new service utilities.*

### 15.14. Natural Features and Buffering

**15.14.1** The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as much as possible.

**15.14.2.** The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these and other techniques.

- 1) Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and traveled ways, and to otherwise prevent any nuisances.
- 2) Exposed storage areas, service areas, exposed machinery installations, and gravel extraction operations, truck loading areas, utility structures other than transmission poles, and areas used for the storage and collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six feet or more in height.
- 3) Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.
- 4) Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and roads. When natural features such as topography, gullies, stands of trees, shrubbery, and rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- 5) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center.
- 6) Fencing and screening shall be durable and properly maintained at all times by the owner.
- 7) All buffer areas shall be maintained in a neat and sanitary condition by the owner.

- 8) In the Mitchell Field Marine Business District, any lot that abuts the perimeter of the Mitchell Field Marine Business District must maintain a buffer along that property line. The buffer must meet the requirements of this section and must include the entire required setback area except for provisions to provide for public access across the lots. Any lot that abuts a portion of the Mitchell Field property outside of the Mitchell Field Marine Business District that is designated for recreational use must maintain a buffer along that property line. The design of the buffer in this area should provide for a treatment that addresses buildings and service areas while maintaining views across the lot to the ocean to the extent feasible (see provisions of Section 15.22. relative to visual impacts). For the purposes of this requirement, service areas do not include areas used for outside boat storage in conjunction with a functionally water-dependent use, marina, boat repair facility, or other marine-related business.

*The proposed work maintains existing sightlines and buffers with the following exceptions.*

- *The existing pier will be removed.*
- *A stockpile area in the upper field adjacent to the MFMBD will be created to allow for store material for future on site projects. Refer to Sheet C-102 POST DEVELOPMENT PLAN.*

### 15.15. Lighting

Provisions for exterior lighting must not create undue hazards to motorists traveling on adjacent roads, must be adequate for the safety of the occupants or users of the site, and must not damage the value or diminish the usability of adjacent properties.

*The proposed work does not include the installation of any permanent lighting.*

### 15.16. Water Quality Protection

All aspects of the development must be designed so that:

- 1) No person or activity shall result in, locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- 2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.
- 3) If the development is located within the watershed of a "body of water most at risk from development" as identified by the Maine Department of Environmental Protection (DEP), the development must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

*The Contractor will be required to monitor construction activity for any spill with associated reporting and cleanup requirements. The project does not include the installation of any long-term storage facilities.*

#### **15.17. Hazardous, Special and Radioactive Materials**

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with applicable rules and regulations of the Maine Department of Public Safety and other federal, state, and local regulations.

*The Contractor shall be governed by Maine Construction Safety Rules and shall be subject to the safety and health regulations of the Occupational Safety and Health Act (OSHA) as promulgated by the US Department of Labor.*

#### **15.18. Solid, Special and Hazardous Waste Disposal**

The proposed development must provide for adequate disposal of the solid, special and hazardous wastes generated by the development. All waste must be disposed of at a licensed disposal facility having adequate capacity to accept the development's wastes.

*All demolition material will be stockpiled on site for reuse, recycled off site or disposed of offsite at a licensed facility.*

#### **15.19. Historic and Archaeological Resources**

The development shall be designed to protect and preserve archeological and historic sites that have been identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

*The proposed construction activity will not alter any portion of the site that has not been previously altered when the fuel terminal was constructed at Mitchell Field for the Navy.*

#### **15.20. Floodplain Management**

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain Management Ordinance.

*The construction activity does not include any proposed new structures below the FEMA Base Flood Elevation.*

### 15.21. Technical and Financial Capacity

The applicants must demonstrate that he/she has the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan.

*The Town of Harpswell is the applicant. The project is supported by Staff Barney Baker PE of Baker Design Consultants is the Engineer of Record for the project.*

## **EXHIBITS**

**Exhibit 1      Letter of Agent Authorization**

Kristi Eiane- Town Administrator  
Town of Harpswell  
263 Mountain Rd.  
Harpswell, ME 04079

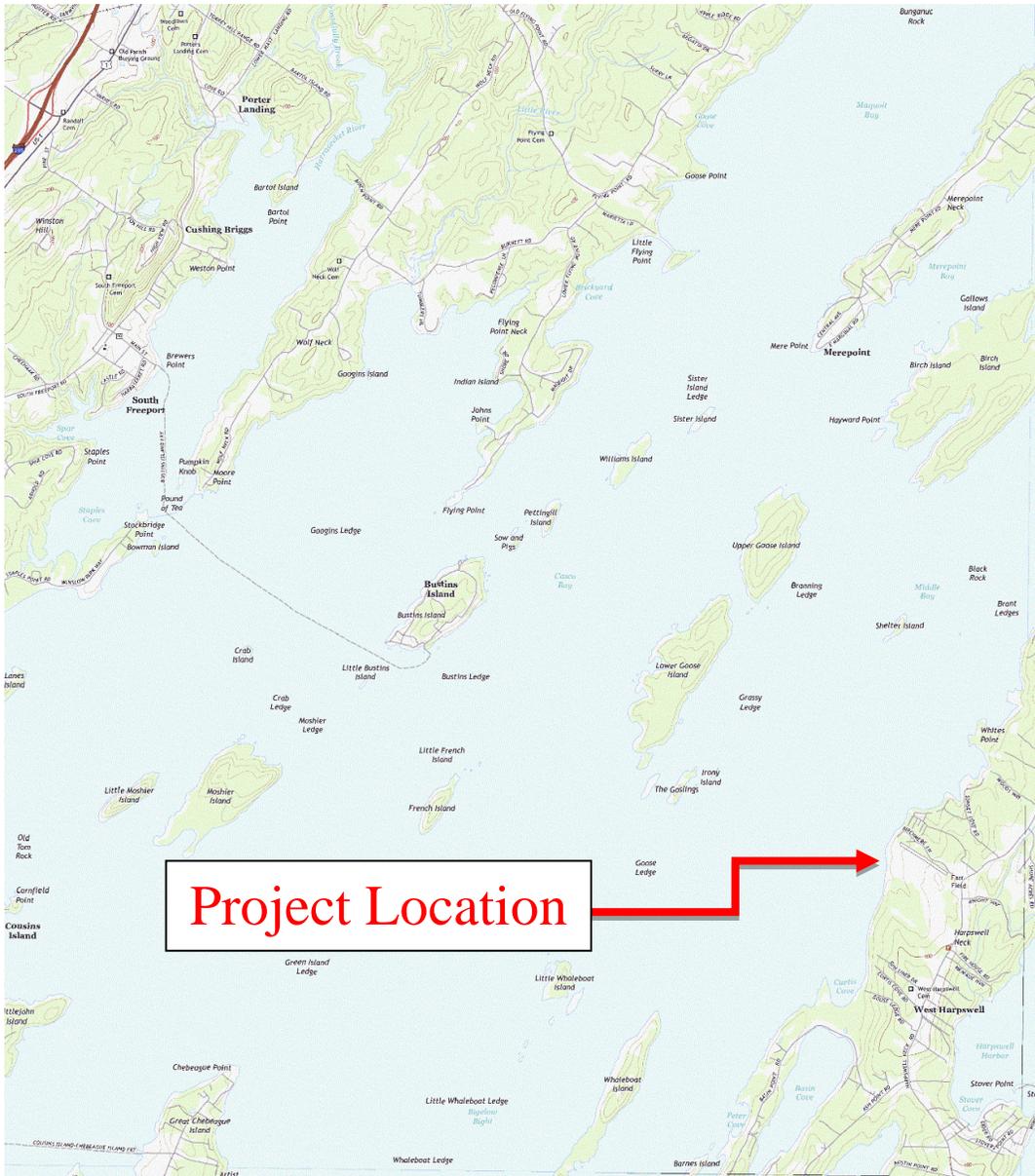
By signing below, I authorize Barney Baker PE of Baker Design Consultants to act as agent for the purpose of permit communication on applications filed for the Mitchell Field Pier Removal project on behalf of the Town in Harpswell, Maine.

Signed:   
Kristi Eiane- Town Administrator  
5/12/17

**Exhibit 2 Location Map and Tax Map**

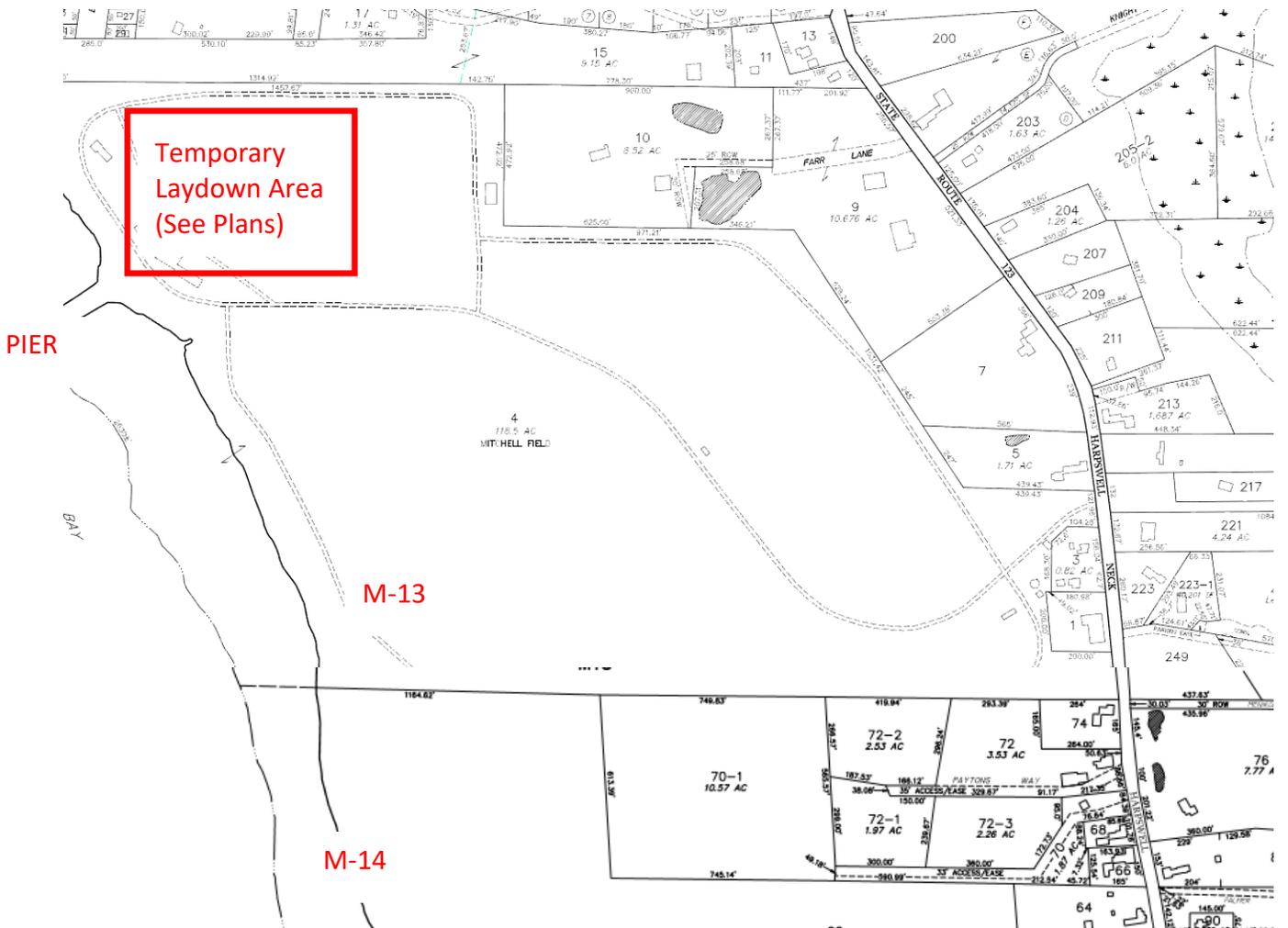
Directions to the site are provided below.

*Take I-295 Exit 28 to US-1 entering Brunswick Turn right on Maine St/ME-24. Turn left on ME-24/Bath Rd; Turn right on ME-123/Sills Rd leaving Brunswick into Harpswell~10 miles*



Taken from USGS Freeport Quadrangle

Sections of Tax Map 13 and Tax Map 14 are shown below with abutting property owners listed on the next page.



**Exhibit 3      Abutting Property Owners**

Abutters to the Mitchell Field property (Map 136 Lot 4) as provided by the Town of Harpswell are noted below.

Name	Street Address	Map	Lot	Mailing Address
HARPSWELL NECK FIRE DEPARTMENT ASSO	1426 HARPSWELL NECK RD	13	1	PO BOX 8; HARPSWELL, ME 04079
Town of Harpswell	1410 HARPSWELL NECK RD	13	3	PO BOX 39; HARPSWELL, ME 04079
Town of Harpswell	1410 HARPSWELL NECK RD	13	4	PO BOX 39; HARPSWELL, ME 04079
KNIGHT RYAN A	1406 HARPSWELL NECK RD	13	5	1406 HARPSWELL NECK RD; HARPSWELL, ME 04079
OTT JOHN H & LILIAN R	1384 HARPSWELL NECK RD	13	7	1384 HARPSWELL NECK RD; HARPSWELL, ME 04079
HARPSWELL FREEZERS LLC	3 FARR LN	13	9	20 Fish Way TOPSHAM, ME 04086
COCQUYT ANDRE & LYDIA	40 FARR LN	13	10	PO Box 419; HARPSWELL, ME 04079
KEYSTONE, LLC	19 BIRCHMERE LN	13	15	C/O LYDIA COCQUYT; PO Box 419; HARPSWELL, ME 04079
REID RICKY A & LYNN M	1409 HARPSWELL NECK RD	13	219	1409 HARPSWELL NECK RD; HARPSWELL, ME 04079
LUCE DAVID W & SUSAN K	1413 HARPSWELL NECK RD	13	221	PO BOX 431; HARPSWELL, ME 04079
HILTON FRANK E & LENORA L	1433 HARPSWELL NECK RD	13	249	1433 HARPSWELL NECK RD; HARPSWELL, ME 04079
CHILDS ELIZABETH B TRUST & JANE, KATHERINE & ELIZABETH SANDRI	1472 HARPSWELL NECK RD	14	62	1472 HARPSWELL NECK RD; HARPSWELL, ME 04079
WILD DUCK BOAT WORKS, LLC	1444 HARPSWELL NECK RD	14	72	398 HIGH HEAD RD HARPSWELL, ME 04079
KEEP, PETER & LISA K. REDERN	1438 HARPSWELL NECK RD	14	74	1450 ROYALSBOROUGH RD., DURHAM, ME 04222
KALM HARBOUR, LLC	HARPSWELL NECK RD	14	70-1	398 HIGH HEAD RD HARPSWELL, ME 04079
PINEO GRETCHEN M & DANIEL S	PAYTONS WAY	14	72-2	63 TUDOR STREET; WALTHAM, MA 02451
SECONE, LISA	1453 HARPSWELL NECK RD	14	76	1503 HARPSWELL NECK ROAD, HARPSWELL, ME 04079

**Exhibit 4      Property Deed**

00813621

BK 16872 PG 2361

## ***QUITCLAIM DEED***

**THIS INDENTURE**, made this 22<sup>nd</sup> day of October, 2001, between the UNITED STATES OF AMERICA, acting by and through the Commanding Officer, Engineering Field Activity Northeast, Naval Facilities Engineering Command, Lester, Pennsylvania, hereinafter referred to as the GOVERNMENT, and the TOWN OF HARPSWELL, MAINE, a municipal corporation existing under the laws of the State of Maine and located in the County of Cumberland, State of Maine, hereinafter referred to as the GRANTEE.

**WHEREAS**, the GOVERNMENT has determined that certain property known as the Defense Fuel Support Point, Casco Bay, Harpswell, Maine consisting of a total of approximately 118.5 acres of land, more or less, together with improvements, and certain related personal property thereon, hereinafter referred to as the PROPERTY, are not needed for a public purpose; and

**WHEREAS**, United States Public Law 103-337 §2839, as amended by United States Public Law 106-398 §2852, hereinafter referred to as Public Law, provides the Secretary of the Navy the authority to convey PROPERTY to the GRANTEE pursuant to certain conditions, restrictions and limitations contained in the Public Law.

**WITNESSETH:** That the GOVERNMENT in accordance with the Public Law does, subject to any easements and encumbrances of record and subject to the reservations, exceptions, notices, covenants, conditions and restrictions expressly contained herein, remise, release and quitclaim unto the GRANTEE, its successors and assigns, to have and to hold forever, except as specifically required by Title 42, United States Code at Section 9620(h)(3)(B) and as provided herein, without any warranty express or implied, all right, title and interest to the underlying estate, buildings, structures, improvements and related personal property situated thereon, which the GOVERNMENT has in and to the PROPERTY, consisting of 118.5 acres of land, more or less, and more fully described in the legal description attached hereto as Exhibit "A" and made a part hereof.

### **NOTICES, COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS**

**1. Notice of Environmental Condition:** Information concerning the environmental condition of PROPERTY is contained in the document known as Facility Remediation Closure Report, Defense Fuel Support Point, Casco Bay, South Harpswell, Maine dated February 2000; the Finding of Suitability to Transfer (FOST) dated 16 June 2000, and Addendum to Finding of Suitability to Transfer (FOST Addendum) dated 03 October 2001, which are incorporated by reference and made a part hereof as if set out in length, and the receipt of which are hereby acknowledged by the GRANTEE.

Ble 16872Pg 237

**2. Covenant required by Title 42, United States Code at Section 9620(h)(3)(A):** In accordance with the requirements and limitations contained in *Title 42, United States Code at Section 9620(h)(3)(A)(ii)*, the GOVERNMENT hereby warrants that –

- (a) all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on PROPERTY has been taken, and
- (b) any additional remedial action found to be necessary after delivery of this Quitclaim Deed, not the result of actions conducted by future occupants of the property, shall be conducted by the GOVERNMENT.

**3. Reservation of Access required by Title 42, United States Code at Section 9620(h)(3)(A):** In accordance with the requirements and limitations contained in *Title 42, United States Code at Section 9620(h)(3)(A)(iii)* the GOVERNMENT expressly reserves for itself and for the Maine Department of Environmental Protection (MEDEP) all reasonable and appropriate rights of access to the PROPERTY described herein when remedial action or corrective action is found to be necessary after delivery of this Quitclaim Deed. The right of access described herein shall include the right to conduct tests, investigations and surveys, including, where necessary, drilling, testpitting, boring and other similar activities. Such right shall also include the right to conduct, operate, maintain or undertake any other response or remedial action as required or necessary including, but not limited to, monitoring wells, pumping wells and treatment facilities. GRANTEE agrees to comply with activities of the GOVERNMENT in furtherance of these covenants and will take no action to interfere with future necessary remedial and investigative actions of the GOVERNMENT. Any such entry, including such activities, responses or remedial actions, shall be coordinated with the GRANTEE or its successors and assigns, and shall be performed in a manner which minimizes (a) any damage to any structures on PROPERTY and (b) any disruption or disturbance of the use and enjoyment of PROPERTY.

**4. Notices and Restrictions on Use Pursuant to CERCLA 120(h)(3)(A):** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 120(h)(3)(A), notice is required where hazardous substances were known to have been released, disposed of, or stored for one year or more. Pursuant to this requirement, the GRANTEE, its successors and assigns, are hereby notified that said FOST Addendum provides notice as to the type of hazardous substances that were stored on the PROPERTY and also those substances where releases had occurred but it was determined that no remedial action was required.

**5. Restrictive Covenants:** The following restrictive covenants shall run with the parcel and shall be perpetually binding upon the GRANTEE, its successors and assigns, and shall inure to the benefit of and be enforceable by the MEDEP and the GOVERNMENT:

- a. **Covenant and Restriction Regarding Residential Use:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns, that any use of the PROPERTY for residential purposes shall be prohibited without the prior written approval of MEDEP.

BK 16872PG238

- b. **Covenant and Restriction Regarding Use of Groundwater:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns, that any drilling of wells on the PROPERTY and any use of the groundwater beneath the PROPERTY without the prior written approval of the MEDEP shall be prohibited provided, however, that the Town may continue to operate the existing water supply well located on the PROPERTY in such a manner that the use of this well will not exceed 450 gallons per day, without specific written approval of MEDEP; provided, however, that any such approved additional use does not cause the GOVERNMENT to incur any additional liability or responsibility of any kind, in law or equity, that may result in any way from the draw or use of the groundwater from existing wells beneath the property.
- c. **Covenant and Restriction Regarding Subsurface Excavation:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns, that any subsurface excavation, digging, drilling, exploration or construction on the parcel shall be prohibited without the prior written approval of the MEDEP.
6. **Lead Based Paint and Asbestos Covenant:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns, that it will comply with all applicable Federal, state and local laws relating to asbestos and lead-based paint in its use and occupancy of the property (including demolition and disposal of existing structures). Section 101-47.304-13 of the Federal Property Management Regulations, attached hereto as Exhibit "B" and made a part hereof, contains complete warnings and responsibilities relating to asbestos-laden materials.
7. **FAA Construction:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns, that all construction, alterations, or improvements on PROPERTY, of whatever type or nature, are subject to the formal advance approval of the Federal Aviation Administration (FAA) for compliance with the regulations set forth in *14 CFR Part 77*, entitled "Objects Affecting Navigable Airspace," and issued under the authority of the Federal Aviation Act of 1958, as amended.
8. **Non-Discrimination:** The GRANTEE covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to PROPERTY hereby conveyed, or any part thereof, that the said GRANTEE and such heirs, successors, and assigns shall not discriminate upon the basis of race, age, color, sex, religion, or national origin in the use, occupancy, sale or lease of PROPERTY described herein, or in their employment practices conducted thereon. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The GOVERNMENT shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of PROPERTY hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction.



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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A certain lot or parcel of land with improvements thereon, located on the west side of Harpswell Neck Road (State Route 123), in the Town of Harpswell, Cumberland County, State of Maine, and more particularly described as follows:

Beginning at an iron rod set on the west side of Harpswell Neck Road at the northeast corner of land now or formerly Joseph E. and Dorothy F. Lemay (Cumberland County Registry of Deeds (CCRD) Book 1752, Page 368);

Thence N 55°-56'-30" W along land of said Lemay 257.83 feet to a point;

Thence N 55°-18'-00" W along land now or formerly David R. Sparks (CCRD Book 7661, Page 242), 1469.33 feet to an iron rod set;

Thence N 54°-29'-30" W along land now or formerly Elizabeth Bradley Childs et al (CCRD Book 8450, Page 325), 916.78 feet to an iron rod set;

Thence continuing N 54°-29'-30" W along land of said Childs et al, approximately 257 feet to the low water line of Middle Bay;

Thence northerly along the low water line of Middle Bay approximately 2630 feet to a point in the southwesterly line of land now or formerly John Lloyd Thompson (CCRD Book 3809, Page 307);

Thence S 55°-38'-30" E along land of said Thompson, approximately 230 feet to an iron rod set; said iron rod set being N 11°-04'-19" E of and 2207.82 feet from the previously mentioned iron rod set;

Thence continuing S 55°-38'-30" E along land of said Thompson, 1457.67 feet to a drill hole found;

Thence S 34°-21'-30" W along land now or formerly Dain H. Allen (CCRD Book 4660, Page 258), 472.92 feet to an iron rod set;

Thence S 55°-07'-30" E along land of said Allen, 971.21 feet to an iron rod set;

Thence S 00°-41'-30" W along land of said Allen and land now or formerly Ruth N. Gill (CCRD Book 7409, Page 131) and land now or formerly William R. and Gertrude L. Knight (CCRD Book 1967, Page 286), 1031.42 feet to an iron rod set;

Thence S 54°-28'-00" E along land of said Knight, 439.43 feet to an iron rod set on the west side of Harpswell Neck Road;

Thence S 27°-42'-00" W along said Harpswell Neck Road, 121.98 feet to a point;

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Thence N 54°-28'-00" W along land to be retained by the grantor herein, 104.28 feet to a point;

Thence S 80°-23'-39" W along land to be retained by the grantor herein, 72.60 feet to a point;

Thence S 34°-19'-47" W along land to be retained by the grantor herein, 168.30 feet to a point in the northeast line of land now or formerly Harpswell Neck Fire Department Association (CCRD Book 1973, Page 333);

Thence N 55°-23'-30" W along land of said Harpswell Neck Fire Department Association, 19.02 feet to an iron rod set;

Thence S 28°-27'-00" W along land of said Harpswell Neck Fire Department Association, 200.00 feet to an iron rod set;

Thence S 55°-23'-30" E along land of said Harpswell Neck Fire Department Association, 200.00 feet to an iron rod set on the west side of Harpswell Neck Road;

Thence S 28°-27'-00" W along said Harpswell Neck Road, 168.11 feet to the point of beginning.

Said parcel contains 118.5 acres, more or less.

Meaning and intending to describe and convey, and hereby conveying, a portion of the property taken by the United States of America in the Judgment on the Declaration of Taking, dated October 9, 1952, recorded in Cumberland County Registry of Deeds in Book 2111, Page 426, including all right, title and interest to the low water line of Middle Bay appurtenant to the shore.

All bearings appear to be relative to True North and are based upon the Judgment Deed to the United States of America (CCRD Book 2111, Page 426). All iron rods set are ¾ inch diameter rebar with surveyor's identification caps. Reference is made to the survey plan entitled "Standard Boundary Survey, Casco Bay Fuel Farm, Route 123, Harpswell, Maine," prepared for the Town of Harpswell by Harty & Harty Professional Land Surveyors, revision 2 dated August 20, 2001 to be recorded herewith at said Registry.

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**EXHIBIT "B"**

**CODE OF FEDERAL REGULATIONS  
TITLE 41--PUBLIC CONTRACTS AND PROPERTY MANAGEMENT  
SUBTITLE C--FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM  
CHAPTER 101--FEDERAL PROPERTY MANAGEMENT REGULATIONS  
SUBCHAPTER H--UTILIZATION AND DISPOSAL  
PART 101-47--UTILIZATION AND DISPOSAL OF REAL PROPERTY  
SUBPART 101-47.3--SURPLUS REAL PROPERTY DISPOSAL  
§ 101-47.304 ADVERTISED AND NEGOTIATED DISPOSALS.**

**§ 101-47.304-13 Provisions relating to asbestos.**

Where the existence of asbestos on the property has been brought to the attention of the disposal agency by the Standard Form 118 information provided in accordance with §101-47.202-2(b)(9), the disposal agency shall incorporate such information (less any cost or time estimates to remove the asbestos-containing materials) in any Invitation for Bids/Offer to Purchase and include the following:

**Notice of the Presence of Asbestos--Warning!**

(a) The Purchaser is warned that the property offered for sale contains asbestos-containing materials. Unprotected or unregulated exposures to asbestos in product manufacturing, shipyard, and building construction workplaces have been associated with asbestos-related diseases. Both the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) regulate asbestos because of the potential hazards associated with exposure to airborne asbestos fibers. Both OSHA and EPA have determined that such exposure increases the risk of asbestos-related diseases, which include certain cancers and which can result in disability or death.

(b) Bidders (Offerors) are invited, urged and cautioned to inspect the property to be sold prior to submitting a bid (offer). More particularly, bidders (offerors) are invited, urged and cautioned to inspect the property as to its asbestos content and condition and any hazardous or environmental conditions relating thereto. The disposal agency will assist bidders (offerors) in obtaining any authorization(s) which may be required in order to carry out any such inspection(s). Bidders (Offerors) shall be deemed to have relied solely on their own judgment in assessing the overall condition of all or any portion of the property including, without limitation, any asbestos hazards or concerns.

(c) No warranties either express or implied are given with regard to the condition of the property including, without limitation, whether the property does or does not contain asbestos or is or is not safe for a particular purpose. The failure of any bidder (offeror) to inspect, or to be fully informed as to the condition of all or any portion of the property offered, will not constitute grounds for any claim or demand for adjustment or withdrawal of a bid or offer after its opening or tender.

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(d) The description of the property set forth in the Invitation for Bids (Offer to Purchase) and any other information provided therein with respect to said property is based on the best information available to the disposal agency and is believed to be correct, but an error or omission, including but not limited to the omission of any information available to the agency having custody over the property and/or any other Federal agency, shall not constitute grounds or reason for nonperformance of the contract of sale, or any claim by the Purchaser against the Government including, without limitation, any claim for allowance, refund, or deduction from the purchase price.

(e) The Government assumes no liability for damages for personal injury, illness, disability or death, to the Purchaser, or to the Purchaser's successors, assigns, employees, invitees, or any other person subject to Purchaser's control or direction, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the property which is the subject of this sale, whether the Purchaser, its successors or assigns has or have properly warned or failed properly to warn the individual(s) injured.

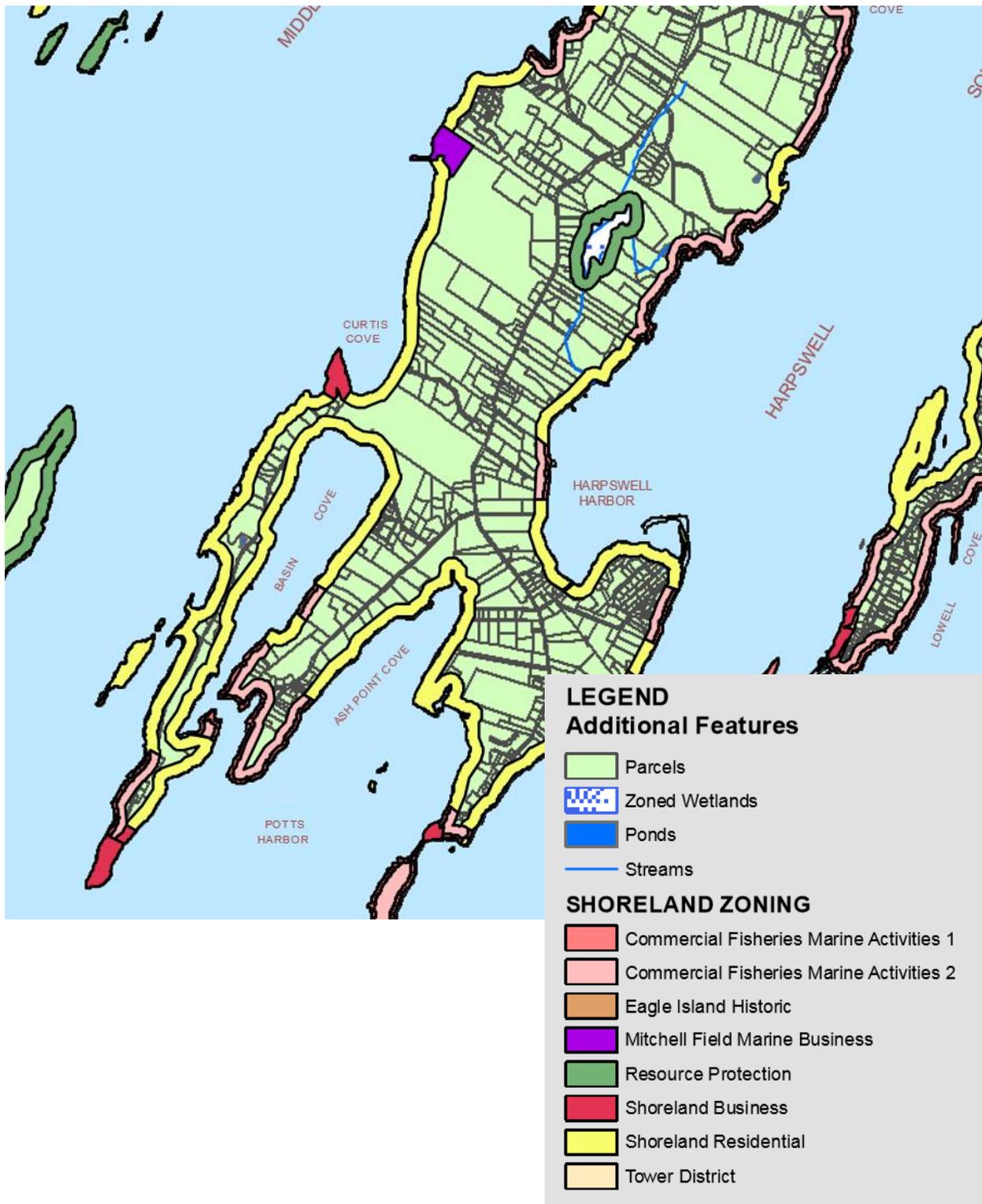
(f) The Purchaser further agrees that in its use and occupancy of the property it will comply with all Federal, state, and local laws relating to asbestos.

[53 FR 29894, Aug. 9, 1988]

RECEIVED  
RECORDED REGISTRY OF DEEDS  
2001 OCT 23 PM 1:46  
CUMBERLAND COUNTY  
*John B. Brune*

8

Exhibit 5 Zoning Map



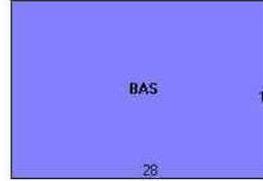
**Exhibit 6      Town Assessors Card Data**

The Assessors Card provides information on existing buildings on the property.



STYLE	Commercial
MODEL	Commercial
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Shed
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Air-no Duc
AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEILING ONLY
Room s/Prt ns	AVERAGE
Wall Height	10
% Comn Wall	

**Building Layout**



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	532	532
		532	532

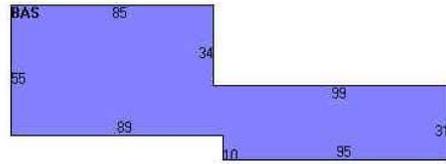
**Building 2 : Section 1**

**Year Built:** 1955  
**Living Area:** 7,704  
**Replacement Cost:** \$294,062  
**Building Percent Good:** 60  
**Replacement Cost Less Depreciation:** \$176,400

Building Attributes : Bldg 2 of 6	
Field	Description
STYLE	Garage/Office
MODEL	Commercial
Grade	Average

Stories:	1
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Shed
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & MIN WL
Room s/Prtns	AVERAGE
Wall Height	12
% Comn Wall	

**Building Layout**



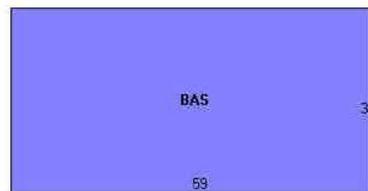
Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	7,704	7,704
		7,704	7,704

**Building 3 : Section 1**

**Year Built:** 1955  
**Living Area:** 1,770  
**Replacement Cost:** \$96,306  
**Building Percent Good:** 20  
**Replacement Cost Less Depreciation:** \$19,300

Building Attributes : Bldg 3 of 6	
Field	Description
STYLE	Service Shop
MODEL	Commercial
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Brick/Masonry

**Building Layout**



Building Sub-Areas (sq ft)			Legend
----------------------------	--	--	--------

Town of Harpswell  
**Mitchell Field Pier Removal; Harpswell, Maine**

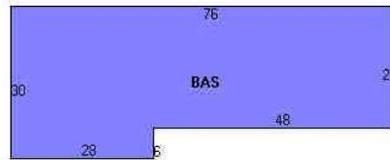
Exterior Wall 2	
Roof Structure	Shed
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & MIN WL
Rooms/Prtns	AVERAGE
Wall Height	12
% Comn Wall	

Code	Description	Gross Area	Living Area
BAS	First Floor	1,770	1,770
		1,770	1,770

**Building 4 : Section 1**

**Year Built:** 1955  
**Living Area:** 1,992  
**Replacement Cost:** \$84,381  
**Building Percent Good:** 60  
**Replacement Cost Less Depreciation:** \$50,600

**Building Layout**



Building Attributes : Bldg 4 of 6	
Field	Description
STYLE	Service Shop
MODEL	Commercial
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,992	1,992
		1,992	1,992

Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Air-no Duc
AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEILING ONLY
Rooms/Prtns	AVERAGE
Wall Height	12
% Comn Wall	

**Building 5 : Section 1**

**Year Built:** 1955  
**Living Area:** 5,320  
**Replacement Cost:** \$195,297  
**Building Percent Good:** 60  
**Replacement Cost Less Depreciation:** \$117,200

Building Attributes : Bldg 5 of 6	
Field	Description
STYLE	Warehouse
MODEL	Commercial
Grade	Average
Stories:	2
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished

**Building Layout**



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,660	2,660
FUS	Upper Story, Finished	2,660	2,660
		5,320	5,320

Interior Floor 2	Vinyl/Asphalt
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	STEEL
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	10
% Corn Wall	

**Building 6 : Section 1**

**Year Built:** 1955  
**Living Area:** 288  
**Replacement Cost:** \$25,289  
**Building Percent Good:** 60  
**Replacement Cost Less Depreciation:** \$15,200

**Building Layout**



Building Attributes : Bldg 6 of 6	
Field	Description
STYLE	Commercial
MODEL	Commercial
Grade	Average
Stories:	1
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Vinyl/Asphalt
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Water

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	288	288
UBM	Basement, Unfinished	288	0
		576	288

AC Type	None
Bldg Use	Town Of Harpswell 94
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	NONE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8
% Comn Wall	

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 903C  
**Description** Town Of Harpswell 94  
**Zone**  
**Neighborhood** 50  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 118.5  
**Frontage**  
**Depth**  
**Assessed Value** \$2,094,700  
**Appraised Value** \$2,094,700

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD2	W/LIGHTS ETC		HIGH VOLTAGE	884 S.F.	\$6,000	1
SHD2	W/LIGHTS ETC		GARDEN SHED	496 S.F.	\$3,300	1
SHD2	W/LIGHTS ETC			140 S.F.	\$900	1
LT1	LIGHTS-IN W/PL			9 UNITS	\$1,600	1
SHD2	W/LIGHTS ETC			529 S.F.	\$3,600	1
DCK2	COM TYPE			17391 S.F.	\$782,600	1
PAT2	PATIO-GOOD			3760 S.F.	\$4,700	1
SHD2	W/LIGHTS ETC		ON WHARF	40 S.F.	\$300	1
SHD2	W/LIGHTS ETC		ON WHARF	72 S.F.	\$500	1
FN3	FENCE-6' CHAIN			11188 L.F.	\$75,500	1

Town of Harpswell  
**Mitchell Field Pier Removal; Harpswell, Maine**

PAV1	PAVING-ASPHALT			176000 S.F.	\$79,200	1
GAZ	GAZEBO			700 S.F.	\$8,400	1

**Valuation History**

<b>Appraisal</b>			
Valuation Year	Improvements	Land	Total
2015	\$1,368,900	\$2,094,700	\$3,463,600
2014	\$1,368,900	\$2,094,700	\$3,463,600
2013	\$1,368,900	\$2,094,700	\$3,463,600

<b>Assessment</b>			
Valuation Year	Improvements	Land	Total
2015	\$1,368,900	\$2,094,700	\$3,463,600
2014	\$1,368,900	\$2,094,700	\$3,463,600
2013	\$1,368,900	\$2,094,700	\$3,463,600

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**Exhibit 7      Maine DEP Permit**

NRPA PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Natural Resources Protection Act-Permit by Rule Standards, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner)	Town of Harpswell	Name of Agent:	Baker Design Consultants		
Applicant Mailing Address:	Kristi Eiane; Tn Administrator; P.O. Box 39	Agent Phone # (include area code):	Barney Baker; 207 846-9724		
Town/City:	Harpswell, ME	PROJECT Information Name of Town/City:	Harpswell, Maine		
State and Zip code:	04079	Name of Wetland or Waterbody:	Casco Bay		
Daytime Phone # (include area code):	207 833 5771	Map #:	13	Lot #:	4
Detailed Directions to Site:	Take I-295 Exit 28 to US-1 entering Brunswick Turn right on Maine St/ME-24 Turn left on ME-24/Bath Rd; Turn right on ME-123/Sills Rd leaving Brunswick into Harpswell~10 miles				
	UTM Northing: (if known)	43°46.7'N	UTM Easting: (if known)	70° 1.2'W	
Description of Project:	Removal of former Navy pier to seabed. Refer to attached drawings.				
Part of a larger project? (check one) →	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After the Fact? (check one) →	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Check one → This project <input checked="" type="checkbox"/> does (or) <input type="checkbox"/> does not involve work below mean low water (average low water).	

NRPA PERMIT BY RULE (PBR) SECTIONS: (Check at least one)

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, **have read** and will comply with all of the standards in the Sections checked below.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input type="checkbox"/> Sec. (10) Stream Crossing                                | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension  |
| <input type="checkbox"/> Sec. (3) Intake Pipes                        | <input type="checkbox"/> Sec. (11) State Transportation Facil.                    | <input type="checkbox"/> Sec. (18) Maintenance Dredging  |
| <input type="checkbox"/> Sec. (4) Replacement of Structures           | <input checked="" type="checkbox"/> Sec. (12) Restoration of Natural Areas        | <input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat   |
| <input type="checkbox"/> Sec. (5) REPEALED                            | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities located in/on/over high or moderate value Inland water-fowl & wading bird habitat or shore-bird feeding & roosting areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation     | <input type="checkbox"/> Sec. (14) REPEALED                                       |  |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                       | <input type="checkbox"/> Sec. (15) Public Boat Ramps                              |  |
| <input type="checkbox"/> Sec. (8) Shoreline stabilization             | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects                     |  |
| <input type="checkbox"/> Sec. (9) Utility Crossing                    |   |  |

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- Attach** a check for the correct fee, payable to: "Treasurer, State of Maine". The current fee for NRPA PBR Notifications can be found at the Department's website: <http://www.maine.gov/dep/feesched.pdf>
- Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- Attach** Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are **not** required to provide any proof of identity.
- Attach** photos of the proposed site where activity will take place as required in PBR Sections checked above.
- Attach** all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:		Date:	May 23, 2017
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Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

- |  |   |   |   |
|--|---|---|---|
| AUGUSTA DEP<br>17 STATE HOUSE STATION<br>AUGUSTA, ME 04333-0017<br>(207)287-3901 | PORTLAND DEP<br>312 CANCO ROAD<br>PORTLAND, ME 04103<br>(207)822-6300 | BANGOR DEP<br>106 HOGAN ROAD<br>BANGOR, ME 04401<br>(207)941-4570 | PRESQUE ISLE DEP<br>1235 CENTRAL DRIVE<br>PRESQUE ISLE, ME 04769<br>(207)764-0477 |
|--|---|---|---|

OFFICE USE ONLY	Ck.#	2008	5/23/2017	Staff	JCK	Staff	
PBR #	FP	63827	25.00	Acc. Date	5-25-17	Def. Date	After Photos

## **Exhibit 8      Project Plans**

A full set of plans is provided in this section. The following plans refer to Landside Work and are referenced in the application.

### General

- G-1      Cover Sheet
- G-2      Notes and Schedules

### Pier Demolition

- C-1      Pier Demolition Plan
- C-2      Mooring and Fuel Platforms
- C-3      Approach Pier (Viaduct)
- C-4      Small Boat Dock
- C-5      Embankment Riprap Repair

### Landside Work

- C-99      Legacy Utility Plans
- C-100    Existing Conditions
- C-101    Site Plan
- C-102    Post Development Plan
- C-103    Access Road Plan and Profile