



**Stantec**

May 1, 2013

Mr. Jay Clement  
U.S. Army Corps of Engineers  
Maine Project Office  
675 Western Ave #3  
Manchester, ME 04351

Mr. Bill Bullard  
Division of Land Resource Regulation  
Maine Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103

**Subject: Revised Vernal Pool Buffer and Wetland Restoration Plan  
York Police Station Project, York, Maine**

Dear Jay and Bill:

On behalf of the Town of York (Town), Stantec Consulting (Stantec) is providing the attached Revised Vernal Pool Buffer, Stormwater Buffers, and Wetland Restoration Plan associated with the York Police Station project (project). The restoration plan has been developed to address unpermitted impacts to wetlands, a vernal pool buffer, stormwater buffers, and mapped Shoreland Zone. The restoration plan follows the U.S. Army Corps of Engineers' (Corps) recommendations and requirements discussed at a site meeting on September 18, 2012, and outlined in an e-mail from Jay Clement to the Town and Stantec, on September 20, 2012. The plan also addresses the Maine Department of Environmental Protection (MDEP) and the Town's Planning Department requirements for restoration of stormwater buffers and mapped Shoreland Zone, respectively. Subsequent revisions to the plan have been made based on additional discussions with the Corps, MDEP, and the Town, as described below. In keeping with the requirements discussed with the agencies and the Town, we have included the following information in this cover letter: a discussion of the history of the unauthorized/non-compliant buffer and wetland alterations and an outline of the path and timetable for completing the restoration work. An alternatives analysis and a discussion of future development plans for the un-restored portion of the buffer, prepared by the Town, are provided as a separate attachment to this letter.

### **History of Unauthorized Impacts**

In June 2012, the contractor for the Town began clearing and preparing the project site for construction of the police station and associated access road. In August 2012, unauthorized impacts occurred at the project site, including impacts to one wetland, clearing within multiple stormwater buffers, and clearing and grubbing of the upland buffer surrounding a Corps-jurisdictional vernal pool. The activities also included impacts to the Town of York's mapped Mixed Use Shoreland Zone. The MDEP and the Corps were informed of the violations in mid-August 2012. On August 17, 2012, the Town issued a Corrective Order related to the unpermitted impacts and construction work on the project was halted soon after the violations were discovered. Stantec performed a site visit to the project area on August 21, 2012, to assess the scale of the impacts. During the site visit, Stantec located the edge of disturbance with a Global Positioning System (GPS) receiver and determined that an area approximately 2.75 acres in size was impacted.

On August 27, 2012, a meeting was held on-site that included representatives from the Town, PC Construction (the Town's construction contractor), Stantec, and SMRT (the Town's engineer), along with Bill Bullard from MDEP and Stephen Burns from the Town's Code Enforcement office. During the meeting, additional impacts to stormwater buffers at the west end of the road were also discussed. After this meeting, it was agreed that the Town would restore the impacted buffers and wetland areas. Stantec began preparing a restoration plan that included restoration of the wetland area, the stormwater buffers, and the impacts to the upland buffer surrounding the vernal pool. This plan was prepared to satisfy the requirements of MDEP, the Corps, and the Town. Stantec submitted a draft of this plan to the agencies and the Town on September 14, 2012.

On September 18, 2012, the Town arranged a meeting with Jay Clement from the Corps, along with Stantec and SMRT. Members of the Town's Code Enforcement office were unable to attend. At this meeting, the Town proposed restoring less of the 2.75-acre impacted area, as the Town was hoping to maintain a portion of the area for potential future uses. These future uses are discussed in the attached memo from York Town Manager Rob Yandow. The Corps agreed in principal to this plan, as confirmed in an email from Jay Clement on September 20, 2012. The Corps' approval was pending the submission of an alternatives analysis describing why the Town needed the impacted area and potential future uses. Stantec then began work on preparing a revised restoration plan based on this new approach.

On September 25, 2012, Stantec and SMRT received an email from Stephen Burns from the Town's Code Enforcement office stating that the revised plan did not rectify the Shoreland Zoning violations. Stantec and SMRT revised the plan to include the entire impacted portion of the mapped Mixed Use Shoreland Zone in the restoration area. This plan was further revised to the current design based on additional input from the Town regarding potential future uses of the cleared area. A conceptual restoration plan was presented as a draft to MDEP, the Corps, and the Town's Code Enforcement office on October 12, 2012, at which point the three entities agreed in principal to the design.

On October 29, 2012, Stantec submitted a revised restoration plan to the Corps and MDEP. Upon review of the plan, the Corps requested minor revisions to the plan, as detailed in an email from Jay Clement dated October 30, 2012. The email also requested that either the Town provide an enhanced alternatives analysis and description of proposed uses of the un-restored area, or increase the size of the buffer restoration. To address this request, the Town has prepared a description of proposed use of the un-restored area, along with an analysis of alternatives, which is attached to this letter.

### **Restoration Timetable**

Wetland Restoration: In late-November 2012, the Town completed the wetland restoration component of the larger buffer restoration effort. A description of the work performed, along with representative photographs, was provided to MDEP and the Corps in a letter from Stantec dated December 20, 2012. Completion of the wetland restoration work prior to formal acceptance of the attached restoration plan was approved by both MDEP and the Corps.

Vernal Pool Buffer and Stormwater/Shoreland Zone Buffer Restoration: Restoration of the vernal pool buffer and the stormwater/Shoreland Zone buffers will be initiated when construction activities are resumed at the police station site, which is dependent on approval of the project from the Town planning board. The restoration will begin with removal of the loam and rock piles from the primary buffer restoration area. Loam spreading, seeding, planting, and mulching will be performed immediately following removal of the rock and loam piles. Restoration activities are expected to be completed before the end of the 2013 growing season, pending planning board approval.

Please feel free to contact me if you have further questions or comments about the information in this letter or in the attached restoration plan.

Sincerely,

**STANTEC CONSULTING**

A handwritten signature in blue ink, appearing to read "Bryan Emerson".

Bryan Emerson  
Project Manager

Attachment: Vernal Pool Buffer, Stormwater Buffers, and Wetland Restoration Plan  
Memo from Rob Yandow: Proposal for Use in Un-Restored Buffer Area

Cc: Stephen Burns, Community Development Director, Town of York  
Rob Yandow, Town Manager, Town of York  
Andrew Johnston, SMRT  
David Lay, SMRT  
Doug Stewart, Stantec  
File 195600823