



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

## BOARD OF SELECTMEN'S MEETING AGENDA

6:30/7:00PM MONDAY, NOVEMBER 17, 2014  
YORK LIBRARY

**6:30PM:** Executive Session – Pursuant to M.R.S.A. Title 1, Section 405 (6)(E);  
Discussion with Town Attorney

### Call to Order

### Opening Ceremonies

A. Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

1. Heating Oil

E. Reports

1. Patricia Martine, Executive Director, York Housing
2. Todd Frederick, Chair, First Parish Cemetery
3. Energy Steering Committee

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

G. Approval of Warrant #20

H. Public Hearings

I. Endorsements

J. **Old Business**

K. **New Business**

1. Discussion and Possible Action on Municipalities Continuing Disclosure Cooperation Initiative
2. Discussion and Possible Action on the Energy Efficiency Steering Committee's York Beach Fire Station Energy Assessment RFP
3. Discussion and Possible Action on the Energy Efficiency Steering Committee's York Beach Fire Station Lighting RFP
4. Discussion Regarding a Proposal by the Energy Steering Committee
5. Discussion and Possible Action on an Expansion of the 6F Boundary of the Bog Road Fields Complex
6. Discussion and Possible Action on Fishermen's Walk Extension
7. Discussion and Possible Action on Urban Compact Boundary Response
8. Discussion and Possible Action on BOS Operating Budget Request
9. Discussion and Possible Action on BOS Policy Requests

L. **Other Business**

M. **Citizens' Forum**

**Adjourn**



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> November 13, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> November 17, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Award 2014-2015 Heating Season Oil Bid	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery; Assistant to the Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to award the 2014-2015 Heating Season Oil Bid to _____ for _____ per gallon through June 30, 2015.

**Discussion:** The Town recently initiated the annual process of soliciting heating oil bids for the upcoming heating season. A request for bids was advertised in the York Weekly, Portsmouth Herald and the York County Coast Star. In addition, a direct solicitation was made to ten heating oil companies that had previously indicated an interest in bidding.

The Town received the following five bids in response to our solicitation for heating oil bids (ranked in order from lowest to highest price per gallon):

Welch Oil	\$2.72/g or \$0.20 over rack price
York Oil	\$2.779/g or \$0.25 over rack price
Estes Oil	\$2.84/g or \$0.25 over rack price
Downeast Energy	\$2.899/g or \$0.30 over rack price
Hanscom's	\$3.10/g

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**FISCAL IMPACT:**

**DEPARTMENT LINE ITEM ACCOUNT:**

**BALANCE IN LINE ITEM IF APPROVED:**

Prepared By: Melina M. Arroyo

Reviewed By: [Signature]



York, Maine

**207-363-2770**

P.O. Box 37

York Harbor, ME 03911

FAX: 207-363-8297

Welch Oil Company, LLC agrees to supply the Town of York with 20,000 gallons of #2 Heating Oil as specified in the bid request from November 14, 2014 through June 30, 2015.

In the event that more than 20,000 gallons of heating oil is needed to finish the term of the dates provided, Welch Oil Company, LLC agrees to provide additional gallons at \$.20 cents per gallon over the daily-posted rack price

Fixed contract price \$2.72 per gallon.

Rack contract price of \$.20 cents per gallon over cost.

**Fixed contract price valid until 12:00pm November 13, 2014.**

Buyer agrees to purchase all heating oil for the six specified town buildings exclusively from Welch Oil Company, LLC from November 14, 2014 through June 30, 2015.

Submitted by:

Welch Oil Company, LLC

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Jeffrey Welch  
Owner

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Date

**Melissa M. Avery**

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**From:** Jennifer Brooks <jennifer@yorkoil.net>  
**Sent:** Wednesday, November 12, 2014 9:09 AM  
**To:** Melissa M. Avery  
**Subject:** 2014 Heating Oil Bid

Good Morning

York Oil would like to submit 2 bids for the town oil contract

Fixed Price \$2.779/gallon  
Rack Price \$0.25 over rack price

Let me know if you have any questions.

Thank you 🙏

Have a great day!

Jennifer Brooks  
Office Manager  
York Oil & Propane

O Heating Oil  
O Service



O Sales  
o Installation

*Your Neighborhood Oil Company*

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11/12/14

To Whom it May Concern,

Estes Oil and Propane would like to bid the following for the 2014-2015 heating system for all Town of York buildings.

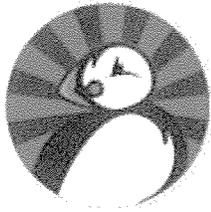
Option #1 A FIXED price of \$2.84 per gallon for all fuel delivered till 06/30/2015

Option #2 A VARIABLE price to be priced \$ 0.25 over rack on the day of delivery. (Today's Price would be \$2.69, however this price will change based on market conditions)

Please let me know if you have any further questions.

Sincerely,

Mike Estes  
President of Estes Oil & Propane



**DOWNEAST  
ENERGY**  
*Feel Good Inside*

14 Depot Street  
Kennebunk, ME 04043  
(207) 985-3154  
1-800-286-6364  
Fax: (207) 985-1178  
downeastenergy.com

November 12, 2014

Town of York  
Melissa Avery  
186 York Street  
York, ME 03909  
207-363-1000

## Commercial Supply Contract

Account(s)/Gal(s):

#2 OIL - 20,000 gals

Dear Town of York:

On behalf of Downeast Energy, thank you for this opportunity to submit the following supply contract for your consideration. Since 1908, we have always had enough product to deliver to our customers. We have over 3 million gallons of our own oil and propane storage.

### #2 FUEL OIL

Based upon your annual consumption of 20,000 gallons of #2 fuel oil, we are pleased to present the following contract options. The options are for the upcoming heating season and, if accepted, shall apply to all deliveries made during the period from November 12, 2014 ("Contract Start Date") to August 31, 2015 ("Contract End Date").

#### **A. Fixed Price Option**

A firm fixed price of \$2.8990 per gallon ("Contract Oil Price"). This price is for your commitment of 20,000 gallons ("Specified Gallons"). This is a "take or pay" provision - in all events, you are obligated to take delivery of the Specified Gallons by the Contract End Date and pay for them within terms at the Contract Oil Price. If any portion of the Specified Gallons is not delivered, you are obligated to pay for such gallons at the Contract Oil Price. In the event that all gallons are delivered before the Contract End Date, pricing will then revert to the Downeast Energy Oil Rack Price as described in Option B below and the account shall remain on automatic delivery.

**OR**

#### **B. Rack Price Option**

The Downeast Energy Oil Rack Price, at time of delivery, plus \$0.3000 per gallon. For example, your price today would be \$2.8990 per gallon.

**OR**

### **C. Cap Option:**

The actual price at the time of delivery will be the price quoted in Option B but will never exceed the price quoted in Option A. You wish to purchase this non-refundable guaranteed cap protection and agree to pay \$0.2000 per gallon. This fee must be prepaid and delivered to Downeast Energy with a signed copy of this contract.

### **SPECIAL OFFER**

Master SLPP - (Six Town Buildings)

**The following payment terms and contract terms apply to all Options described above unless otherwise stated.**

**PAYMENT TERMS:** Account balance is due in full within 30 days of date of each delivery. To avoid a late charge, payment in full must be made within 30 days of the date of delivery. Late charges will be added on amounts unpaid for 30 days or more computed at a periodic rate of 1.5% (an annual percentage rate of 18%) and calculated from the date of delivery.

### **CONTRACT TERMS:**

- 1. All pricing options described above require "automatic" delivery unless Downeast Energy, in its sole discretion, determines otherwise.**
- 2. For each of the products selected by the Customer herein, the Customer shall purchase all requirements for such products from Downeast Energy for the period from the Contract Start Date to Contract End Date.**
- 3. This contract is subject to adherence to the terms and conditions within Downeast Energy's Commercial/Residential Credit application and adherence to the terms and conditions stated herein. If the specific credit terms of the credit application are not met, product pricing according to the terms of the contract may be terminated by Downeast Energy in its sole discretion. Any price or delivery change because of non-adherence to the credit terms will be done without further notification to Customer. Downeast Energy is not responsible for any damages resulting from non-delivery of products as a result of Customer's failure to comply with the terms of this contract or the terms of the credit application.**
- 4. Pricing does not include any local, state or federal taxes and/or fees existing or imposed during this contract, nor does it include any costs associated with procuring a letter of credit or any other type of performance bond.**
- 5. This contract pertains only to customer delivery locations/storage tanks that have been identified and accepted by Downeast Energy on or before the date noted on this correspondence. All storage tanks and related equipment must meet all local, state and federal codes and specifications.**
- 6. Downeast Energy is not responsible for damage or loss to Customer resulting from failure to make deliveries due to inaccessibility of fill locations, Customer's failure to adhere to credit terms, strikes, accident, fire, war, any Act of God or other causes beyond Downeast Energy's reasonable control. Additionally, we will not be responsible for damages for failure to deliver fuel and/or services to vacant, unattended or premises that are not readily accessible to our employees.**

7. In the absence of Downeast Energy receiving this supply contract signed by the Customer on or before 5:00 PM November 17, 2014 ("Offer Period"), Downeast Energy reserves the right, in its sole discretion, to rescind this contract without notification to the Customer.
8. In the event of significant market changes as determined by Downeast Energy in its sole discretion, Downeast Energy reserves the right to rescind this contract at any time during the Offer Period without notification to the Customer.
9. In the event of a breach or attempted cancellation of this contract, Customer shall be liable to Downeast Energy for any and all damages arising from such breach or attempted cancellation, including but not limited to any and all attorney's fees and costs incurred by Downeast Energy in enforcing this contract to the fullest extent allowed by law.
10. Before Contract Start Date, balances on Customer's account, including any prepaid amounts due as a result of Customer's selection of any cap option, must be current.
11. Upon delivery of this document signed by Customer to Downeast Energy during the Offer Period, this offer for a supply contract shall be, and shall remain, a binding contract enforceable in accordance with its terms.

**Acceptance of Offer for a Supply Contract**

Please check off which option(s) you prefer for each product listed and sign and date where applicable. Please forward the original to our office at your earliest convenience. In the event you have selected Option C for any product, please include your prepayment for non-refundable guaranteed cap protection. If you have any questions, please do not hesitate to call me.

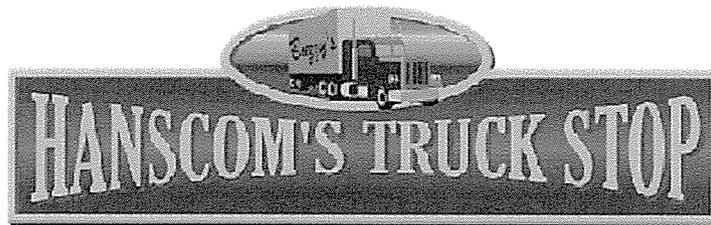
# 2 Oil - Option A \_\_\_\_\_ Option B \_\_\_\_\_ Option C \_\_\_\_\_

\_\_\_\_\_  
 Customer Representative Signature  
 Print Name \_\_\_\_\_

\_\_\_\_\_  
 Date  
  
 11/12/2014  
 \_\_\_\_\_

  
 \_\_\_\_\_  
 David Maloney, Downeast Energy Representative

\_\_\_\_\_  
 Date



*"Fuel with the people you know"*  
-Since 1964-

November 12, 2014

Town of York, Maine  
Town Manager  
186 York St  
York, Maine 03909

Dear Town Manger:

I would like to submit a fixed price of \$3.10 per gallon of #2 Heating Fuel for the Town of York Town, 2014-2015 heating season. There is no down side protection plan.

Thank you for the opportunity to bid.

Regards,

Samuel J. Hanscom

## REQUEST FOR #2 HEATING OIL BIDS

The Town of York is soliciting bids for #2 Heating Oil for the 2014 heating season. The Town uses approximately 20,000 gallons annually between six Town Buildings. Bidders should provide a fixed bid price and may include a rack price bid as well. All bids should be current as of November 12, 2014. Please provide bids to the Town Manager's Office, in person, by mail (physical and mailing address: 186 York Street, York, ME 03909) or via email ([mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org) Subject: 2014 Heating Oil Bid) before 4:30PM on Wednesday, November 12, 2014. Questions and other requests can go to Melissa M. Avery in the Town Manager's Office, at (207) 363-1000 or [mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org).



AGENDA ITEM NUMBER: \_\_\_\_\_

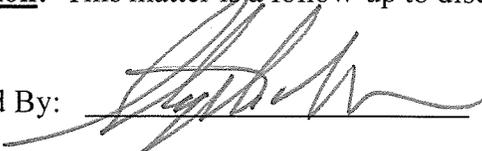
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<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Municipalities Continuing Disclosure Cooperation Initiative	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> I recommend the Board approve the motion provided by the Town Attorney.
<b>PROPOSED MOTION:</b> be it ordered that the Town Manager and/or Finance Director is hereby authorized to execute necessary documents and take all actions necessary to participate in the Municipalities Continuing Disclosure Cooperation Initiative of the Securities and Exchange Commission.

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**Discussion:** This matter is a follow-up to discussions with the Town Attorney.

Prepared By: 

Reviewed By: \_\_\_\_\_



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

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<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Energy Steering Committee's RFP for Energy Assessment at the York Beach Fire Station	

<b>TO: BOARD OF SELECTMEN</b>
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> I recommend the Board authorize the Energy Steering Committee to issue this RFP and return to the Board with a recommendation upon receipt of proposals.
<b>PROPOSED MOTION:</b> I move to authorize the Energy Steering Committee to issue a Request for Proposals for an Energy Assessment at the York Beach Fire Station, and direct the Committee to return to the Board with a recommendation upon receipt of proposals.

**Discussion:** This is work that is proposed to be funded with the Capital funds approved for the Energy Steering Committee. There are no cost implications yet because this is simply the start of the process.

I am obligated to point out that I have a concern about the use of capital funds for this work. Capital funds are secured utilizing tax-exempt bonds, and there are limits as to the types of things that can be acquired with this type of funding. Physical acquisitions (land, materials, buildings, infrastructure, vehicles, etc.) are clearly allowable, but studies are not. This study may be OK because it would be necessary for and directly associated with a project to construct physical improvements, but I need to

verify this with the Town's Bond Attorney. Recognize that I will not bring forward a recommendation to award a contract if Bond Counsel indicates this project is not eligible.

Prepared By: \_\_\_\_\_

Reviewed By:  \_\_\_\_\_

**REQUEST FOR PROPOSAL**

**ENERGY ASSESSMENT  
AT YORK BEACH FIRE STATION  
FOR THE TOWN OF YORK**

**November 2014**

## **1.0 Overview**

The Town of York is soliciting proposals to perform a modified energy assessment of the York Beach Fire Station, 1 Railroad Avenue, York Beach, Maine for the Town of York. The assessment involves an evaluation of existing insulation and weather sealing, a basic inventory of the heating system, and an analysis of past energy usage (electrical and heating fuel). This study will provide a set of recommendations (including potential energy savings and estimated payback periods) that the Town can use to carry out energy upgrades that will result in significant economic and environmental benefits.

The successful proposal will be from a firm with demonstrated expertise in conducting similar assessments and with appropriate qualifications to complete the work.

Although not mandatory, preference will be given to the firm that will perform the assessment with a Commercial Auditor, either a Certified Energy Auditor or Certified Energy Manager from the Association of Energy Engineers or an auditor with an ASHRAE Building Energy Assessment Professional (BEAP) Certification.

Preference will also be given to the firm that has the demonstrated ability and experience to convert any agreed-upon energy upgrades into a set of written bid specifications that the Town can use as part of an RFP for the upgrades.

## **2.0 Scope of Work**

The project scope shall include

- Interview the fire chief to identify how the building is used as well as any concerns such as inconsistent room temperatures, cold spots, moisture problems, ice dams, etc. Examine building electrical and heating oil records from recent years.
- Inspect existing insulation amounts and types. Check for areas of excessive air infiltration or poor weather sealing.
- Perform blower door test and infrared camera inspection to identify opportunities for improving insulation and/or weather sealing.
- Make recommendations for insulation and weatherization upgrades including estimated upgrade costs, expected annual energy savings, and approximate payback periods.
- Analyze the building for the feasibility of adding one or more supplementary air-to-air ductless heat pumps. Identify the interior spaces, if any, where it would be advantageous to install heat pump unit(s). For each area deemed appropriate for a heat pump unit, estimate the size of the unit(s), the installation cost, the annual savings in heating and cooling, and an approximate payback period.
- Not included or required in this assessment is an evaluation of the interior or exterior lighting, which is being done as part of a separate project.
- Submit a written summary addressing the points listed above and include any meaningful infrared imagery taken during the energy assessment. The written summary must be delivered electronically no later than December 30, 2014.
- At the conclusion of the assessment, meet with the fire chief and others designated by the Town Manager to explain the findings and answer questions.

- If requested, develop a set of bid specifications for energy upgrades in sufficient detail that will allow the Town to go out to bid for the work.

### **3.0 Content**

The proposal must contain a detailed description of how the proposer would carry out the requirements set forth in the RFP, including a schedule for the completion of each task. The information submitted must include, but should not necessarily be limited to, the following items:

#### **3.1 Qualifications and Experience**

Please provide a description of the history, experience, and qualifications of your firm and any proposed subcontractors to perform the Scope of Work. Please include:

- Structure of the firm, i.e. sole proprietorship, partnership, corporation.
- Size of firm.
- Years that the firm has been in business.
- Name of principals in firm and key personnel to be assigned to the project; for each individual with identified responsibilities, the proposer must include a statement of the percentage of his/her time that will be devoted to this project and a complete resume.
- List and short description of similar projects your firm has undertaken.
- References from three (3) similar projects your firm has undertaken.
- Other qualifications and certifications pertinent to this project.

#### **3.2 Pricing**

- A not-to-exceed price for performing the energy assessment, including written report and meetings noted above.
- A separate hourly rate for creating bid specifications, if requested, following the energy assessment.

### **4.0 Proposal Format**

- Proposals must be submitted in the format outlined in this document. The Town of York reserves the right to eliminate from further consideration any proposals deemed to be substantially or materially non-responsive to the requests for information contained herein.
- Proposals must be submitted on or before Dec. 8, 2014 at 3:00 P.M.
- An original and two copies of the proposal are required. To prevent opening by unauthorized individuals, your submittal should be identified on the envelope as follows:

#### **Do Not Open - Proposal Enclosed**

#### **Fire Station Energy Assessment**

- The proposals shall be addressed to:

Office of the Town Manager

York Town Hall

186 York Street

York, ME, 03909

## Write-up from the FY15 Capital Program

York Energy Steering Committee (ESC)  
Tentative Plans for Next Round of Funding

The following is in response to a request to the ESC by the Capital Planning Committee regarding plans for municipal energy upgrades for FY15.

First, a quick summary: Over the last four years, the Energy Steering Committee has worked to identify opportunities for saving future energy use in municipal buildings through improvements in weatherization and insulation and by installing more efficient electrical and heating equipment. In three separate warrant articles specified for this purpose, York voters have, by large margins, approved a total of \$300,000. Last year at this time, the ESC recommended postponing the next \$100,000 warrant article because we still had a significant amount of money left. During 2013, we spent most of the remaining funds and therefore are requesting that another \$100,000 article be placed on the May 2014 budget referendum.

Because our committee has been busy with two large projects -- insulating and sealing the Village Fire Station and installing a new boiler at the Grant House -- we are not in a position to specify exactly how we intend to use the next round of funding. The only two projects that we definitely plan to recommend are the replacement of old and inadequate truck bay lighting with high-efficiency fluorescent lights at both the York Beach Fire Station and the York Village Fire Station.

Beyond these two improvements, the committee intends to pursue the same careful and data-based process that we have used to date. The ESC has now made significant energy efficiency improvements to the five municipal buildings that were identified in a 2009 professional energy study to be the highest priorities. Tentatively, our next steps are as follows:

1. Examine in detail the latest municipal building energy bills. Compare electrical and heating fuel usage before and after renovations as soon as there is enough data to evaluate improvements.
2. Using the latest data from all town buildings, calculate the total energy used per square foot to identify opportunities for additional improvements. If the root causes or the most effective solutions are not clear, the ESC would probably recommend contracting with a professional energy auditor or engineer to ensure that any further improvements would have a reasonable return on investment.
3. Study the feasibility of installing a solar photovoltaic array on an appropriate municipal building or buildings. At today's prices, a solar electric system is expected to pay for itself in around 10 years. As the cost of grid power increases, that system would pay for itself even sooner.
4. Examine other opportunities for reducing the town's energy bills, including, but not limited to, street lights and fleet vehicle fuel use.

The Energy Steering Committee is an advisory committee only. It is made up of a group of dedicated volunteers who are concerned both about minimizing waste and pollution and about saving real dollars for future taxpayers. As a further check, each of our recommended improvements is first presented to and approved by the Board of Selectmen before spending the money.

If the Capital Planning Committee has any further questions, we would be glad answer them in writing or in person.

Wayne Boardman  
Chair, Energy Steering Committee



AGENDA ITEM NUMBER: \_\_\_\_\_

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<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Energy Steering Committee's RFP for LED lighting upgrade at the York Beach Fire Station	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> I recommend the Board authorize the Energy Steering Committee to issue this RFP and return to the Board with a recommendation upon receipt of proposals.
<b>PROPOSED MOTION:</b> I move to authorize the Energy Steering Committee to issue a Request for Proposals for an LED Lighting Upgrade at the York Beach Fire Station, and direct the Committee to return to the Board with a recommendation upon receipt of proposals.

**Discussion:** This is work that could be funded with the Capital funds approved for the Energy Steering Committee. There are no cost implications yet because this is simply the start of the process.

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

**REQUEST FOR PROPOSAL**

**LED LIGHTING UPGRADE  
AT YORK BEACH FIRE STATION  
FOR THE TOWN OF YORK**

**November 2014**

## **1.0 Overview**

The Town of York is soliciting proposals for materials and labor to replace existing light fixtures in the York Beach Fire Station with high-efficiency LED fixtures and/or lamps. Work includes all associated wiring in accordance with governing electrical codes as well as disposal of all replaced incandescent and fluorescent bulbs and associated parts.

The successful proposal will be from a firm with demonstrated expertise in conducting similar installations and with appropriate qualifications to complete the work.

## **2.0 Scope of Work**

The project scope shall include

- Removal of existing fixtures and/or lamps and proper disposal of all removed items.
- Installation of new integrated LED troffers as specified in Appendix A.
- Installation of exterior LED flood fixtures and wall packs as specified in Appendix A.
- Retrofit of existing T8 tube wrap fixtures as specified in Appendix A, removal of ballasts, replacement of lamp holders, rewiring of fixtures as necessary, and insertion of LED tubes.
- Relocation of various overhead fixtures in the two engine bays to run over the spaces between the trucks rather than across the tops of the vehicles.
- All replacement fixtures must be Energy Star certified and/or listed in the DesignLights Consortium (DLC) Qualified Parts List.
- Work also includes replacing light switches with motion activated switches in public restrooms.
- Bidder must specify all equipment that qualifies for Efficiency Maine incentives. Bid price sheet must include all estimated incentive rebate amounts for every fixture/lamp specified.
- Bid must include separate line item totals for proposed lighting equipment cost, labor and materials, estimated Efficiency Maine incentive totals, and estimated net cost of entire project.
- Work must be scheduled to begin as soon as possible after January 1, 2015 and completed by February 1, 2015.

## **3.0 Pre-Bid Site Walk**

A mandatory site walk will be held on December 3 starting at 4:30 pm at the York Beach Fire Station.

## **4.0 Content**

The proposal must contain a detailed description of how the proposer would carry out the requirements set forth in the RFP, including a schedule for the completion of each task. The information submitted must include, but should not necessarily be limited to, the following items:

### **4.1 Qualifications and Experience**

Please provide a description of the history, experience, and qualifications of your firm and any proposed subcontractors to perform the Scope of Work. Please include:

- Structure of the firm, i.e. sole proprietorship, partnership, corporation.

- Size of firm.
- Years that the firm has been in business.
- Name of principals in firm and key personnel to be assigned to the project; for each individual with identified responsibilities, the proposer must include a statement of the percentage of his/her time that will be devoted to this project and a complete resume.
- List and short description of similar projects your firm has undertaken.
- References from three (3) similar projects your firm has undertaken.
- Specific information documenting the proposer's financial stability and ability to complete all services.
- Please make specific reference to experience and qualifications as related to performing the work proposed and experience/qualifications of assigned staff. If any element of the program will be subcontracted, please provide the same information for the subcontracting firm.
- Proof of Errors and Omissions Insurance in the following amounts:
  - \$1,000,000 - Annual Aggregate
  - \$1,000,000 - Per Occurrence
- Proof of liability insurance for which the project will be undertaken named as additional insured.

#### **5.0 Proposal Format**

- Proposals must be submitted in the format outlined in this document. The Town of York reserves the right to eliminate from further consideration any proposals deemed to be substantially or materially non-responsive to the requests for information contained herein.
- Proposals are to be submitted on or before Dec. 12, 2014 at 3:00 P.M.
- An original and two copies of the proposal are required. To prevent opening by unauthorized individuals, your submittal should be identified on the envelope as follows:

#### **Do Not Open - Proposal Enclosed**

#### **Fire Station Lighting Upgrade**

- The proposals shall be addressed to:

Office of the Town Manager

York Town Hall

186 York Street

York, ME, 03909

## Appendix A

Component / Material List		
The following materials are to indicate the type and efficiency of the components to be used on this project. Other manufacturers' products can be used. They must be equal to or better than what is listed below.		
Component	Manufacturer	Description
LED Lamps (bulbs)	Affinity LED Lighting	A19
LED Lamps (bulbs)	Affinity LED Lighting	BR30
LED Lamps (bulbs)	Affinity LED Lighting	PAR20
LED Lamps (bulbs)	Affinity LED Lighting	PAR30
LED Lamps (bulbs)	Affinity LED Lighting	PAR38
LED ceiling light	Affinity LED Lighting	18W DOME
LED ceiling light	Affinity LED Lighting	22W Dome
LED Flood light	Affinity LED Lighting	50W Flood
LED Exterior Wall Pack	Affinity LED Lighting	40W Full Cut Off Wall Pack
LED Suspended Ceiling Troffer	Affinity LED Lighting	2x2 Integrated 38W LED troffer
LED T8 retrofit Tube	Affinity LED Lighting	18W LED Linear luminary
LED tube compatible fixture	Affinity LED Lighting	2 lamp 4' strip light fixture
LED tube compatible fixture	Affinity LED Lighting	1 lamp 4' strip light fixture
Cut sheets are available on all items		

Appendix A

York Beach Fire Station - Work Scope										
	Location / room	Bulb type	# of fixtures	W/ bulb or tube	Rated watts total fixture	Proposed Equipment	Quantity	Fixture Code	Notes / recommended	Fixture/Bulb/tube
Diesel Fill	Exterior	150 WP	1	150	150	40W Full Cut Off Wall Pack	1	WP40-FC	40w FC WP	Fixture
Fire escape	Exterior	150 WP	1	150	150	2 headed motion security light w/ LED PAR30	2	PAR30	2 X 15W PAR30	Bulb
Members Lot	Exterior	150 WP	1	150	150	50W LED Flood	1	FL5050K	50W LED Flood	Fixture
Work / tool Room ext	Exterior	150 WP	1	150	150	2 headed motion security light w/ LED PAR30	1	PAR30	2 X 15W PAR30	Bulb
Shirt Closet	1st floor	1F20	1	23	23	18W LED Dome fixture	1	TP-CL-18	18w Ceiling Dome 75W equivalent	Fixture
Compressor Room	1st floor	1F96	3	65	65	18W LED Dome fixture	3	TP-CL-18	18w Ceiling Dome 75W equivalent	Fixture
Boiler	1st floor	2F32	2	35	70	18W LED Dome fixture	2	TP-CL-18	18w Ceiling Dome 75W equivalent	Fixture
Chief Office	project	2F32	1	35	70	18W LED Dome fixture	1	TP-CL-18	18w Ceiling Dome 75W equivalent	Fixture
Eng 1 Eng 3	bay	2F32	1	35	70	18w LED Linear lamp	1	T8L4-18W-40F2	18w-DLC Certified-4000K retrofit tube	Tube
Rescue 1 & 3	bay	2F32	4	35	70	18w LED Linear lamp/LED specific strip light		T8L4-18W-40F2	18w-DLC Certified-4000K retrofit tube	Tube
Stairs	stairs	2F32	1	35	70	38w 2x2 LED Suspended Ceiling troffer fixture	1	TR238K	2x2 - TR2 - suspended troffer	Fixture
Stairs	stairs	2F32	2	35	70	38w 2x2 LED Suspended Ceiling troffer fixture	2	TR238K	2x2 - TR2 - suspended troffer	Fixture
Work / tool Room	1st floor	2F32	4	35	70	18w LED Linear lamp	4	T8L4-18W-40F2	18w-DLC Certified-4000K retrofit tube	Tube
Eng 1 Eng 3	bay	2F96 60	10	65	130	18w LED Linear lamp/LED specific strip light	11	T8L4-18W-40F2/fix	LED Linear luminary tube & strip fixture	Tube/fixture

## Appendix A

Eng 5 Ladder 1	bay	2F96 60	10	65	130	18w LED Linear lamp/LED specific strip light	11	T8L4-18W-40F2/fix	LED Linear luminary tube & strip fixture	Tube/fixture
Gibson Room	2nd floor	2F96 60	16	65	130	38w 2x2 LED Suspended Ceiling troffer fixture	32	TR238K	2x2 - TR2 - suspended troffer	Fixture
Rescue 1 & 3	bay	2F96 60	5	65	130	18w LED Linear lamp/LED specific strip light	6	T8L4-18W-40F2/fix	LED Linear luminary tube & strip fixture	Tube/fixture
Hall	1st floor	2U6	2	70	78	38w 2x2 LED Suspended Ceiling troffer fixture	2	TR238K	2x2 - TR2 - suspended troffer	Fixture
Chief Office	2nd floor	4F32	3	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	4	TR238K	2x2 - TR2 - suspended troffer	Fixture
Club Room	2nd floor	4F32	15	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	15	TR238K	2x2 - TR2 - suspended troffer	Fixture
Crew Lounge	1st floor	4F32	1	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	1	TR238K	2x2 - TR2 - suspended troffer	Fixture
Lobby	1st floor	4F32	7	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	8	TR238K	2x2 - TR2 - suspended troffer	f
Radio Room	1st floor	4F32	2	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	2	TR238K	2x2 - TR2 - suspended troffer	Fixture
Storage	1st floor	4F32	1	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	1	TR238K	2x2 - TR2 - suspended troffer	Fixture
Volunteer Room	1st floor	4F32	1	35	140	38w 2x2 LED Suspended Ceiling troffer fixture	1	TR238K	2x2 - TR2 - suspended troffer	Fixture
Bay Door Flood	Exterior	175w Hal.	4	175	175	50W LED Flood	4	FL5050K	50W flood	Fixture
attic	3rd floor	A19	4	60	60	7W A19 LED bulb, 40/60w equivalent	4	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb
Back Barn	1st floor	A19	5	60	60	7W A19 LED bulb, 40/60w equivalent	5	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb
Bathroom	various	A19	4	60	60	7W A19 LED bulb, 40/60w equivalent	4	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb
Bathroom	1st floor	A19	1	60	60	7W A19 LED bulb, 40/60w equivalent	1	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb
Bathroom upstairs m	2nd floor	A19	2	60	60	7W A19 LED bulb, 40/60w equivalent	2	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb
Bathroom	2nd	A19	2	60	60	7W A19 LED bulb, 40/60w equivalent	2	G119/HTAF 7w	7w-Dimmable-Energy Star Certified-A19	Bulb

## Appendix A

upstairs w	floor					equivalent			7w	Star Certified-A19
Bunk Rooms	various	A19	4	60	60	7W A19 LED bulb, 40/60w equivalent	4	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Chief Office	wall	A19	1	60	60	7W A19 LED bulb, 40/60w equivalent	1	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Crew Lounge	various	A19	5	60	60	7W A19 LED bulb, 40/60w equivalent	5	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Former PD Entrance	Exterior	A19	2	60	60	7W A19 LED bulb, 40/60w equivalent	2	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Gibson Room	sconce	A19	9	60	60	7W A19 LED bulb, 40/60w equivalent	9	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Office	lamp	A19	1	60	60	7W A19 LED bulb, 40/60w equivalent	1	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Red light	Exterior	A19	1	75	75	7W A19 LED bulb, 40/60w equivalent	1	G119/HTAF 7w	Star Certified-A19	7w-Dimmable-Energy Star Certified-A19
Apartment	cans	BR30	8	65	65	15W BR30 LED bulb, 65W equivalent	8	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Club Room	cans	BR30	4	65	65	15W BR30 LED bulb, 65W equivalent	4	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Club Room	cans	BR30	8	65	65	15W BR30 LED bulb, 65W equivalent	8	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Kitchen	cans	BR30	2	65	65	15W BR30 LED bulb, 65W equivalent	2	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Crew Hall	cans	BR30	7	65	65	15W BR30 LED bulb, 65W equivalent	7	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Crew Lounge	cans	BR30	4	65	65	15W BR30 LED bulb, 65W equivalent	4	BR30	15w-Dimmable-Energy Star Certified-BR30	15w-Dimmable-Energy Star Certified-BR30
Stairs	cans	BR30	1	32	35	18W LED Dome fixture	1	TP-CL-18	1 x 18w Dome, 1x22w dome	15w-Dimmable-Energy Star Certified-BR30
Eng 1 Eng 3	bay	Circline	1	22	26	18W LED Dome fixture	1	TP-CL-18	18w Ceiling Dome 75W equivalent	15w-Dimmable-Energy Star Certified-BR30
Rescue 1 & 3	bay	Circline	1	32	35	22W LED Dome fixture	1	TP-CL-22	22w Ceiling Dome 75W equivalent	15w-Dimmable-Energy Star Certified-BR30
Rescue 1 & 3	bay	Circline	1	32	35	22W LED Dome fixture	1	TP-CL-22	22w Ceiling Dome 75W equivalent	15w-Dimmable-Energy Star Certified-BR30
Hall and	cans	PAR20	4	50	50	8W PAR20 LED bulb, 50W	4	PAR20	8W-Dimmable-Energy	8W-Dimmable-Energy

## Appendix A

Bunk Tone								equivalent			Star Certified-PAR20
Sign Light	Exterior	PAR30	4	50	50		LED bulb, 65W equivalent	2	PAR30	15w-Dimmable-Energy Star Certified-PAR30	Bulb
Flag Pole	Exterior	PAR38	1	75	75		LED bulb, 65W equivalent	1	PAR30	16w-Dimmable-Energy Star Certified-PAR38	Bulb

## Comparison of LED Screw-in Light Bulbs vs the Alternatives

	Incandescent	Halogen	CFL	LED
				
Annual cost of operation/ bulb*	\$6.57	\$4.73	\$1.64	\$1.12
Lumens per watt	15	25	60	72
Percent more efficient than incandescent	—	28%	75%	83%
Rated bulb life*	1.4 years (1,000 hours)	1.4 years (3,000 hours)	14 years (10,000 hours)	34 years (25,000 hours)
Instant on	yes	yes	most	yes
Dimmable	yes	yes	some**	most**
Cold tolerant	yes	yes	somewhat	yes
Contains mercury	no	no	yes <small>more details</small>	no
Recyclable	no	no	yes <small>more details</small>	no

\* Average lifetime based on 800 lumens for 2 hours per day (\$0.15 per kWh)

Source: Efficiency Maine

## Benefits of LED Lighting vs Fluorescent Tubes

Fluorescent tubes have been around for years. They have been consistently proven to be economical while producing the illumination required in working and public environments. In recent years, however, a newer form of light source has come to the fore: The LED. Both fluorescent tubes and LEDs have their advantages and disadvantages, but LEDs seem to be winning the attention of consumers. Let's take a look to see why that is, and why you should consider LED lighting over fluorescent tubes.

[Let's look at] the advantages LEDs hold over fluorescent tubes. These include:

1. **Long Term Cost** : It is true that LEDs are more expensive initially than fluorescent and compact fluorescent lights, but they can provide huge potential savings over the long term. While incandescent lights last for a paltry 800 to 1500 hours, and fluorescent lights last up to 10,000 hours, LEDs can last up to a staggering 60,000 hours. This can provide substantial savings as a result of fewer replacements needing to be bought.
2. **Maintenance** : The amount of time spent replacing bulbs, especially in larger buildings, can be counterproductive. Due to the longer lifespan of an LED bulb over a fluorescent tube, maintenance and replacement times can be reduced markedly when LEDs are used.
3. **Noise** : Fluorescent tubes are notorious for being noisy, especially if they have been used for a significant amount of time. They tend to emit clicking and popping sounds intermittently, but most annoyingly, they can produce a low buzzing sound. Since fluorescent tubes are often used in offices and working environments, this can be distracting. LEDs do not have this problem and operate silently with no annoying quirks or noises.
4. **Colour** : Fluorescent lights are notorious for their colour profile. While some fluorescent tubes now use a different type of phosphorous powder to produce a warmer colour, most fluorescents produce only a cold blue/white light. It is stark and not very welcoming. LEDs on the other hand provide all manner of different colours easily for any purpose. This is what makes LEDs so adaptable. They can be used in almost any environment or lighting situation.
5. **Environmental Impact** : Fluorescent lights by their very nature must contain a small amount of mercury. This metal and vapour is extremely hazardous to both humans and the environment. If it is ingested or inhaled it can cause serious complications and as such must be disposed of safely. LEDs are completely safe and do not contain such poisonous materials, putting home owners and parents at ease while knowing that they are not contributing to pollution.
6. **Instant On** : LEDs light up as soon as an electrical current is passed through them. Fluorescents do not do this and require time to flicker before staying on. Not only that, many fluorescent lights do not provide optimum illumination levels until they have been running for a few minutes. LEDs provide instant light and instant full illumination.
7. **Energy Consumption** : LEDs consume far less power than fluorescent tubes. While fluorescents are technically energy saving light sources compared to incandescent bulbs, when contrasted with LEDs there really is no contest. LEDs use less electricity which is better for the environment and your pocket.
8. **Durable** : Because LEDs are not made of glass and are hollow inside, they are far less fragile than both fluorescent and incandescent bulbs. This makes them much more durable and less likely to being rendered inoperable due to being dropped or bashed accidentally. It also removes the dangers of broken glass in such circumstances.
9. **No Heat** : While fluorescent tubes emit less heat than incandescent and halogen bulbs, they still produce much more than LEDs. LEDs are lukewarm to the touch and therefore carry less risk of causing an accidental fire or burn.

Fluorescent tubes are a great lighting option for those wishing to pay less initially for their needs. LEDs, however, provide long term savings, great performance, variable colours, and do not contain any hazardous materials.

Source: <http://lifix.co/lighting101/advantages/led-vs-fluorescent/>

# Write-up from the FY15 Capital Program

York Energy Steering Committee (ESC)  
Tentative Plans for Next Round of Funding

The following is in response to a request to the ESC by the Capital Planning Committee regarding plans for municipal energy upgrades for FY15.

First, a quick summary: Over the last four years, the Energy Steering Committee has worked to identify opportunities for saving future energy use in municipal buildings through improvements in weatherization and insulation and by installing more efficient electrical and heating equipment. In three separate warrant articles specified for this purpose, York voters have, by large margins, approved a total of \$300,000. Last year at this time, the ESC recommended postponing the next \$100,000 warrant article because we still had a significant amount of money left. During 2013, we spent most of the remaining funds and therefore are requesting that another \$100,000 article be placed on the May 2014 budget referendum.

Because our committee has been busy with two large projects -- insulating and sealing the Village Fire Station and installing a new boiler at the Grant House -- we are not in a position to specify exactly how we intend to use the next round of funding. The only two projects that we definitely plan to recommend are the replacement of old and inadequate truck bay lighting with high-efficiency fluorescent lights at both the York Beach Fire Station and the York Village Fire Station.

Beyond these two improvements, the committee intends to pursue the same careful and data-based process that we have used to date. The ESC has now made significant energy efficiency improvements to the five municipal buildings that were identified in a 2009 professional energy study to be the highest priorities. Tentatively, our next steps are as follows:

1. Examine in detail the latest municipal building energy bills. Compare electrical and heating fuel usage before and after renovations as soon as there is enough data to evaluate improvements.
2. Using the latest data from all town buildings, calculate the total energy used per square foot to identify opportunities for additional improvements. If the root causes or the most effective solutions are not clear, the ESC would probably recommend contracting with a professional energy auditor or engineer to ensure that any further improvements would have a reasonable return on investment.
3. Study the feasibility of installing a solar photovoltaic array on an appropriate municipal building or buildings. At today's prices, a solar electric system is expected to pay for itself in around 10 years. As the cost of grid power increases, that system would pay for itself even sooner.
4. Examine other opportunities for reducing the town's energy bills, including, but not limited to, street lights and fleet vehicle fuel use.

The Energy Steering Committee is an advisory committee only. It is made up of a group of dedicated volunteers who are concerned both about minimizing waste and pollution and about saving real dollars for future taxpayers. As a further check, each of our recommended improvements is first presented to and approved by the Board of Selectmen before spending the money.

If the Capital Planning Committee has any further questions, we would be glad answer them in writing or in person.

Wayne Boardman  
Chair, Energy Steering Committee



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> November 13, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Land and Water Conservation Fund Grant Application and the 6(F) boundary requirement.	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Michael Sullivan, Parks and Recreation Director
<b>RECOMMENDATION:</b> I recommend the Board of Selectmen certify that they are familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement including the (6f) designation requirement and authorize the Parks and Recreation Department to apply for the grant on behalf of the Town.
<b>PROPOSED MOTION:</b> I move to certify that the Board of Selectmen is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, including the (6f) designation requirement, and authorize the Parks and Recreation Department to apply for the grant on behalf of the Town.

**Discussion:** The Parks and Recreation Department has proposed a project for the FY 16 capital budget for the phase 2 development of the Bog Road Athletic Complex. I have attached a description of the project for your review. The total cost of the project is \$300,000. The Town has applied for federal assistance through the "*Land and Water Conservation Fund*" which is a 50% matching program. The amount requested is \$150,000.

On November 6<sup>th</sup> Steve sent the Board an email explaining that part of the application certifies that the Selectmen are familiar with the terms and conditions of the project agreement and authorizes the Parks and Recreation Department to apply for the grant. With that said, each year the Town passes a warrant article authorizing the various departments to apply for grants on behalf of the Town so that isn't an issue, however it is important that you understand that acceptance of this funding would cause the land

to be encumbered with a (6f) designation. This means the land would need to be retained in perpetuity as public recreation space. This is already the case with the original land acquired as part of the Bog Road Complex.

The new (6f) boundary would include the entire parcel where the new field and parking area are located (approximately 48 acres). I have attached a map of the property. The (6f) boundary is outlined in yellow. It is worthy of noting that most of the remaining undeveloped land is already designated as a resource protection area.

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:



Reviewed By:



## Michael J. Sullivan

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**From:** Stephen H. Burns  
**Sent:** Thursday, November 06, 2014 2:39 PM  
**To:** Mary Andrews; Robert Palmer; Jonathan Speers; Torbert MacDonald  
**Cc:** Michael J. Sullivan  
**Subject:** Bog Road Fields - grant application

Greetings,

I was approached today with a form that is required to apply for a National Park Service *Land and Water Conservation Fund* grant (of about \$150,000) to complete the new field project at our Bog Road complex. The Parks & Rec Department is seeking this grant to finish the project. One thing you need to be aware of is that acceptance of this funding would cause the land to be encumbered with a "6f" designation - which means it needs to be retained in perpetuity as public recreation space. This is already the case on the original land acquired on Bog Road, and at several other locations in Town (the Middle School, the High School, and probably a couple others, too). Accepting this funding is a one-way decision and you need to be aware of this. I have asked Mike Sullivan to prepare a Request for Action to be considered at your meeting on November 17<sup>th</sup>, but in the meantime if you have any concerns at all please let me know and we will pull the grant application.

The requirement for acknowledgement of the "6f" designation wasn't identified until yesterday, and the grant is due tomorrow. My apologies in this regard, but I'd hate to let the opportunity for a grant slip past. But as I said, if anyone has any heartburn over this we'll stop now and figure out how to proceed without the grant this year.

Thanks.

Steve

Stephen H. Burns  
Town Manager & Community Development Director  
Town of York, Maine  
186 York Street, York, ME 03909  
e: [sburns@yorkmaine.org](mailto:sburns@yorkmaine.org)  
p: (207) 363-1000

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## Capital Project Request Form FY 2016-20

**Capital Improvements Project Definition: An expenditure for equipment, facilities, infrastructure or land that costs more than \$10,000 and provides a useful life of two or more years.**

<b>Departments:</b> Parks and Recreation	<b>Contact Person &amp; Phone:</b> Michael Sullivan 207-363-1040	<b>Fiscal Year Requested:</b> FY 2016	<b>Completion Date:</b> December 2015
<p><b>Project Description: <u>Phase 2 - Bog Road Recreation Complex:</u></b> In May of 2013 York voters approved \$375,000 for the construction of a multipurpose athletic field and parking area at the Bog Road Recreation Complex. That project included a 390 ft. X 210 ft. irrigated field and 75 car parking area. The field was completed in September of 2014 and will be ready for play in August of 2015. (See attached photos) This phase of the project includes the construction of a 40 ft. X 60 ft. maintenance building, a combination football tower/concession building, perimeter fencing, goal posts, scoreboard, bleachers, and a cross country/hiking trail. The Town has applied for 50% matching funds through the National Park Services "Land and Water Conservation Fund".</p>			
<p><b>Project Need:</b> As outlined in the Town's comprehensive plan and a needs assessment conducted by the Parks and Recreation Department, the Town is in need of additional athletic fields. The Bog Road property was purchased by the Town in 2000 and identified as the site for future outdoor recreation development. This request is to provide the field amenities necessary for public use of the new field and support facilities to maintain the entire complex.</p>			
<b>Consistency with the Comprehensive Plan? Yes</b>		<b>Already included in the prior year Capital Program? If so, for what year? No, the new field and parking area were included in FY 13. This is an extension of that project.</b>	
<b>Is the Project a replacement, an expansion, or is it new? Expansion</b>			
<b>Estimated Project Cost. Please break out components when possible.</b>		<b>Source of Estimate:</b>	
See Attached "Opinion of Cost" prepared by BH2M Engineers		BH2M Engineers, Ozzie Bourque, James Pratt Enterprises Inc., AAA Fences Inc., BSN Sports, NEVCO, BuiltRite Bleachers	
Total Request from the Town \$150,000 (50% of Project Cost)			
<b>Estimated impact to Annual Operating Costs, for new or expanded items only: \$8,000</b>			
<b>Identify other alternatives to the proposed project/equipment:</b>			

BH2M Inc.  
 28 State Street  
 Gorham, Maine 04038

**Permitting, Design and Construction Cost Worksheet  
 Bog Road Athletic Field Facility - Phase 2  
 November 2014**

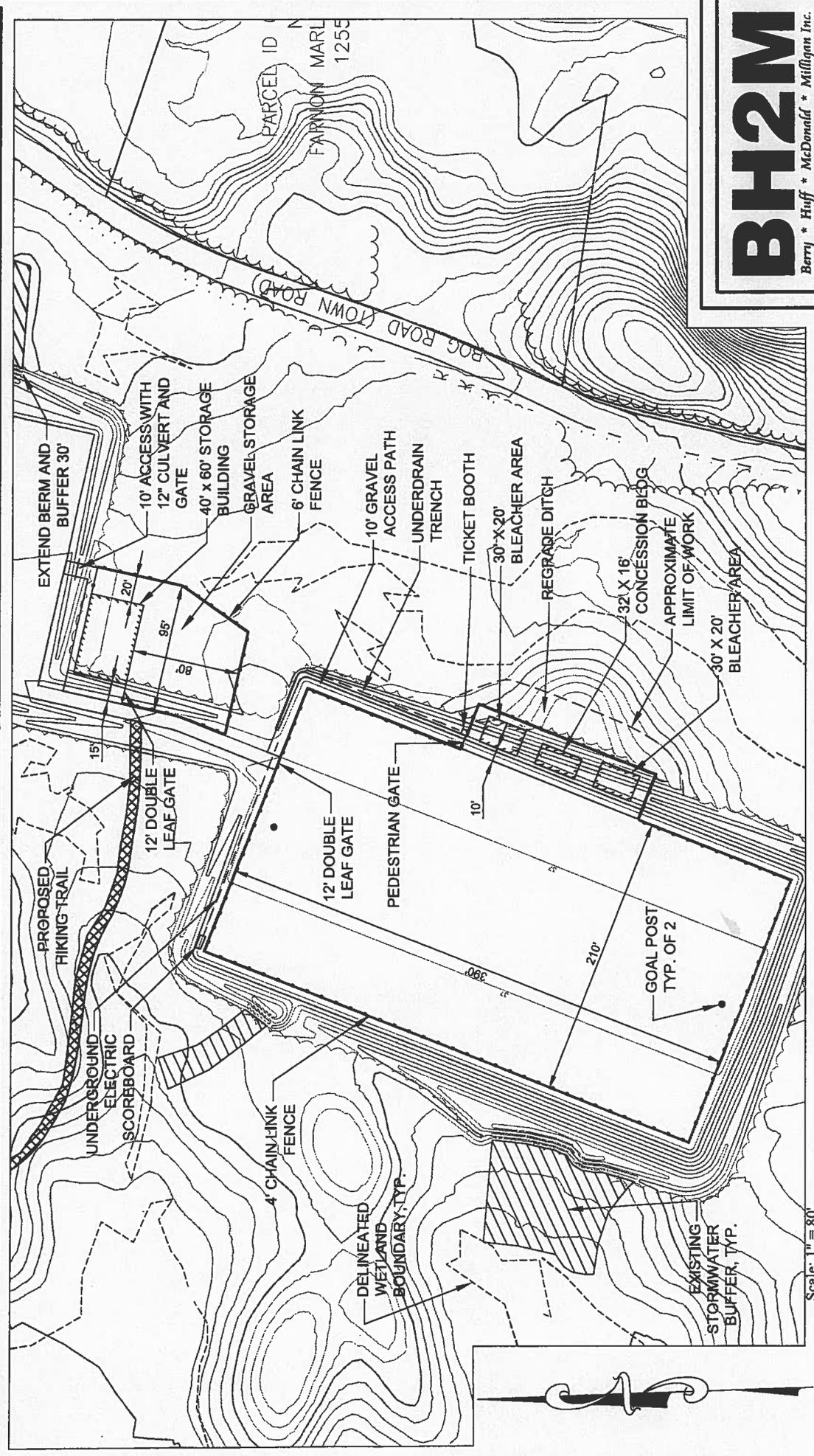
Site Work	QUANTITY	UNIT	UNIT COST	TOTAL COST
Clearing and Grubbing (includes hiking trail)	1	AC	\$ 6,000.00	\$ 6,000.00
Erosion Control	1	LS	\$ 2,500.00	\$ 2,500.00
Common Excavation	1288	CY	\$ 6.00	\$ 7,728.00
Export of Common Borrow	1417	CY	\$ 10.00	\$ 14,168.00
Subbase Gravel <sup>2</sup>	590	CY	\$ 22.00	\$ 12,980.00
Base Gravel <sup>2</sup>	295	CY	\$ 26.00	\$ 7,670.00
Domestic Water Line (from irr. shed to concession bldg)	900	LF	\$ 12.00	\$ 10,800.00
12" Storm Drain	20	LF	\$ 50.00	\$ 1,000.00
6" Underdrain	150	LF	\$ 24.00	\$ 3,600.00
Level Lip Spreader	30	LF	\$ 30.00	\$ 900.00
Underground Electric Conduit and Wiring	150	LF	\$ 20.00	\$ 3,000.00
Handholes	2	EA	\$ 500.00	\$ 1,000.00
4' Chain Link Fence	1288	LF	\$ 15.00	\$ 18,990.00
6' Chain Link Fence	320	LF	\$ 20.00	\$ 6,400.00
12' Double Leaf Gate	3	EA	\$ 1,400.00	\$ 4,200.00
4' Pedestrian Gate	1	EA	\$ 600.00	\$ 600.00
Loam and Seed	8	UNIT	\$ 350.00	\$ 2,800.00
<b>Subtotal</b>				<b>\$ 104,336.00</b>
Structures and Miscellaneous Improvements	QUANTITY	UNIT	UNIT COST	TOTAL COST
40'x80' Maintenance Building <sup>5</sup>	1	LS	\$ 80,650.00	\$ 80,650.00
Football Tower/Construction Building <sup>5</sup>	1	LS	\$ 36,500.00	\$ 36,500.00
Electrical	1	LS	\$ 20,000.00	\$ 20,000.00
Bleachers <sup>7</sup>	1	LS	\$ 22,000.00	\$ 22,000.00
Scoreboard <sup>8</sup>	1	LS	\$ 9,000.00	\$ 9,000.00
Field Goals <sup>8</sup>	1	LS	\$ 6,000.00	\$ 6,000.00
<b>Subtotal</b>				<b>\$ 174,150.00</b>
Permit Application Fees	QUANTITY	UNIT	UNIT COST	TOTAL COST
Site Plan Amendment (Town)	1	LS	\$ -	\$ -
Stormwater Amendment (MeDEP)	1	LS	\$ 900.00	\$ 900.00
NRPA Tier 2 - Wetland Alteration (MeDEP)	1	LS	\$ 740.00	\$ 740.00
In-Lieu Fee - Wetland Compensation (MeDEP)	1	LS	\$ 6,200.00	\$ 6,200.00
<b>Subtotal</b>				<b>\$ 7,840.00</b>
Permitting and Engineering Fees	QUANTITY	UNIT	UNIT COST	TOTAL COST
Field Survey (if required)	1	LS	\$ 1,000.00	\$ 1,000.00
Site Plan Amendment (Town)	1	LS	\$ 1,500.00	\$ 1,500.00
Stormwater Amendment (MeDEP)	1	LS	\$ 1,200.00	\$ 1,200.00
NRPA Tier 2 (MeDEP)	1	LS	\$ 1,500.00	\$ 1,500.00
Functional Assessment of Wetlands	1	LS	\$ 800.00	\$ 800.00
Preparation of Construction Documents	1	LS	\$ 4,500.00	\$ 4,500.00
Bidding	1	LS	\$ 1,500.00	\$ 1,500.00
Construction Administration	1	LS	\$ 2,500.00	\$ 2,500.00
<b>Subtotal</b>				<b>\$ 14,500.00</b>
<b>TOTAL COST</b>				<b>\$ 300,826.00</b>

Notes:

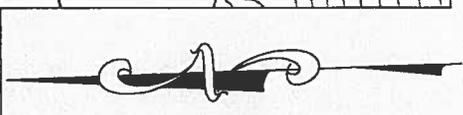
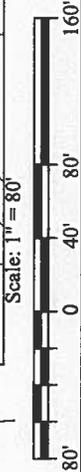
1. Site Work costs are based on the concept plans provided by BH2M prepared on November 3, 2014.
2. Estimate for gravels assumes 12" of Type D Subbase and 6" of Type Base for walks/ storage areas and structure pads.
3. Estimates provided by Town (included with Capital Project Request Form FY 2016)
4. Fees may vary depending on the final scope of work and the date applications are filed
5. This estimate only includes clearing for the proposed hiking trail. Bark mulch, stone dust, boardwalks are not included.
6. This estimate assumes that the price provided includes excavation for foundation, foundations, backfill, and foundations drains
7. This estimate assumes that a foundation system for bleachers will not be required.
8. Includes \$2,000 for installation.

# BH2M

Berry \* Huff \* McDonald \* Milligan Inc.  
 ENGINEERS \* SURVEYORS \* PLANNERS  
 28 State Street, Corvallis, Maine 04038, (207) 839-2771



DETAILED SITE PLAN





AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> 11/13/2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> 11/17/2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Maine DOT Small Harbors Improvement Program (SHIP) Grant Environmental permit submittal for Public Access improvements along the York River.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Dean Lessard, Director of Public Works
<b>RECOMMENDATION:</b> Approve the DPW to submit The Natural Resources Protection Act Individual Permit Application to Maine DEP for the Maine DOT Small Harbors Improvement Program (SHIP) Grant project to improve safety and public access to Fisherman's walk.
<b>PROPOSED MOTION:</b> I move to authorize the Town Manager to sign and submit all environmental permits for the Small Harbors Improvement Program (SHIP) project and to continue to work with Maine DOT to finalize the design to the proposed Fisherman's walk pathway improvements.

### Discussion:

- On May 22, 2010 the York voters approved Warrant #48 appropriating the sum of \$150,000 for the Pathway to Route 103 Causeway from the Fishermen's walk. This project involved constructing a new path and pedestrian connection to the causeway, Wiggly Bridge and Steedman woods under the new Rte 103 Bridge. The proposed new connection would improve pedestrian safety and enhance the experience to the users. After it became apparent that the pathway would not be able to be completed in conjunction with the Maine DOT's Rte 103 Bridge construction project DPW began to look for other ways to deliver the project.
- On May 5, 2012 The Department of Public Works with the help of CLD Consulting Engineers submitted a letter of intent to apply for a 2012 Small Harbor Improvement Program (SHIP) grant.

- On July 2, 2012 Town of York Staff meet with Dan Stewart of Maine DOT to review the proposed Fisherman's walk project. After meeting Dan the Town split the project into two separate projects in order to increase the possibility of funding.
- On October 5, 2012 The Town of York Staff received a letter from Dan Stewart of Maine DOT informing us that our project was not funded.
- On November 4, 2013 The Department of Public Works again submitted a letter of intent to apply for a 2013 Small Harbor Improvement Program (SHIP) grant.
- On November 13, 2013 I met with Dan Stewart of Maine DOT to discuss the Fisherman's walk project and possible changes the Town of York could make to the project to improve our application for State funding through the Small Harbor Improvement Program (SHIP) grant program.
- On December 2, 2013 The Board of Selectmen voted to approve the submittal of a 2013 grant application to Maine DOT's Small Harbors Improvement Program (SHIP) in order to secure funds for the DPW's proposed Fisherman's walk pathway improvements.
- On December 13, 2013 The Town of York formally submitted its 2013 Small Harbors Improvement Program (SHIP) grant application.
- On January 29, 2014 The Town was inform by The Maine Department of Transportation (Maine DOT) that our application for Small Harbor Improvements had been approved for design and/or construction in 2014.
- On February 19, 2014 The Town entered into an agreement with the Maine DOT under the Small Harbor Improvement program to improve public access to the York River.
- On June 25, 2014 JoAnn Fryer, Heather Gilman and Dean Lessard met with Robert Green of Maine DEP Portland office for a pre application meeting.

Included with the selectmen's action form are the Natural Resources Protection Act Individual Permit Application, the Application for Submerged Lands Lease or Easement and the preliminary design plans along with a series of cross sections that show the proposed new walkway. I will have a large display board with the aerial plan for Monday night's discussion.

---

**FISCAL IMPACT: \$0**

**DEPARTMENT LINE ITEM ACCOUNT: 100.0320.9619**

**BALANCE IN LINE ITEM IF APPROVED: \$293,304.64**

Prepared By: Dean Lessard

Reviewed By: 



**Department of Agriculture, Conservation & Forestry  
Bureau of Parks and Lands  
22 State House Station  
Augusta, Maine 04333  
(207) 287-3821**

**APPLICATION FOR SUBMERGED LANDS LEASE OR EASEMENT  
PURSUANT TO TITLE 12 M.R.S.A. SECTION 1801 & 1862**

PLEASE TYPE OR PRINT:

**1) Applicant Information:**

A. Name of Applicant: CLD Consulting Engineers, Inc.

B. Mailing Address: 316 U.S. Route 1

Tel. No.: (207) 363-0669

C. City: York

State: Maine

Zip: 03909

D. Email Address: JLF@cldengineers.com

Please check if you wish to receive correspondence via email.

E. Local Contact or Agent (Name, Address, Tel. No.): JoAnn Fryer

**2) General Information:**

A. Name of Coastal Wetland, Pond, Lake, River: York River

B. Physical Address: Adjacent to Route 103

C. City/Town: York

County: York

D. Is a Department of Environmental Protection Permit required? yes

### 3) Attachments:

- ✓ A. Attach as Exhibit #1, a map with project location clearly marked. Acceptable maps are USGS topographic maps, or other maps of similar detail, such as the Maine Gazetteer Atlas Map (clear photocopies are acceptable provided they are labeled with the quad name or map number).
  
- ✓ B. Attach as Exhibit #2, scale drawings (overhead and side views) of the project site which shows the project in detail, including the following:
  - 1) Dimensions and exact location of proposed project, including distances from property sidelines; (*survey doesn't extend to these properties – see location map*)
  - 2) Location of existing structures, including structures on abutting properties which extend into the water;
  - 3) Location of property lines and names and addresses of shorefront abutters;
  - 4) Municipal map and lot number of property; (*N/A – public property*)
  - 5) Location of high and low water lines;
  - 6) Approximate water depth and bottom characteristics; (*see S.W.Cole PNR Report*)
  - 7) Scale of drawings. Please submit in decimal scales of 10, i.e. 1"=20', 30' or 40'.
  
- N/A C. Attach as Exhibit #3, a copy of deed, lease, purchase agreement or other legal document establishing title, right or interest in the shorefront property. (*public property – see Appendix B of NRPA permit for State – Municipal Agreement*)
  
- ✓ D. Municipal tax map showing the property and abutters shorefront properties. Please sketch the proposed project on the tax map.
  
- ✓ E. Provide photographs of the project area *and* adjacent waterfront (both sides) showing existing structures on adjacent properties such as piers, floats, or other uses of the water, such as buoys, channel markers, etc. (*see Attachment 4 of NRPA and Appendix C of PNR*)
  
- ✓ F. Provide directions to the site: From the York Exit off the Maine Turnpike, head south on Route 1 for 0.3 miles before turning left onto York Street. Continue on York Street for 1.3 miles and take a right onto Route 103. Stop after traveling 0.2 miles, just before the road crosses over York River. The York Trail will be on the right.
  
- ✓ G. **Enclose the \$100 application fee that is required to process this application, made payable to: Treasurer, State of Maine.**

**4) Project Information**

A. What type of project is proposed:

The project is a Locally Administered Project as well as part of the Small Harbor Improvement Program. The project will provide access to the York River for small watercrafts via a float system and gangway from a walkway connecting recreational areas.

B. Describe the purpose of the project, including why the project is needed:

The project purpose is to improve public access to the York River by installing a float system with kayak/canoe launch in the York River, and re-configuring an existing recreational trail to provide access to the new launch and adjacent recreational areas, thereby eliminating the existing road crossing of the recreational trail. The project is needed for the community to increase public access for kayakers and canoeists to the historic York River, provide additional location for recreational/transient boater access to landmarks, and nature reserves, as well as promote local business during the summer season.

C. Will the structure be used exclusively for commercial fishing?  Yes  No

D. Will slips be rented or otherwise made available for private use for a fee?  Yes  No

E. Identify any portion of the project that will be in place seasonally (less than 7 months of the year):

gangway and dock system

F. If dredging is proposed:

i. What volume of material will be dredged below the natural low water line?

0 cubic yards

ii. Describe how the dredged material will be utilized or disposed of.

N/A

G. How far beyond the mean (average) low water line will the project extend? 0 feet

H. Do you: own  lease  have an easement  or option  on the waterfront property?

List the municipal tax map numbers: Map # N/A Lot # \_\_\_\_\_ List the lot size: \_\_\_\_\_

I. What is the length of your shore frontage? Frontage is measured in a straight line between side lot lines where those lines meet the shore. N/A

J. Describe present use of the *subject* property (for example, residential, commercial (describe type of business), recreational, shellfish harvesting, etc.):

recreational

K. Describe the present use of *abutting* properties (for example, year-round residence, summer residence, recreational, commercial, etc.):

Recreational, year-round residence, summer residence, commercial.

- L. Describe the present use of the **submerged lands and waters** in the project vicinity.  
Address the following uses: commercial fishing, aquaculture, seasonal boating, general navigation, navigation channels, recreation, other uses.

recreation, commercial fishing, seasonal boating

- M. Is there a customary or traditional public access way located on the property or in the project vicinity? If so, describe:

Fisherman's Walk, Wiggly Bridge, and Steedman Woods are all connected to the proposed project.

- N. Describe the density of land development, if any, in the project vicinity (for example, undeveloped, sparse development, residential development, heavy commercial development):

residential development

- O. Proposed dates for start and completion of project:

Start Date: Fall 2015      Completion Date: Fall 2015

List below the names and mailing addresses of the owners of abutting **shorefront** property.

NAME	MAILING ADDRESS
Society for the Preservation of NE Antiquities	5 Portland Street, S. Berwick, ME 03908
Ralph M. Hayward III	48 Sage Road, Toms River, NH 08753
Hillary D. Hayward	P.O. Box 488, York Harbor, ME 03911
York Sewer District	P.O. Box 1039, York Beach, ME 03910
MaineDOT	Child Street, 16 State House Station, Augusta, ME 04333-0016
Old York Historical Society	P.O. Box 312, York, ME 03909-0312
John C McIntyre	34 Dennis Avenue, Laconia, NH 03246
Patten D. White	P.O. Box 1008, York Harbor, ME 03911
Town of York	186 York Street, York, ME 03909

I authorize staff from the Departments of Agriculture, Conservation & Forestry, Marine Resources and Inland Fisheries and Wildlife to access the site in conjunction with this application and for the purpose of determining compliance with the Submerged Lands Rules.

By signing below, as the applicant (or authorized agent), you certify that the information contained in this application and attached drawings is complete and accurate to the best of your knowledge.

DATE: \_\_\_\_\_

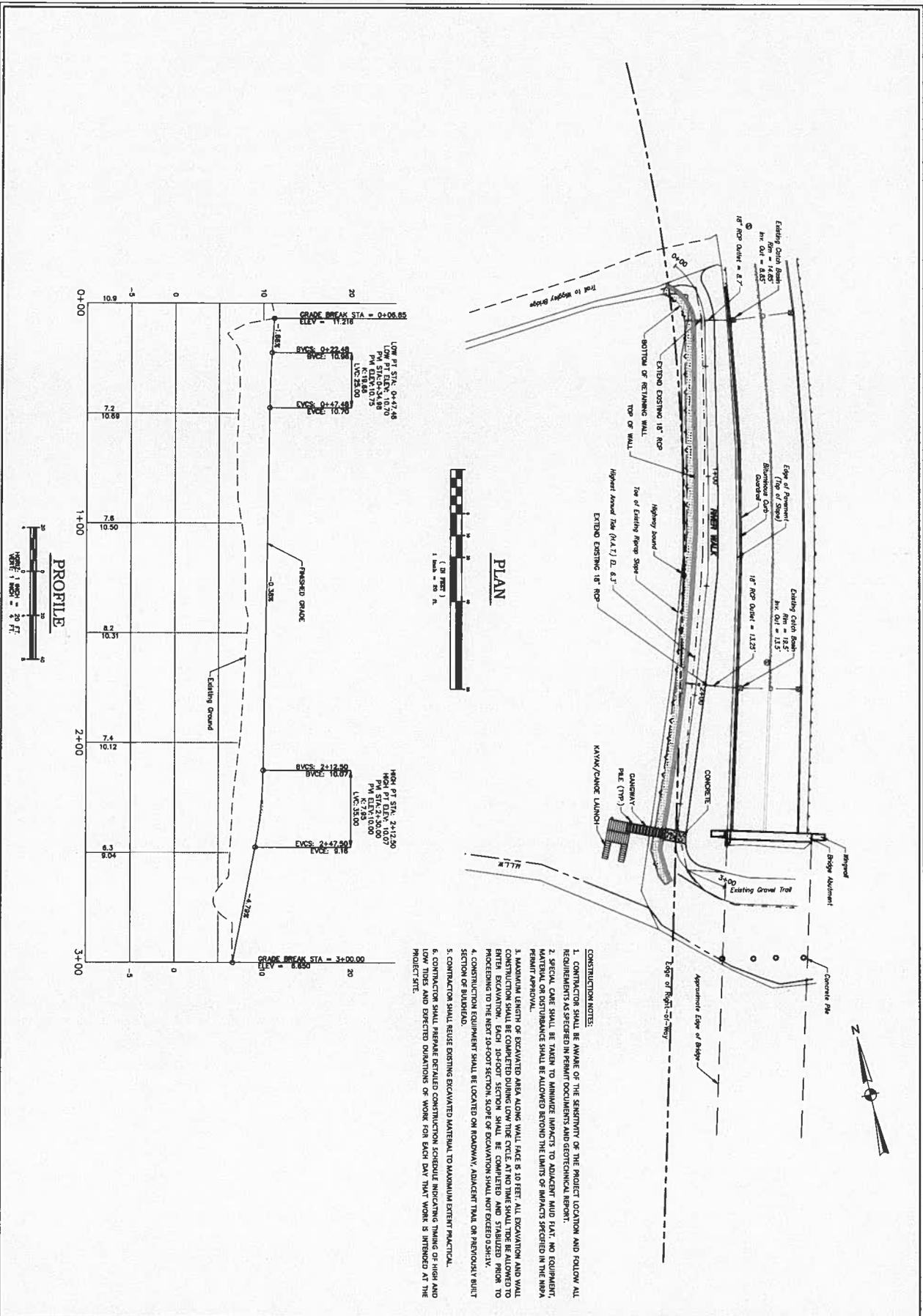
\_\_\_\_\_  
SIGNATURE OF APPLICANT

If signature is other than applicant, attach letter of agent authorization signed by applicant.

\_\_\_\_\_  
PRINT NAME AND TITLE

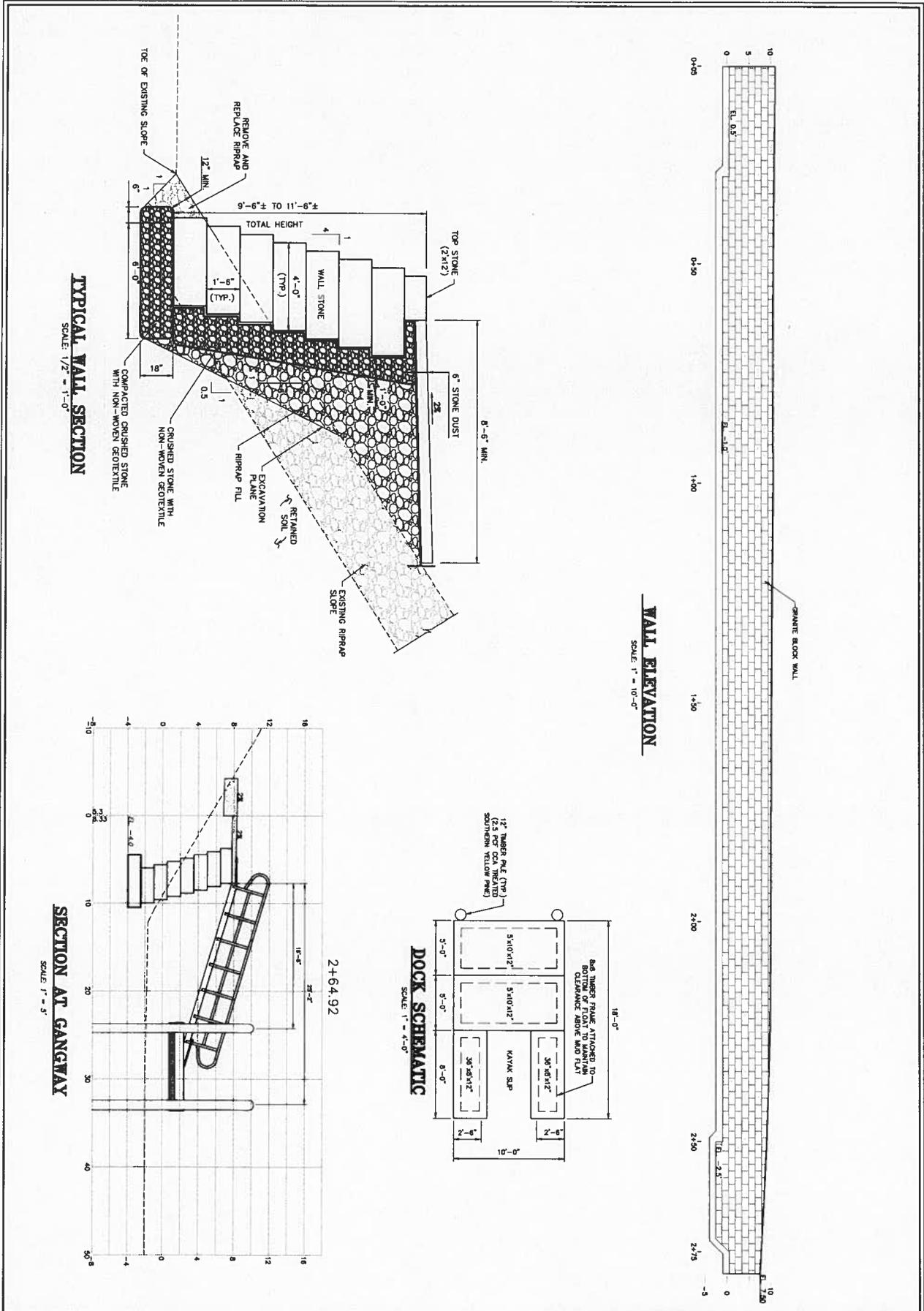
**NOTE: ANY CHANGES IN PROJECT PLANS MUST BE APPROVED BY THE BUREAU OF PARKS AND LANDS PRIOR TO CONSTRUCTION.**

8/12



- CONSTRUCTION NOTES:**
1. CONTRACTOR SHALL BE AWARE OF THE SENSITIVITY OF THE PROJECT LOCATION AND FOLLOW ALL REQUIREMENTS AS SPECIFIED IN PERMIT OCCUPANTS AND GEOTECHNICAL REPORT.
  2. SPECIAL CARE SHALL BE TAKEN TO MINIMIZE IMPACT TO ADJACENT LAND PLANT AND EQUIPMENT. MATERIAL OR DISTURBANCE SHALL BE ALLOWED BEYOND THE LIMITS OF IMPACTS SPECIFIED IN THE PERMIT APPROVAL.
  3. MAXIMUM LENGTH OF EXCAVATED AREA ALONG WALL FACE IS 10 FEET. ALL EXCAVATION AND WALL CONSTRUCTION SHALL BE COMPLETED DURING LOW TIDE CYCLE. AT NO TIME SHALL THE BE ALLOWED TO ENTER EXCAVATION. EACH 10-FOOT SECTION SHALL BE COMPLETED AND STABILIZED PRIOR TO PROCEEDING TO THE NEXT 10-FOOT SECTION. SLOPE OF EXCAVATION SHALL NOT EXCEED 2:1:1.
  4. CONSTRUCTION EQUIPMENT SHALL BE LOCATED ON ROADWAY. ADVANCEMENT TRAIL ON PREVIOUSLY BUILT SECTION OF BLVD/END.
  5. CONTRACTOR SHALL REUSE EXISTING EXCAVATED MATERIAL TO MAXIMIZE EXISTING PRACTICAL.
  6. CONTRACTOR SHALL AVOID BECAUSE CONSTRUCTION CONSIDER IMPROVING TRAFFIC OF HIGH AND LOW TIDES AND DIRECTED DIVERSIONS OF WORK FOR EACH DAY THAT WORK IS INTERRUPTED AT THE PROJECT SITE.

SCALE: AS NOTED DATE: OCT 2014 DNR:		<b>S.H.I.P. BOAT LANDING AND RIVER WALK</b> RTE. 103 AND YORK RIVER YORK, MAINE <b>PLAN &amp; PROFILE</b>		TOWN OF YORK 186 YORK STREET YORK, MAINE 03909		 318 U.S. Route 1, Suite D - York, ME 03909 (207) 363-0869 • Fax: (207) 363-2384 info@clleng.com www.clleng.com Maine-New Hampshire-Vermont		<table border="1"> <tr> <th>#</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		#	DATE	REVISION													NO.	DATE	REVISION				<table border="1"> <tr> <td>DRAWN: DAD</td> <td>DESIGNED: PDD</td> <td>CHECKED: MLC</td> <td>APPROVED: JLF</td> </tr> </table>		DRAWN: DAD	DESIGNED: PDD	CHECKED: MLC	APPROVED: JLF
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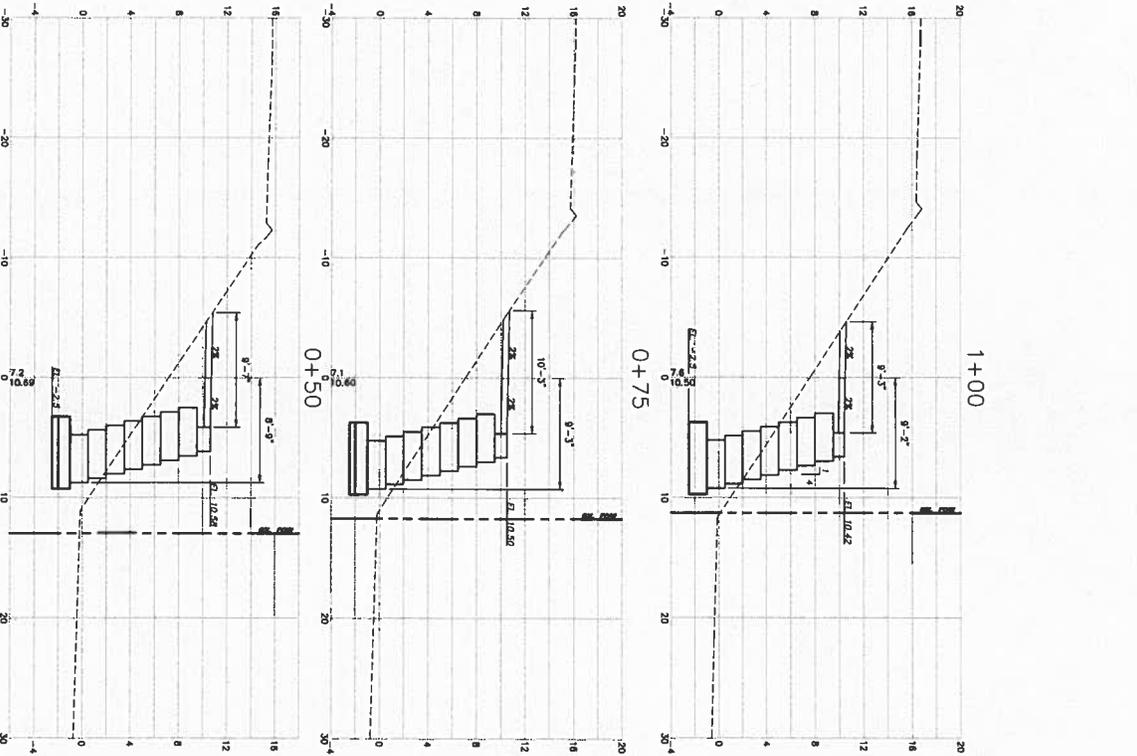
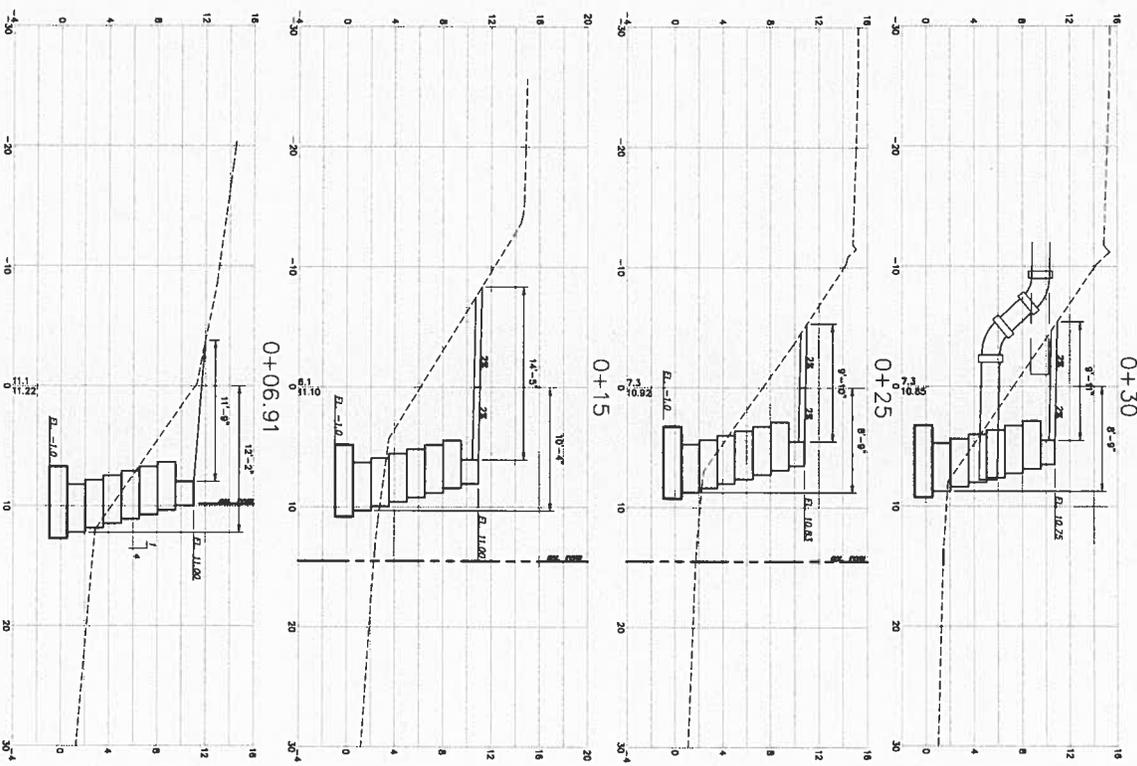
**TYPICAL WALL SECTION**  
SCALE: 1/2" = 1'-0"

**WALL ELEVATION**  
SCALE: 1" = 10'-0"

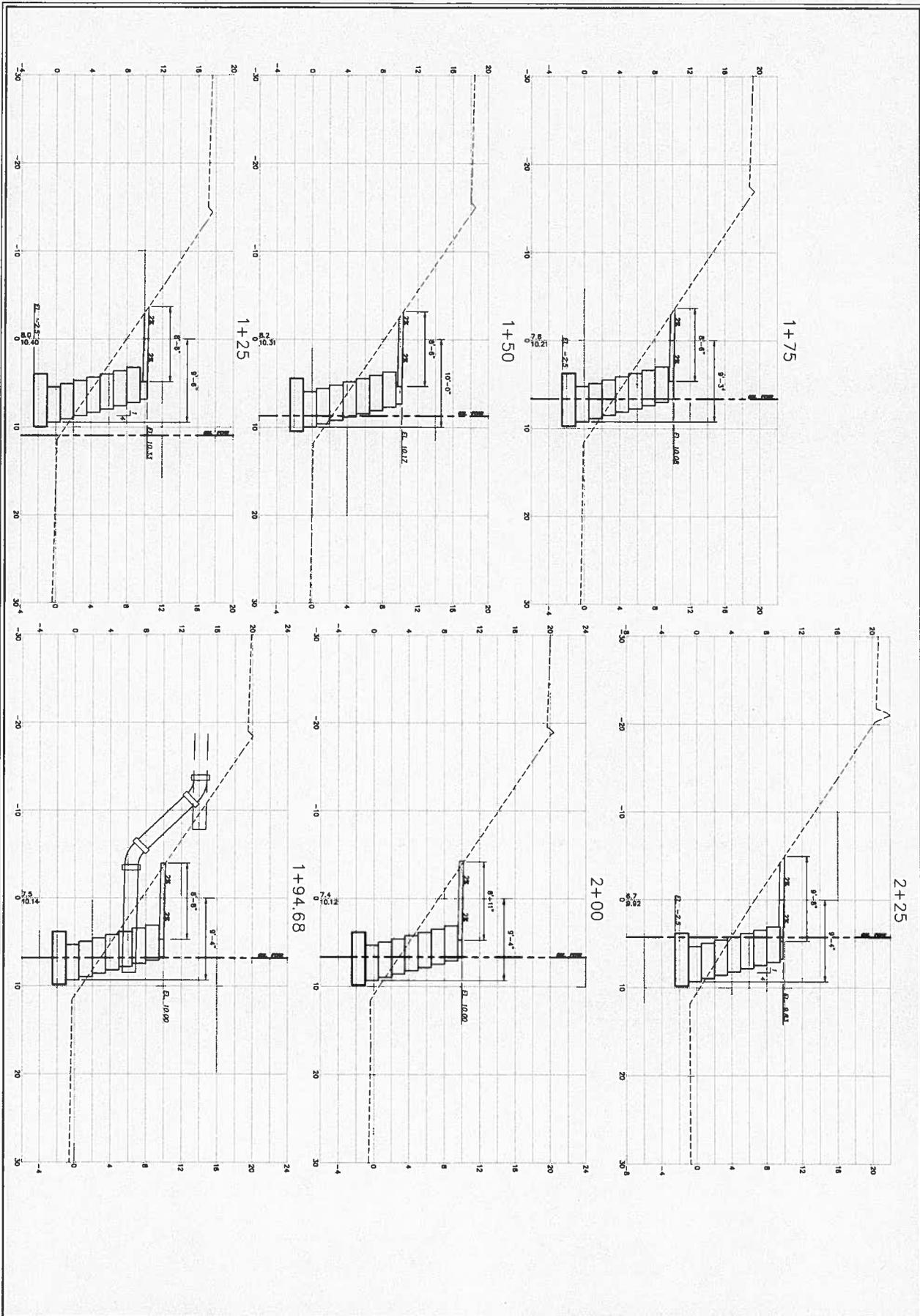
**DOCK SCHEMATIC**  
SCALE: 1" = 4'-0"

**SECTION AT GANGWAY**  
SCALE: 1" = 3'

SCALE: AS NOTED DATE: OCT 2014 SHEET: 1 OF 1	<b>S.H.I.P. BOAT LANDING AND RIVER WALK</b> RTE. 103 AND YORK RIVER YORK, MAINE <b>SECTIONS &amp; WALL ELEVATION</b>	CLIENT: <b>TOWN OF YORK</b> 186 YORK STREET YORK, MAINE 03909	 Inc. 316 U.S. Route 1, Suite D • York, ME 03909 (207) 363-0869 • Fax: (207) 363-2384 ce@clerking.com www.clerking.com Maine-New Hampshire-Vermont	# DATE REVISION # DATE REVISION # DATE REVISION
				NO. DATE REVISION DRAWN: DAD DESIGNED: PDD CHECKED: HEC APPROVED: JF



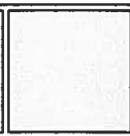
SCALE: 1" = 6' SCALE/VERT DATE: 02/20/14 DWB	JOB NO. 14-0133	<b>S.H.I.P. BOAT LANDING AND RIVER WALK RTE. 103 AND YORK RIVER YORK, MAINE TYPICAL SECTION &amp; CROSS SECTIONS</b>	CLIENT: <b>TOWN OF YORK</b>  186 YORK STREET YORK, MAINE 03909	 <small>316 U.S. Route 1, Suite D • York, ME 03909 (207) 363-0889 • Fax: (207) 363-2384 cl@ceengineers.com • www.ceengineers.com Magna • New Hampshire • Vermont</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>DRAWN: DAD</td> <td>DESIGNED: PDD</td> <td>CHECKED: HEG</td> <td>APPROVED: JF</td> </tr> </table>	DATE	REVISION	DATE	REVISION	DATE	REVISION	NO.	DATE	REVISION	DRAWN: DAD	DESIGNED: PDD	CHECKED: HEG	APPROVED: JF
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SCALE: 1"=4'  
SCALE/VERT: 1"=10'  
DATE: 02/20/14  
DWN: J.E.P.

**S.H.I.P. BOAT LANDING  
AND RIVER WALK  
RTE. 103 AND YORK RIVER  
YORK, MAINE  
CROSS SECTIONS**

CITY: **TOWN OF YORK**  
186 YORK STREET  
YORK, MAINE 03909



**CONSULTING ENGINEERS** Inc.  
318 U.S. Route 1, Suite D • York, ME 03909  
(207) 363-0889 • Fax: (207) 363-2386  
cl@ce-engineers.com • www.ce-engineers.com  
Maine • New Hampshire • Vermont

#	DATE	REVISION
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NO.	DATE	REVISION
DAD		
DESIGNED:	PDD	CHECKED:
		MLC
APPROVED:		J.F.



November 10, 2014  
10-0804 S

## Natural Resources Protection Act Individual Permit Application

York River Public Access Improvements  
Town of York  
Route 103 and York River  
York, Maine

**PREPARED FOR:**

Town of York  
Dean Lessard, Public Works Director  
186 York Street  
York, ME 03909

**PREPARED BY:**

S. W. Cole Engineering, Inc.  
Aleita Burman, Senior Wetland Scientist  
37 Liberty Drive  
Bangor, ME 04401  
(207) 848-5714  
info@swcole.com



**S.W. COLE**  
ENGINEERING, INC.

- *Geotechnical Engineering*
- *Construction Materials Testing*
- *GeoEnvironmental Services*
- *Ecological Services*

[www.swcole.com](http://www.swcole.com)

# APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: <b>Town of York Attention: Dean Lessard, Director of Public Works</b>		5. Name of Agent: <b>CLD Consulting Engineers, Inc. Attention: JoAnn Fryer, P.E.</b>					
2. Applicant's Mailing Address: <b>186 York Street York, ME 03909</b>		6. Agent's Mailing Address: <b>316 U.S. 1 York, ME 03909</b>					
3. Applicant's Daytime Phone #: <b>(207) 363-1011</b>		7. Agent's Daytime Phone #: <b>(207) 363-0669</b>					
4. Applicant's Email Address (Required from either applicant or agent):		8. Agent's Email Address: <b>jlf@clidengineers.com</b>					
9. Location of Activity: (Nearest Road, Street, Rt.#) <b>U.S. Route 103 (Lilac Lane)</b>		10. Town: <b>York</b>	11. County: <b>York</b>				
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input checked="" type="checkbox"/> Wetland Special Significance <input checked="" type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: <b>York River (tidal)</b>				
	14. Amount of Impact: (Sq.Ft.)		Fill: <b>2892 sq. ft.</b> Dredging/Veg Removal/Other: <b>68 sq. ft. float shoes</b>				
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other: <b>Estuarine</b>	<b>FOR FRESHWATER WETLANDS</b>					
		<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;"><i>Tier 1</i></td> <td style="text-align: center; width: 33%;"><i>Tier 2</i></td> <td style="text-align: center; width: 33%;"><i>Tier 3</i></td> </tr> <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"/> &gt; 43,560 sq. ft. or  <input checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1                             </td> </tr> </table>		<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>	<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
<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>					
<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 checked="" type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1					
16. Brief Activity Description: <b>The project is to improve access to the York River. Improvements include installation of a ramp and float system with a kayak/canoe access, and construction of a new section of recreational trail to provide access to the float system and to remove the existing road crossing.</b>							
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> <u>N/A</u> square feet, or <input type="checkbox"/> _____ acres UTM Northing: <b>365987.75433</b> UTM Easting: <b>4777217.64757</b>					
18. Title, Right or Interest: <input type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input checked="" type="checkbox"/> written agreement							
19. Deed Reference Numbers: Book#: <b>N/A</b> Page: _____		20. Map and Lot Numbers: Map #: <b>N/A</b> Lot #: _____					
21. DEP Staff Previously Contacted: <b>Robert Green, Portland</b>		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 type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #: _____    Previous project manager: _____					
24. Written Notice of Violation?: <input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved: _____    25. Previous Wetland Alteration: <input type="checkbox"/> Yes (hist) <input checked="" type="checkbox"/> No					
26. Detailed Directions to the Project Site: <b>Site is along the western side of the northern reach of the U.S. Route 103 bridge over the York River. This location is &lt;1/8 mile south of the JCT Route 103 and Route 1A in York Harbor.</b>							
<b>TIER 1</b>		<b>TIER 2/3 AND INDIVIDUAL PERMITS</b>					
<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 (Attachment 1) that contains the information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input checked="" type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), 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"/> Description of Previously Mined Peatland, if required					
28. FEES Amount Enclosed: <b>\$463.00</b>							

**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: \_\_\_\_\_

**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.**

**(pink)**



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Paul R. LaPage  
GOVERNOR

David Bernhardt  
COMMISSIONER

February 18, 2014

Dean Lessard, Public Works Director  
Municipality of York  
186 York Street  
York, ME 03909-1314

**Subject:** Executed agreement, York River SHIP Project, WIN 018534.28

Dear Mr. Lessard:

Enclosed for the Municipality of York is the executed agreement for the above-referenced project, consisting of access improvements for small watercraft along the York River under the Small Harbor Improvement Program. MaineDOT's financial participation in this project is effective on the date last signed on the agreement – February 18, 2014 – not to exceed \$150,000.

As explained in Article 3.A, MaineDOT cannot begin to make reimbursement payments toward the State's portion of the project until we receive revenue from the sale of bonds previously approved by Maine voters. However, you may incur costs eligible for reimbursement from this date forward.

Now that the agreement is in place, please contact our project manager, Brian Keezer, to go over the proposed schedule and steps in the review/approval process. Going forward, York will need to obtain a separate authorization from MaineDOT before putting the project out to bid or starting construction.

As work progresses, all correspondence, invoices and questions should be directed to Brian:

**By mail:** Brian Keezer, Project Manager  
Multimodal Program, Bureau of Project Development  
Maine Department of Transportation  
16 State House Station  
Augusta, Maine 04333-0016

**By telephone:** (207) 624-3612 / 462-0697  
**By fax:** (207) 624-3401  
**By e-mail:** Brian.Keezer@maine.gov

MaineDOT looks forward to working with York to the successful completion of the project.

Sincerely,

Michael Laberge  
Local Projects Coordinator



<i>MaineDOT use only</i>	
TEDOCS #:	_____
CT #:	_____
CSN:	_____
PROGRAM: <i>Multimodal</i>	

**MAINE DEPARTMENT OF TRANSPORTATION**  
**Small Harbor Improvement Program Agreement**  
 With the  
**Municipality of York**  
 Regarding  
**Public Access Improvements along the York River**

Vendor Name: <u>Town of York</u>	Vendor Customer #: <u>YC1000097603</u>
Maximum State Contribution: <u>\$150,000.00</u>	Project WIN: <u>018534.28</u>
Project Type: <u>Locally Administered Project - SHIP</u>	Location: <u>York River, beside the Route 103 bridge</u>
Agreement Begin Date: <u>February 18, 2014</u>	Agreement End Date: <u>February 28, 2017</u>

This Agreement for a locally administered project is made between the Maine Department of Transportation, a Maine State Government agency headquartered at 24 Child Street in Augusta, Maine ("the MaineDOT"), and the Municipality of York, a municipal corporation and body politic with its primary offices located at 186 York Street in York, Maine ("the Municipality.")

WHEREAS, the Municipality was selected to receive financial support for the Project described herein through the Small Harbor Improvement Program (SHIP); and

WHEREAS, this Agreement establishes the requirements for the Project and sets forth the terms and conditions of the MaineDOT's funding to the Municipality.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto agree as follows:

**ARTICLE 1. PROJECT OVERVIEW**

- A. **SCOPE OF WORK:** Access improvements to the York River beside the Route 103 bridge, consisting of installation of a float system and landing area for small watercraft and a 300-foot bulkhead, to be performed by or for the Municipality and accepted by MaineDOT ("the Project.") Any change to this scope of work shall require MaineDOT's approval to be eligible for funding from MaineDOT.
- B. **FUNDING.** The estimated cost of the Project is Three Hundred Thousand Dollars (\$300,000) to be shared at the rates in Article 3. Project costs eligible for MaineDOT's financial participation shall not exceed this amount approval from MaineDOT.
- C. **ROLE OF MUNICIPALITY.** The Municipality shall take the lead in developing the Project and assign a qualified person to be responsible for the Project. This Local Project Administrator shall monitor all work performed under this Agreement and follow the procedures in the latest version of MaineDOT's *Local Project Administration Manual*.
- D. **ROLE OF MAINE DOT.** MaineDOT will assign a Project Manager to oversee the State's responsibilities and serve as MaineDOT's liaison with the Municipality. This person or his/her designee will have the authority to approve or deny reimbursement requests; review and require revision of plans and specifications; inspect, reject and stop work; and take all other action necessary to ensure proper performance of this Agreement.

## **ARTICLE 2. PROJECT DEVELOPMENT**

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- A. **PROJECT KICKOFF.** Upon receiving Authorization to Proceed from MaineDOT, the Local Project Administrator shall review with MaineDOT's Project Manager the scope of work, budget, schedule and state requirements. If requested, the Municipality shall provide an updated budget and schedule within a reasonable amount of time after the Project kickoff.
- B. **PROGRESS REPORTS.** The Municipality shall provide MaineDOT Project Manager with *monthly* progress reports for the duration of the Project.
- C. **CONSULTANT WORK.** The Municipality may contract for engineering services under this Agreement as necessary to develop the Project, provided that the Municipality uses qualifications-based selection and adheres to applicable sections of MaineDOT's *Consultant General Conditions*. No contract shall be awarded without the approval of MaineDOT.
- D. **DESIGN.** The Municipality or its consultant shall prepare all design plans, specifications, estimates and construction contract documents for the Project – in accordance with MaineDOT's standards and procedures. The Municipality shall submit all such design plans, specifications, estimates and contract documents to MaineDOT for review and approval before requesting authorization to advertise for construction bids for the Project.
- E. **PUBLIC PARTICIPATION.** The Municipality shall provide for public participation in the development of the Project and shall document for MaineDOT the process used.
- F. **PERMITS.** The Municipality shall obtain all approvals, permits and licenses necessary to construct the Project. If a federal permit is required, the Municipality shall notify MaineDOT to request signoff from the Maine Historic Preservation Commission with supporting documentation, as needed, from the Municipality.
- G. **UTILITIES.** If applicable, the Municipality shall be responsible for coordinating all matters regarding utilities, in accordance with MaineDOT's *Utility Accommodation Policy*.
- H. **RIGHT OF WAY.** All public land under the ownership and control of the parties hereto shall be made available for the Project without cost. Additionally, the Municipality shall acquire and furnish any private right-of-way needed to construct and maintain the Project. The Municipality shall certify in writing to MaineDOT that all such additional right-of-way has been acquired in accordance with Maine law and applicable policies used by MaineDOT for property acquisition.
- I. **ADVERTISE AND AWARD.** Upon approval by MaineDOT, the Municipality shall advertise for competitive bids and award a construction contract in accordance with the Project plans and specifications approved by MaineDOT, as follows:
1. The Municipality shall follow MaineDOT's procurement policy and procedures, unless MaineDOT otherwise approves in writing.
  2. The Municipality and MaineDOT may accept or reject any and all bids.
  3. The Municipality shall not award a contract without the approval of MaineDOT.
  4. Any construction contract shall specify that the work comply with the latest edition of MaineDOT's *Standard Specifications* (December 2002) and applicable special provisions.

5. After a contract is awarded, the **Municipality** shall hold a preconstruction meeting to coordinate the construction work with MaineDOT's Project Manager, the contractor, and any utilities and other parties involved in such construction.
- J. **FORCE ACCOUNT.** If the **Municipality** intends to seek reimbursement from MaineDOT for work performed with its municipal work force or materials furnished for the Project, the **Municipality** shall obtain MaineDOT's authorization to do so before starting work. If so authorized, the **Municipality** shall follow Sections K.1 through K.4 below.
- K. **CONSTRUCTION.** The **Municipality** shall administer a construction contract and provide the supervision, inspection and documentation necessary to ensure that the Project is completed to MaineDOT's satisfaction in accordance with the plans, specifications and provisions of the contract, as follows:
  1. The Local Project Administrator or qualified designee shall be responsible for the Project, at all times.
  2. The **Municipality** shall use procedures acceptable to MaineDOT to document the quantity and quality of all work performed under this Agreement. All documentation, including source documents used as the basis of payment for such work, shall be part of the Project record and retained as provided under Article 5.A.
  3. The **Municipality** shall provide for all materials testing required for the Project.
  4. Upon completion, the **Municipality** shall certify that the Project was constructed, quantities were measured and documented, and materials were tested in accordance with the plans, specifications and provisions of the construction contract, and in accordance with the policies and procedures approved by MaineDOT.
- L. **INSPECTION.** MaineDOT may inspect construction activities and related documentation – and may test any materials used – to ensure compliance with the provisions and specifications of the construction contract. Furthermore:
  1. MaineDOT may reject any work or materials not in such compliance;
  2. MaineDOT will inspect the completed Project to determine the acceptability of the work before paying any final claim for reimbursement; and
  3. MaineDOT reserves the right not to reimburse the **Municipality** for any work or materials not in compliance with the project specifications and provisions of the construction contract.
- M. **MAINTENANCE.** The **Municipality** shall operate and maintain the completed facility for its intended public purpose for **twenty (20) years** or its useful design life, whichever is longer. Maintenance shall consist of general upkeep and repairs necessitated by weather, age and public use – with the exception of the destruction of the facility caused by an Act of God.

### **ARTICLE 3. FINANCIAL PROVISIONS**

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- A. **MAINEDOT SHARE.** MaineDOT will reimburse the **Municipality** for Fifty Percent (50%) of all Project costs deemed eligible for MaineDOT's financial participation, not to exceed One Hundred Fifty Thousand Dollars (\$150,000.) *MaineDOT will be unable to make reimbursement toward the Project until the State of Maine sells bonds previously approved by Maine voters.*

B. **AUTHORIZATION.** The Municipality shall receive Authorization to Proceed from MaineDOT before making any expenditure eligible for reimbursement from MaineDOT. Costs incurred before the date of such Authorization shall be ineligible for funding from MaineDOT; such costs shall not be credited toward the local match.

C. **LOCAL SHARE.** The Municipality shall be responsible for Fifty Percent (50%) of Project expenditures deemed eligible for MaineDOT's financial participation, or an estimated One Hundred Fifty Thousand Dollars (\$150,000.) Additionally:

1. The Municipality shall be fully responsible for all costs deemed ineligible for reimbursement and all costs exceeding the maximum reimbursement under Article 3.A, unless otherwise approved in writing by MaineDOT.

D. **REIMBURSEMENT.** MaineDOT will reimburse the Municipality for the State's portion of eligible Project costs, as described in Article 3.A. The Municipality shall bill MaineDOT no more frequently than monthly for such costs, incurred when work is performed, goods and services are received, or a cash payment is made. Invoices will be subject to these conditions:

1. Claims shall be submitted on the Municipality's billhead and reference WIN 018534.28.

2. No claim for reimbursement will be approved for payment before May 1, 2014.

3. Each invoice must be accompanied by a progress report, as described in Article 2.B.

4. Each invoice shall contain an itemized account of expenditures consistent with the approved Project budget. Backup documentation and proof of payment made must accompany each invoice.

5. Each invoice must have an accumulative total and a breakdown of MaineDOT's and the Municipality's shares of total costs.

6. Each claim shall include a certification from the Municipality's Local Project Administrator that all amounts claimed are correct, due and not claimed previously, and that all applicable work was performed in accordance with the terms of this Agreement.

7. Any claim for less than one thousand dollars (\$1,000) shall be deferred until the next regular billing period in which at least one thousand dollars (\$1,000) is incurred or until a final invoice is submitted for reimbursement.

E. **REPAYMENT.** MaineDOT reserves the right to require repayment of reimbursements made if the Municipality takes any action without approval from MaineDOT resulting in the loss of eligibility for State funding – including but not limited to withdrawing from the Project, suspending or delaying work, or making acts of commission or omission. Furthermore:

1. MaineDOT shall have all of its rights of Set-Off to recover any payment to the Municipality for any activity that is subsequently deemed ineligible for State funding, including but not limited to withholding any money owed to the Municipality under this Agreement and any other agreement with MaineDOT or other State agency.

#### **ARTICLE 4. NON-APPROPRIATION**

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- A. Notwithstanding any other provision of this Agreement, MaineDOT shall be released from its obligation to make payment toward the Project – and will terminate this Agreement with a thirty (30) day notice to the Municipality – if any of the following occurs:
1. MaineDOT does not receive adequate funds to support this Project; or
  2. Funds otherwise programmed for this Project are de-appropriated; or
  3. MaineDOT does not receive the authority to expend funds programmed for this Project.

#### **ARTICLE 5. RECORDS, ACCESS & AUDIT**

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- A. Retention. Records are plans, reports, notes, papers or other tangible work arising from this Agreement. All such printed and electronic records prepared by or for the Municipality shall be retained for four (4) years from the date of MaineDOT's acceptance of the Municipality's final claim for reimbursement, except as otherwise provided below:
1. If any litigation, claim, negotiation, audit or other action involving such records has begun before the expiration of the four (4) year period, then all records shall be retained at least until all action and resolution of all issues arising from it are complete.
  2. All Project records shall be turned over to MaineDOT upon request following completion or termination of the Project.
- B. Access. The Municipality and any consultant or contractor working on its behalf shall allow authorized representatives of the State of Maine to inspect and audit Project documents. Copies of requested documents shall be furnished at no cost.
- C. Audit. Audits shall meet the "Generally Accepted Government Auditing Standards."

#### **ARTICLE 6: GENERAL PROVISIONS**

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- A. Independent Capacity. The Municipality, its employees, agents, representatives, consultants or contractors shall not act as officers, employees or agents of MaineDOT.
- B. Indemnification. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officials, employees, agents, consultants and contractors. Nothing herein shall waive any defense, immunity or limitation of liability available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et. seq.) or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Agreement.*
- C. Confidentiality. Information pertaining to right-of-way negotiations, property appraisals and engineering estimates of construction costs shall be kept confidential in accordance with State of Maine law (23 MRSA, Section 63.)
- D. Compliance. The Municipality shall assure that all work undertaken pursuant to this Agreement meets applicable state and local laws and regulations.

E. **Equal Employment Opportunity.** The Municipality shall meet applicable equal employment opportunity requirements as follows:

1. The Municipality shall not discriminate against any employee or applicant for employment *relating specifically to work under this Agreement* because of race, color, religious creed, sex, national origin, ancestry, age or physical handicap unless related to a bona fide occupational qualification. The Municipality shall take affirmative action to ensure that all such applicants are employed and that all such employees are treated regardless of their race, color, religious creed, sex, national origin, ancestry, age or physical handicap during any period of employment under this Agreement. Such action shall include, but not be limited to: employment, upgrading, demotions, transfers, recruitment, layoffs or terminations, rates of pay or other forms of compensation and selection for all forms of training and apprenticeships. The Municipality shall post prominently in places readily available to all employees and applicants for such employment under this Agreement notices setting forth the provisions of this paragraph.
2. In all solicitations or advertising for employees relating to work done under this Agreement, the Municipality shall state that all qualified applicants shall receive consideration for employment regardless of race, color, religious creed, sex, national origin, ancestry, age or physical handicap.
3. The Municipality shall send to each representative of any of its employees covered by a collective-bargaining agreement – or any other contract or understanding under which labor or services are to be furnished under this Agreement – a notice advising of the Municipality's commitment under this Article and shall post copies prominently in places readily available to all such employees and applicants for employment.
4. The Municipality shall include all of the foregoing equal employment opportunity provisions under this Article in any contract for services or work for the Project so that such provisions are binding upon each consultant – with the exception of any contract for the purchase of standard commercial supplies or raw materials. To the maximum extent feasible, the Municipality or any of its consultants shall list all suitable employment openings with the Maine Job Service. *This provision shall not apply to employment openings that the Municipality or any of its consultants propose to fill from within their own organization.*

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F. **Flow Down.** All contracts between the Municipality and any consultant, contractor or other third party shall contain or incorporate by reference all applicable provisions of this Agreement.

G. **No Assignment Without Approval.** The Municipality shall not assign this Agreement to a third party or otherwise dispose of this Agreement without MaineDOT's written consent. In no case shall any such action release the Municipality from liability under this Agreement.

## **ARTICLE 7. TERMINATION AND DEFAULT**

---

A. This Agreement may be terminated by mutual consent of the Parties hereto. Additionally, the MaineDOT reserves the right to terminate the payment provisions of this Agreement in the event of **default** by the Municipality, which is defined as any of the following:

1. Failure to complete the approved Scope of Work in Article 1.A by **June 30, 2015;**

2. Use of Project funds for a purpose other than what is authorized by this Agreement;
  3. Misrepresentation or falsification of any claim submitted for reimbursement;
  4. Failure to monitor adequately the quality of materials used and work performed by any consultant or contractor, resulting in significant errors, omissions or negligence;
  5. Breach of any material provisions of this Agreement.
- B. **MaineDOT** will notify the Municipality within five (5) days of learning of an event resulting in a claim of default. If the Municipality fails to take corrective action within fifteen (15) days of receiving such a notice of default, **MaineDOT** may terminate this Agreement upon written notice to the Municipality.
1. Upon receiving written notice of termination, the Municipality and all consultants and contractors associated with the Project shall cease work immediately – except for any work required to protect public health and safety – and turn over to **MaineDOT** all Project records and documentation within thirty (30) days of the effective date of such termination.
  2. In the event of termination for default by the Municipality, the Municipality's reimbursement shall be limited to payment for acceptable work or service accomplished under this Agreement until the effective date of such termination.
  3. If default occurs, **MaineDOT** reserves the right to recover from the Municipality all funds reimbursed for Project-related work, in accordance with Article 3.D. The Municipality shall forfeit all funds from **MaineDOT** remaining in the Project.

#### **ARTICLE 8. EXPIRATION**

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- A. All provisions of this Agreement – except for Article 2.M (maintenance), Article 5.A (records), Article 6.B (indemnification) and Article 6.C (confidentiality) – shall expire upon satisfactory completion of the terms of this Agreement or three (3) years from the final day of the month in which the undersigned **MaineDOT** representative executed this Agreement, whichever occurs first, unless otherwise modified in writing by the Municipality and **MaineDOT**.
- B. The provisions of Article 6.B and Article 6.C shall remain in full effect until terminated in writing by the Parties hereto or negated by law.

#### **ARTICLE 9. DEBARMENT**

---

- A. **Debarment.** By signing this Agreement, the Municipality certifies – to the best of its knowledge and belief – that it and its officers, employees, agents or representatives associated with the Project:
  1. Are not now debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State department or agency;
  2. Have not within a 3-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not now indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
  4. Have not within a 3-year period preceding this application/agreement had one or more public transactions (federal, state or local) terminated for cause or default.
- B. Where the Municipality is unable to certify to any of the statements in this certification, the Municipality shall attach an explanation to this Agreement.
- C. The Municipality agrees that it will not hire a consultant or contractor who is now debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal or state agency.

#### **ARTICLE 10. AGREEMENT APPROVAL**

The undersigned municipal representative assures that the Municipality's legislative body has approved the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds, and has further authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the Municipality and MaineDOT have executed this Agreement effective on the date last signed.

**Municipality of York**

**Maine Department of Transportation**

By: Robert G. Yandow  
 Robert G. Yandow, Town Manager

By: William A. Pulver  
 William A. Pulver, P.E., Director  
 Bureau of Project Development

Date: 2.10.14

Date: 2-18-14

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under my sole control.*

**APPENDIX A**

**MDEP Visual Evaluation Checklist**

**APPENDIX A: MDEP VISUAL EVALUATION  
FIELD SURVEY CHECKLIST**  
(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Town of York c/o Dean Lessard Phone: (207) 363-1011

Application Type: NRPA Individual

Activity Type: (brief activity description) York River Access Improvements – float system and rec trail reroute

Activity Location: Town: York County: York

GIS Coordinates, if known: LAT: 43.135733 LONG: -70.647770

Date of Survey: 08/29/2014 Observer: Aleita Burman, S.W.COLE Phone: (207) 848-5714

		Distance Between the Proposed Activity and Resource (in Miles)		
		0-¼	¼-1	1+
1. Would the activity be visible from:				
A. A National Natural Landmark or other outstanding natural feature?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<b>York Historic District</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. A National or State Park?	No	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<b>Yes: trail system</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<b>Yes: trail system along tidal river</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<b>Yes: York River</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?			<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**This project is to enhance access to the resource**

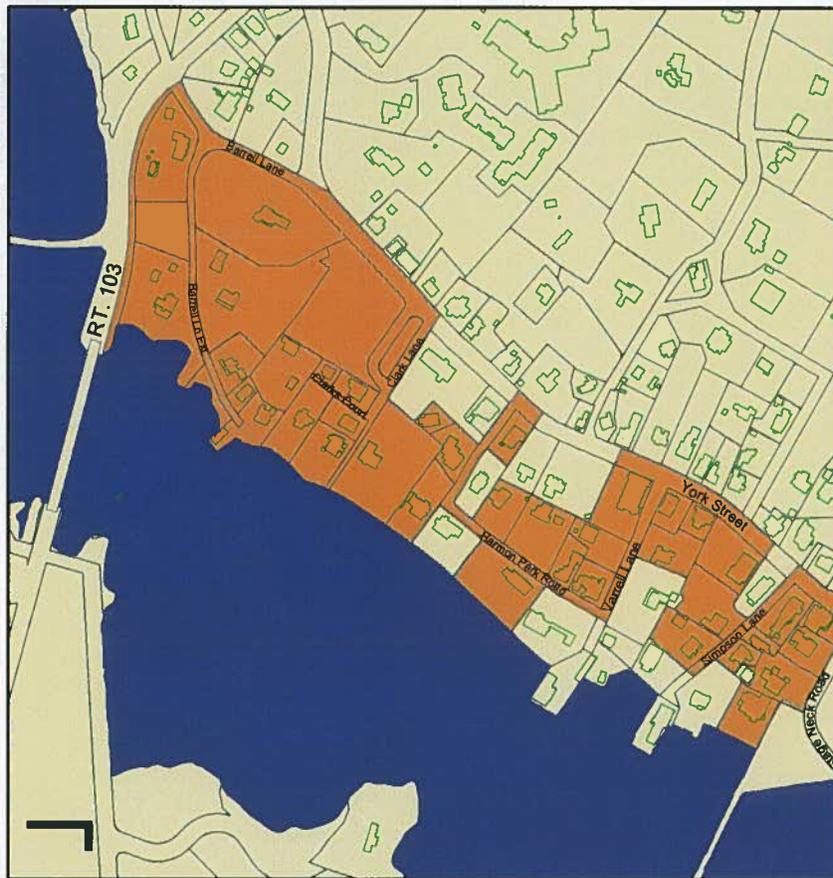
National Register of Historic Places – Accessed on-line November 10, 2014

14	Boon Island Light Station	 <a href="#">More images</a>	<b>March 14, 1988</b> (#88000153)	<b>Boon Island</b>  43°07'03"N 70°28'06"W
16	Brave Boat Harbor Farm	<a href="#">Upload image</a>	<b>October 30, 2007</b> (#07001153)	<b>110 Raynes Neck Rd.</b>  43°06'30"N 70°39'18"W
18	Isabella Breckinridge House	<a href="#">Upload image</a>	<b>April 28, 1983</b> (#83000480)	<b>201 U.S. Route 1</b>  43°08'27"N 70°41'18"W
22	Cape Neddick Light Station	 <a href="#">More images</a>	<b>April 16, 1985</b> (#85000844)	<b>Cape Neddick</b>  43°09'55"N 70°35'30"W
68	John Hancock Warehouse		<b>December 2, 1969</b> (#69000029)	<b>136 Lindsay Rd.</b>  43°08'12"N 70°39'28"W
108	McIntire Garrison House	 <a href="#">More images</a>	<b>November 24, 1968</b> (#68000017)	<b>280 Cider Hill Rd.</b>  43°10'05"N 70°42'49"W
110	Moody Homestead		<b>April 28, 1975</b> (#75000209)	<b>100 Ridge Rd.</b>  43°09'23"N 70°38'02"W

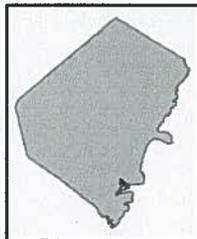
National Register of Historic Places – Accessed on-line November 10, 2014

<p>120 Old Schoolhouse</p>		<p>April 2, 1973 (#73000247)</p>	<p>3 Lindsay Rd. (on the Village Green)   43°08'38"N 70°39'13"W</p>
<p>122 Old York Gaol</p>	 <p> More images</p>	<p>November 24, 1968 (#68000016)</p>	<p>193 York St   43°08'38"N 70°39'10"W</p>
<p>138 Robert Rose Tavern</p>	<p>Upload image</p>	<p>October 10, 1975 (#75000206)</p>	<p>298 Long Sands Rd.   43°09'14"N 70°37'40"W</p>
<p>177 York Cliffs Historic District</p>		<p>July 26, 1984 (#84001560)</p>	<p>Agamenticus Ave.   43°11'31"N 70°35'56"W</p>
<p>178 York Historic District</p>		<p>July 16, 1973 (#73000249)</p>	<p>Roughly U.S. Route 1, U.S. Route 1A, State Route Woodbridge Rd.   43°08'18"N 70°39'03"W</p>

# York Zoning Ordinance: York Harbor Local Historic District



0 87.5 175 350 525 700  
Feet



Locus

- Buildings
- Parcels
- Water
- York Harbor Local Historic District

**Planning Department**  
**York, Maine**  
**September 16, 2003**



88000153	MAINE	York	Boon Island Light Station	Boon Island	19880314	DISTRICT
07001153	MAINE	York	Brave Boat Harbor Farm	110 Raynes Neck Rd.	20071030	DISTRICT
83000480	MAINE	York	Breckinridge, Isabella, House	Off U.S. 1	19830428	BUILDING
85000844	MAINE	York	Cape Neddick Light Station	Cape Neddick	19850416	BUILDING
69000029	MAINE	York	Hancock, John, Warehouse	Lindsay Rd.	19691202	BUILDING
68000017	MAINE	York	McIntire Garrison House	On ME 91 about 5 mi. W of York	19681124	BUILDING
75000209	MAINE	York	Moody Homestead	Ridge Rd.	19750428	BUILDING
73000247	MAINE	York	Old Schoolhouse	York St. (on the Village Green)	19730402	BUILDING
68000016	MAINE	York	Old York Gaol	4 Lindsey Rd.	19681124	BUILDING
75000206	MAINE	York	Rose, Robert, Tavern	Off Long Sands Rd.	19751010	BUILDING
84001560	MAINE	York	York Cliffs Historic District	Agamenticus Ave.	19840726	DISTRICT
73000249	MAINE	York	York Historic District	Roughly U.S. 1, U.S. 1A, ME 103 and Woodbridge Rd.	19730716	DISTRICT
92000279	MAINE	York	York Beach Conant-Sawyer Cottage	14 Kendall Rd.	19920326	BUILDING
93001111	MAINE	York	York Beach Hawkes Pharmacy	7 Main St.	19931014	BUILDING
93001110	MAINE	York	York Beach Pebbledene	99 Freeman St.	19931014	BUILDING
76000195	MAINE	York	York Corne Barrell Homestead	W of York Corner on Beech Ridge Rd.	19761212	BUILDING
76000192	MAINE	York	York Corne Sedgley, John, Homestead	N of York Corner on Chases Pond Rd.	19760102	BUILDING

**APPENDIX B**

**MDEP Coastal Wetland Characterization Checklist –  
See Attachment 9: Protected Natural Resources Report**

**APPENDIX C**

**MDEP Supplemental Information for Dredging – Not Applicable**

**APPENDIX D**

**MDEP Project Description for Docks, Piers, Wharves**

**Natural Resource Protection Act Application**  
**APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.**



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

---



**THIS IS AN APPLICATION FOR A.....**

- Commercial wharf  
If yes, indicate type of commercial activity: \_\_\_\_\_  
License number: \_\_\_\_\_  
Number of fishermen using this wharf: \_\_\_\_\_
- Public pier, dock or wharf
- Common or shared recreational pier, dock or wharf
- Private recreational pier, dock or wharf
- Expansion or modification of an existing structure
- Other, please indicate: \_\_\_\_\_



**TELL US ABOUT YOUR BOAT.... N/A**

My boat(s) requires a draft of \_\_\_\_\_ feet.  
My boat(s) is \_\_\_\_\_ feet long.



**TELL US ABOUT YOUR PROJECT SITE....** For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: **See Appendix B**

---



**SCENIC CONSIDERATIONS...**Please complete Appendix A of the NRPA application.  
**See Appendix A**



**WHAT FACILITIES ARE NEARBY?**

The nearest public boat launch is located in York approximately 0.2 miles from the project location.  
(town) (distance)

The nearest public, commercial, or private marina is located in York approximately 0.5 miles from the project location.  
(distance) (town)

- I have inquired about slip or mooring availability at the nearest marina or public facility. N/A



**ATTACHMENT 1**  
**Activity Description**

## **ATTACHMENT 1 - Activity Description**

### **1.1 Introduction**

This Maine Department of Environmental Protection (MDEP) Natural Resources Protection Act (NRPA) Individual Permit Application is submitted by the Town of York for the York River Access Improvements project. This Application is also to satisfy application to the U.S. Army Corps of Engineers (Corps).

This Application and Attachments were prepared by S. W. Cole Engineering, Inc. (S.W.COLE), the project natural resource consultants; CLD Consulting Engineers (CLD), project engineers, and the Town of York, the Applicant.

### **1.2 Activity Description**

The project is for improvement of public access to the York River. It includes installation of a new ramp and float system with a kayak/canoe launch float in the York River; and construction of a new section of, and re-routing, an existing recreational trail to facilitate the new kayak/canoe launch and to eliminate a road crossing of the trail.

There are approximately 1.5 miles of existing pedestrian recreational trail along the York River. A portion of the trail is currently located along the east side of Route 103 and crosses Route 103 on the north side of the bridge over the York River. The proposed project will re-route the trail to under the Route 103 bridge and along the west side of the road, removing the road crossing which has limited sight distance. The Maine Department of Transportation (MaineDOT) rebuilt the Route 103 bridge over the York River in about 2011, and at that time, constructed a portion of walkway under the bridge, however, it does not currently connect back to the main trail.

New walkway construction includes a bulkhead and walkway on top of the existing riprap that is along the west side of Route 103, which will connect the MaineDOT constructed walkway under the bridge to the existing causeway to Wiggly Bridge west of the current road crossing. The existing trail on the east side of Route 103 will serve as a connection point to the trail from existing parking spaces on the east side of Route 103, north of the bridge.

Along with the re-routing of the recreational trail, it is proposed to install a ramp and float system for kayak/canoe access to the York River. The ramp and float system will be west of the trail on the western side of Route 103, over the low intertidal zone.

The new bulkhead and walkway will be approximately 270 feet long by 8.5 feet wide by 11 feet high and located on top of the existing riprap that is along the west side of Route 103. The majority of the bulkhead and walkway will be located in upland, and the high and upper mid-intertidal zones on the existing riprap, with a small portion in mudflat covered by eroded gravel from the recreational trail.

The new float system will include a 20' long by 4' wide gangway from the walkway, three floats and a kayak/canoe launch port totaling up to 200 square feet. The gangway and floats will be placed seasonally, between approximately May and November of each year. The floats and launch will have "shoes" or "stops" affixed underneath to avoid undue disturbance of the mudflat substrate during low tide. Attachment 6 includes schematics of the proposed kayak/canoe launch port.

Proposed impacts from construction of the bulkhead and walkway include 2840 square feet of fill on top of existing riprap, 50 square feet of fill on top of mudflat that has been historically covered with eroded gravel from the recreational trail and Route 103, and 2 square feet for mooring piles for the float system, for a total of 2892 square feet of direct impact. Proposed impacts also include 68 square feet of disturbance due to the "shoes" on the bottom of the float system, which will touch the bottom periodically at low tide and is considered an indirect impact. The float system will be temporary, and shading from the float system is not considered an impact at this site due to lack of vegetated habitat below the floats.

The proposed project is within and adjacent to a Maine Department of Inland Fisheries and Wildlife identified Tidal Waterfowl/Wading Bird Habitat (TWWH), and adjacent to a softshell clam habitat. There are no alterations anticipated to the mudflat that contains the softshell clam habitat. Alterations to the TWWH are minimal as the walkway will be constructed along the side of U.S. Route 3 in an area of existing human activity, over existing riprap. The float system will be as close to the walkway and bridge as possible.



10-0804 W  
DRAFT November 10, 2014

**This location is within York Harbor, which is an active fishing, recreational and commercial harbor. Canoes and kayaks already access this area of the harbor from the Wiggly bridge and another York Harbor small boat access point across the river. The project is not anticipated to affect the TWWH or softshell clam habitat.**

**The project is funded through the Maine Department of Transportation's Small Harbor Improvement Program.**

**ATTACHMENT 2**

**Alternatives Analysis**

## **ATTACHMENT 2 - Alternatives Analysis**

### **2.1 Project Purpose and Need**

The purpose of the project is to improve public access to the York River by installing a float system with kayak/canoe launch in the York River, and re-configuring an existing recreational trail to provide access to the new launch and eliminate the existing road crossing of the recreational trail. The need for the project is to meet the Town of York's goals of providing improved public access to the York River.

According to the Small Harbor Improvement Program Application submitted to the Maine Department of Transportation (MaineDOT) by the Town of York in 2013 (Dean Lessard, 2013), *"The project is needed for our community because it will increase public access for kayakers and canoeists to the historic York River, provide an additional location for recreational/transient boater access to landmarks and nature reserves, as well as promote local business during the summer season."*

*The project promotes the following goals in the Town of York Comprehensive Plan effectively dated November 5<sup>th</sup>, 2013.*

- *Town Goal 3.2: To retain York's attraction as a family oriented seasonal resident and tourist community.*
- *Town Goal 7.1: Manage and maintain existing harbors to provide the greatest possible diversity of use.*
- *Town Goal 10.1: To provide and enhance recreational areas and opportunities for York's residents and property owners.*

*The project would provide an additional launch site for kayaks and canoes, with free public parking available promoting physical activity, as well as providing and improving convenient access for the general public, without the necessity for parking passes for spaces convenient to the only other harbor launch location.*

*The float system will provide another location for recreational/transient boaters to dock, and have direct access to walking trails that extend 1.5 miles along the York River, including the Fisherman's Walk and the Cliff Walk to the east, and the causeway to Wiggly Bridge and Steedman Woods to the west. This also allows convenient access to York*

*Harbor and York Village Shops, restaurants and attractions within walking distance, including the Historic Sayward Wheeler House and Harbor Beach, providing an economic benefit to those businesses.*

*Pedestrian safety would also increase by connecting Fisherman's Walk under the Route 103 Bridge directly to the Wiggly Bridge causeway; where currently pedestrians need to cross Route 103 via a crosswalk, which has limited site distance."*

The Application states that kayakers and canoeists, recreational boaters, transient boaters, recreational fishermen & clambers, tourists, residents/public/pedestrians, and local businesses are all anticipated to benefit from the proposed project.

## **2.2 Alternatives Analysis**

The Town of York considered the following alternatives to the project, as follows:

1. No Action
2. Alternative Site Selection
3. Alternative Project Designs

### **2.2.1 No Action**

No action does not support the goals of the Town of York, as stated in their 2013 Comprehensive Plan (see above). No action does not provide improved public access to the York River or improvements to the recreational trail system including elimination of a potentially unsafe crosswalk.

### **2.2.2 Alternative Site Selection**

No alternative sites were identified for the project. The proposed ramp and float system are located so as to be close to the existing free parking area and trail access along Route 103, minimizing kayak/canoe carry distance to the launch. The proposed project location provides a single "intermodal" public access point that connects the River, the recreational trail system, the road and York Harbor businesses.

The proposed trail construction and re-route were the only identified locations that satisfied the goal of access to the proposed float system and elimination of the Route 103 road crossing.

### **2.2.3 Alternative Project Designs**

**Ramp and Float System and Kayak/Canoe Launch** – The ramp and float system will be placed in the low intertidal zone to the west of the bridge and north (shoreward) of the bridge abutment that generally marks the northern side of the navigable channel. This location was chosen so as to not interfere with navigation in the River, and to be accessible during all but the lowest tide. The chosen location is closest to the public access parking spaces along the east side of Route 103, minimizing boat carrying, while maintaining most tide access. The ramp and float location west of Route 103 is seaward of a long intertidal flat and the causeway to Wiggly Bridge (which is part of the shoreline recreational trail), and the placement of the float here will not interfere with other uses. Placement of the float system east of the bridge would have put it in front of a residential property.

The ramp and float system, and kayak/canoe launch float, will be purchased from a manufacturer and were designed for safety, stability, durability and longevity. They are designed to be easily connected in various configurations based on the particular site and access needs. At 20 feet long, the ramp is the minimum length needed to extend from the walkway to the desired location of the float system, considering tides and placement beyond the bottom of riprap that is around the bridge. The Town and CLD Consulting Engineers have determined that three floats plus one kayak/canoe access port (which is also a float) are the minimum needed to facilitate projected use in the peak summer season. The floats are wide enough to facilitate hand-carrying of canoes and kayaks two ways, avoiding gridlock on the walkway or at the launch. It is projected that two small boats (15' or less) could tie up on the float system at any one time.

Two mooring piles will be permanently placed in the River for anchoring of the float system. The anchoring chains and floats will be temporary, or placed seasonally. The floats will have “shoes” or “stops” affixed underneath to avoid undue disturbance of the mudflat substrate during low tide. The area is relatively sheltered, minimizing disturbance

of the bottom from the floats. The bottom habitat under the floats is mud flat and not vegetated, minimizing shading concerns. The lower intertidal habitat at the base of the riprap slope is vegetated with rockweed, however, only the 4 foot wide ramp will be over this area, at minimal width. The U.S. Route 103 bridge shades this area already in the morning hours, and the ramp will rise and fall with the tides.

**Walkway** – Construction of the walkway on the western side of U.S. Route 103 is to remove a road crossing of the trail in an area of limited site distance, which is a potentially unsafe condition for pedestrians and people carrying boats. The extension of the walkway to the western side of U.S. Route 103 is the only option to remove the road crossing.

The walkway is designed primarily for pedestrian safety. To minimize alteration of the intertidal habitat, the walkway is designed over roadside riprap (placed in 2011) and previously degraded mudflat, avoiding natural habitats such as the mudflat that extends from the base of the riprap. The walkway will be constructed within a vertical bulkhead, minimizing fill extension and total amount of alteration. The width of the walkway is 8.5 feet, which is designed to accommodate maintenance and emergency vehicles, and will accommodate pedestrians passing each other in opposite directions. The walkway design minimizes wetland alteration by being as close to U.S. Route 103 and over upland, as much as is practicable.

### **2.3 Statement of Avoidance and Minimization**

The least environmentally damaging but practicable alternative that meets the project purpose and need is the current proposal. The project is designed to avoid and minimize alterations to the intertidal River habitat to the greatest extent practicable considering cost, existing technology and logistics based on the overall purpose of the project, as demonstrated above.

**ATTACHMENT 3**

**Refer to Attachment 5, Sheet 1 – Site Location Map**

**ATTACHMENT 4**

**Color Photographs**

**Refer also to Attachment 9 – Protected Natural Resources Report  
for Additional Photographs**



**Photo 1:** Looking east at existing recreational trail along York River, east of Route 103 bridge. This section of trail to remain. Photograph taken June 25, 2014.



**Photo 2:** Looking north at existing recreational trail along east side of Route 103. This trail is to remain as an access to the parking area on Route 103. Photo taken from near Route 103 bridge. Photograph taken June 25, 2014.



**Photo 3:** Looking southwest at existing recreational trail at Route 103 crossing, to be discontinued. Photograph taken June 25, 2014.



**Photo 4:** Looking west at existing recreational trail from Route 103 crossing. This section of trail to remain. Photograph taken June 25, 2014.



**Photo 5:** Looking west at existing trail leg constructed by MDOT in about 2011, under Route 103 bridge. This section of trail to remain. Photograph taken June 25, 2014.



**Photo 6:** Looking south at proposed new trail location along west side of Route 103. Photograph taken June 25, 2014.



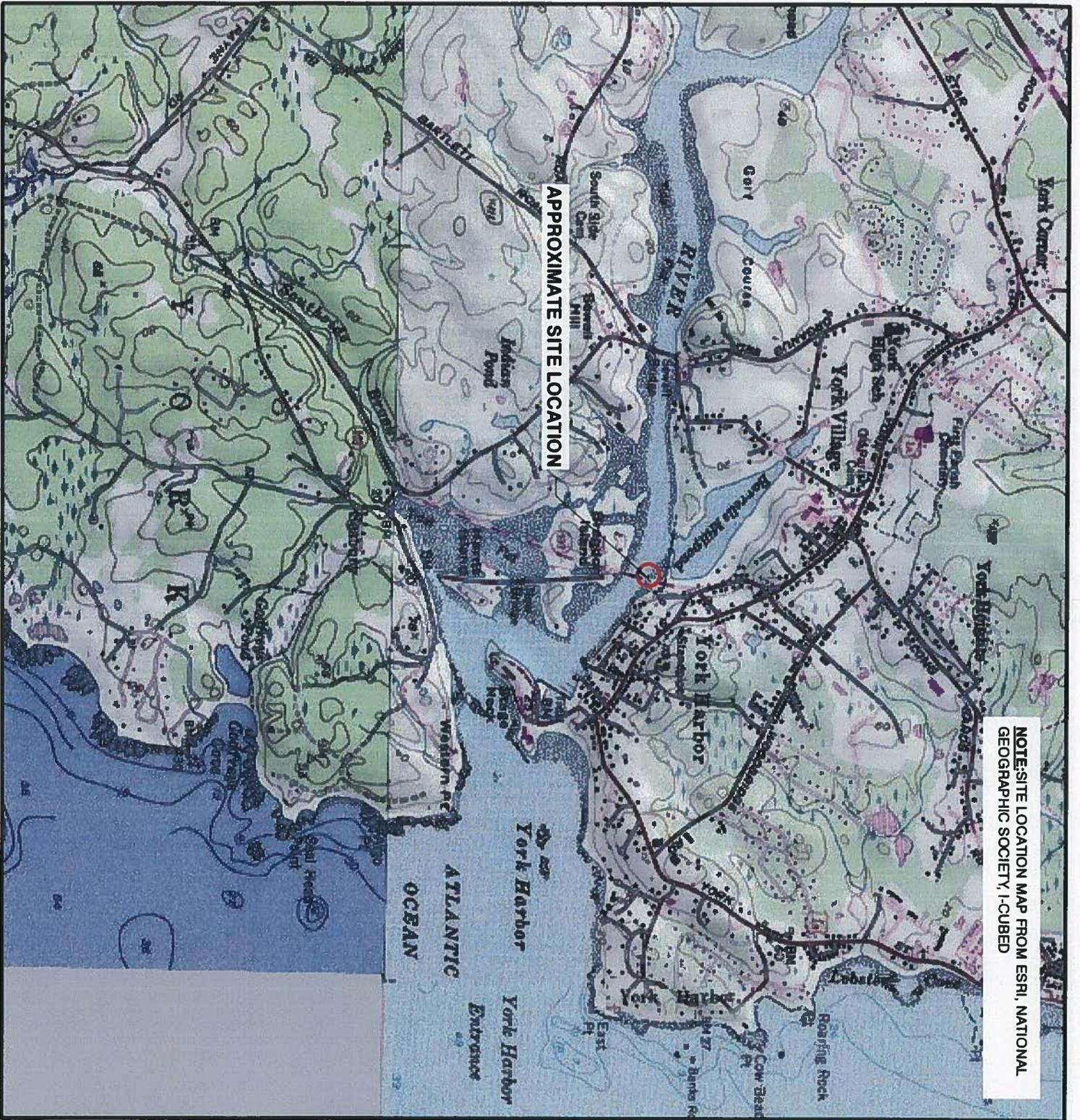
**Photo 7:** Looking east at proposed new trail location along west side of Route 103. Existing trail in left foreground of photo. Photograph taken June 25, 2014.



**Photo 8:** Looking west at area of proposed float system. Photo taken from end of existing trail leg that is under bridge. Photograph taken June 25, 2014.

**ATTACHMENT 5**

**Plans**



APPROXIMATE SITE LOCATION

NOTE: SITE LOCATION MAP FROM ESRI, NATIONAL GEOGRAPHIC SOCIETY I-CUBED

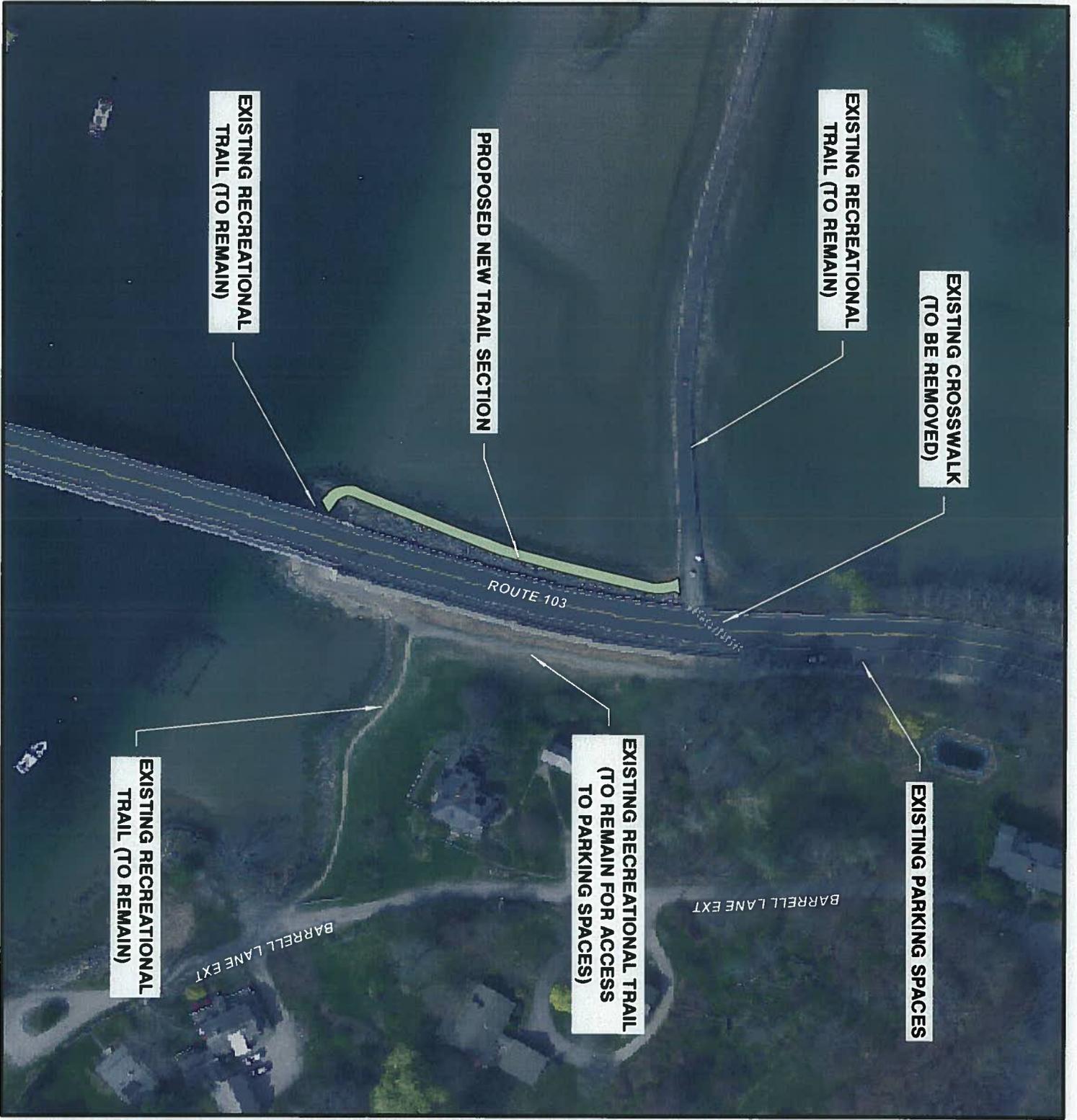
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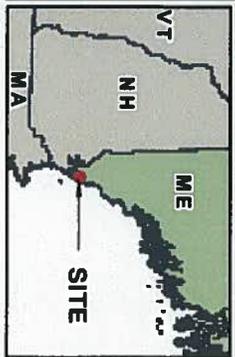
TOWN OF YORK

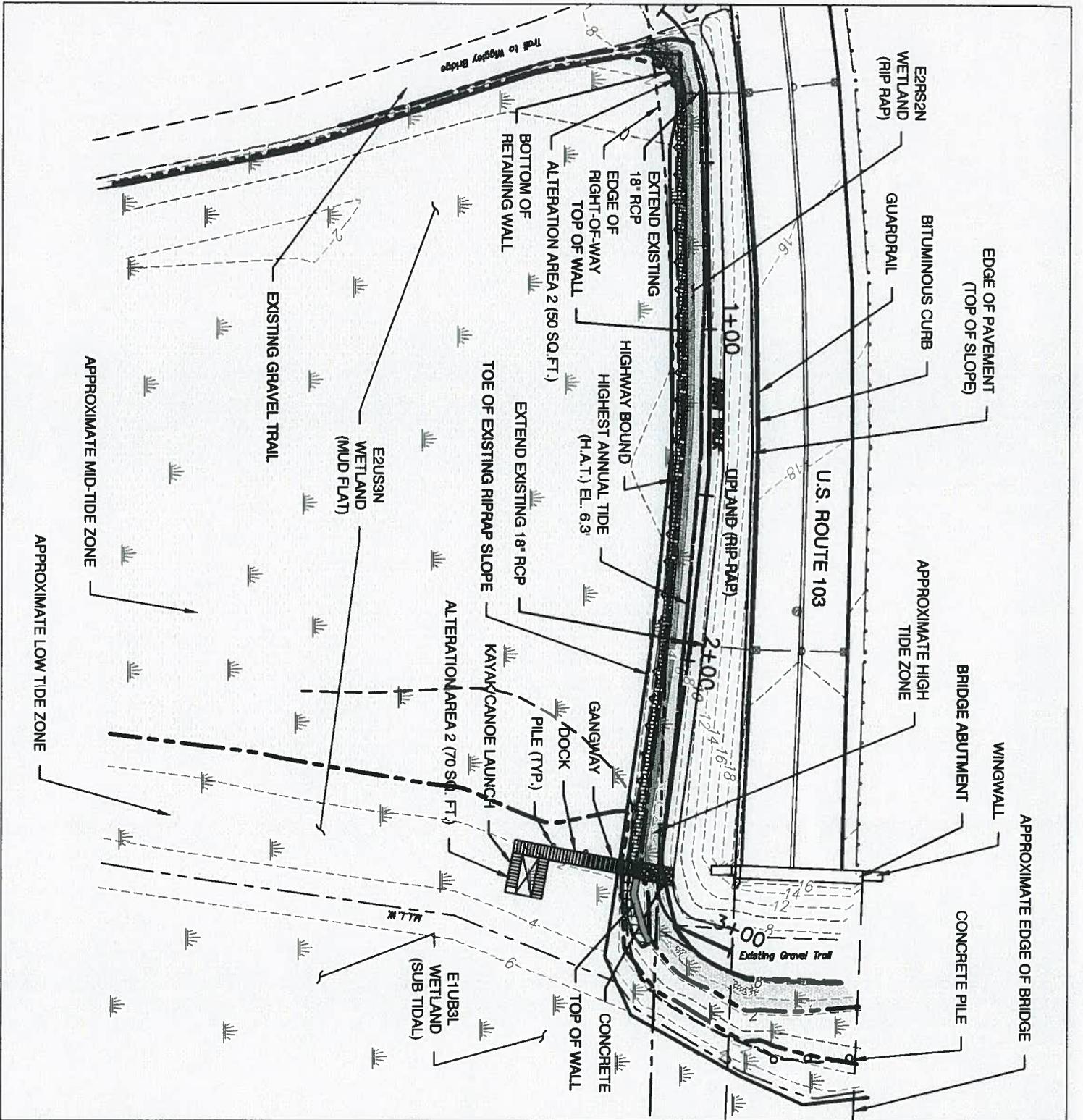
## SITE LOCATION MAP

YORK RIVER ACCESS IMPROVEMENTS  
ROUTE 103 AND YORK RIVER  
YORK, MAINE

www.swc.co.com  
Geotechnical Engineering  
Construction Materials Testing  
Environmental Services  
Ecological Services



TOWN OF YORK		 <b>SWICOLE</b> ENGINEERING, INC. <small>www.swicole.com</small> Geotechnical Engineering    Geoenvironmental Services Construction Materials Testing    Ecological Services
<b>PROPOSED TRAIL RE-ROUTE</b> YORK RIVER ACCESS IMPROVEMENTS ROUTE 103 AND YORK RIVER YORK, MAINE		
LOCUS		
		
		
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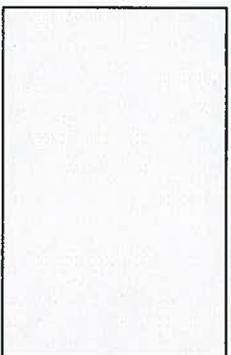


**S.W. COLE**  
ENGINEERING, INC.

Geotechnical Engineering  
Construction Materials Testing  
www.swcole.com  
Geotechnical Services  
Ecological Services

TOWN OF YORK  
WETLAND ALTERATION  
PLAN  
YORK RIVER ACCESS  
IMPROVEMENTS  
ROUTE 103 AND YORK RIVER  
YORK, MAINE

KEY MAP



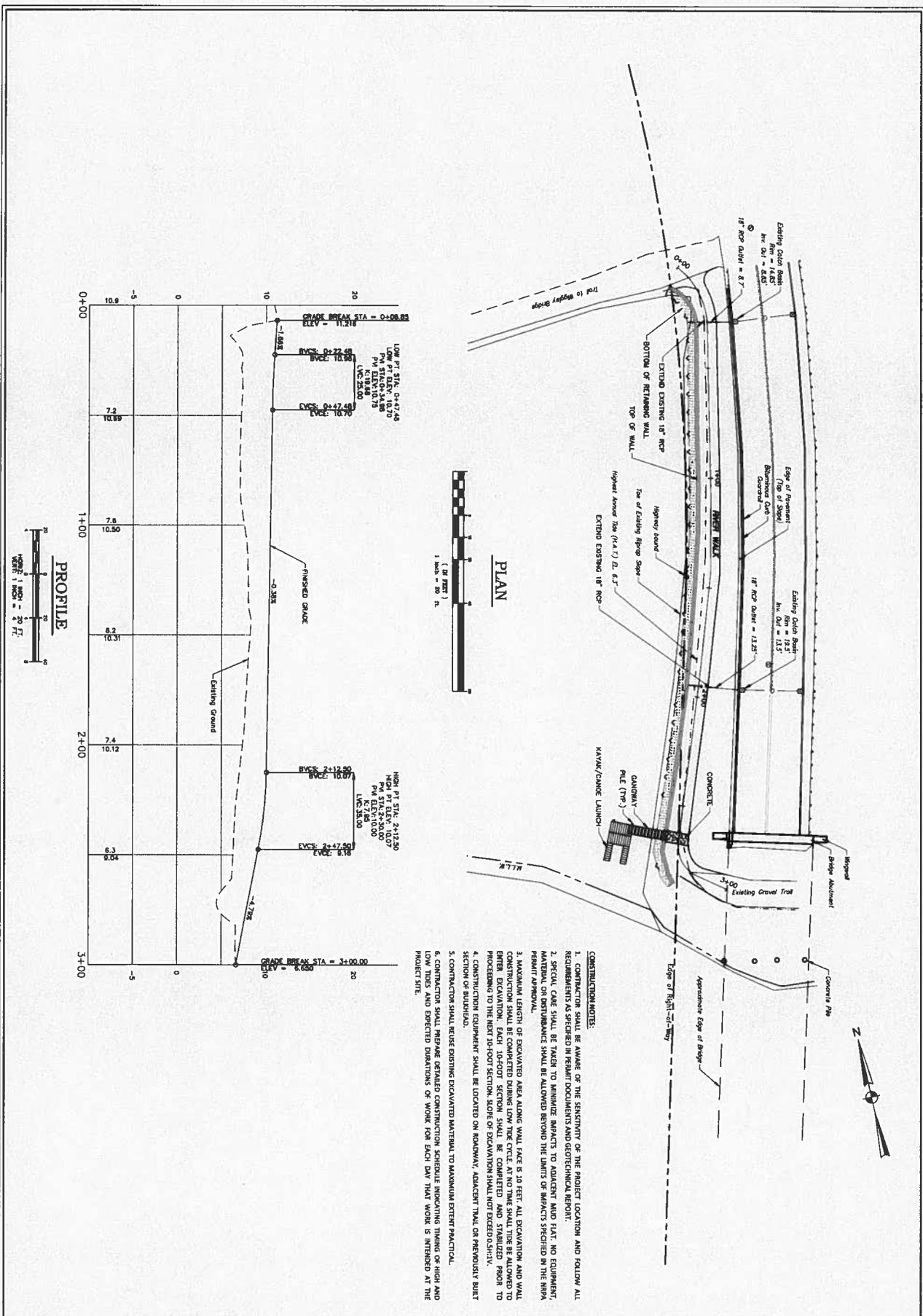
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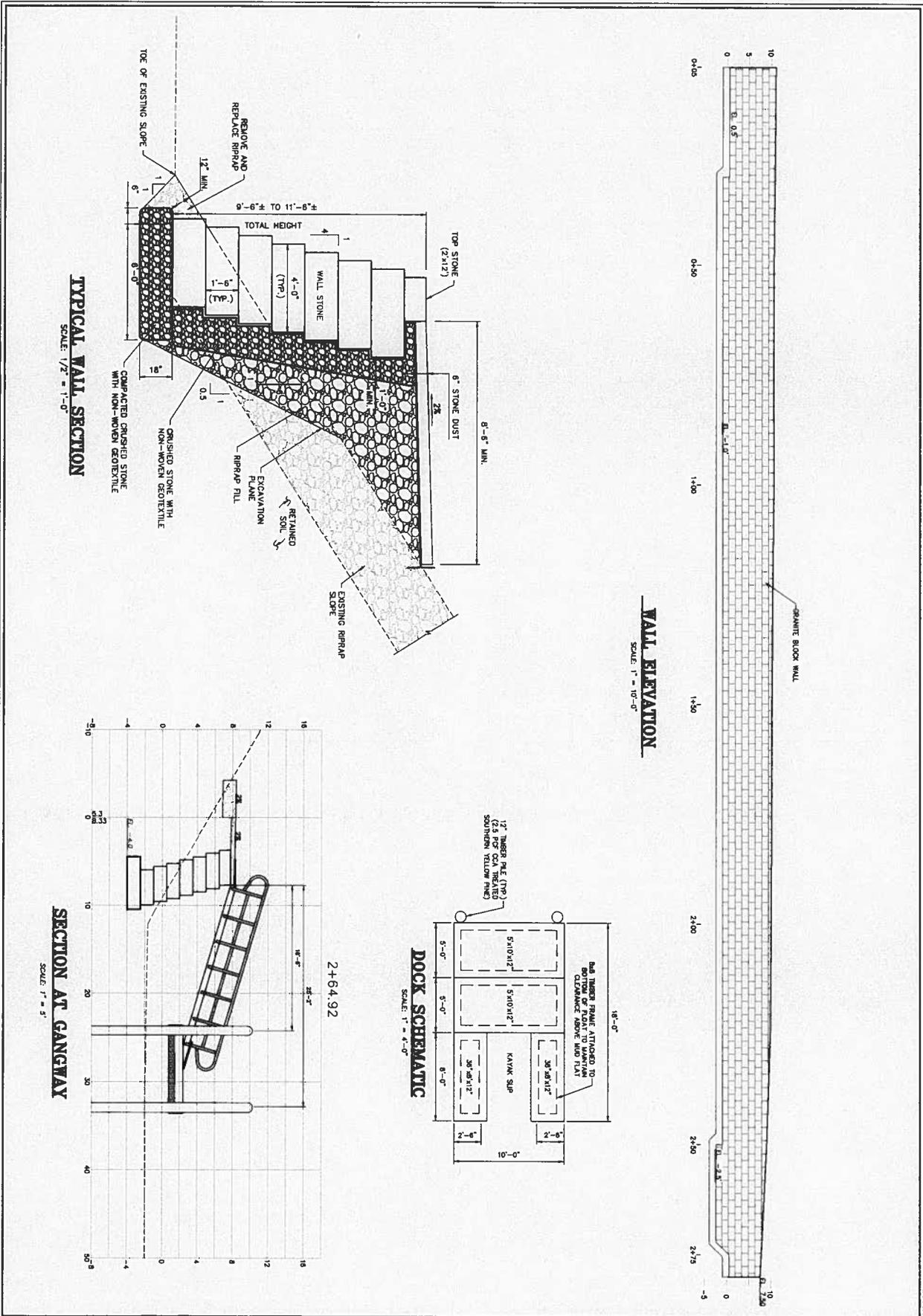
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- CONSTRUCTION NOTES:**
1. CONTRACTOR SHALL BE AWARE OF THE LOCATION OF THE PROJECT LOCATION AND FOLLOW ALL REQUIREMENTS AS SPECIFIED IN PERMIT DOCUMENTS AND GEOTECHNICAL REPORT.
  2. SPECIAL CARE SHALL BE TAKEN TO MINIMIZE IMPACTS TO ADJACENT ROAD THAT NO EQUIPMENT, MATERIALS OR EXCAVATION SHALL BE ALLOWED BEHIND THE LIMITS OF IMPACT SPECIFIED IN THE PERMIT APPROVAL.
  3. MAXIMUM LENGTH OF EXCAVATED AREA ALONG WALL FACE IS 10 FEET. ALL EXCAVATION AND WALL CONSTRUCTION SHALL BE COMPLETED DURING LOW TIDE CYCLE. NO OTHER SHALL BE ALLOWED TO ENTER EXCAVATION. EACH 10-FOOT SECTION SHALL BE COMPLETED AND STABILIZED PRIOR TO PROCEEDING TO THE NEXT 10-FOOT SECTION. SORE OF EXCAVATION SHALL NOT EXCEED 0.5:1 V:H.
  4. CONSTRUCTION EQUIPMENT SHALL BE LOCATED ON ROADWAY, ADJACENT TRAIL OR NEAREST SUITABLE SECTION OF SUBURBAN.
  5. CONTRACTOR SHALL REUSE EXISTING EXCAVATED MATERIAL TO MAXIMUM EXTENT PRACTICAL.
  6. CONTRACTOR SHALL REMOVE DETAINED CONSTRUCTION SCHEDULE INDICATING TRIMMING OF HIGH AND LOW TIDE AND SCHEDULED DURATION OF WORK FOR EACH DAY THAT WORK IS INTERRUPTED AT THE PROJECT SITE.

<b>SCALE</b> AS NOTED 1" = 40'-0" 1" = 20'-0" DATE: OCT 2014		<b>S.H.I.P. BOAT LANDING AND RIVER WALK</b> RTE. 103 AND YORK RIVER YORK, MAINE <b>PLAN &amp; PROFILE</b>		CLIENT: <b>TOWN OF YORK</b> 186 YORK STREET YORK, MAINE 03909		 Inc. 318 U.S. Route 1, Suite D • York, ME 03909 (207) 363-8889 • Fax: (207) 363-2384 club@clubeng.com www.clubeng.com Moha-New Hampshire-Vermont		<table border="1"> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td colspan="3">NO. DATE REVISION</td> </tr> <tr> <td>DRAWN:</td> <td>DESIGNED:</td> <td>CHECKED:</td> <td>APPROVED:</td> </tr> <tr> <td>DAD</td> <td>PEO</td> <td>MEC</td> <td>JL</td> </tr> </table>		#	DATE	REVISION	#	DATE	REVISION	#	DATE	REVISION	NO. DATE REVISION			DRAWN:	DESIGNED:	CHECKED:	APPROVED:	DAD	PEO	MEC	JL
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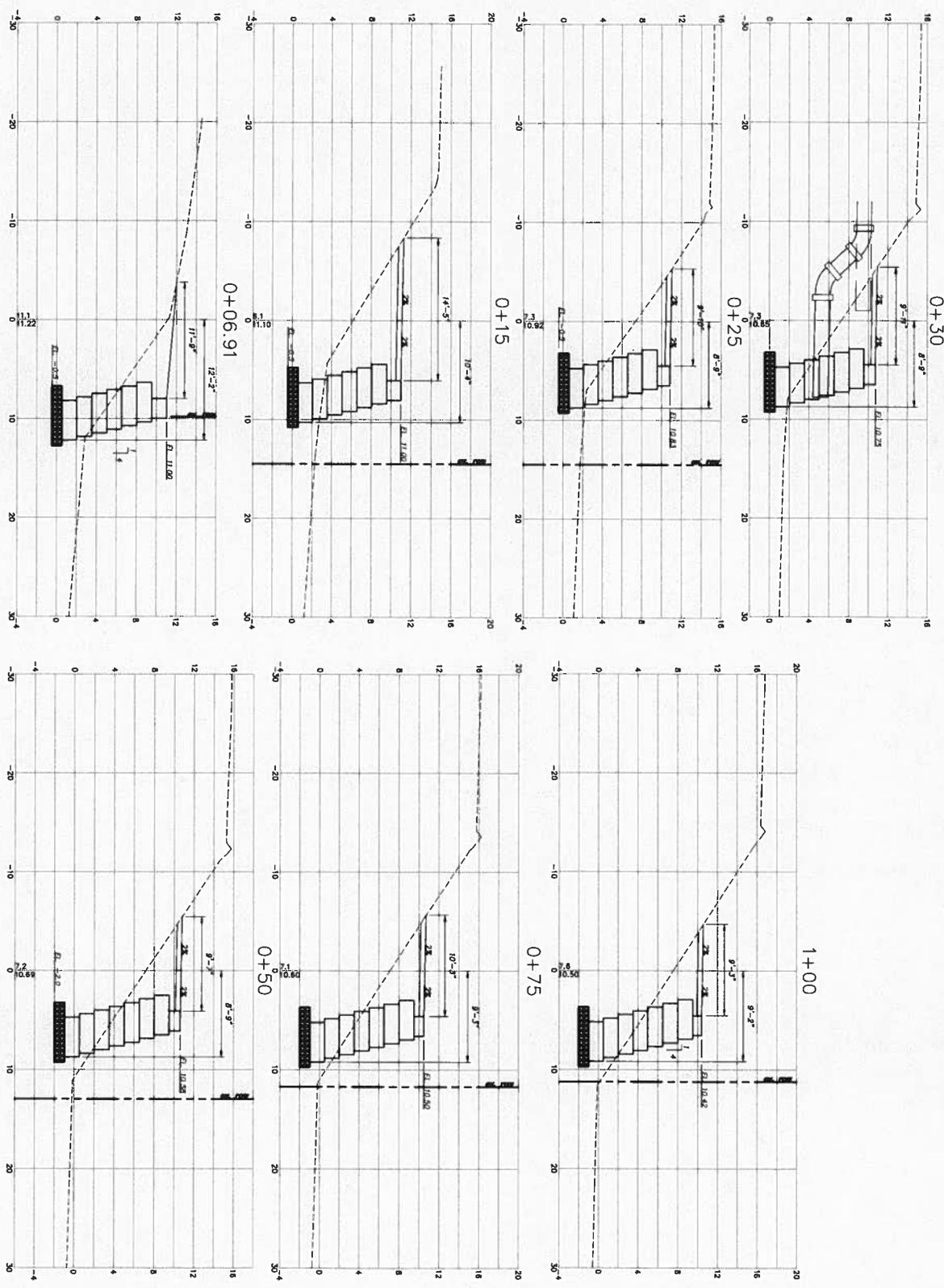
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**WALL ELEVATION**  
SCALE: 1" = 10'-0"

**DOCK SCHEMATIC**  
SCALE: 1" = 4'-0"

**SECTION AT GANGWAY**  
SCALE: 1" = 5'

SCALE: AS SHOWN DATE: OCT. 2014 DRAWN: J.C.L.	S.H.I.P. BOAT LANDING AND RIVER WALK RTE. 103 AND RIVER RIVER YORK, MAINE SECTIONS & WALL ELEVATION	TOWN OF YORK 186 YORK STREET YORK, MAINE 03909	<p>316 U.S. Route 1, Suite D - York, ME 03909          (207) 363-0888 • Fax: (207) 363-2164          cde@cdengineers.com • www.cdengineers.com          Mohr-Hew Hampshire-Vermont</p>	<table border="1"> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td>#</td> <td>DATE</td> <td>REVISION</td> </tr> </table>	#	DATE	REVISION	#	DATE	REVISION	#	DATE	REVISION	<table border="1"> <tr> <td>DRAWN:</td> <td>DESIGNED:</td> <td>CHECKED:</td> <td>APPROVED:</td> </tr> <tr> <td>DAD</td> <td>FD</td> <td>HE</td> <td>JF</td> </tr> </table>	DRAWN:	DESIGNED:	CHECKED:	APPROVED:	DAD	FD	HE	JF
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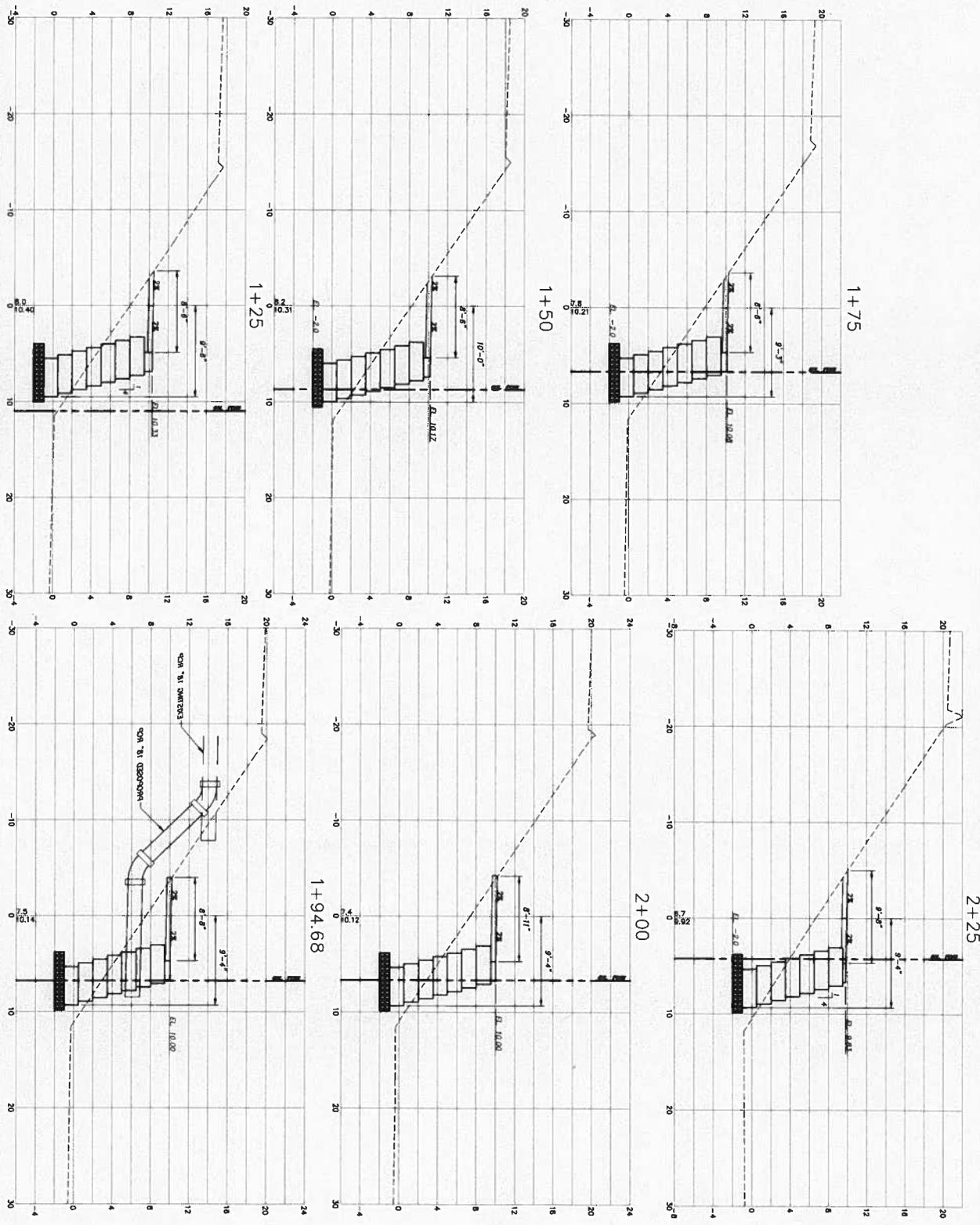
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**S.H.I.P. BOAT LANDING AND RIVER WALK**  
 RTE. 103 AND YORK RIVER  
 YORK, MAINE  
**TYPICAL SECTION & CROSS SECTIONS**

CLIENT: **TOWN OF YORK**  
 186 YORK STREET  
 YORK, MAINE 03909



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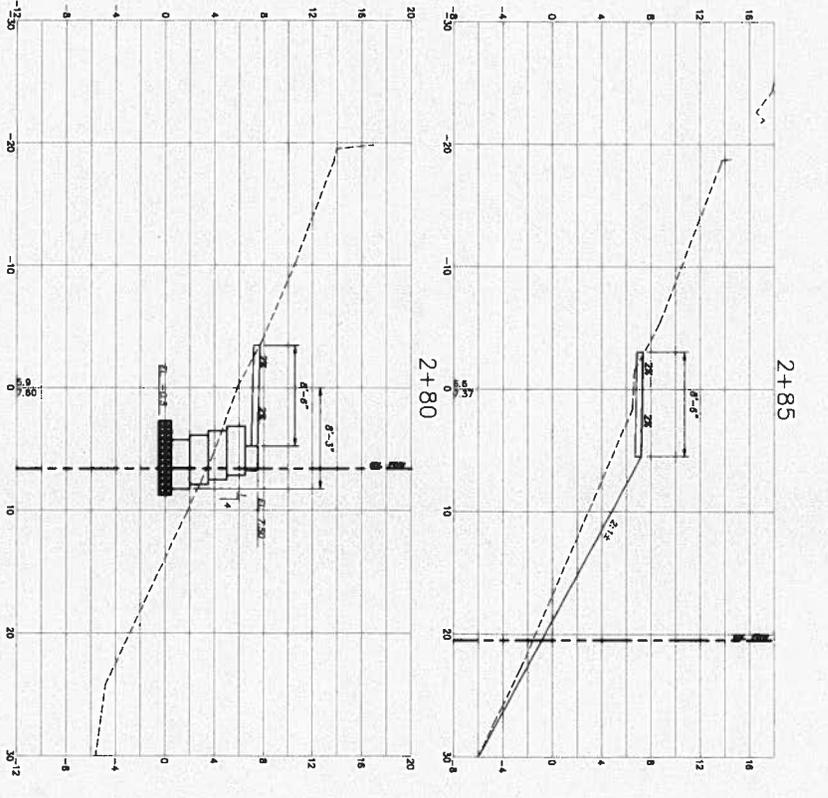
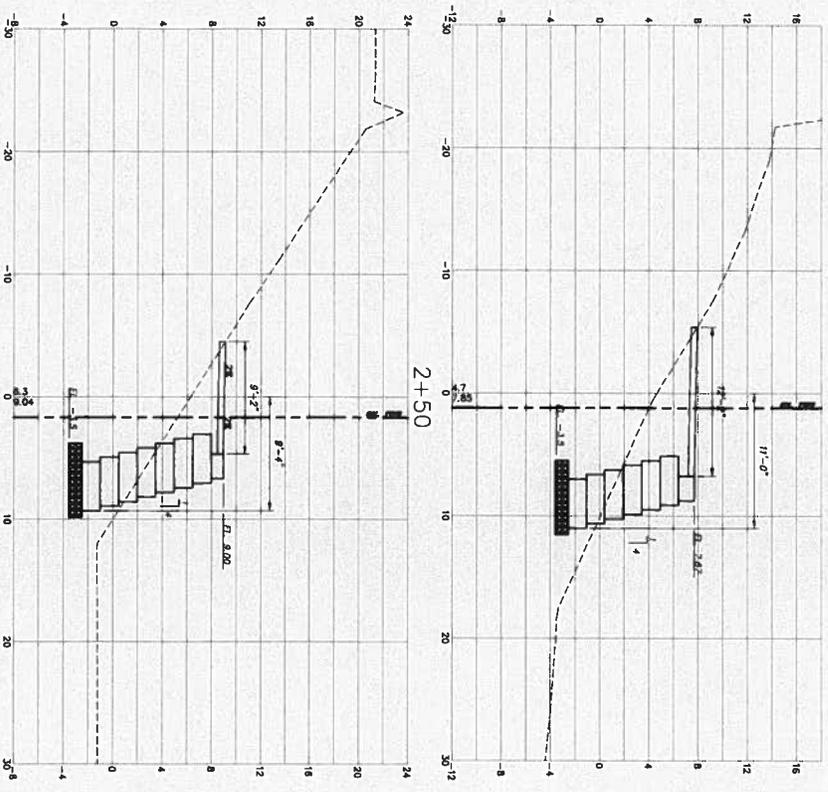
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 DWG: 5-7

**S.H.I.P. BOAT LANDING  
 AND RIVER WALK  
 RTE. 103 AND YORK RIVER  
 YORK, MAINE  
 CROSS SECTIONS**

**TOWN OF YORK**  
 188 YORK STREET  
 YORK, MAINE 03909



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2		DATE REVISION	PDD	MEG



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JOB NO.  
58  
DATE: 09/7/2014  
DWC

S.H.I.P. BOAT LANDING  
AND RIVER WALK  
RTE. 103 AND YORK STREET  
YORK, MAINE  
CROSS SECTIONS

CLIENT:  
TOWN OF YORK  
186 YORK STREET  
YORK, MAINE 03909



CONSULTING ENGINEERS Inc.  
318 U.S. Route 1, Suite D • York, ME 03909  
(207) 363-0818 • Fax: (207) 363-2384  
c@ceiengineers.com • www.ceiengineers.com  
Maine • New Hampshire • Vermont

NO.	DATE	REVISION	DRAWN:	DESIGNED:	CHECKED:	APPROVED:
1		REVISION	DAD	FED	RLG	JLF
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3		REVISION				

**ATTACHMENT 6**

**Additional Plans**

**Refer also to Attachment 9 – Protected Natural Resources Report  
for Additional Plans**

**ATTACHMENT 7**  
**Construction Plan**

## **Attachment 7 - Construction Plan (by CLD Consulting Engineers)**

### **Stage 1: Bulkhead Construction**

1. **Accessibility and equipment location:** The retaining wall will be constructed in 10-foot segments beginning at the north end adjacent to the trail to Wiggly Bridge, per requirements of the Geotechnical Report. Construction equipment will access the first segment from the adjacent travel lane of Route 103 and the existing trail to Wiggly Bridge. Subsequent sections will be constructed from the portions already constructed.
2. **Materials included:** For each 10-foot section of construction, the existing rip-rap slope will be removed and stored for reuse. Materials include fabric-wrapped crushed stone as the base and fill directly behind the wall, granite blocks for the retaining wall, and the existing riprap will be used as the remainder of fill behind the wall. The top surface of the trail will include compacted stone dust over a layer of fabric to prevent infiltration of fines. Precast concrete blocks may be substituted for granite blocks if cost becomes a factor.
3. **Timing:** The work for this stage will need to be timed during the tide cycle to allow for initial excavation while the tide level is below the mudflat, and the wall would progress up. It is anticipated that minimum progress would include one 10-foot section per day, for a maximum timing of 30 working days (six weeks). Work will need to be done in accordance with the timing restrictions of Army Corps (winter construction); therefore, some weeks will be excluded as the appropriate tide levels will not coincide with daylight for a period significant enough to do the work. In addition, weather may be a factor extending the construction period; therefore, recommended schedule is three months for bulkhead construction.

### **Stage 2: Gangway and Float System**

1. **Accessibility and equipment location:** The work will be accessed from the constructed bulkhead.
2. **Materials included:** Concrete Class A (MaineDOT Standard) will be used for the landing pad on the trail at the gangway location, with Type 2 concrete sealer

(MaineDOT Qualified Products List). Hot dipped galvanized steel hardware will be used for connections. Timber for the piles and framing will be 2.5 pcf cca treated southern yellow pine. Contractor's alternative for timber piles may be hot dipped galvanized steel helical anchors. Docking system will include aluminum or timber (0.6 pcf treated southern yellow pine) decking and support framing that is not submerged. Floats include plastic hulls with eps foam inside.

3. Timing: The work for pile installation will need to be timed during the low tide cycle, and installation of the float and docking system would need to be timed at mid-tide. Given timing restrictions, winter construction considerations as noted above, recommended schedule is one month for installation of dock and float system, as well as foundations and appurtenances for attachments.

**ATTACHMENT 8**  
**Erosion Control Plan**

**ATTACHMENT 8 -  
Erosion and Sedimentation Control Plan (by CLD Consulting Engineers)**

The proposed method of construction will significantly minimize the amount of earth disturbed at any one time, therefore, minimizing potential for soil erosion during construction. Contractor will be limited to excavation width of 10-feet maximum along the wall length, and it is anticipated that the site will be stabilized with permanent treatments between each subsequent 10-foot section excavation. Roadway pavement where catch basins are located is not proposed to be disturbed. Fill materials are proposed to be crushed stone and rip-rap, which reduces erosion potential for stockpiled materials. Given the construction procedures and limited space at the construction site, it is anticipated that stockpiled materials will be stored for less than one day. Construction equipment will operate on stabilized surfaces. The following erosion control measures are expected to be implemented:

1. A Continuous berm shall be staked along the mudflat adjacent to the excavation. Continuous berm details can be found in Maine Erosion and Sediment Control BMP under section B-1 Sediment Barriers. A detailed drawing is included on page 7, Section B-1-7. Coir Logs may be used as an equivalent erosion control substitute for a continuous berm. The berm can be removed following stabilization with riprap (permanent treatment – see typical section on plans).
2. Stockpiles (if any) shall be protected by coir logs at the toe, and downstream catch basins shall be protected by hay bales or dandy bags.

**ATTACHMENT 9**

**Protected Natural Resources Report**

# R E P O R T

November 10, 2014  
10-0804 S

## Protected Natural Resources Report

Town of York  
York River Access Improvements  
York, Maine

**PREPARED FOR:**

CLD Consulting Engineers  
JoAnn Fryer, P.E.  
316 U.S. Route 1, Suite D  
York, Maine 03909

**PREPARED BY:**

S. W. Cole Engineering, Inc.  
Aleita Burman, Senior Wetland Scientist  
37 Liberty Drive  
Bangor, ME 04401  
(207) 848-5714  
info@swcole.com



**S.W. COLE**  
ENGINEERING, INC.

- *Geotechnical Engineering*
- *Construction Materials Testing*
- *GeoEnvironmental Services*
- *Ecological Services*

[www.swcole.com](http://www.swcole.com)

## TABLE OF CONTENTS

1.0	INTRODUCTION .....	1
1.1	Scope of Work .....	1
1.2	Summary of Findings .....	2
1.3	Appendices .....	2
2.0	SITE LOCATION AND DESCRIPTION .....	2
3.0	PROTECTED NATURAL RESOURCE CLASSIFICATION AND DESCRIPTION .....	3
4.0	PUBLISHED MAPPING REVIEW .....	5
4.1	Published Mapping .....	5
4.2	Resource Agency Correspondence/Mapping .....	6
5.0	NATURAL RESOURCE REGULATIONS AND PERMITTING INFORMATION .....	7
5.1	Wetland Classification, Regulations and Permitting .....	7
5.2	Municipal Regulations and Permitting .....	7
6.0	FINDINGS AND RECOMMENDATIONS .....	8
7.0	CLOSING .....	9
	APPENDIX A - Limitations	
	APPENDIX B - Site Location Map/Protected Natural Resources Plan/ Published Habitat Map/Published Mapping	
	APPENDIX C - MDEP Appendix B: Coastal Wetland Characterization Color Photographs	
	APPENDIX D – Resource Agency Correspondence	

10-0804 S  
November 10, 2014

CLD Consulting Engineers  
Attention: JoAnn Fryer, P.E.  
316 U.S. Route 1, Suite D  
York, Maine 03909

Subject: Protected Natural Resources Report  
York River Access Improvements Project  
York, Maine

## 1.0 INTRODUCTION

### 1.1 Scope of Work

We are pleased to present this Protected Natural Resources Report for the proposed York River Access Improvements project in York, Maine (the "site"). The purpose of our services was to identify, document and classify Protected Natural Resources<sup>1</sup> in the area of a proposed bulkhead and shoreline pedestrian trail, and a proposed temporary float system, on the western side of the northern reach of the Route 103 (Lilac Lane) bridge over the York River (the "site").

CLD Consulting Engineers (CLD) provided the survey of the site which included location of the Maine Department of Environmental Protection (MDEP) Highest Annual Tide (HAT) line, which is the jurisdictional boundary for MDEP and U.S. Army Corps of Engineers (Corps) permitting. CLD also provided the project design.

This Report is to be submitted as Attachment 9 – Site Conditions Report in a MDEP Natural Resources Protection Act (NRPA) Individual Permit Application and Corps Category 2 Application for alterations within the intertidal zone of the York River.

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<sup>1</sup> State of Maine Department of Environmental Protection, Natural Resources Protection Act, Statute, 38 M.R.S.A. §§480-A to 480-BB, Revised 08/12/2010.

### **1.2 Summary of Findings**

We identified the intertidal zone of the York River as an estuarine wetland. The proposed bulkhead and recreational trail will be located on the existing riprapped Route 103 fill extension, and a small area of mudflat that is covered by gravel from an eroding recreational trail. The riprap is mostly devoid of vegetation and/or fauna, except at the base, which is rockweed covered. The proposed ramp and float system will be located over mudflat.

The Maine Department of Inland Fisheries and Wildlife (IF&W) has a mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) in the project area. According to the MDEP, the mudflat adjacent to the site is mapped as softshell clam habitat by the Maine Department of Marine Resources (MDMR). The US Fish and Wildlife Service has mapped the site area as within the range of the federally listed (candidate) New England Cottontail, however, the proposed project is on a steep riprapped sideslope between U.S. Route 103 and the ocean, which does not meet New England Cottontail Rabbit habitat requirements.

Wetlands identified on the site are classified by the MDEP as “Wetlands of Special Significance” due to the presence of the TWWH and coastal wetlands.

### **1.3 Appendices**

This report is subject to the Limitations attached in Appendix A. Appendix B contains a Site Location Map, a Protected Natural Resources Plan, a Published Habitat Map, and other published mapping. Appendix C contains an MDEP Appendix B: Coastal Wetland Characterization Checklist and color photographs. Appendix D contains state and federal natural resource agency correspondence.

## **2.0 SITE LOCATION AND DESCRIPTION**

The site is located on the western side of the northern reach of the Route 103 (Lilac Lane) bridge over the York River in York, Maine. A Site Location Map is attached in Appendix B as Sheet B-1.

York River, in the area of the site, is an easterly flowing, tidally influenced watercourse that exits into York Harbor and the Atlantic Ocean approximately ½ mile east of the site. In the area of the site, the York River has a semidiurnal tide with a maximum tidal height range of approximately 13 feet, and an average tidal height range of approximately 9 feet. "Barrells Millpond" empties into the York River to the west of the Route 103 bridge, through a cut in a causeway that has a recreational trail on it. The land along the shore of York River in the area of the site is residential, with a public recreational trail along the shore. The limit of our services was the location of the proposed bulkhead and recreational trail on top of existing riprap along the western side of the Route 103 bridge, and the location of the proposed temporary ramp and float system (with kayak/canoe launch float) to the west of the proposed trail. We understand the Route 103 bridge was reconstructed in about 2011, and included placement of the fill extension riprap.

### **3.0 PROTECTED NATURAL RESOURCE CLASSIFICATION AND DESCRIPTION**

We conducted a site visit on June 25, 2014 to identify field observable MDEP Protected Natural Resources. The MDEP Appendix B Coastal Wetland Characterization: Intertidal & Shallow Subtidal Field Checklist is attached in Appendix C. Our work was conducted between approximately 3:45 and 4:15PM. The published tide chart for June 25, 2014 indicated a low tide at 0.7 feet elevation at 4:49PM. We used the CLD survey as a base map for the Protected Natural Resources Plan attached in Appendix B-2.

We walked and observed the intertidal area over the riprap along the west side of the Route 103 bridge, where the bulkhead and recreational trail are proposed, and observed the intertidal area in the proposed location of the ramp and float system. The high, mid and most of the low intertidal habitat were drained of water at the time of our site visit, and the lowest intertidal and shallow subtidal areas were visible through shallow water. Beyond a narrow band of shallow subtidal area, the river bank appears to slope steeply to deep water. We did not walk in the mudflat habitat to the west of the bottom of riprap, to avoid disturbance of this habitat, and because it is not within the area of proposed alteration.

The Route 103 riprapped fill extension is steep, at an estimated 25% to 33% slope to the west. The intertidal flat to the west of the base of the riprap slope has an estimated 1%

to 5% slope to the south, from the causeway towards York River. Based on the fine sediments observed in the intertidal flat, the local landform, and it's location along a river, this area appears to be well protected from wind and wave energy.

The upland and high intertidal habitats were characterized by 1 to 2 foot diameter rock riprap with stone and gravel in the interstices. We observed minimal flora and fauna in this area. The upper mid intertidal habitat (base of the riprap slope) was also characterized by 1 to 2 foot diameter riprap with stone and gravel in the interstices, but with rockweed (*Ascophyllum nodosum*) cover. Periwinkles (*Littorina* sp.) were commonly observed in this habitat. Most of the mid intertidal and all of the low intertidal habitat was dominated by mudflat. In the mudflat at the base of the riprap slope, we observed rockweed covered rocks that appeared to have eroded into the mudflat from the riprap wall (the rocks may have eroded into the flat prior to the bridge rebuild in 2011). Periwinkles were commonly observed in this habitat. Based on Maine Department of Marine Resources mapping, the mudflat in the area of the site is a softshell clam (*Mya arenaria*) habitat. We observed many holes in the mudflat area that appear to be softshell clam syphon holes.

The proposed location of the bulkhead and recreational trail is in upland and in the high and upper mid intertidal zones on top of the existing riprapped Route 103 fill extension, with a small area over the mudflat that has been filled over time with gravel from recreational trail erosion. The proposed location of the ramp and float system is near the southernmost end of the proposed recreational trail, extending over the low intertidal zone of the York River, which is mudflat.

Using the Cowardin Classification system<sup>2</sup>, we classified the intertidal zone of York River, where it is riprapped, as man-made but closest to E2RS2N or estuarine, intertidal, rocky shore, rubble wetland with a regularly flooded tidal regime. We classified the intertidal zone, where it is not riprapped, as E2US3N or estuarine, intertidal, unconsolidated shore, mud wetland with a regularly flooded tidal water regime.

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<sup>2</sup> Cowardin, Lewis M., V. Carter, F.C. Golet, E.T. LaRoe, 1979, Classification of Wetlands & Deepwater Habitats of the U.S., U.S.D.I., Fish & Wildlife Service, Washington, D.C. Jamestown, ND: Northern Prairie Wildlife Research Center Home Page. <http://www.npwrc.usgs.gov/resource/1998/classwet/classwet.htm> (Version 04DEC98).

Using the Maine's Coastal Wetlands classification system<sup>3</sup>, we classified the intertidal zone of York River, where it is riprapped, as man-made but closest to a Boulder Beach intertidal habitat with Rockweed vegetated habitat in the lower portion of the riprap. We classified the low intertidal habitat as Mud Flat.

#### **4.0 PUBLISHED MAPPING REVIEW**

##### **4.1 Published Mapping**

We reviewed the USFWS National Wetland Inventory (NWI) Map, accessed on the USFWS website on June 19, 2014. The NWI Map shows the intertidal area of York River, where it is adjacent to the site, as E2US3N wetland or estuarine, intertidal, unconsolidated shore, mud wetland with a regularly flooded tidal water regime; and the subtidal area of York River as E1UB3L or estuarine, subtidal, unconsolidated bottom, mud wetland with a subtidal water regime.

We reviewed the USDA Natural Resources Conservation Service (NRCS) Soil Survey of the site, accessed on the USDA website on June 19, 2014. The NRCS maps York River as "W" or water. The land on either side of the River in the area of the site is mapped as Lyman-Rock Outcrop complex with 8 to 15% slopes. Lyman soils are shallow (10 to <20" over bedrock) somewhat excessively drained loamy glacial till soils. The Rock Outcrop map unit denotes areas of exposed bedrock.

We reviewed the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the Town of York, Maine, accessed on the FEMA website on June 19, 2014. FEMA maps York River as Zone AE or "*Special Flood Hazard Areas Inundated by 100-year flood*" with "*Base flood elevations determined*". FEMA maps the upland area along the River as being within Zone X or "*Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.*"

Copies of published mapping are included in Appendix B.

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<sup>3</sup> Ward, Alison E., 1999, Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions and Values. Maine Department of Environmental Protection, Augusta, ME. DEP LW 1999-13.

#### **4.2 Resource Agency Correspondence/Mapping**

We contacted the Maine Natural Areas Program (MNAP), Maine Department of Inland Fisheries and Wildlife (IF&W), Maine Department of Marine Resources (MDMR), and accessed the U.S. Fish and Wildlife Service (USFWS) IPaC database, regarding mapped threatened, endangered, significant, essential or rare species or habitats on or adjacent to the site. We reviewed National Marine Fisheries Service published mapping on-line.

A letter and map from IF&W dated June 16, 2014 states that their information "*indicates no locations of Endangered, Threatened or Special Concern species within the project area. Additionally, our Department has not mapped any Essential Habitats or fisheries habitats that would be directly affected by your project.*" The letter states that a Tidal Waterfowl and Wading Bird Habitat (TWWH), which is a Significant Wildlife Habitat, occurs within the project area.

According to a response letter from MNAP dated May 20, 2014, states that "*there are no rare botanical features documented specifically within the project area.*" The letter includes a database of MNAP listed species documented to occur in the vicinity of the Site.

We accessed the USFWS Information Planning and Consultation (IPaC) database on May 20, 2014 to determine if federally-listed species and/or habitats are mapped on the Site. According to the USFWS database, the project is within the range of mapped habitat of the New England Cottontail Rabbit (*Sylvilagus transitionalis*) which is a federally-listed (candidate) Endangered Species. If the project will require federal permitting, or use federal funding, the federal action agency will determine if further action or information is required regarding the New England Cottontail Rabbit habitat. The proposed project is on a steep riprapped sideslope between U.S. Route 103 and the ocean, which does not meet New England Cottontail Rabbit habitat requirements.

The MDMR referred us to their GIS mapping of the area, which is reflected on the Published Habitat Map attached in Appendix B. There are no Significant habitats mapped by MDMR on the site. According to the MDEP, softshell clam (*Mya arenaria*) are mapped by MDMR in the mudflat habitat adjacent to the site.

Copies of resource agency letters and mapping information are included in Appendix C.

## **5.0 NATURAL RESOURCE REGULATIONS AND PERMITTING INFORMATION**

### **5.1 Wetland Classification, Regulations and Permitting**

#### ***MDEP***

The MDEP uses two categories to classify wetlands for permitting purposes: "Wetlands of Special Significance" and "Wetlands Not of Special Significance." The estuarine, intertidal wetlands in which the project is located are classified as MDEP "Wetlands of Special Significance" due to their being classified as a coastal wetland, and being within the IF&W mapped Tidal Waterfowl and Wading Bird habitat.

Activities that alter "Wetlands of Special Significance" on this site require an MDEP Individual NRPA permit. Based on a pre-application meeting with Robert Green of the MDEP, we understand that a wetland functional assessment and compensation plan are likely not required for the project due to the alteration area being previously filled (roadside riprap).

#### ***Corps***

The York River is a navigable waterway and therefore is within Corps jurisdiction. Most projects that involve fill in a jurisdictional waterbody are permitted by the Corps through their General Permit process.

Based on a phone conversation with Rodney Howe of the Corps, we understand that a Corps Category 2 permit is required for the project, however, a compensation plan is not required due to the alteration area being previously filled (roadside riprap). Mr. Howe also related that the Corps would accept the MDEP NRPA application as an application for a Corps permit.

### **5.2 Municipal Regulations and Permitting**

We did not review Town of York ordinances for regulations or permitting guidance pertaining to natural resource alteration. We understand that CLD is conducting a review

of Town of York ordinances as they pertain to the proposed project, and will assess zoning and potential building restrictions specific to the proposed project.

## **6.0 FINDINGS AND RECOMMENDATIONS**

We identified the intertidal zone of the York River as an estuarine wetland. The proposed bulkhead and recreational trail will be located on the existing riprapped Route 103 fill extension, and a small area of mudflat that is covered by gravel from an eroding recreational trail. The riprap is mostly devoid of vegetation and/or fauna, except at the base, which is rockweed covered. The proposed ramp and float system will be located over mudflat.

The Maine Department of Inland Fisheries and Wildlife (IF&W) has a mapped Tidal Waterfowl and Wading Bird Habitat (TWWH) in the project area. According to the MDEP, the mudflat adjacent to the site is mapped as softshell clam habitat by the Maine Department of Marine Resources (MDMR). The US Fish and Wildlife Service has mapped the site area as within the range of the federally listed (candidate) New England Cottontail, however, the proposed project is on a steep riprapped sideslope between U.S. Route 103 and the ocean, which does not meet New England Cottontail Rabbit habitat requirements.

Wetlands identified on the site are classified by the MDEP as "Wetlands of Special Significance" due to the presence of the TWWH and coastal wetlands. A MDEP Individual Permit and a Corps Category 2 Permit are required for the project.



09-0428 W  
March 14, 2011

**7.0 CLOSING**

It has been a pleasure to be of assistance to you with this phase of your project. If you have any questions, or if we may be of further assistance, please do not hesitate to contact us.

Sincerely,

**S. W. COLE ENGINEERING, INC.**

A handwritten signature in black ink, appearing to read 'Aleita M. Burman', written in a cursive style.

Aleita M. Burman, Senior Wetland Scientist

AMB:amb



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> November 14, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Response to possible change in the Urban Compact Boundary	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> see discussion below.
<b>PROPOSED MOTION:</b> to be determined.

---

**Discussion:** As I mentioned to the Board at an earlier meeting, the Maine Department of Transportation is in the process of trying to change the boundary of the Urban Compact. This is the area of higher building density alongside State highways. It appears there is a good chance the State will turn over maintenance responsibilities for a sizeable portion of Route One to the Town as a result. While the Town may object, there is no clear process for this to occur and MDOT itself makes the final decision. The result would be a need for the Town to assume winter and summer maintenance of Route One from the Kittery line up to Cape Neddick Village. In terms of winter maintenance, this would call for 2 plow trucks and all associated costs. The State would pay the Town annually for this work, but not in an amount sufficient to cover all associated costs. There is an opportunity to seek a compromise, and that could be requesting the Town be given the MDOT maintenance facility on Route One as part of the transition. There is a 16-bay garage, a 3-bay garage, a small salt shed, and a fueling facility. This could be a substitute for the garage proposed at the new police station, and could allow

the Town to store many of its vehicles indoors for better maintenance. There's no guarantee this would be acceptable to the State, but the scenario is this – if we don't ask we won't get it.

This site is also located in the zone where wireless towers are permitted, so this acquisition would be a good option for enhancing the Town's communications system and possibly getting initial cost covered and generating long-term rent from commercial carriers.

I've asked Dean Lessard to discuss the overall issue at the meeting.

The Board has several options:

- take no action and see what happens;
- pursue the acquisition option
- reject the acquisition option
- fight the boundary change altogether

Prepared By:

A handwritten signature in black ink, appearing to be 'A. L. K.', written over a horizontal line.

Reviewed By:

\_\_\_\_\_



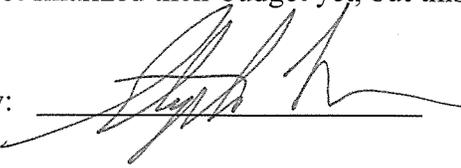
AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> November 14, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Board of Selectmen's FY16 Budget Request	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> I recommend the Board decide its budget request for FY16.
<b>PROPOSED MOTION:</b> I move to propose an FY16 operating budget request for the Board of Selectmen totaling \$26,400. This reflects an anticipated 5% increase in municipal dues for the Maine Municipal Association and level funding of all other line items.

**Discussion:** I have proposed the Board request \$26,400 for its annual operating budget. This is the same amount requested in FY15, plus an estimated 5% increase in the Town's annual dues to MMA. MMA has not finalized their budget yet, but this was the amount they recommended we include in our budget.

Prepared By: 

Reviewed By: \_\_\_\_\_



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> November 14, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> November 17, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Board of Selectmen's FY16 Requests for Policy Items	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Town Manager
<b>RECOMMENDATION:</b> see discussion below.
<b>PROPOSED MOTION:</b> No motion is necessary. I am simply looking for consensus on the list of items to be included in the FY16 budget request.

**Discussion:** There are a series of expenditures that I expect the Board of Selectmen will want brought forward as part of the FY16 budget and I want to be sure I'm not missing anything at this point. At this point I have not associated costs with each item.

1. Historic Markers maintenance
2. Grantor/grantee index
3. List of Town rights-of-way and landings
4. Re-roof and re-side the Blinn House
5. Revolving loan fund for septic system replacement
6. Cliff Walk legal fund
7. Veterans Graves and Ancient Burial Grounds (Parks & Rec has this covered)

Prepared By: \_\_\_\_\_

Reviewed By:  \_\_\_\_\_