STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT

IN CONSIDERATION OF the site plan and subdivision approval granted by the Planning Board of the City of Portland to the proposed Hammond House Redevelopment project shown on the Subdivision Plat recorded in the Cumberland County Registry of Deeds in Plan Book ___, Page ___ (the "Plan") and associated Grading & Drainage Plan (Sheet C-30), dated 11/26/2018 prepared by Acorn Engineering, Inc. of P.O. Box 3372, Portland, ME 04104 dated and pursuant to a condition thereof, The Preserve at South Ridge, LLC, a Maine limited liability company with a principal place of business in Yarmouth, Maine, and having a mailing address of 94 South Street, Yarmouth, Maine 04096, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the underdrained subsurface sand filter (USSF), infiltration trench, catch basin, and storm drain pipes (hereinafter collectively referred to as the "stormwater system") as shown on Grading & Drainage Plan (Sheet C-30) attached hereto as **Exhibit B** and in strict compliance with the approved Stormwater Inspection & Maintenance Plan and Stormwater Maintenance and Inspection Log, dated November 2018, copies attached as **Exhibit A and C** respectively and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance and Inspection Log in the forms attached as **Exhibit C**. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property and abutters thereto; further, that the said City of Portland or said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system, including but not limited to the USSF, infiltration

trench, catch basins, storm drain pipes and other drainage structures thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall not confer upon the City of Portland or any other person the right to utilize said stormwater system for public use or for the development of any other property, and the Owner shall bear no financial responsibility by virtue of this Agreement for enlarging the capacity of said system for any reason whatsoever.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently and formally approved by the Planning Board of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Works and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings or residential units and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax rolls on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 2017.

The Preserve at South Ridge, LLC
A Maine limited liability company

_____
Kevin O'Rourke, Manager

STATE OF MAINE
CUMBERLAND, ss. Date: _____

Personally appeared the above-named Kevin O'Rourke, Manager of The Preserve at South Ridge, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

_____
Notary Public/Attorney at Law

Print name: _____

Exhibit A: Stormwater Inspection & Maintenance Plan

Exhibit B: Grading & Drainage Plan

Exhibit C: Stormwater Maintenance and Inspection Log

ACORN
ENGINEERING, INC.

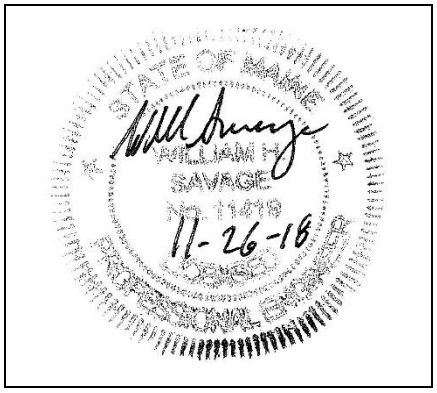
POST CONSTRUCTION - STORMWATER INSPECTION & MAINTENANCE PLAN

Prepared For:

The Preserve at South Ridge, LLC
94 South Street
Yarmouth, Maine 04096

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



November 2018

ACORN ENGINEERING, INC.

RESPONSIBLE PARTY

The owner, The Preserve at South Ridge, LLC, and or their successor shall be responsible for contracting with a qualified stormwater professional to implement the Inspection and Maintenance Plan. The qualified stormwater professional shall maintain a stormwater log (report) summarizing inspections, maintenance, and corrective action taken. The Qualified Stormwater Professional shall annually submit the Stormwater Log to the Department of Public Works prior to June 30th.

The following is an example of a qualified stormwater professional that the homeowners association may contract through.

Organization: Will Savage, PE
Acorn Engineering, Inc
Portland, Maine

Phone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #11419
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's Cert #14
- Certified Erosion, Sediment and Storm Water Inspector (CESSWI) Cert #0293
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #4620

The inspection and maintenance criteria is based upon the Maine DEP - Stormwater Management for Maine, Volume III: BMPs Technical Design Manual. Refer to the Grading and Drainage Plan for the location of the BMPs.

PURPOSE

This Inspection and Maintenance Plan has been individually tailored to this parcel's stormwater infrastructure, site characteristics, and their respective opportunities and limitations related to reducing the pollutant load on the receiving watershed. The maintenance of a parcel's impervious surfaces and stormwater infrastructure is critical to extending the long term performance and effectiveness of Best Management Practices (BMPs). The Inspection and Maintenance Plan represents the parcel's minimum activities to meet the permit requirements. The parcel shall still be subject to any applicable Civil Site Plans, Permit Applications, Erosion and Sedimentation Control Plans Reports, Stormwater Management Plans, Inspection and Maintenance Manuals, and all Municipal, State, and Federal rules.

OPERATION AND MAINTENANCE ACTIVITY

Underdrained Subsurface Sand Filter (USSF):

The maintenance of the underdrained subsurface sand filter shall be in accordance with the following activities identified below and the most recent version of the Maine DEP Volume III BMPs Technical Design Manual Chapter 7.3 Underdrained Subsurface Sand Filter.

- The system should be inspected after every major storm in the first few months to ensure proper function. Thereafter, the filter should be inspected at least once every six months to ensure that it is draining within 24 hours to 36 hours.
- Inspect Outlet Control Structures (OCS) to ensure they are in good working order and that the orifices are unobstructed from trash and debris.
- Inspect and maintain the StormTech Isolator Row in accordance with the attached proprietary Operation and Maintenance Plan.

Underdrained Infiltration Trench:

The maintenance of the underdrained infiltration trench shall be in accordance with the following activities identified below:

- The stone reservoir layer shall be inspected after every major storm within the first year to ensure the trench is free draining.
- Any debris, sediments, or organic matter must be removed from the reservoir course at any time. Weeding of any growth shall be completed as necessary to keep the stone layer clear.

Sweeping:

Annual sweeping of the driveway and parking areas following the snow melt for accumulated winter sand, if necessary. Appropriately dispose of all collected material. This activity will largely function as preventative maintenance for the infiltration trench. Collecting debris on the driveway surface before it reached the grassed swale and infiltration trench and will be significantly more time and cost effective than removing sediment and debris downstream within the crushed stone.

Storm Drains:

The storm drain shall be annually inspected for the presence of accumulated sediment or debris. Any sediment shall be removed as required.

- The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Inspect and legally dispose of accumulated sediment and debris within the storm drains between basins. Liquids must be decanted on-site and returned to the catch basin.

Catch Basins:

The Catch basin shall be inspected to confirm the structure is operating properly.

- Inspect the presence of accumulated sediment or debris any sediment shall be removed. The equipment shall meet the following minimum specifications; power jet and water source for washing down the storm drain, vacuum attachment for catch basin cleaning, and a liquid handling method to dewater the material.
- Sediment shall be removed when accumulation is within 6 inches of the outfall pipe invert. Legally dispose of accumulated sediment and debris from the bottom of the basin, inlet grates, and inflow channels to the basin.
- Inspect the outlet hood and ensure that the watertight seal is functional.

Landscaped, Vegetated and Areas Adjacent to Retaining Walls:

Inspect all landscaped and or vegetated slopes and embankments on an annual basis. Vegetated areas with bare areas or sparse growth (<90% coverage) shall be revegetated. Mulch shall be applied to landscaped areas, as necessary. Dead or decaying landscaping (ground cover, shrubs, trees etc.) shall be replanted in accordance with the approved Landscape Plan.

If signs of rill erosion or scour are present within areas tributary to the retaining walls, or stormwater flow is observed flowing over the wall, Acorn Engineering should be immediately contacted to perform an inspection and/or to contact the appropriate professional. Should concerns arise from the downhill abutters related to groundwater flow from the retaining wall, Acorn Engineering should be contacted to perform a site inspection and to meet with the concerned abutter.

INSPECTION AND MAINTENANCE TABLE

Inspection and Maintenance Frequency	Spring or Yearly	Summer	Fall	As Necessary
Underdrained Subsurface Sand Filter	X		X	X
Sweeping	X			X
Storm Drains		X		X
Catch Basins		X		X
Infiltration Trench	X	X		X
Landscaped / Wall Areas	X			X

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

UNDERDRAINED SUBSURFACE SAND FILTER BMP:	
Location: 4 - 12 Hammond St, Portland, Maine 04101	**Latitude:** 43.66715° N **Longitude:** -70.25471° W
Description of Located Point: Adjacent to north corner of building within driveway	**Inspector:** **Date of Inspection:** **Weather Conditions:**

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Underdrained Ditch, Vegetated Underdrain Soil Filter, Bio-retention Cell, etc.							
Sand filter retains the design volume for a drain down time greater than 24-hours and less than 36-hours	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
The outlet control structure is in good working condition.	☑	☐	☐	☐ Yes ☐ No ☐ N/A			
Inlet and pre-treatment measures are free of sediment and floatables accumulation.	☑	☐	☐	☐ Yes ☐ No ☐ N/A			
Maintain in accordance with manufacturer's recommendations	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Treatment device is working properly and is free of debris and sediment	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Sediment is less than 3 inches within the isolator row	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Catch basin is working properly and is free of debris and sediment	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Basin outlet hood is working properly.	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
The site is clean and swept	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Inter-basin storm drain is functioning properly and free of sediment and debris.	☑	☑	☐	☐ Yes ☐ No ☐ N/A			

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
General							
Access to facility is adequate	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
Photographs of most recent site inspection are included	☐	☑	☐				Photographs are attached.
Additional Comments:							

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

INFILTRATION TRENCH:							
Location: 4 - 12 Hammond St, Portland, Maine 04101				Latitude: 43.66715° N Longitude: -70.25471° W			
Description of Located Point: Towards the rear of the site.				Inspector: Date of Inspection: Weather Conditions:			
Days since last precipitation:				MEDEP Permit #: N/A			
Quantity of last precipitation (in):				Design Drawings:			
Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Infiltration Trench:							
Reservoir stone is free draining and clean of sand, sediment, organic matter, or any other debris	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Permeability is between 2.4 and 4 in/hr	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
Reservoir layer is free from growth	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Plunge pool and inslopes are free of erosion	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
General							
Access to facility is adequate	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Photographs of most recent site inspection are included	☑	☑	☐				Photographs are attached.
Additional Comments:							