

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STORMWATER MANAGEMENT LAW

38 M.R.S.A. §§ 420-D

PERMIT APPLICATION

OF

LUBEC SAFE HARBOR

MAIN STREET  
LUBEC, MAINE

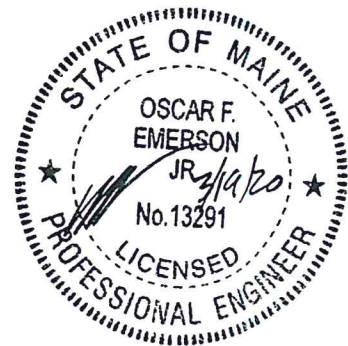
FOR

TOWN OF LUBEC

40 SCHOOL STREET  
LUBEC, MAINE 04652

FEBRUARY 29, 2020

PREPARED BY



DOWN to EARTH  
PROFESSIONAL LAND SERVICES, INC.  
P.O. BOX 443  
BRADLEY, MAINE 04411-0443  
TEL. 207-827-6733

*Note: There are many large maps with this permit that cannot be scanned.*

## Table of Contents

- Section 1. Application, Check List, Authorization Letter
- Section 2. Fee Worksheet
- Section 3. Professional and Notice Certification
- Section 4. Public Notice
- Section 5. Title, Right, or Interest
- Section 6. Certificate of Good Standing
- Section 7. Photographs
- Section 8. Basic Standards Submissions
- Section 9. General Standards Submissions
- Section 10. Inspection and Maintenance Plan
- Section 11. Notice of Termination

Stormwater Application Form

PLEASE TYPE OR PRINT IN INK

This application is for (Check the one that applies):		<input checked="" type="checkbox"/> New application		<input checked="" type="checkbox"/> Amendment	
1. Name of Applicant:	TOWN OF LUBEC	5. Name of Agent:	OSCAR EMERSON PE		
2. Applicant's Mailing Address:	40 SCHOOL ST. LUBEC, ME 04652	6. Agent's Mailing Address:	DOWN TO EARTH P.L.S. PO BOX 443 BRADLEY, ME 04411		
3. Applicant's Phone #:	(207) 733-2341	7. Agent's Phone #:	(207) 827-6733		
4. Email address (REQUIRED- license will be sent via email):	couterclerk@townoflubec.com	8. E-mail address (REQUIRED- license will be sent via email):	oemerson@downtoearthpls.com		
9. Location of Project: (Road, Street, Rt.#)	MAIN ROAD	10. Town:	LUBEC		
12. Type of Direct Watershed: (Check all that apply)	<input type="checkbox"/> Lake not most at risk	13. Amount of Disturbed Area:	Total Amt. = 4.6 acres		
	<input type="checkbox"/> Lake most at risk	14. Amount of Developed Area:	<input checked="" type="checkbox"/> 1 or more acres, but less than 5 acres <input type="checkbox"/> 5 acres or more Total Amt. = 1.84 acres		
	<input type="checkbox"/> Lake most at risk, severely blooming <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input checked="" type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply	15. Amount of Impervious Area:	<input type="checkbox"/> less than 20,000 sq. ft. <input type="checkbox"/> 20,000 sq. ft. to 1 acre <input checked="" type="checkbox"/> 1 to 3 acres <input type="checkbox"/> 3 or more acres Total Amount of Impervious Acres = 1.84 AC		
16. Applicable Standards: (Check all that apply)	<input type="checkbox"/> Stormwater PBR <input checked="" type="checkbox"/> Basic standards <input checked="" type="checkbox"/> General standards: BMP <input type="checkbox"/> General standards: phosphorus <input type="checkbox"/> Flooding standard <input type="checkbox"/> Urban impaired stream standards <input type="checkbox"/> Other: _____	17. Type of Stormwater Control:	<input type="checkbox"/> Vegetative (e.g. buffers) <input type="checkbox"/> Structural (e.g. underdrained filters, ponds, infiltration structures)		
18. Exceptions &/or Waivers Requested:	<b>BMP Standards ▼</b> <input type="checkbox"/> Pretreatment measures <input checked="" type="checkbox"/> Discharge to ocean/major river segment <input type="checkbox"/> Linear portion of project <input type="checkbox"/> Utility corridor <input type="checkbox"/> Redevelopment	<b>Urban impaired stream standard ▼</b> <input type="checkbox"/> Developed area not landscaped or impervious <input type="checkbox"/> Redevelopment	<b>Flooding Standard ▼</b> <input checked="" type="checkbox"/> Discharge to ocean/major river segment <input type="checkbox"/> Insignificant increase in peak flow		
19. Proposed Start Date and Brief Project Description:	START DATE: SUMMER/FALL 2020. THE CONSTRUCTION OF A STONE RUBBLE & SHEET PILE BREAKWATER, BOAT RAMP, FLOATS & PARKING.				
20. Size of Lot or Parcel:	<input type="checkbox"/> sq. ft., or <input checked="" type="checkbox"/> 3.4± acres	UTM Easting:	19658554.1	UTM Northing:	4968989.8
21. Title, Right or Interest:	<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement				
22. Deed Reference Numbers:	Book#: 4473	Page: 290	24. Map and Lot Numbers:	Map #: 18	Lot #: 17
23. DEP Staff Previously Contacted:	JESSICA DAWSON KEAL LIBSEY	25. Project started prior to application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
SIGNATURES / CERTIFICATIONS ON PAGE 2					

26. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, previous application #	Previous project manager:
27. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	
28. Detailed Directions to the Project Site:			
29. Stormwater Permit by Rule Submissions ▼		30. Stormwater Application Submissions ▼	
<input type="checkbox"/> This form (including signature page) <input type="checkbox"/> Fee <input type="checkbox"/> Topographic Map <input type="checkbox"/> Plan or Drawing <input type="checkbox"/> Photos of Area		<input checked="" type="checkbox"/> This form (including signature page) <input checked="" type="checkbox"/> Fee <input checked="" type="checkbox"/> Proof of title, right or interest <input type="checkbox"/> Certificate of good standing (if applicable) <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Copy of Public Notice <input checked="" type="checkbox"/> Professional & Notice Certification <input checked="" type="checkbox"/> Basic standards submissions <input checked="" type="checkbox"/> General standards submissions <input type="checkbox"/> Flooding standard submissions <input type="checkbox"/> Other standard submissions <input type="checkbox"/> Compensation Fee (if required)	
31. FEES, Amount Enclosed:			
Does the agent have an interest in the project? If yes, what is the interest?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No			


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

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

**CERTIFICATIONS/ SIGNATURES**

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


Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by E-mailing the decision to the electronic address located on the front page of this application (see #4 for the applicant and #9 for the agent."

Signed:  Title AGENT Date: 2/29/20

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**Notice of Intent to Comply with Maine Construction General Permit**

With this Stormwater Law application form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit (MCGP). I have read and will comply with all of the MCGP standards.

Signed  Date: 2/29/20

**NOTE: If a Notice of Intent is required, you must file a Notice of Termination (attached as Form G) within 20 days of completing permanent stabilization of the project site.**

### Submittal Checklist

#### Submissions for all stormwater projects, as applicable, except stormwater PBR:

- Completed application form with signatures
- Fee worksheet & fee
- Professional & notice certification
- Notice of intent to file
- Proof of title, right, or interest
- Certificate of Good Standing (corporations only)
- Photos of the project site

#### Basic standards submissions:

- Erosion and sedimentation control plan
  - Location plan
  - Site details
- Inspection and maintenance plan
  - List of measures
  - Inspection & maintenance tasks
  - Task frequency
  - Responsible parties
  - Maintenance plans
- Housekeeping plan

#### General standards submissions:

- Narrative
- Drainage plans
- Calculations
  - Water volume
  - Buffer sizing
- Details, designs, and specification
  - Ponds
  - Underdrained vegetated filters
  - Infiltration systems
  - Buffers
- Phosphorus export calculations
- Maintenance contract

#### Flooding standard submissions:

- Control of peak flows
- Details, designs, and specifications

To Whom It May Concern:

I, Carol Dennison, Selectman of the Town of Lubec, authorize Oscar Emerson of Down to Earth Professional Land Services, Inc., to prepare and sign Federal, State and Municipal permit applications for the Lubec Safe Harbor project in Lubec, Maine.

Carol Dennison  
Carol Dennison, Selectman

6/19/19  
Date

Fee Worksheet

Use this form to help determine the permit fee. The fee is based upon the amount of disturbed area associated with the project. THE EXAMPLE BELOW IS NOT BASED ON CURRENT FEES. To determine current stormwater licensing fees, please visit the Department's website at: <http://www.maine.gov/dep/permits/>

**NOTE:** Ditches, swales, ditch turn-outs, level spreaders, and similar Best Management Practices (BMPs) used solely to convey or discharge water to a vegetated buffer are not considered, by themselves, to constitute structural BMPs, provided that the applicant assumes that all water quality treatment takes place in the buffer. If any treatment is assumed within the BMPs used to convey water to the buffer, they are treated as structural BMPs for the purposes of determining the applicable fee (and review period). "Disturbed area" and "impervious area" are defined in Chapter 500, Section 2(F) and (L).

**Example (a):** If solely vegetative control measures are used (e.g. buffers), using an example fee of \$250.00\* for up to one acre of disturbed area, plus \$125.00† for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.  
 Fee = \$250.00+ [\$125.00 x (1)] = \$375.00

**Your fee:**

Current fee from fee schedule plus [1/2 current fee times # additional whole acres] equals application fee  
 \$ \_\_\_\_\_ + [ \$ \_\_\_\_\_ X ( ) ] = \$ \_\_\_\_\_

**Example (b):** If any structural control measures are used (e.g. underdrained filters, ponds, infiltration systems), using an example fee of \$500.00 for up to one acre of disturbed area, plus \$250.00 for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.  
 Fee = \$500.00 + [\$250.00 x (1)]. Fee = \$750.00.

**Your fee:**

Current fee from fee schedule plus [1/2 current fee times # additional whole acres] equals application fee  
 \$ 622 + [ \$ \_\_\_\_\_ X ( ) ] = \$ 622

\* The total fee for the first acre of disturbed area is obtained by combining the processing and licensing fees contained in the current fee schedule.

† The fee for each additional whole acre of disturbed area is one-half the combined processing and licensing fee.

**Certification-Stormwater Management Law**

(To be completed and sent to the DEP after the contractor and any subcontractors have been shown a copy of the approval with conditions by the developer, and the owner and each contractor and subcontractor have certified, on this form provided by the department, that the approval and conditions have been received and read, and the work will be carried out in accordance with the approval and conditions.)

Name of Applicant: TOWN OF LUBEC

Town where project located: LUBEC Type of Project: BREAKWATER/BOAT RAMP/MARINA

Permit Number \_\_\_\_\_

*Work done by a contractor or subcontractor pursuant to an approval under the Stormwater Management Law may not begin before the contractor and any subcontractors have been shown a copy of the approval with conditions by the developer, and the owner and each contractor and subcontractor have certified, on this form provided by the department, that the approval and conditions have been received and read, and the work will be carried out in accordance with the approval and conditions. Completed certifications forms must be forwarded to the department. See 06-096 CMR 500(9)(A)(7).*

This certification form must be completed and mailed to the Regional Licensing Manager at the appropriate regional office prior to start of construction. Separate forms may be submitted for each person, or persons may be listed on a single form. List the name, address, phone number, of each person signing the form.

**I certify that I have personally received and read the approval and conditions described below, and that the work will be carried out in accordance with the approval and conditions.**

Owner (Applicant) Name (typed or printed), address, and phone number:	TOWN OF LUBEC 40 SCHOOL STREET LUBEC, ME 04652
Signature:	

Contractor Name (typed or printed), address, and phone number:	
Signature:	

Subcontractor Name (typed or printed), address, and phone number:	
Signature:	



**Public Notice Filing and Certification**

The DEP Rules, Chapter 2, require an applicant to provide public notice for all Stormwater Law projects with the exception of minor revisions and condition compliance applications. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office.

**ATTACH a list of then names and addresses of the owners of abutting property.**

**CERTIFICATION**

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

1. A notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application.
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of, if required, and held a public informational meeting in accordance with Chapter 2. Rules Concerning the Processing of Applications, Section 14, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on \_\_\_\_\_.

Date

Approximately \_\_\_\_\_ members of the public attended the Public Informational Meeting.

\_\_\_\_\_  
Signature of Applicant or authorized agent

2/29/20  
\_\_\_\_\_  
Date

## Public Notice: Notice of Intent to File

Please take notice that

TOWN OF LUBEC, 40 SCHOOL STREET, LUBEC, ME 04652,  
 (Name, Address and Phone # of Applicant)  
TEL (207) 733-2341

is intending to file a Stormwater Law permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 420-D on or about

\_\_\_\_\_ (anticipated filing date)

This application is for

SAFE WATER HARBOR PROJECT INCLUDING BREAKWATER,  
 (description of the project)  
BOAT RAMP, FLOATING DOCKS AND PARKING AREA.

at the following location MAIN ROAD (COLUMBIA LOVE), LUBEC, MAINE  
 (project location)

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

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable).

The application will be filed for public inspection at the Department of Environmental Protection's office in (*Portland, Augusta or Bangor*) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in LUBEC, Maine.  
 (town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection.

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

**Public Notice: Notice of Intent to File**

Please take notice that the Town of Lubec, 40 School Street, Lubec, ME 04652 (207) 733-2341 is intending to file a Stormwater Law permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S. §§ 420-D on or about March 20, 2020. The application is for the construction of a stone-rubble and sheet pile breakwater, boat ramp, floating docks and parking area at the following location: Main Road, Lubec, Maine. A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. The application will be filed for public inspection at the Department of Environmental Protection's office in Bangor during normal working hours. A copy of the application may also be seen at the municipal offices in Lubec, Maine. Written public comments may be sent to the regional office in Bangor where the application is filed for public inspection: MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

## **Abutter List**

Map 18 Lot 5 Bayview Park Associates, c/o C & C Realty Management, PO Box 413, Clinton, ME 04927

Map 18 Lot 15 Heirs of Annabelle Hudson, c/o Mary Hudson, 94 Varney Mill Road, North Windham,  
ME 04062

Map 18 Lot 17 Joseph & Diane Wekelo, PO Box 5521, Salisbury, MA 04062

Map 18 Lot 17-1 Joseph & Diane Wekelo, PO Box 5521, Salisbury, MA 04062

Map 18 Lot 20 Lubec Historical Society, 135 Main Street, Lubec, ME 04652

## WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that **JOSEPH WEKELO** and **DIANE M. WEKELO**, of Salisbury, County of Essex, Commonwealth of Massachusetts,

for consideration paid, being a grant of funds from the State of Maine to the Town of Lubec as cited herein,

GRANT to the **INHABITANTS OF THE MUNICIPALITY OF LUBEC**, a municipal corporation, whose mailing address is 40 School Street, Lubec, Maine 04652,

with **WARRANTY COVENANTS**,

A certain lot or parcel of land located on the **westerly side of Route 189** and on the easterly shore of **Johnson's Bay**, said lot or parcel of land situated in the Town of **Lubec**, County of **Washington**, State of **Maine**, and being more particularly described as follows:

Beginning at a 1" bolt found on the westerly sideline of Route 189 and at the northeasterly corner of land now or formerly of Lubec Historical Society, Inc., as described in a deed dated August 25, 1989 and recorded in the Washington County Registry of Deeds in Book 1594, Page 83;

Thence, N 67°34'10" W, along the northerly line of said land of Lubec Historical Society, a distance of 83.28 feet, to a 1" bolt witnessed by a 1 ½" pipe found;

Thence, continuing N 67°34'10" W, along the northerly line of said land of Lubec, a distance of 68 feet, more or less, to the high water mark of Johnson's Bay;

Thence, generally northwesterly, along the high water mark of Johnson's Bay, a distance of 482 feet, more or less, to the southwesterly line of land now or formerly of Bayview Park Associates, as described in a deed dated October 13, 1978 and recorded in Book 1036, Page 173;

Thence, S 58°13'52" E, along the southwesterly line of said land of Bayview Park Associates, a distance of 40 feet, more or less, to a 5/8" rebar set, said rebar being located N 20°11'48" W, a distance of 438.94 feet, from said 1" bolt witnessed by a 1 ½" pipe found;

Thence, continuing S 58°13'52" E, along the southwesterly line of said land of Bayview Park Associates, and along the southwesterly line of land now or formerly of Annabelle K. Hudson, as described in a deed dated February 21, 1951 and recorded in Book 500, Page 137, a distance of 309.69 feet, to a second 5/8" rebar set;

Thence, S 26°42'07" W, crossing land now or formerly of Joseph Wekelo and Diane M. Wekelo, as described in a deed dated February 28, 2005 and recorded in Book 2981, Page 300, a distance of 157.66 feet to a third 5/8" rebar set;

TRANSFER TAX PAID

Thence, S 59°38'40" E, crossing said land of Wekelo, a distance of 91.49 feet, to a fourth 5/8" rebar set on the westerly sideline of Route 189;

Thence, generally southwesterly, along the westerly sideline of Route 189, and along a curve to the left, said curve having an arc length of 16.23 feet, a radius of 1000.00 feet, and a delta angle of 0°55'47";

Thence, S 24°32'44" W, along the westerly sideline of Route 189, a distance of 86.72 feet, to the POINT OF BEGINNING.

The above described parcel, containing 1.8 acres, more or less, is a portion of the property conveyed to Joseph Wekelo and Diane M. Wekelo in a deed dated February 28, 2005 and recorded in Book 2981, Page 300, and is more particularly shown on a plan entitled, "Boundary Survey for Joseph Wekelo", dated May 7, 2018, and prepared by West Falls Surveying, Drawing Number 2014-089, a copy of which is attached hereto as **Exhibit A**.

All 5/8" rebar set are capped with surveyor's identification caps stamped PLS #2497.

All Book and Page numbers refer to the Washington County Registry of Deeds.

Bearings refer to Grid North, NAD83, Maine East Zone 1801, based on the MDOT VRS Network.

SUBJECT TO the terms, conditions and restrictions of a Project Agreement between the State of Maine and the Town of Lubec, dated June 13, 2018 and recorded herewith in said Registry in Book 4473, Page 294.

Also conveying any interest of the Grantors in and to the area between the above described westerly boundary line and low water mark of Johnson's Bay, subject to the rights of the public thereon according to the laws of the State of Maine.

Granting also to the Grantee herein, its successors and assigns forever, all rights, privileges, appurtenances and easements belonging to the granted estate as intended by 33 M. R. S. § 773.

For source of title, reference may be had to a Deed from Diane E. Zibroid to Joseph Wekelo and Diane M. Wekelo, dated February 28, 2005, and recorded in the Washington County Registry of Deeds in Book 2981, Page 300.

Witness our hands and seals this 1st day of June, 2018.

Witness

Joseph Wekelo  
Joseph Wekelo

Diane M. Wekelo  
Diane M. Wekelo

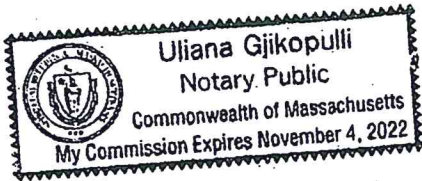
STATE OF MA  
COUNTY OF Essex

On this 1 day of June, 2018, then personally appeared the above-named Joseph Wekelo and Diane M. Wekelo and acknowledged the foregoing instrument to be his/her/their free act and deed.

**SEAL**

Before me,

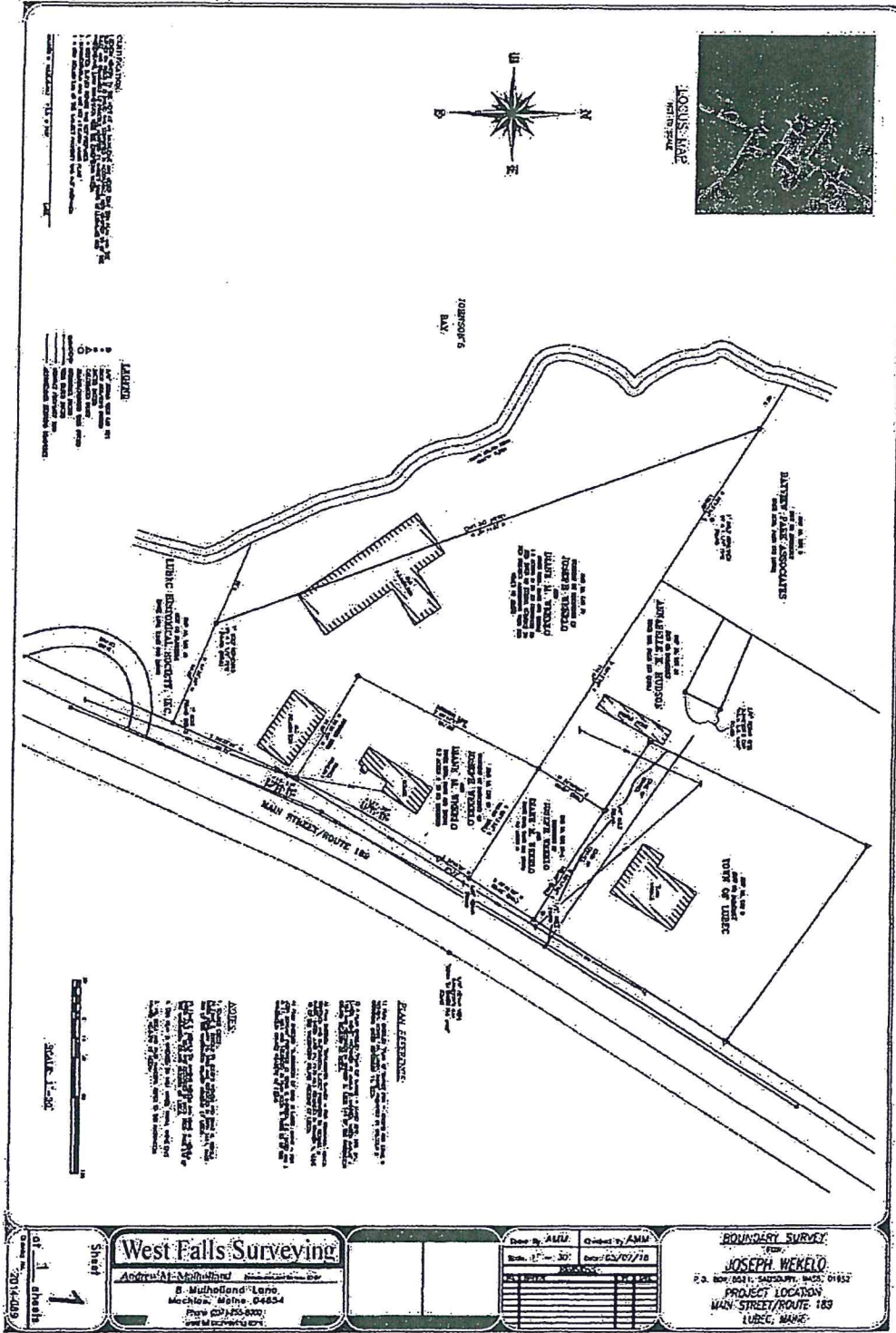
[Signature]  
Notary Public/Attorney-at-Law



Uliana Gjickopulli  
Printed Name as Signed  
My Commission Expires/Bar No. November 22

Doc#: 6352  
Bk: 4473 Pg: 293

Exhibit A



Received  
Recorded Register of Deeds  
Jun 29, 2018 01:58:01P  
Washington County  
Sharon D. Strout



**Section 6 - Certificate of Good Standing**

Lubec is a municipality incorporated as a Town by the Maine State Legislature.

Certificate of Good Standing does not apply for the applicant.



DOWN to EARTH  
PROFESSIONAL LAND SERVICES, INC.  
P.O. BOX 443  
BRADLEY, MAINE 04411-0443  
TEL. 207-827-6733

## LUBEC SAFE HARBOR SITE

Photographer: Oscar Emerson      Date of Photos: 10/04/2017



At rear of property looking northeast



Centrally located looking northeast



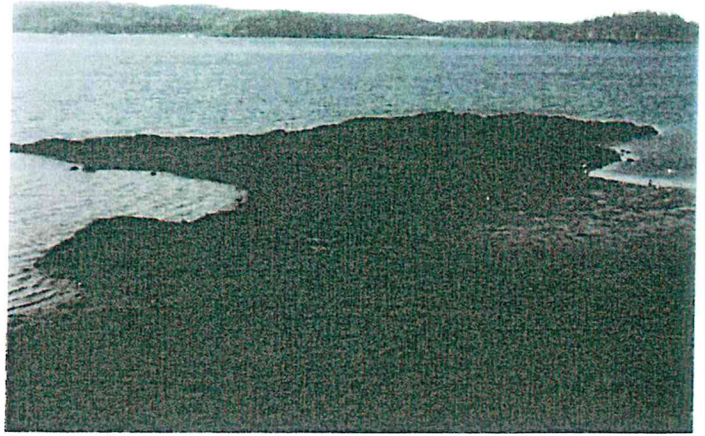
Centrally located looking east



Centrally located looking southeast



At rear of property looking north



At rear of property looking northwest



At rear of property looking southeast

# MUNICIPAL GRAVEL PIT SITE

Photographer: Oscar Emerson    Date of Photos: 01/11/2020



At site entrance facing southeast



At site entrance facing southeast



Centrally located looking southeast



Centrally located looking northwest



Located east of site facing soil filter location



West of site facing east



South of site facing north



Centrally located looking east



Centrally located forested buffer location



Easterly portion of the site

## General Standards

1. Narrative.
  - a. Development location. The proposed project is situated within the lower reaches of Johnson Bay (Atlantic Ocean). Stormwater runoff associated with proposed parking, breakwater and boat ramp directly discharges into the ocean solely contained on the applicants property. The two stormwater mitigation sites (Gravel Pit Site & Town Garage Site) are contained on municipal properties located within the same watershed
  - b. General project description. The Lubec Safe Harbor site consists of a 1250' long breakwater with two paved travel lanes, a 260' long boat ramp, and paved parking area.  
The Town Garage mitigation site is an existing municipal service area with gravel and paved aprons, parking and loading areas, municipal garage and municipal sand storage building.  
The Gravel Pit mitigation site is parcel of land with a network of gravel drives and gravel apron utilized for woody debris disposal.
  - c. Surface water on or abutting the site. There are no surface waters present on the Lubec Safe Harbor site. The mitigation sites contain forested wetlands outside of the vicinity of stormwater management locations.
  - d. Downstream ponds and lakes. Not applicable to the proposed project.
  - e. Flooding. In reference to FEMA mapping, the proposed stormwater mitigation sites are not located within a 100-year floodplain. Proposed project development will not result in increased flooding potential of adjacent or down stream properties.
  - f. Alterations to natural drainage ways. There are no alterations to natural drainage ways resulting from development of the Lubec Safe Harbor site and associated stormwater mitigation sites.
  - g. Alterations to land cover. Alterations to land cover will consist of an increase impervious surfaces and a decrease of vegetated surfaces. Increases in flow rates are not applicable because of discharge to the ocean and impacts to stormwater quality will be mitigated at two mitigation sites on municipal properties.
  - h. Urban Impaired Streams. Not applicable to the proposed project.
2. Drainage Plans

Refer to Stormwater Plan, sheet D-1, Stormwater Mitigation Plan – Municipal Garage & Salt Shed, sheet D-2, and Stormwater Mitigation Plan – Municipal Gravel Pit, sheet D-3 depicting the following:

  - a. Contours.
  - b. Plan elements.
  - c. Land cover types and boundaries.

- d. Soil test locations.
- e. Stormwater quality subwatershed boundaries.
- f. Hydrologic flow lines.
- g. Runoff storage areas.
- h. Roads and drives.
- i. Facilities.
- j. Drainage systems.
- k. Natural and man-made drainage ways.
- l. Wetlands.(not applicable)
- m. Flooded Areas (not applicable)
- n. Stormwater BMPs (Grassed Soil Filter& Level-lip Spreader
- o. Stormwater treatment areas.(Wooded Buffer)

### 3. Calculations

- a. Modeling assumptions. Soils contained on the mitigation sites have been determined by NRCS published mapping.  
Municipal Gravel Pit: Pg – Pits, sand and gravel (extremely gravelly sand).  
Municipal Town Garage: LmB – Lamoine Scantic complex (silty loam)
- b. Project quality volumes & treatment.  
The total impervious area of the Lubec Safe Harbor site is 80,149 SF (1.84 acres).  
Breakwater, boat ramp and drives are classified as linear portions of the site with the required treatment (75%):  $41,190 \text{ SF} \times 0.75 = 30,892 \text{ SF}$ .  
Parking area is classified as non-linear portions of the site with the required treatment (95%):  $38,959 \text{ SF} \times 0.95 = 37011 \text{ SF}$ .

**NOTE: No lawn or landscaped areas are proposed for the Lubec Safe Harbor site.**

Stormwater Mitigation - Municipal Gravel Pit Site: Stormwater associated with graveled drives and gravel apron directed to a Grassed Soil Filter.  $19,770 \text{ SF (gravel surface)} \times 0.0833 = 1647 \text{ CF}$  treatment volume required. 1659 CF provided (6" inundation and 30% filter volume). Surface area of Grassed Soil Filter is 1659 SF (5% of 19770 SF impervious = 989.  $1659 > 989$  therefore OK)

Stormwater Mitigation – Municipal Town Garage & Salt Shed: Stormwater runoff associated with paved, gravel and roof areas of municipal service site directed to a stone bermed level spreader and forested buffer.

The following water volumes for treatment by the selected BMP, Wooded Buffer and Level-lip Spreader, has been calculated by

incorporating criteria contained in *Maine Stormwater Best Management Practices Manual, 2016, Section 5.2.:*

Buffer flow path (C soils): 150' Wooded (4% slope)

Berm Length: 1.12 ac imp. X 100 = 112 LF

**NOTE: No lawn or landscaped areas exists on proposed mitigation sites.**

4. Summary. The total impervious area of the Lubec Safe Harbor site is 80,149 SF (1.84 acres). Breakwater, boat ramp and drives are classified as linear portions of the site with the required treatment (75%):  $41,190 \text{ SF} \times 0.75 = 30,892 \text{ SF}$ . Parking area is classified as non-linear portions of the site with the required treatment (95%):  $38,959 \text{ SF} \times 0.95 = 37,011 \text{ SF}$ .

Total required impervious area required for mitigation:  $30,892 + 37,011 = 67,903,5 \text{ SF}$ .

Stormwater Mitigation - Municipal Gravel Pit Site: 19,770 SF impervious area treated.

Stormwater Mitigation - Municipal Garage & Salt Shed Site: 48,582 SF impervious area treated.

$19,770 \text{ SF} + 48,582 \text{ SF} = 68,352 \text{ SF}$  treated impervious area provided.

5. Maintenance and contract. Refer to the attached Maintenance and Inspection Plan for periodic inspection and repairs (if necessary) to best management practices and stormwater management devices discussed and specified on the construction plan set. All proposed construction discussed is to be inspected by a municipal agent licensed as a professional engineer. Maintenance responsibilities will be acquired by the Town of Lubec.
6. Deed Restrictions. Refer to the attached deed restriction to be applied to the forested buffer.



**Section 4. Draft Deed Restriction Language for Buffers**

**A. Forested buffer, limited disturbance**

DECLARATION OF RESTRICTIONS (Forested Buffer, Limited Disturbance)

THIS DECLARATION OF RESTRICTIONS is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by TOWN OF LUBEC, 40 SCHOOL STREET,  
(name) (street address)

LUBEC, WASHINGTON County, Maine, 04652, (herein referred to as  
(city or town) (county) (zip code)

the "Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Stormwater Management Law, to preserve a buffer area on a parcel of land near

MAIN STREET, MUNICIPAL GARAGE AND SALT SHED SITE  
(road name) (known feature and/or town)

WHEREAS, the Declarant holds title to certain real property situated in \_\_\_\_\_, Maine  
(town)

described in a deed from \_\_\_\_\_ to TOWN OF LUBEC dated  
(name) (name of Declarant)

\_\_\_\_\_, 20 \_\_\_\_, and recorded in Book \_\_\_\_ Page \_\_\_\_ at a \_\_\_\_\_ County Registry of Deeds, herein referred to as the "property"; and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Restricted Buffer") described as follows:

(Note: Insert description of restricted buffer area location here)

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP")

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instruments shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in

uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.
5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

\_\_\_\_\_  
(NAME)

STATE OF MAINE \_\_\_\_\_ County, \_\_\_\_\_, 20 \_\_\_\_\_.  
(County) (date)

Personally appeared before me the above named \_\_\_\_\_, who swore  
To the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the  
foregoing instrument to be (his/her) free act and deed.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_



# DOWN to EARTH

PROFESSIONAL LAND SERVICES, INC.  
 P.O. BOX 443  
 BRADLEY, MAINE 04411-0443

### SOIL DESCRIPTION AND CLASSIFICATION

Observation Hole #1     Test Pit     Boring  
3 " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6	SANDY LOAM	FIABLE		
10	W/SILT		2.5Y	
15			5/4	
20		FIRM		END OF ROOT LAYER
30				
40				
50				

Soil Profile: 2    Classification Condition: UATII    Slope: -    Limiting Factor: 15 "     Ground Water     Restrictive Layer     Bedrock

### SOIL DESCRIPTION AND CLASSIFICATION

Observation Hole #2     Test Pit     Boring  
2 " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6	SANDY LOAM	FIABLE		
10	W/ GRAVEL		2.5Y	
15			3/3	
20				
30	SANDY LOAM	MASSIVE		BEDROCK CHROMITE
40	W/ FLAKES OF SILT			
50				

Soil Profile: 2    Classification Condition: UATII    Slope: -    Limiting Factor: 26 "     Ground Water     Restrictive Layer     Bedrock

### SOIL DESCRIPTION AND CLASSIFICATION

Observation Hole \_\_\_\_\_     Test Pit     Boring  
 \_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

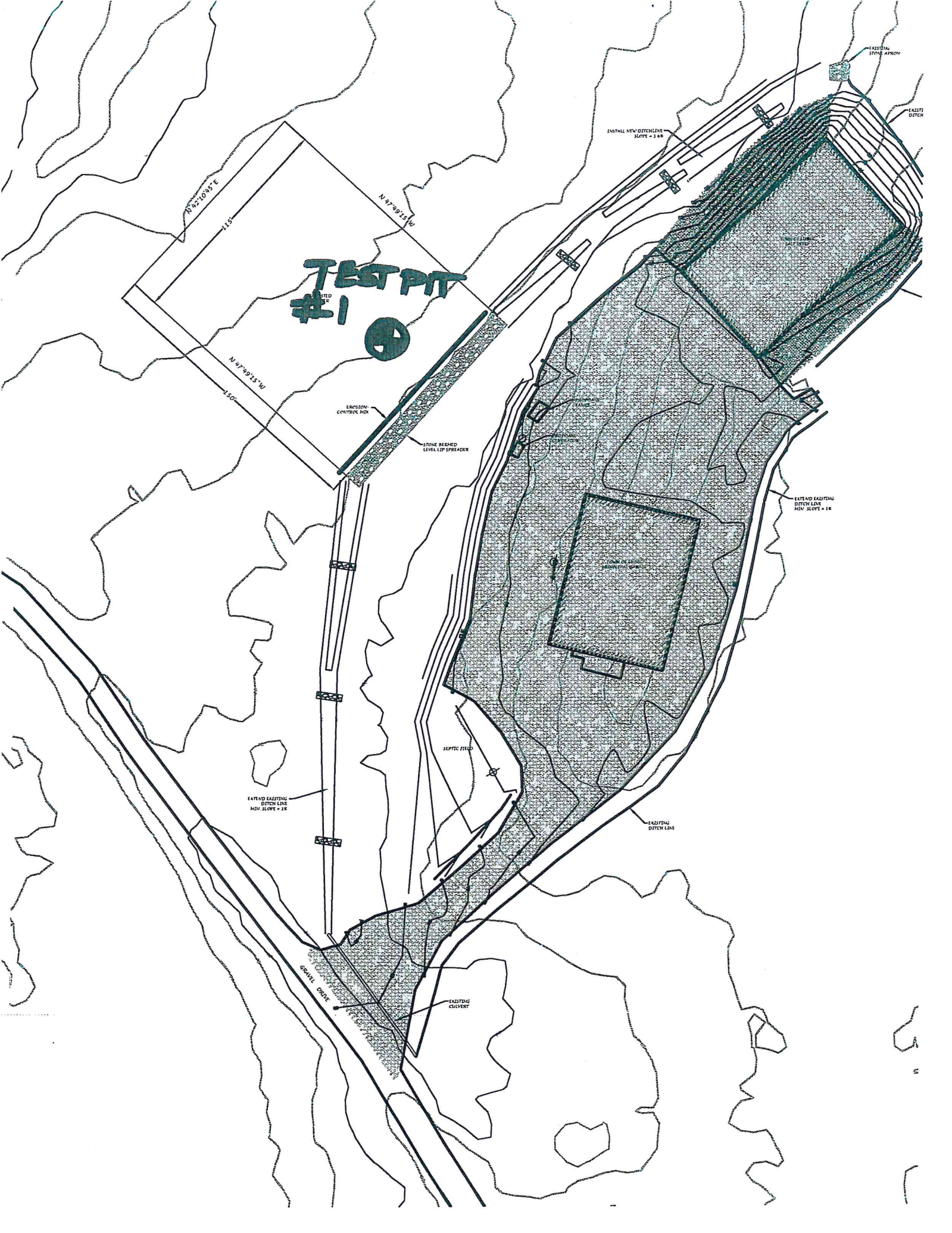
Soil Profile: \_\_\_\_\_    Classification Condition: \_\_\_\_\_    Slope: \_\_\_\_\_    Limiting Factor: \_\_\_\_\_ "     Ground Water     Restrictive Layer     Bedrock

### SOIL DESCRIPTION AND CLASSIFICATION

Observation Hole \_\_\_\_\_     Test Pit     Boring  
 \_\_\_\_\_ " Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (Inches)	Texture	Consistency	Color	Mottling
0				
6				
10				
15				
20				
30				
40				
50				

Soil Profile: \_\_\_\_\_    Classification Condition: \_\_\_\_\_    Slope: \_\_\_\_\_    Limiting Factor: \_\_\_\_\_ "     Ground Water     Restrictive Layer     Bedrock



**TEST PIT #1**



N 47° 49' 15" W  
115'

N 47° 49' 15" W

N 47° 49' 15" W  
150'

ENCISION  
CENTROCK AIR

STONE RECHED  
LEVEL LIP SPREADER

INSTALL NEW DITCHLINE  
SLOPE = 1:8

EXISTING  
STONE APRON

EXISTING  
DITCH

EXISTING EXISTING  
DITCH LINE  
MIN. SLOPE = 1%

SEPTIC FIELD

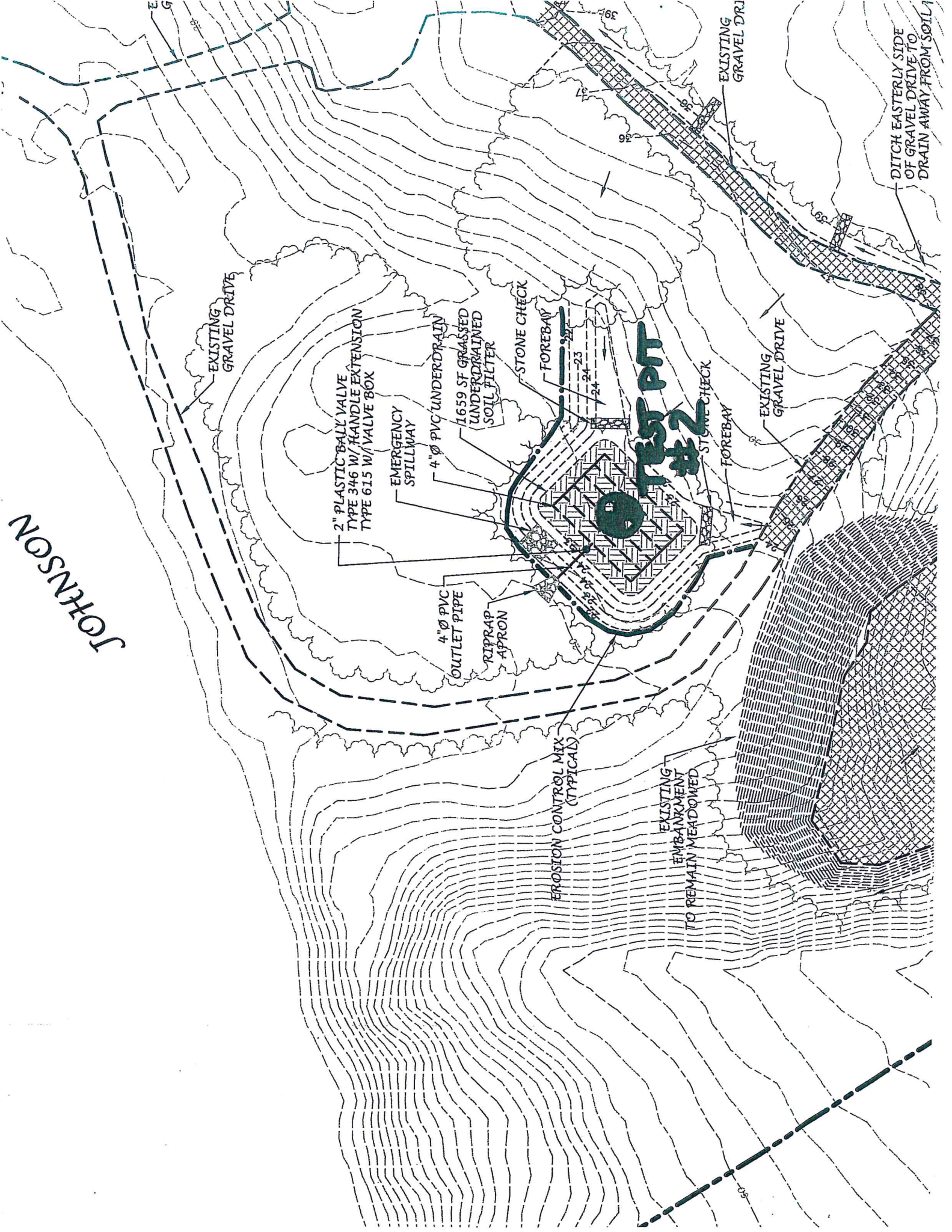
EXISTING EXISTING  
DITCH LINE  
MIN. SLOPE = 1%

EXISTING  
DITCH LINE

GRAVEL DOTE

EXISTING  
CULVERT

JOHNSON



**Storm Water Management System**

**Inspection and Maintenance Plan**

**For**

**Lubec Safe Harbor  
Mitigation Sites**

**Municipal Garage & Salt Shed  
Municipal Gravel Pit  
Lubec, Maine**

## **I. General**

Routine maintenance and periodic inspections are required to ensure the continued proper operation and physical integrity of structures.

## **II. Maintenance Procedures**

The following are routine maintenance procedures required to keep the grassed soil filter & level-lip spreader/forested buffer in satisfactory operation condition, correct minor deterioration of basin embankment and bottom surfaces, and keep the inlet and outlet structures free of obstructions. The following are specific maintenance items for each stormwater device:

### Grassed Soil Filter

- A. All soils in the berm areas which are displaced by erosion or burrowing animals should be replaced with the appropriate fill material and seeded. Seed and mulch/stabilize as necessary to stabilize repair from further erosion.
- B. Clear debris and vegetation around inlets and outlets of the stormwater basins, stone outlets and site culverts to maintain full hydraulic capacity.
- C. Remove sediment accumulation within the bio-retention cell annually. Sediment removal techniques should preclude destruction of established vegetation.
- D. Basin area is to be mowed at a minimum on an annual basis, preserving plantings if applicable.

### Level-Lip Spreader and Forested Buffer

- A. All soils in the stone berm areas which are displaced by erosion or burrowing animals should be replaced with the appropriate fill material and seeded.
- B. Clear debris and vegetation around inlets and outlets of the spreader trench area. Remove all litter throughout spreader and buffer area.
- C. Remove sediment accumulation within the trench when it has accumulated to approximately 25% of channel capacity.

### III. Inspection Procedures

#### A. General:

Use a fresh copy of the attached checklist. Fill out completely. File in a 3-ring folder in chronological order available for inspection by municipal and state officials.

#### B. When:

1. Spring: No later than April 1
2. Mid Summer inspection: July 15
3. Late Fall inspection: No later than November 15

#### C. What:

1. Pond Embankment and Ditches:
  - a) Check for burrowing animal damage and woody growth.
  - b) Check for cracks, erosion, surface sloughing, settling, or any evidence that the side slopes may be in distress.
2. Outlet Structures:
  - a) Check for physical damage.
  - b) Check for obstructions to flow.
  - c) Check for burrowing animal damage.
3. Inlet Structures:
  - a) Check for physical damage.
  - b) Check for obstructions to flow.
  - c) Check for burrowing animal damage.
4. Down Stream Riprap Aprons and Level Spreaders
  - a) Check that hydraulic capacity has not been compromised through growth of vegetation, slumping of banks into hydraulic way, foreign debris, deadfalls or anything that in your opinion may unduly restrict the capacity to the point it may effect the operation of the outlet structure.
5. Paved Areas
  - a) Ensure that all paved surfaces are clean of accumulated sediment from vehicular traffic, winter sanding activities or overland flow.
6. Buffers
  - a) Check for erosion or rilling. Remove deposits of sediment where practical.

#### D. Corrective Actions

1. General: Where deficiencies are found , correct them when practical, with facility personnel; when specialized equipment or knowledge is required contract the work to the appropriate trade.



#### **IV. Spills**

- A. General: In the event of a spill/contamination entering any impoundment, block the outlet flow and follow facility HAZMAT procedures.
- B. Contact immediately: Town of Lubec Fire Department: 207.733.2809

## Storm Water Management System Inspection Sheet

Date: \_\_\_\_\_ Inspector: \_\_\_\_\_  
Print with Title

Weather: \_\_\_\_\_

Item Number \_\_\_\_\_ (Refer to Storm Water Maintenance Plan)

**Provide information below that is pertinent to the structure numbered above.**

Depth of Water at Pond Outlet: \_\_\_\_\_ inches

1.  Cleanliness:  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_
2.  Slopes:  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_
3.  Outlet Structure(s):  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_
4.  Inlet Structure(s):  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_
5.  Impoundment:  
Observations: \_\_\_\_\_  
Sediment: \_\_\_\_\_ inches  
Follow up recommendations: \_\_\_\_\_
6.  Downstream Channel/Ditches:  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_
7.  Embankments:  
Observations: \_\_\_\_\_  
Follow up recommendations: \_\_\_\_\_

Inspector: \_\_\_\_\_ Date \_\_\_\_\_  
Signature

Notice of Termination

For use with CONSTRUCTION GENERAL PERMIT

Please type or print in **BLACK INK ONLY**

Name of Applicant (Owner):		TOWN OF LUBEC		Applicant Mailing Address:		40 SCHOOL STREET LUBEC, ME 04652	
Town/City:		LUBEC		State:		ME	
Daytime phone: with area code)		(207) 733-2341		E-Mail, if available		couterclerk@townoflubec.com	
Name of Agent:		OSCAR EMERSON DOWN TO EARTH PROF. LAND SERVICES		Agent Phone #:		(207) 827-6733	
Project Location: (Town/City):		LUBEC SAFE HARBOR SITE		UTM Northing: (if known)		19658554.1	
Map #		18		Lot #		P/O 17	
Name of waterbody(ies) to which the disturbed area drains, or name of municipality if area drains to an MS4:		ATLANTIC OCEAN					
Name/description of project		LUBEC SAFE HARBOR - CONSTRUCTION OF STONE RUBBLE BREAKWATER, BOAT RAMP, FLOATING DOCKS AND PARKING AREA.					

I am filing notice of my Notice of Termination indicating that permanent stabilization has been completed or, if the project was a common plan of development or sale, that the requirements of the Construction General Permit at Part IV(B)(2) have been completed. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ALL: Photographs showing the completed project and affected area, except as provided in Part IV(B)(3)(c) of the MCGP.
- IF this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign; OR  
Check here to reference documentation showing authorization to sign that was submitted with the Notice of Intent if the
- documentation showing authorization to sign applies and is still current.

I authorize staff of the Department of Environmental Protection to access the project site for the purpose of determining compliance with the general permit.

Signature of Applicant:		Date:	
-------------------------	--	-------	--

*Retain your records.* The permittee is required to retain copies of any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization.

OFFICE USE ONLY			Staff	Staff	
NOI #	FP	Date	Acc Date	Def Date	After Photos

Notice of Termination

For use with CONSTRUCTION GENERAL PERMIT

Please type or print in **BLACK INK ONLY**

Name of Applicant (Owner):		TOWN OF LUBEL		Applicant Mailing Address:		40 SCHOOL STREET LUBEL, ME 04652	
Town/City:		LUBEL		State:		ME	Zip Code: 04652
Daytime phone: with area code)		(207) 733-2341		E-Mail, if available		COUNTERCLERK @ TOWNOF LUBEL.COM	
Name of Agent:		OSCAR EMERSON DOWN TO EARTH PROF. LAND SERVICES		Agent Phone #:		(207) 827- 6733	Permit number (if Known):
Project Location: (Town/City):		LUBEL TOWN OF LUBEL PIT SITE		UTM Northing: (if known)		19657328.5	UTM Easting: (if known) 4927629.1
Map #	25	Lot #	19-A		County:	WASHINGTON	
Name of waterbody(ies) to which the disturbed area drains, or name of municipality if area drains to an MS4:					ATLANTIC OCEAN		
Name/description of project		CONSTRUCTION OF GRASSED UNDER DRAINED SOIL FILTER.					

I am filing notice of my Notice of Termination indicating that permanent stabilization has been completed or, if the project was a common plan of development or sale, that the requirements of the Construction General Permit at Part IV(B)(2) have been completed. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

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Signature of Applicant:		Date:	
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OFFICE USE ONLY			Staff	Staff	
NOI #	FP	Date	Acc Date	Def Date	After Photos

Notice of Termination

For use with CONSTRUCTION GENERAL PERMIT

Please type or print in **BLACK INK ONLY**

Name of Applicant (Owner):		TOWN OF LUBEC		Applicant Mailing Address:		40 SCHOOL STREET LUBEC, ME	
Town/City:		LUBEC		State:		ME	
Daytime phone: with area code)		(207) 733-2344		E-Mail, if available		counterclerk@townoflubec.com	
Name of Agent:		OSCAR EMERSON DOWN TO EARTH PROF. LAND SERVICES		Agent Phone #:		(207) 827-6733	
Project Location: (Town/City):		LUBEC TOWN LARABEE SITE		UTM Northing: (if known)		19455443.2	
Map #		8		Lot #		22	
Name of waterbody(ies) to which the disturbed area drains, or name of municipality if area drains to an MS4:		ATLANTIC OCEAN					
Name/description of project		CONSTRUCTION OF STONE BERM LEVEL-LIP SPREADER.					
Permit number (if Known):		4966402					
UTM Easting: (if known)		WASHINGTON					
County:		WASHINGTON					

I am filing notice of my Notice of Termination indicating that permanent stabilization has been completed or, if the project was a common plan of development or sale, that the requirements of the Construction General Permit at Part IV(B)(2) have been completed. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ALL: Photographs showing the completed project and affected area, except as provided in Part IV(B)(3)(c) of the MCGP.
- IF this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign; OR  
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Signature of Applicant:		Date:	
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*Retain your records.* The permittee is required to retain copies of any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization.

OFFICE USE ONLY			Staff	Staff	
NOI #	FP	Date	Acc Date	Def Date	After Photos