

Maine Department of Environmental Protection
Natural Resources Protection Act, Maine General Permit, Stormwater Management Law permit
application pursuant to 38 M.R.S.A. §§ 420-D and 480-A through 490 and Section 307 of the
federal Coastal Zone Management Act, 16 U.S.C. § 1456, and Section 404 of the Clean Water Act

Town of Scarborough
Eastern Trail Connector Project
Scarborough to South Portland, Maine



July 2024

Prepared for the Town of Scarborough by:

HNTB

HNTB Corporation

82 Running Hill Road, Suite 201

South Portland, ME 04106

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September 27, 2023

Ms. Judy Gates
HNTB Corporation
82 Running Hill Road, Suite 201
South Portland, ME 04106

Dear Ms. Gates:

The Town of Scarborough hereby authorizes HNTB Corporation to act on its behalf regarding the Maine Department of Environmental Protection (DEP) and United States Army Corps of Engineers (USACE) permit filing for the proposed Eastern Trail Connector Project, located in Scarborough and South Portland, Maine.

Authorization includes completing all paperwork and materials necessary for permit filing and to serve as the DEP and USACE point of contact for questions pertaining to the permit.

Sincerely,

Thomas J. Hall

Town Manager

Town of Scarborough

Application for a Natural Resources Protection Permit

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

1. Name of Applicant: Town of Scarborough Attn: Tom Hall		5. Name of Agent: HNTB Corporation Attn: Judy Gates							
2. Applicant's Mailing Address: PO Box 360 Scarborough, ME 04070-0360		6. Agent's Mailing Address: 82 Running Hill Road, Suite 201 South Portland, ME 04106							
3. Applicant's Daytime Phone #: (207) 730-4031		7. Agent's Daytime Phone #: (207) 228-0933							
4. Applicant's Email Address (Required from either applicant or agent): thall@scarboroughmaine.org		8. Agent's Email Address: jugates@HNTB.com							
9. Location of Activity: (Nearest Road, Street, Rt.#) 139 Pleasant Hill Rd, Scarborough, ME 04074		10. Town: Scarborough & South Portland							
11. County: Cumberland									
12. Type of Resource: (Check all that apply) <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Previously altered and unaltered wetlands and unnamed, degraded streams; some wetlands associated with tidal Nonesuch River							
		14. Amount of Impact: (Sq.Ft.) Total: 28,250 Sq. Ft.							
		Fill: 21,200 Sq. Ft. (Permanent) Dredging/Veg Removal/Other: 7,050 Sq. Ft. (Temporary)							
15. Type of Wetland: (Check all that apply) <input checked="" type="checkbox"/> Forested <input checked="" type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>		Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
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<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1							
16. Brief Activity Description:		Construction of a 1.6-mile non-motorized pedestrian/bike trail between the northern extent of the existing trail in Scarborough to the southernmost extent in South Portland. See Attachment 1.							
17. Size of Lot or Parcel & UTM Locations:		Linear Project 1.6 miles ____square feet, or <input type="checkbox"/> 5.2 acres UTM Northing: 4828138.07 UTM Easting: 94849.98							
18. Title, Right or Interest:		<input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input checked="" type="checkbox"/> written agreements See Attachment 15							
19. Deed Reference Numbers: See Attachment 10		20. Map and Lot Numbers: Map #: See Attachment Lot #: Various							
21. DEP Staff Previously Contacted: Christine Woodruff, Robert Green, Dawn Hallowell, Alison Sirois		22. Part of a larger project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?: <input checked="" type="checkbox"/> Yes → <input type="checkbox"/> No		If yes, previous application # L-28061-NJ-A-N L-28061-TE-B-N L-28061-2F-C-N Previous project manager: Christine Woodruff							
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved: NA 25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
26. Detailed Directions to the Project Site:		Linear Project is in the vicinity of 139 Pleasant Hill Rd, Scarborough, ME 04074. See Attachment 3.							

27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC	<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis including description of how wetland impacts were Avoided/Minimized	<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment, if required <input checked="" type="checkbox"/> Compensation Plan, if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> A Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed:		\$897.33	
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			

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

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

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

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

CORPS SIGNATORY REQUIREMENT

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

DEP SIGNATORY REQUIREMENT

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

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



SIGNATURE OF AGENT/APPLICANT

Date: July 8, 2024

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM**

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

APPLICANT INFORMATION (Owner)				AGENT INFORMATION (If Applying on Behalf of Owner)			
Name:				Name:			
Mailing Address:				Mailing Address:			
Mailing Address:				Mailing Address:			
Town/State/Zip:				Town/State/Zip:			
Daytime Phone #:		Ext:		Daytime Phone #:		Ext:	
Email Address:				Email Address:			
PROJECT INFORMATION							
Part of a larger project? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	After the Fact? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Project involves work below mean low water? (check 1):	<input type="checkbox"/> Yes <input type="checkbox"/> No	Name of waterbody:	
Project Town:		Town Email Address:				Map and Lot Number:	
Brief Project Description:							
Project Location & Brief Directions to Site:							

PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, [Chapter 305](#). I and my agent(s), 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 Prot. Natural Res. | <input type="checkbox"/> Sec. (9) Utility Crossing | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (16-A) Beach Nourishment |
| <input type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfer/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Veg. | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (13) F&W Creat./Water Qual. Improv. | <input type="checkbox"/> Sec. (19) Act. Near SVP Habitat |
| <input type="checkbox"/> Sec. (8) Shoreline Stabilization | <input type="checkbox"/> Sec. (15) Public Boat Ramps | <input type="checkbox"/> Sec. (20) Act. Near Waterfowl/Bird Habitat |

NOTE: Municipal permits also may be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE

- ☐ **Attach** all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.
- ☐ **Attach** a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).
- ☐ **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.

FEE: Pay by credit card at the [Payment Portal](#). The Permit-by-Rule fee may be found here <https://www.maine.gov/dep/feeschedule.pdf> and is currently \$307.

- ☐ **Attach** payment confirmation from the Payment Portal when filing this notification form.

Signature & Certification:

- 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 understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, *unless the Department approves or denies the PBR prior to that date.*

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant (may be typed):

Trudy C. Gates

Date:

Keep a copy as a record of permit. Email this completed form with attachments to DEP at: DEP.PBRNotification@maine.gov.

DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. **Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.**

Department of Environmental Protection Stormwater Application

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND & WATER QUALITY**

FOR DEP USE

L-_____

ATS#_____

Fees Paid_____

Date Received_____

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 type="checkbox"/> Amendment				
1. Name of Applicant:	Town of Scarborough	5. Name of Agent:	Judy Gates, HNTB			
2. Applicant's Mailing Address:	259 U.S. Route 1 P.O. Box 360 Scarborough, ME 04070-0360	6. Agent's Mailing Address:	82 Running Hill Road Suite 201 South Portland, ME 04106			
3. Applicant's Phone #:	(207) 730-4031	7. Agent's Phone #:	(207) 228-0933			
4. Email address (REQUIRED - license will be sent via email):	thall@scarboroughmaine.org	8. E-mail Address: (REQUIRED - license will be sent via email)	jugates@hntb.com			
9. Location of Project: (Road, Street, Rt.#)	193 Pleasant Hill Road, Scarborough, ME 04074	10. Town:	Scarborough, South Portland			
		11. County:	Cumberland			
12. Type of Direct Watershed: (Check all that apply)	<input type="checkbox"/> Lake not most at risk <input type="checkbox"/> Lake most at risk <input type="checkbox"/> Lake most at risk, severely blooming <input checked="" type="checkbox"/> River, stream, or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply	13. Amount of Disturbed Area:	Total Amt.= 5.13 acres			
		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.=			
		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 Amt. =			
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 checked="" type="checkbox"/> Vegetative (e.g. buffers) <input type="checkbox"/> Structural (e.g. underdrained filters, ponds, infiltration structures) <input type="checkbox"/> Other: Compost blankets			
18. Exceptions &/or Waivers Requested:	BMP Standards	Urban impaired stream standard	Flooding Standard			
	<input type="checkbox"/> Pretreatment measures <input type="checkbox"/> Discharge to ocean/major river segment <input checked="" type="checkbox"/> Linear portion of a project <input type="checkbox"/> Utility corridor <input type="checkbox"/> Redevelopment	<input type="checkbox"/> Developed area not landscaped or impervious. <input type="checkbox"/> Redevelopment	<input type="checkbox"/> Discharge to ocean/major river segment <input type="checkbox"/> Insignificant increase in peak flow			
19. Proposed Start Date and Brief Project Description:	Estimated start of construction: upon receipt of permits. Construction of a 1.6-mile non-motorized pedestrian/bike trail between the northern extent of the existing trail in Scarborough to the southernmost extent in South Portland. See Attachment 1.					
20. Size of Lot or Parcel:	Sq.ft., or	<input checked="" type="checkbox"/> ~5.2 acres	UTM Easting:	Various. See Attachment 10	UTM Northing:	Various. See Attachment 10
21. Title, Right or Interest:	<input type="checkbox"/> own <input type="checkbox"/> lease purchase option <input checked="" type="checkbox"/> written agreements					
22. Deed Reference Numbers:	Book#: _____ Page: _____	24. Map and Lot Numbers:	Map #: Various. See Attachment 10		Lot#: Various. See Attachment 10	

	Various. See Attachment 10.				
23. DEP Staff Previously Contacted:	Dawn Hallowell, Bob Green, Christine Woodruff, Alison Sirois		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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, previous application #	L-28061	If yes, previous project manager:	Christine Woodruff
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:	From Exit 2 South on I-295, head west, in 0.5 miles continue onto ME-701 for 1.6 miles, use the left land to merge onto US-1 S for 0.2, turn left onto Hillcrest Ave, in 0.4 miles turn left to stay on Hillcrest Ave, in 187ft turn left onto Desfosses Ave, in 0.2 miles continue straight to stay on Desfosses Ave to reach the destination.				
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		
31. FEES, Amount Enclosed:			\$1,142.00		
Does the agent have an interest in the project? If yes, what is the interest? Yes <input checked="" type="checkbox"/> No					

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

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 submitting 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 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 emailing 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: Department Manager, Planning

Date: July 8, 2024

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: July 8, 2024

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.

Additional Signatures/Certifications

The person responsible for preparing this application and/or attaching pertinent site and design information hereto, by signing below, certifies that the application for stormwater approval is complete and accurate to the best of his/her knowledge.

Signature: _____ *Judy C. Gates*

Name (print): _____ Judy C. Gates _____

Date: _____ June 12, 2024 _____

Re/Cert/Lic No: _____

Engineer _____

Geologist _____

Soil Scientist _____

Land Surveyor _____

Site Evaluator _____

Active Member of the Maine Bar _____

Professional Landscape Architect _____