

STATE OF MAINE
Memorandum

Date: August 16, 2016

To: Cassandra Chase, FHWA
From: Megan M. Hopkin, Maine DOT/ENV
Subject: Section 4(f) de minimis documentation for approval
Project: Biddeford-Saco 20544.00
Scope: traffic signal upgrades and improvements.

I have enclosed the Section 4(f) de minimis documentation for the US Route 1 traffic signal project. The project is locally administered. Please review and make finding in accordance with the December 2007 partnering agreement.

Please contact me at megan.m.hopkin@maine.gov or 592-3486 if you have any questions. Thank you.

cc: CPD e-file
enc: Supporting information

Biddeford Saco 20544.00 Traffic Signal Upgrades Project

De minimis Summary

Purpose and Need

The proposed project is upgrades and interconnection of signalized intersections along Route 1 (a.k.a Main Street in Saco and Elm Street in Biddeford) from Ross Road in Saco to South Street in Biddeford. In order to allow the traffic light control cabinets to be maintained at the current location at the intersection of Elm, Maine and Beach Streets, signal system easements will be needed on the City of Saco property.

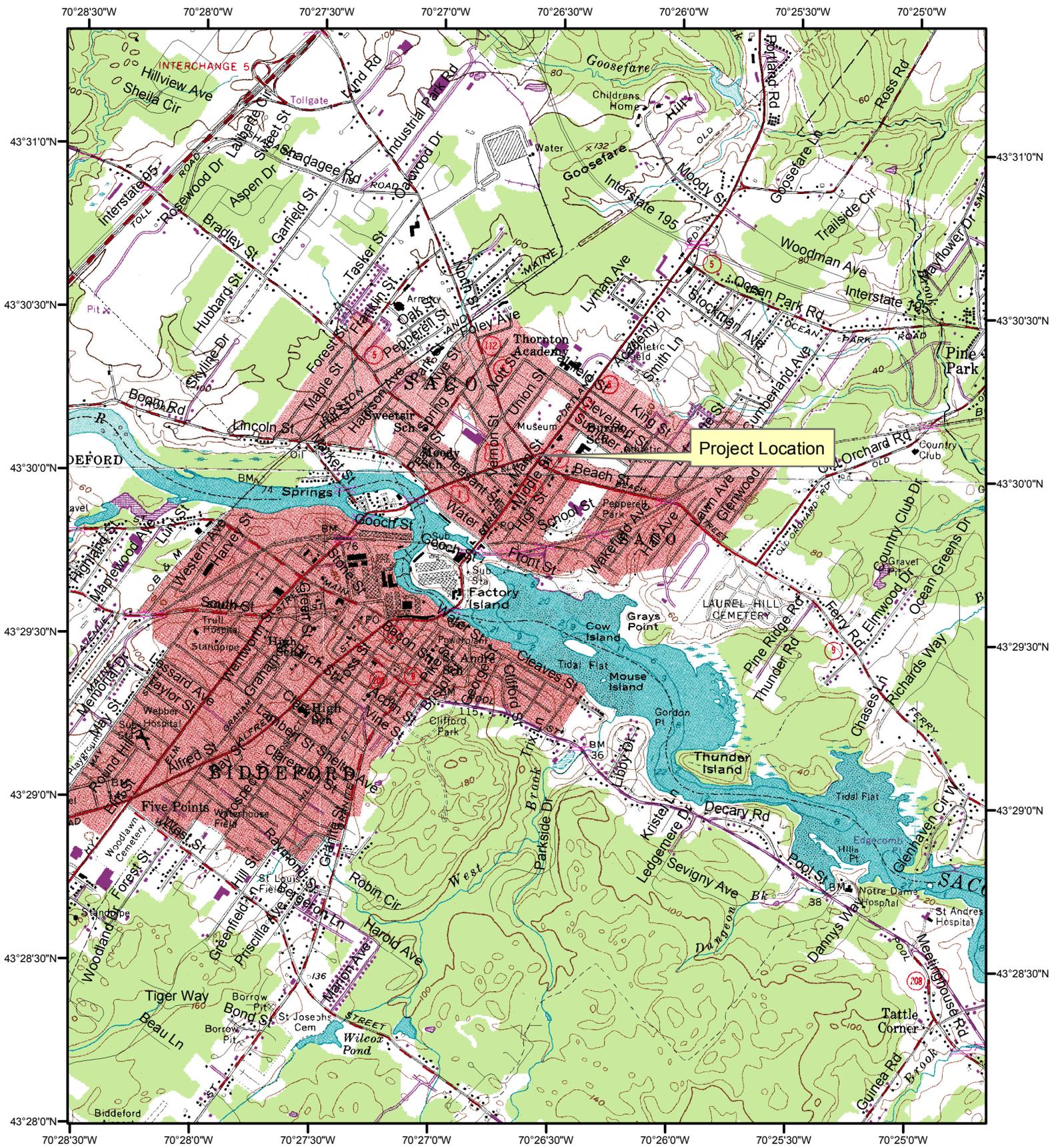
Public Property and Impacts

(1) City of Saco Public Park

The property located at intersection of Elm, Maine and Beach Streets is owned by the City of Saco. In order to maintain the current location of the traffic control cabinets, a signal easement of 426 sq. ft. is needed on the property. A letter was sent to the City to ask if the project would have an adverse effect on the recreational use of their significant public park. They replied that the project would have **no adverse effect** on the recreational use of the property in a signed letter on June 27, 2016.

Avoidance, Minimization and Mitigation

Most of the work will be completed within the existing ROW. Only the necessary amounts of impacts have been exerted in order to correctly build and maintain the project. The roadway will maintain its current alignment. Materials will also be similar to existing materials.



MDOT WIN 20544.00
 Biddeford-Saco -US Route 1
 Traffic Signal Upgrades



0 395 790 1,580 2,370 3,160
 Feet

De minimis Summary Sheet
Biddeford Saco

Station #	Property Name	Current Owner's Name	NR Eligibility	Scope/Impact (see attached plan sheet)	Effect	level of 4(f) involvement
32+00-33+00 Right	City of Saco	City of Saco	N/A	426sq.ft. traffic signal easement	no adverse	<i>de minimis</i>

July 29, 2016

Kevin Sutherland
City Administrator
City of Saco
300 Main Street
Saco, ME 04072

RE: Section 4(f) of the Department of Transportation Act of 1966, as amended
Scope: Road Rehabilitation
Location: Elm, Main and Beach Streets
MDOT PIN: 20544.00

Dear Mr. Sutherland,

The MaineDOT is currently working on upgrades and interconnection of signalized intersections along Route 1 (a.k.a Main Street in Saco and Elm Street in Biddeford) from Ross Road in Saco to South Street in Biddeford. In order to allow the traffic light control cabinets to be maintained at the current location at the intersection of Elm, Maine and Beach Streets, signal system easements will be needed on the City of Saco property. Please see the attached right of way plan for a visual of the proposed impacts which show the current location of the traffic control cabinets on the City of Saco property. During the project, the traffic control cabinets will remain in these locations.

In accordance with Section 4(f) of the Department of Transportation Act of 1966, it is mandatory that we receive a written response from the City of Saco stating the following:

1. Is the property (City of Saco) truly a “public” property? Public means that the parcel is either owned by a public agency (e.g., federal, state or municipal) or that a public entity has significant legal oversight on or involvement with that property (i.e., through a lease). In addition to ownership, the resource must be open to the general public regardless of affiliation. For example, a town-owned beach that is only open to the citizens of that municipality does *NOT* qualify as “public” under Section 4(f).
2. Whether or not the owner or official with jurisdiction considers the public recreational areas to be significant. “Significant” means that in comparing the availability and function of the property with the community’s recreational objectives, the land in question plays an important role in meeting those objectives. The primary purpose of the land must be for recreational use;
3. Whether or not the anticipated impacts associated with this project would adversely affect the property;
4. If so, suggestions as to how the impact(s) could be minimized and/or mitigated.

The written response can either be issued as a separate letter or by using the following form. If this form is used, please be sure to complete and return all pages of this letter.

The Department's assessment of anticipated impacts to this property is as follows:

The Maine DOT will require signal system easements on the City of Saco property. The rights will be approximately 426 sq.ft of signal system easement. The Department feels that these actions will not adversely affect the City of Saco property and its use.

Is the recreational area (City of Saco) a public property as defined by Section 4(f)?

Does the Owner or Official with Jurisdiction consider the public recreational area to be significant?

Is the primary use of the City of Saco parcel for recreational purposes?

Does the Owner or Official agree with the MaineDOT's assessment of impacts?

If not, how should the assessment be modified?

Will the impacts associated with the project adversely impact the property?
(Please indicate how the project will impact the property.)

If so, please suggest how the impact could be minimized and/or mitigated.

Signature of Owner or Official with Jurisdiction	Printed name of Owner of Official with Jurisdiction	Date
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Please respond as soon as possible in order to maintain the project schedule. Questions concerning this process should be directed to Megan Hopkin at megan.m.hopkin@maine.gov or (207) 592-3486. Thank you in advance for your cooperation.

Sincerely,

Megan M. Hopkin, Historic Coordinator
Environmental Office
Maine Department of Transportation
State House Station # 16
Augusta, Maine 04333-0016

July 29, 2016

Kevin Sutherland
City Administrator
City of Saco
300 Main Street
Saco, ME 04072

RE: Section 4(f) of the Department of Transportation Act of 1966, as amended
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The MaineDOT is currently working on upgrades and interconnection of signalized intersections along Route 1 (a.k.a Main Street in Saco and Elm Street in Biddeford) from Ross Road in Saco to South Street in Biddeford. In order to allow the traffic light control cabinets to be maintained at the current location at the intersection of Elm, Maine and Beach Streets, signal system easements will be needed on the City of Saco property. Please see the attached right of way plan for a visual of the proposed impacts which show the current location of the traffic control cabinets on the City of Saco property. During the project, the traffic control cabinets will remain in these locations.

In accordance with Section 4(f) of the Department of Transportation Act of 1966, it is mandatory that we receive a written response from the City of Saco stating the following:

1. Is the property (City of Saco) truly a “public” property? Public means that the parcel is either owned by a public agency (e.g., federal, state or municipal) or that a public entity has significant legal oversight on or involvement with that property (i.e., through a lease). In addition to ownership, the resource must be open to the general public regardless of affiliation. For example, a town-owned beach that is only open to the citizens of that municipality does *NOT* qualify as “public” under Section 4(f).
2. Whether or not the owner or official with jurisdiction considers the public recreational areas to be significant. “Significant” means that in comparing the availability and function of the property with the community’s recreational objectives, the land in question plays an important role in meeting those objectives. The primary purpose of the land must be for recreational use;
3. Whether or not the anticipated impacts associated with this project would adversely affect the property;
4. If so, suggestions as to how the impact(s) could be minimized and/or mitigated.

The written response can either be issued as a separate letter or by using the following form. If this form is used, please be sure to complete and return all pages of this letter.

The Department's assessment of anticipated impacts to this property is as follows:

The Maine DOT will require signal system easements on the City of Saco property. The rights will be approximately 426 sq.ft of signal system easement. The Department feels that these actions will not adversely affect the City of Saco property and its use.

Is the recreational area (City of Saco) a public property as defined by Section 4(f)?

Yes

Does the Owner or Official with Jurisdiction consider the public recreational area to be significant?

Yes

Is the primary use of the City of Saco parcel for recreational purposes?

Yes

Does the Owner or Official agree with the MaineDOT's assessment of impacts?

The current traffic signal equipment does not adversely impact the current use of the City owned parcel. MaineDOT's project does not alter this condition.

If not, how should the assessment be modified?

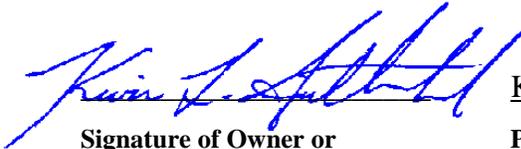
Since there is no change to existing conditions, then there is no need to modify assessment.

Will the impacts associated with the project adversely impact the property?
(Please indicate how the project will impact the property.)

No.

If so, please suggest how the impact could be minimized and/or mitigated.

N/A. Since there is no change to existing conditions, then there is no need to minimize or mitigate impacts.



**Signature of Owner or
Official with Jurisdiction**

Kevin L. Sutherland

**Printed name of Owner of
Official with Jurisdiction**

August 1, 2016

Date

Please respond as soon as possible in order to maintain the project schedule. Questions concerning this process should be directed to Megan Hopkin at megan.m.hopkin@maine.gov or (207) 592-3486. Thank you in advance for your cooperation.

Sincerely,

Megan M. Hopkin, Historic Coordinator
Environmental Office
Maine Department of Transportation
State House Station # 16
Augusta, Maine 04333-0016

Town, County, State _____
 Approx. Property Lines _____ P.L.
 Existing Right of Way _____
 Limits of Wrought Portion _____ L.O.W.P.
 Control Of Access _____ C.O.A.
 New Right of Way _____
 New Easement _____
 New Temporary Rights _____
 New R/W Within Existing R/W _____

New R/W Along Existing R/W _____
 Building _____
 Trees Conifer _____
 Tree Line _____
 Water Edge _____
 Ledge _____
 Fence CHAIN LINK _____
 Sign _____
 Clearing Limit Line _____
 Deciduous _____
 Bush Line _____
 Rock/Boulder _____
 Flag Pole _____
 Well _____
 Mailbox _____

PLAN LEGEND

Existing Proposed

Sanitary Sewer _____
 Telephone Line _____
 Electric Line _____
 Water Line _____
 Underdrain Line _____
 Gas Line _____
 Guardrail _____
 Culvert _____

Traveled Way _____
 Ditch _____
 Catch Basin _____
 Manhole _____
 Sewer Manhole _____
 Utility Pole _____
 Fire Hydrant _____
 Curbing _____

Cut Line _____
 Stonewall _____
 Baseline _____
 Monument _____
 Iron Rod Found _____ IRF
 Replacement Pin Set _____

Fill Line _____
 Retaining Wall _____
 Traverse Point _____
 Pipe Found _____ IPF

STATE OF MAINE
 REGISTRY OF DEEDS

COUNTY _____
 RECEIVED _____
 at _____ h _____ m _____ M and recorded in
 Plan Book _____, Page _____
 Attest: _____ REGISTER

THIS PLAN WAS PREPARED IN CONNECTION WITH THE DEPARTMENT'S ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION PURPOSES. IT CANNOT BE USED TO ESTABLISH LEGAL BOUNDARIES BETWEEN ADJUTING PROPERTY OWNERS.

25 0 25 50 75 100
 Scale of Feet

EXISTING RIGHT OF WAY REFERENCES

MAIN STREET:
 YORK COUNTY SUPREME JUDICIAL RECORDS
 VOLUME 5, PAGE 493-511 (PAGE 503-LOCUS)
 DATED 1827, 4 RODS (66') WIDE

APPARENT PREVIOUS LAYOUT FOR MAIN STREET:
 YORK COUNTY SESSIONS RECORDS
 VOLUME 10, PAGE 593-594 (1755)
 4 RODS (66') WIDE WITHIN PROJECT LOCUS

**MAINE DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP - STATE HIGHWAY "1"**
 SACO, YORK COUNTY
 FEDERAL AID PROJECT NO. F-01-1(50)
 D.O.T. FILE NO. 16-246
 DATED DECEMBER 1979
 Y.C.R.D. PLAN BOOK 140, PAGES 54-59
 CONDEMNATION DEED: BOOK 2660, PAGE 246

ELM STREET:
 YORK COUNTY COMMISSIONER'S RECORDS
 VOLUME 13, PAGE 494 (1800)
 3 RODS (49.5') WIDE [SPRING'S BRIDGE TO MAIN ST.]

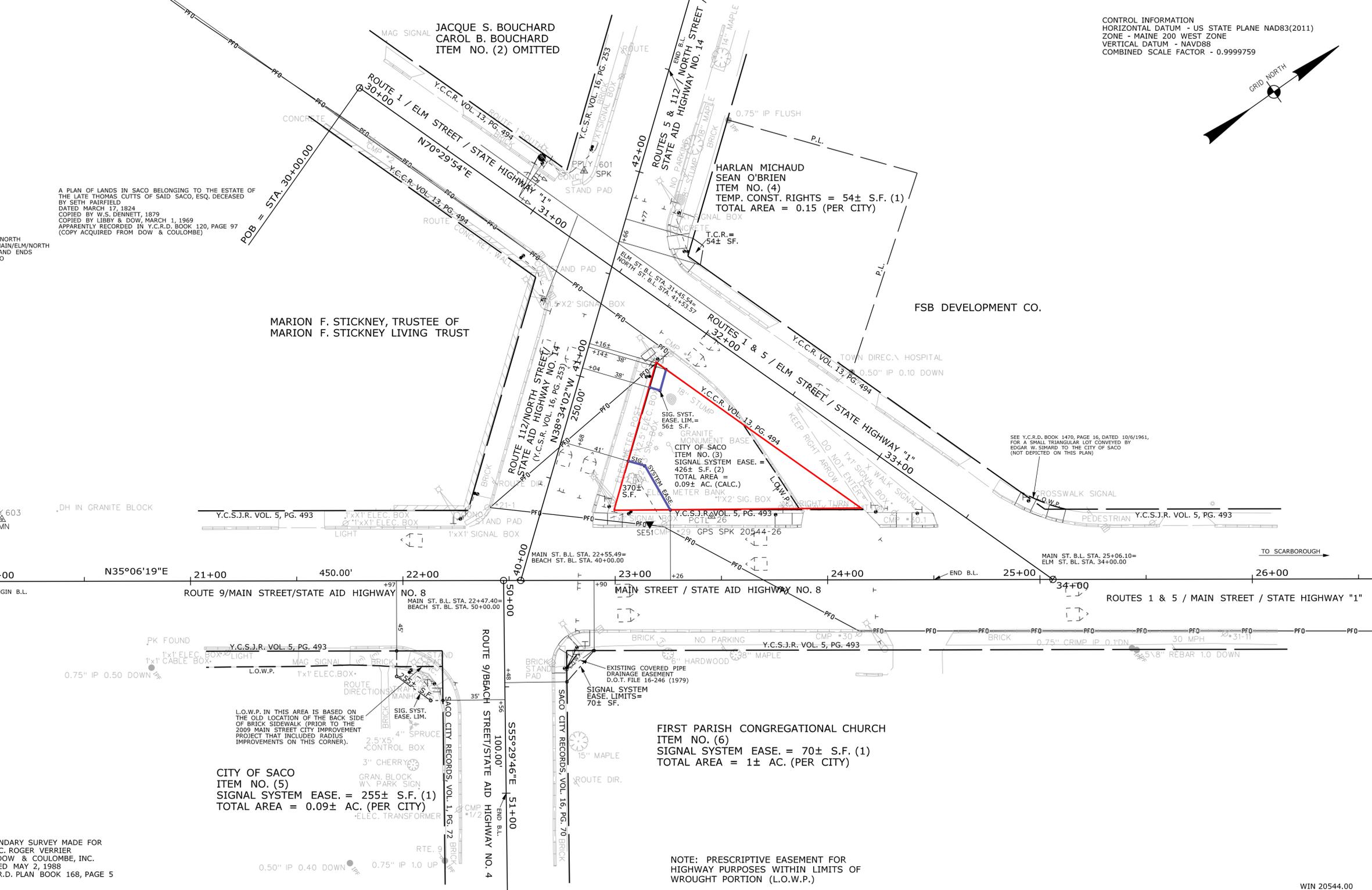
**MAINE DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP - STATE HIGHWAY "1"**
 SACO, YORK COUNTY
 FEDERAL AID PROJECT NO. FR-01-1(72)
 D.O.T. FILE NO. 16-282, SHEET 1 OF 4
 DATED DECEMBER 1979
 Y.C.R.D. PLAN BOOK 198, PAGES 4
 NOTE: FILE 16-282, SHEET 1, INCORRECTLY REFERENCES
 Y.C.R. VOLUME 28, PAGE 40, AS THE EXISTING R/W
 REFERENCE FOR ELM STREET AT/NEAR THE MAIN/ELM/NORTH
 INTERSECTION. SAID LAYOUT IS NON LOCUS TO THE MAIN/ELM/NORTH
 INTERSECTION, AND ACTUALLY BEGINS IN BIDDEFORD AND ENDS
 BETWEEN WATER STREET AND STORER STREET IN SACO

NORTH STREET:
 YORK COUNTY SESSIONS RECORDS
 VOLUME 16, PAGE 253 (DATED 1829)
 NO WIDTH SPECIFIED. INDICATIONS OF 4 RODS.
 4 ROD (66') WIDTH USED FOR THIS PROJECT
 BASED ON MONUMENTATION FOUND.

BEACH STREET:
 SACO CITY RECORDS, VOLUME 1, PAGE 72
 DATED MARCH 19, 1777, 3 RODS (49.5') WIDE
 (ON FILE WITH THE DYER LIBRARY IN SACO)

SACO CITY RECORDS, VOLUME 16, PAGE 70
 TITLED "WIDENING OF BEACH STREET"
 ACCEPTED MAY 21, 1896 (WIDENING OF 9 FEET)

**CITY OF SACO, MAINE - DEPARTMENT OF PUBLIC WORKS
 PLAN OF MAIN STREET UTILITY IMPROVEMENTS**
 DATED JANUARY 16, 2009
 BY HOYLE, TANNER & ASSOCIATES, INC.
 SHEETS C4, C3, & E5
 (ON FILE WITH CITY ENGINEER'S OFFICE)



CONTROL INFORMATION
 HORIZONTAL DATUM - US STATE PLANE NAD83(2011)
 ZONE - MAINE 200 WEST ZONE
 VERTICAL DATUM - NAVD88
 COMBINED SCALE FACTOR - 0.9999759

Filename: ... \00\ROW\MSTA044_RWPLAN2.dgn Division: ROW Username: Nicholas.Acheson Date: 4/29/2016

ITEM	TECH	CHECKED
EXISTING CONDITION PLAN	N.T.A.	C.W.K.
FINAL RIGHT OF WAY	N.T.A.	R.M.C.
AREAS	N.T.A.	R.M.C.

STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION - AUGUSTA, ME 04333-0016 - 207-624-3460
 BIDDEFORD SACO
 RIGHT OF WAY MAP

REVISIONS			PLAN FILED IN PLAN BOOK				PAGE COUNTY RECORD			
NO.	DATE	DESCRIPTION	BY	NO.	GRANTOR	PAGE	INSTRUMENT	DATE	BOOK	PAGE

DAVID BERNHARDT
 COMMISSIONER
 JOYCE NOEL TAYLOR
 CHIEF ENGINEER

DATE _____

NOTE: PRESCRIPTIVE EASEMENT FOR HIGHWAY PURPOSES WITHIN LIMITS OF WROUGHT PORTION (L.O.W.P.)

To the best of my knowledge and belief the Highway Right of Way lines depicted hereon are based upon a survey conforming to the Standards of Practice promulgated by the Maine Board of Licensure for Professional Land Surveyors 02-360 CMR, Chapter 90; Exceptions: (1) No separate survey report, (2) Monumentation only as shown on plan. See sheet X of this plan set for coordinates. (3) Other boundary lines, including lines between abutters are approximate and for general reference purposes only.



STATE HIGHWAY "1", STATE AID HIGHWAY NO. 4, 8, & 14		SHEET NUMBER	
ROUTES 1, 9, 5, & 112 / ELM, MAIN, BEACH, & NORTH STREETS		44	
SACO YORK COUNTY		FEDERAL AID PROJECT NO. CM-2054(400)	
APRIL 2016	RIGHT-OF-WAY MAP	D.O.T. FILE NO. 16-514	
SCALE 1" = 25'	SHEET 2 OF 3	OF 45	