

Grange Engineering LLC

New Gloucester, Maine
Grange.Engineering.Me@gmail.com
207 712 6990

George Thebargue
Deer Creek Crossing
Final Approval Application- Comment Response

June 28, 2023

Town of Durham Planning Board,

In response to the peer review and recent round of comments, I have prepared the following letter and supporting documentation.

After the last meeting we received our permit from the Army Corps of Engineers regarding the sitework associated with the proposed subdivision, Deer Creek Crossing, in Durham. Changes associated with the DEP review included adding additional erosion control measures along the stream and classifying the wetland impacts per the Army Corps standards. The additional erosion control measures were the installation of coffer dams, although it is understood that the stream work will be done during the dry season and the stream should have minimal to no flow during the construction of the crossing.

Additional changes were requested to install an impervious barrier at the designed peak storage elevation. The design shows the liner extends to the Water Quality Volume. There was a remnant of a note and leader that may have caused some confusion. The note was cleaned up and the corrected plan is included in the attached plan set.

Thanks,

Charlie Burnham, P.E.
Project Engineer

Attachments:

A – Army Corp Permit
B – DEP Correspondence
C – Plan Set

ATTACHMENT A



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

June 22, 2023

Regulatory Division
File Number: NAE-2023-01131

Jack Doughty
231 Flying Point Road
Freeport, Maine 04032
Sent by email: jacktdoughty@gmail.com

Dear Mr. Doughty:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to place permanent fill in freshwater wetlands adjacent and below the ordinary high water mark of an unnamed tributary to Dyer Brook off Hallowell Road in Durham Maine, Maine in order to construct a thirteen-lot subdivision entitle "Deer Creek Crossing Subdivision". The project will result approximately 2,136sf. of permanent wetland impacts and approximately 350sf. of permanent and approximately 70sf. of temporary streambed impacts. The work is shown on the enclosed plans titled "Deer Creek Crossing, Durham, Maine", on six (6) sheets, and dated February 22,2023 and revised on June 5, 2023, respectively.

Based on the information that you have provided, we verify that the activity is authorized under General Permit # 8. Residential, Commercial and Institutional Developments, and Recreational Facilities and General Permit # 22. Stream and Wetland Work and Crossings of October 14, 2020, federal permits known as the Maine General Permits (GPs). The GPs are available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit>.

Please review the enclosed GPs carefully, in particular the general conditions beginning on page 5, and ensure that you and all personnel performing work authorized by the GPs are fully aware of and comply with its terms and conditions. Please pay particular attention to the following General Conditions 15(e), 18, 22, 23, 26, 29, 33, and 34:

You must perform this work in accordance with the following special condition(s):

1. This permit authorizes impacts to only those area of wetlands/waterways shown in attached plans. No other filling, clearing or other disturbance in waters of the United States shall occur without the necessary authorization from the Corps.
2. The permittee shall record this permit with the Registrar of Deeds or other

appropriate official charged with the responsibility for maintaining records of title to or interest in real property. A copy of this recording shall be sent to "U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, Maine 04330" within 30 days of the date it was recorded.

3. The buyers of lots in this subdivision shall be provided a copy of this permit and plans showing buildable window areas.
4. All construction activities at or below the ordinary high water mark (OHWM) shall only occur during periods of low flow and during the in-water construction window of July 15 to September 30 and in the dry. Work above the OHWM may occur outside the in-water work window. No unconfined fill or excavation in flowing waters is allowed. In-stream construction work shall be conducted "in-the-dry" under no-flow conditions or by using cofferdams, temporary flume pipes, culverts, etc. Downstream flows shall be maintained during in-stream construction. In event of a precipitation, all work shall cease until the site is stable and the potential for erosion is diminishable.
5. The permittee shall immediately notify the U.S. Army Corps of Engineers (USACE), Maine Historic Preservation Commission (MHPC), Tribal Historic Preservation Officers (THPOs) of Passamaquoddy Tribe of Indians (Pleasant Point Reservation and Indian Township Reservation), Houlton Band of Maliseet Indians, Penobscot Nation and Mi'kmag, of the discovery of any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by these permits, of what was found, and shall avoid construction activities that may affect the remains and artifacts until the required coordination has been completed.

Point of contacts: at USACE is Heather Stukas at (207)-623-8367 extension 8, or by email at heather.stukas@usace.army.mil; MHPC is Kirk F. Mohney at (207) 287-2132 or by email at MHPCprojectreview@maine.gov; THPO for Passamaquoddy Tribe of Indians (Pleasant Point Reservation and Indian Township Reservation) is Donald Soctomah at (207) 796-2301, or by email at soctomah@gmail.com; THPO for Houlton Band of Maliseet Indians is Isaac St. John by email at istjohn@maliseets.com; THPO for Penobscot Nation is Chris Sockalexis at (207) 817-7471, or by email at chris.sockalexis@penobscotnation.org; and THPO for Mi'kmag is John Dennis by email at jdennis@micmac-nsn.gov.

This authorization expires on October 14, 2025. You must commence or have under contract to commence the work authorized herein by October 14, 2025 and complete the work by October 14, 2026. If not, you must contact this office to determine the need

for further authorization and we recommend you contact us *before* the work authorized herein expires. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction as we must approve any changes before you undertake them. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with the special condition(s) provided above or all of the terms and conditions of the GPs may subject you to the enforcement provisions of our regulations.

This authorization does not obviate the need to obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining any other approvals.

We continually strive to improve our customer service. To better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Please contact Heather Stukas, of my staff at (207) 623-8367 ext. 8 or heather.s.stukas@usace.army.mil if you have any questions.

Sincerely,

For: Peter D. Olmstead
Chief, Maine Section
Regulatory Division

Enclosures

“Deer Creek Crossing, Durham, Maine”, on six (6) sheets, and dated February 22,2023 and revised on June 5, 2023, respectively

cc:

Charles Burnham, Agent, grange.engineering.me@gmail.com

Mike Marsh, U.S. EPA, Region 1, Boston, MA; marsh.mike@epa.gov

Dawn Hallowell, Maine DEP; dawn.hallowell@maine.gov

ATTACHMENT B



Charles Burnham <grange.engineering.me@gmail.com>

Portland-Durham-Jack Doughty- NRPA PBR

6 messages

Charles Burnham <grange.engineering.me@gmail.com>
To: DEP.PBRNotification@maine.gov

Mon, May 16, 2022 at 11:02 AM

Good Morning!

Attached is an application for a stream crossing in Durham, Maine.

Please don't hesitate to reach out if you have any questions or concerns.

Thanks,
Charles Burnham P.E.

2 attachments **NRPA Application.pdf**
8652K **NRPA Permit Reciept.pdf**
213K

Charles Burnham <grange.engineering.me@gmail.com>
To: DEP.PBRNotification@maine.gov


Sat, Jan 28, 2023 at 11:46 AM

Good Morning!

During the peer review it was noted the work adjacent to a natural resource box wasn't checked. There is an underdrained soil filter proposed that is just within the 75' setback. The filter was located within a previously disturbed area with the intention of minimizing any further disturbances. I have included an updated grading plan showing the setbacks.

If an additional fee is required for the revision please let me know.

Thanks,
Charlie Burnham P.E.
[Quoted text hidden]

2 attachments **Application Form.pdf**
416K **C-102.pdf**
1012K

DEP, PBR Notification <DEP.PBRNotification@maine.gov>
To: Charles Burnham <grange.engineering.me@gmail.com>
Cc: "Sivovlos, Alexis" <Alexis.Sivovlos@maine.gov>

Mon, Jan 30, 2023 at 11:29 AM

Hi Charlie,

I am including Alexis Sivovlos (441-3410) to answer your question. Alexis is the project manager for Durham.

Thank you, Alexis and Charlie,

Toby

From: Charles Burnham <grange.engineering.me@gmail.com>
Sent: Saturday, January 28, 2023 11:46 AM
To: DEP, PBR Notification <DEP.PBRNotification@maine.gov>
Subject: Re: Portland-Durham-Jack Doughty- NRPA PBR

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Sivovlos, Alexis <Alexis.Sivovlos@maine.gov> Mon, Jan 30, 2023 at 11:32 AM
To: "DEP, PBR Notification" <DEP.PBRNotification@maine.gov>, Charles Burnham <grange.engineering.me@gmail.com>

No additional fee required, I will update the existing PBR to reflect the underdrain soil filter.

Thank you,

Alexis Sivovlos

Environmental Specialist III, Bureau of Land Resources

Maine Department of Environmental Protection

Southern Maine Regional Office

www.maine.gov/dep

[Quoted text hidden]

DEP, PBR Notification <DEP.PBRNotification@maine.gov> Mon, Jan 30, 2023 at 11:37 AM
To: "Sivovlos, Alexis" <Alexis.Sivovlos@maine.gov>, "DEP, PBR Notification" <DEP.PBRNotification@maine.gov>, Charles Burnham <grange.engineering.me@gmail.com>

Thanks so much, Alexis.

[Quoted text hidden]

Charles Burnham <grange.engineering.me@gmail.com> Mon, Feb 6, 2023 at 12:39 PM
To: "Sivovlos, Alexis" <Alexis.Sivovlos@maine.gov>

Appreciate your help Alexis!

Thanks,
Charlie Burnham

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ATTACHMENT C