

April 28, 2021 BCE File: 21101

Nicholas Ciarimboli, CEO/Planning Assistant Town of Yarmouth 200 Main Street Yarmouth, Maine 04096

Re: Minor Site Plan Application 36 Main Street, Yarmouth – Retaining wall project

Dear Nick,

On behalf of Brent Sullivan, we are pleased to submit the enclosed Minor Site Plan application for the construction of a boulder retaining wall in the backyard of his home at 36 Main Street in Yarmouth. The following items are included within this submission package: Five (5) application packages, five (5) sets of project drawings, and a check in the amount of \$150 for the application fee. We have also simultaneously submitted a building permit application and \$50 application fee.

The Town determined last Fall that Brent would need to obtain minor site plan approval due to the volume of earthwork cut/fill associated with his retaining wall project. A building permit will also be required. A GPS was utilized to obtain topographic survey information of the project area along with locating property pins. A Site plan was then generated showing the proposed location of the boulder retaining wall with associated erosion control measures. The wall will be located approximately 33 feet from the eastern property line and 28 feet from the southern boundary. Summit Geoengineering was then hired to provide a stamped wall design for the project which has been provided. They will also be performing a site inspection during construction to ensure the design is being followed. Summit's stamping engineer, Mat Hardison, has stated that since the new wall will result in a net cut of material below the wall, there will be a reduced driving force on the adjacent embankment and the project will not destabilize the existing slope. The erosion control measures need to remain in place until the project area is stabilized with vegetation post construction.

It was determined in our 1/26 pre-application meeting with yourself and the Town Engineer that the majority of the Site Plan application requirements would not apply due to the unique and minor nature of a retaining wall project. We have enclosed the property deed and a bank statement that shows financial capacity for the project. The estimated cost of construction for the project is \$28,000. This is based on a wall size of 650 vertical square feet at a construction cost of \$35/sf, in addition to erosion control, reseeding, and other miscellaneous items.

We trust that this application will satisfy the Minor Site Plan submission requirements. Please contact me if you have any questions or require further information.

Sincerely, BLAIS CIVIL ENGINEERS

Sodd J. Dammor

Todd J. Gammon, PE Cc: Brent Sullivan

TOWN OF YARMOUTH

Department of Planning and Development 200 Main Street Yarmouth, Maine 04096 Fax: (207)846-2438

(207)846-2401

WWW.YARMOUTH.ME.US

SITE PLAN APPLICATION FORM

Date: 4-28-21	Zoning District Village	Map 33	_Lot 131 Ext_
Site Location	36 Main St, Yarmouth, ME 04096		
Property Owner	Brent Sullivan		
Mailing Address	ing Address 36 Main St., Yarmouth, ME 04096		
E-mail Address	ail Address brent@portlandyacht.com		
Phone	207-671-8695	Fax	
Name of Project	Constructing new boulder retaining wal		
Existing Use	Residential home		

Special exception use?

Yes_	_No_	\checkmark	
Yes_	_No_	\checkmark	

Fee: \$100.00/1000 sq. ft.; up to \$3000.00

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

The Town will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.

Contact person/agent	Todd Gammon, PE - Blais Civil Engineers	
Mailing Address	27 Gorham Rd, Suite 207, Scarborough, ME. 04074	
E-mail Address	tgammon@blaisce.com	
Phone	207-730-7200	Fax

I certify that, to the best of my knowledge, all information provided in this application form and accompanying materials is true and accurate.

4/28/21

Signature of Owner

(If signed by Owner's agent, provide written documentation of authority to act on behalf of applicant.)

"I authorize appropriate staff within the Yarmouth Planning Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to collect facts pertaining to my application."

Brent Sullivan, Homeowner

Print or type name and title of signer

1. PROJECT DESCRIPTION

- A. In a separate document please describe the overall project objectives and proposed uses of property, including quantity and type of residential units (if any).
- B. Project details
- 1. Name and approval date of subdivision this site is in (if applicable) N/A Subdivision lot numbers (if applicable) 2. Assessor's Map number(s) 33 Lot number(s) 131 3. Existing zone(s) of the site Village II Shoreland Overlay District Yes ✓ No Affordable Housing District Yes ✓ No Mobile Home Park Overlay Yes ✓ No 4. a. Total land area of site (all contiguous land in same ownership) .52 Acres b. Total floor area of each proposed building in square feet N/A c. Footprint of each proposed building in square feet N/A d. Height of proposed building(s) feet stories e. Total number of proposed parking spaces N/A f. Number of proposed handicap parking spaces N/A C. Existing conditions 1. Existing land use Residential home-location map on Site Plan 2. Total floor area of each existing building in square feet 2,050 sf for home / 625 sf for garage 3. Footprint of each existing building in square feet 1,218 sf for home / 625 sf for garage D. Attach as Exhibit #1 a map such as the Maine Atlas and Gazetteer map (clean photocopies are acceptable). Indicate the location of your project on map. E. Construction sequence 1. Estimated time of start of project End of May 2021 Estimated time of completion of project 3-4 weeks 2. Is this to be a phased project? Yes No 🗸 3. Attach as Exhibit #2 a construction schedule outlining the anticipated sequence of construction (beginning and completion) for the major aspects of the proposed project, including roads, erosion control and drainage measures, structures, sewer and water lines, other utilities, paving, landscaping.

2. RIGHT, TITLE, OR INTEREST

A. Name and mailing address of record owner of the site Brent Sullivan - 36 Main St., Yarmouth, ME 04096 (The property deed is enclosed)

Phone_____Fax _____

B. Attach as Exhibit #3 evidence of corporate or partnership status, if applicant is not an individual.

- C. Attach as Exhibit #4 evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- D. Attach as Exhibit #5 a copy of the current owner's existing deed for the site.
- E. Attach as Exhibit #6 summary lists of all existing and all proposed easements or other burdens for this property. More detailed information may be required, depending on the particular circumstances of the site.
- F. If a condominium, homeowners, or property owners association will be established, attach as Exhibit #7 the articles of incorporation, the Declaration of Covenants and Responsibilities, and the proposed by-laws of the organization.

3. FINANCIAL CAPACITY

- A. Estimated cost of the project (including land purchase and development costs) \$28,000 (Bank statement enclosed)
- B. Attach as Exhibit #8 evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):
 - 1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.



When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.



. The most recent corporate annual report showing availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.



- A letter from a financial institution, governmental agency, or other funding agency, which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
- 5. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from a funding institution indicating the amount of funds it is prepared to provide, their specified uses and the conditions on which funds will be made available.

4. TECHNICAL ABILITY

- A. List all projects undertaken by the applicant within the last five years, beginning with the most recent project:
- B. Have done no prior projects
- C. Attach as Exhibit #9 a list of all consultants retained for this proposed project, such as engineers, architects, landscape architects, environmental consultants; and those firms or personnel who will be responsible for constructing, operating and maintaining the project.

5. SOLID WASTE

Attach as Exhibit #10 an explanation of the proposed method of collection, removal, and disposal for anticipated solid waste from this project.

6. WATER

Attach as Exhibit #11 written confirmation from the Yarmouth Water District that it can supply the proposed development and that the proposed plan has been approved by the District. If the

applicant proposes a private supply, provide evidence that a sufficient and healthful water supply is available for the proposed development.

7. TRAFFIC

Attach as Exhibit #12 a written evaluation and demonstration of the adequacy and availability of adjacent streets to serve the proposed project. If you must submit a full traffic study to DEP, provide two (2) copies with this application. (see Ch. 702 H.2.)

8. SANITARY SEWERS AND STORM DRAINS

A. Estimated sewage gallons per day for the completed project N/A

Please note that the Town Manager must approve new sanitary sewer connections that are considered sewer extensions.

B. Will this project generate industrial or non-sanitary waste that will enter the public sewer or drains? No Yes

If yes, please describe proposed types and amounts:

N/A

C. If a subsurface wastewater disposal system is proposed, provide evidence that it conforms to the requirements of the State Plumbing Code.

9. SURFACE DRAINAGE AND-RUNOFF, STORMWATER MANAGEMENT

- A. Attach as Exhibit #13 a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.
- B. Attach as Exhibit #14 a complete stormwater management plan, including drainage calculations for pre- and post-development for 2 yr. and 25 yr. storm events, a drainage plan, and an assessment of any pollutants in the stormwater runoff, that meets the requirements of Chapter 702, Review Criteria re Stormwater Management.

10. EROSION AND SEDIMENTATION CONTROL

- A. Attach as Exhibit #15 a written description of erosion and sedimentation control measures to be used during and after construction of the proposed project.
- B. Show on a plan the proposed location, type, and detail of erosion control devices, unless this information is included on a site plan drawing.

11. SOILS

- A. Attach as Exhibit #16 a medium intensity soils classification report, including description of soils and interpretation of engineering properties. Include geotechnical report, if applicable.
- B. Show on a plan the existing soil conditions on the site, unless this information is included on a site plan drawing. Include wetlands delineation and report, if applicable.

12. SITE PLAN ORDINANCE REQUIREMENTS

- A. Attach as Exhibit #17 list of approvals needed from other agencies, such as the General Board of Appeals, Army Corps of Engineers, and Maine Department of Environmental Protection.
- B. Attach as Exhibit #18 a written statement that explains how the project complies with the site plan review criteria and with specific performance standards required in the zoning district, if applicable. If applicable, please note how the proposal specifically complies with the separate components of the Route One Corridor Design Guidelines.
- C. Attach as Exhibit #19 a summary list and a written offer of cession to the Town of all proposed streets, utilities and open space proposed for dedication.
- D. Attach as Exhibit #20 all requests for waivers including an explanation of the undue hardship or special design requirements, which are the basis for the requests.
- E. Attach as Exhibit #21 a written explanation of all potential nuisances associated with this project and how they will be mitigated, or a representation that, in the opinion of the

WARRANTY DEED (Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that, Teresa C. Foster of Yarmouth, County of Cumberland, State of Maine, for consideration paid, grants to Brent M. Sullivan, Jr. and Gretchen K. Sullivan, as joint tenants having a mailing address of 7 Harbor Avenue, Southwest Harbor, ME 04679, with WARRANTY COVENANTS, the land with any buildings thereon, situated at 36 Main Street, Yarmouth, County of Cumberland and State of Maine, described as follows:

See Attached Exhibit A

Meaning and intending to convey the same premises conveyed to Teresa C. Foster by virtue of a deed from Betsy A. Graves to Gary M. Foster and Teresa C. Foser dated January 9, 1992 and recorded in the Cumberland County Registry of Deeds in Book 9860, Page 213.

Gary M. Foster died May 25, 2017 leaving Teresa C. Foster as sole surviving tenant.

Witness my hand and seal this 10th day of August, 2020.

Witness

l'eresa C. Foster

STATE OF MAINE COUNTY OF CUMBERLAND

August 10, 2020

Then personally appeared before me the above named **Teresa C. Foster** acknowledged the foregoing instrument to be his/her/their free act and deed.

Beffore r Attorney a My Comm. Exp:

Matthew J. McDonald Maine Attorney at Law

EXHIBIT A

A certain lot or parcel of land situated in the Town of Yarmouth, Cumberland County, State of Maine, bounded and described as follows:

Beginning on the southerly sideline of Main Street at the northeasterly corner of land of the Town of Yarmouth, on which is located the fire department building at Main and Pleasant Streets; thence northeasterly by the southerly sideline of Main Street one hundred fifty (150) feet, more or less, to a stake at the northwesterly corner of land conveyed by Ethel E. Lombard and Lester P. Barbour, by deed dated August 13, 1963 and recorded in the Cumberland County Registry of Deeds in Book 2769, Page 380; thence southwesterly by said Barbour land eighty six and eight tenths (86.8) feet to a stake on the northeasterly side of a driveway; thence southeasterly by said Barbour land and by said driveway sixty five and five tenths (65.5') feet to a stake; thence northeasterly by said Barbour land eighty three and four tenths (83.4') feet to a stake on the southeasterly sideline of Main Street and at the westerly corner of land conveyed by Ethel Lombard to Thomas Alfred Dugas, by deed dated June 6, 1959 and recorded in said Registry of Deeds in Book 2492, Page 316; thence southeasterly by said Dugas land thirty seven (37) feet, more or less, to an iron hub; thence southeasterly by said Dugas land fifty five (55) feet, more or less, to a monument at the southwesterly corner of land conveyed by Ethel E. Lombard to Thomas Alfred Dugas by deed dated May 13, 1957 and recorded in said Registry of Deeds in Book 2393, Page 474; thence southeasterly by said Dugas land seventy (70) feet, more or less, to a monument at the southerly corner of land conveyed by Adolphus Dugas to Alfred Dugas by deed dated October 13, 1955 and recorded in said Registry of Deeds in Book 2362, Page 300; thence southerly by the westerly sideline of land conveyed by Annie F. Card to Ethel E. Lombard by deed dated May 23, 1938 and recorded in said Registry of Deeds in Book 1548, Page 310 and by land conveyed by Adolphus Dugas to Willis A. Reed, et al, by deed dated April 29, 1961 and recorded in said Registry of Deeds in Book 2602, Page 132 one hundred eighteen (118) feet, more or less, to the northerly corner of land conveyed by Faith Reynolds to Carroll V. Aubens, et al. by deed dated April 29, 1952 and recorded in said Registry of Deeds in Book 2085, Page 42; thence southwesterly by said Aubens land fifty (50) feet, more or less, to the northeasterly corner of land conveyed by Louis A. Buck to Gerard D. Rousseau, et al. by deed dated December 28, 1962 and recorded in said Registry of Deeds in Book 2724, Page 359; thence northwesterly by said Rousseau land, by land conveyed by William D. Hamill, et al. to Hubert A. Verrier, et al. by deed dated January 6, 1959 and recorded in said Registry of Deeds in Book 2452, Page 359 and by land conveyed by Robert A. Verrier to Hubert A. Verrier, et al. by deed dated November 24, 1958 and recorded in said Registry of Deeds in Book 2447, Page 4 one hundred thirty five (135) feet, more or less, to a stake at the southerly corner of land conveyed by Ethel E. Lombard to Lester P. Barbour by deed dated January 15, 1963 and recorded in said Registry of Deeds in Book 2731, Page 309; thence northeasterly by said Barbour land thirty one and eighty five hundredths (31.85) feet to a stake; thence northeasterly by said Barbour land and by a deflection angle to the left of one degree, fifty five minutes, thirty one and eighty five hundredths (31.85)

feet to a stake on the southwesterly side of said driveway; thence northwesterly by said Barbour land and by said driveway eighty four (84) feet to a stake at the northerly corner of said Barbour land; thence northwesterly by land of Ethel E. Genter forty five (45) feet, more or less, to the point of beginning.

Excepting and reserving to Ethel E. Genter, her heirs and assigns, the right to use said driveway, in common with the Grantees, and with said Barbour.

Also excepting and reserving therefrom the premises conveyed by warranty deed from Betsy A. Graves to Gerald C. Knecht and Mary E. Nagel dated September 6, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9422, Page 127.

Also conveying the rights and easements set forth in deed from Gerald C. Knecht and Mary E. Nagel to Betsy A. Graves recorded August 13, 1990 in said Registry of Deeds in Book 9276, Page 293.



^{9.} SEDIMENT BARRIERS MUST BE MAINTAINED UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED.

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- 2. ALL FINAL SEEDING SHALL BE COMPLETED WITHIN SEVEN

SINGLE FAMILY RESIDENCE FFE=62.5

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- 3. A CONSERVATION SEED MIX SHALL BE USED FOR ALL
- 4. ALL AREAS SHALL BE MULCHED IMMEDIATELY AFTER SEEDING. THE CONTRACTOR SHALL MONITOR THE MULCH PERFORMANCE AND, IF MULCHING PROVES TO BE INEFFECTIVE, THEN NETTING AND MATTING SHALL BE USED
- 5. SEEDING SHALL BE PERFORMED BETWEEN APRIL 15TH AND OCTOBER 1ST (WITHOUT DORMANT SEEDING).
- 6. IF SEEDING IS APPROVED BY THE ENGINEER BEYOND THOSE DATES, DORMANT SEEDING SHALL BE APPLIED AT DOUBLE THE APPLICATION RATE. IN THIS CASE, ALL FERTILIZING, SEEDING AND MULCHING SHALL BE COMPLETED ON THE SAME DAY IMMEDIATELY AFTER THE LOAM IS SPREAD. FINAL GRADING SHALL BE LIMITED TO AREAS WHICH CAN BE COMPLETED AND SEEDED THE SAME



^{10.} EROSION CONTROL DEVICES [CHECK DAM, EROSION CONTROL BLANKET, SEDIMENT BARRIER, STABILIZED CONSTRUCTION ENTRANCE] SHALL BE REMOVED WITHIN 30 DAYS OF FINAL STABILIZATION.

^{11.} SEEDED AREAS SHALL BE FERTILIZED AND RESEEDED AS NECESSARY TO ENSURE VEGETATION IS ESTABLISHED.



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