STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT

IN CONSIDERATION OF the site plan approval granted by the Planning Board of the City of Portland to the proposed Washington Ave Parking Lot Redevelopment project shown on the Site Plan recorded in the Cumberland County Registry of Deeds in Plan Book ___, Page ___ (the "Plan") and associated Grading, Drainage, & Erosion Control Plan (Sheet C-30), dated 4/11/2017 prepared by Acorn Engineering, Inc. of P.O. Box 3372, Portland, ME 04104 dated and pursuant to a condition thereof, CSH 123, LLC, a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of 75 Washington Ave, Portland, Maine 04101, 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 precast pervious concrete panels, underdrained infiltration trench, catch basins, and storm drain pipes (hereinafter collectively referred to as the "stormwater system") as shown on Grading, Drainage, & Erosion Control 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 4/11/2017, 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 precast pervious

concrete panels, underdrained 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.

CSH 123, LLC
A Maine limited liability company

_____
Jed Harris, Manager

STATE OF MAINE
CUMBERLAND, ss. Date: _____

Personally appeared the above-named Jed Harris, Manager of CSH 123, 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, & Erosion Control Plan

Exhibit C: Stormwater Maintenance and Inspection Log

POST CONSTRUCTION - STORMWATER INSPECTION & MAINTENANCE PLAN

Prepared For:

CSH 123, LLC
75 Washington Ave, Suite 2H
Portland, Maine 04101

Prepared By:

Acorn Engineering, Inc.
158 Danforth Street
Portland, Maine 04102

April 2017

RESPONSIBLE PARTY

The owner, CSH 123, 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 landowner 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

Precast Pervious Concrete Panels

The maintenance of the precast panels is crucial to its functionality as a stormwater system and 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 7.7 Manmade Pervious Surfaces. General maintenance and guidelines are as follows:

- The system should be inspected after every major storm in the first few months to ensure proper function. Thereafter, the functionality of the pervious panels should be inspected at least once every year to ensure that it is draining as designed. Inspections should be made after significant storm events to check for surface ponding that could indicate failure sue to clogging. Non-routine maintenance may require reconstruction of the surface treatment, and possibly the filter and reservoir layers, to relieve major clogging. The replacement of the modular pervious system will be provided when more than 40% of the pervious system shows signs of clogging.
- The pervious panels shall not be subject to winter sanding.
- Vehicles with muddy tired should be prevented from accessing the pervious concrete surface.

Sweeping:

Annual sweeping of the driveways and parking areas following the snow melt for accumulated winter sand will be necessary to remove sediments from the site. Appropriately dispose of all collected material. Bi-annual sweeping, vacuuming, and/or pressure washing of the pervious panels shall occur at a minimum.

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 filter area is draining within a 48-hour period and no less than a 24-hour period. Thereafter, the layer should be inspected at least once every six months to ensure that is draining within a 48-hour period following a one-inch storm or greater.
- Any debris must be removed from the reservoir course at any time. Weeding of any growth is to be done as necessary to keep the stone layer clear.
- Cleanout to be visually inspected for possible obstruction during periodic inspections. If more than one foot of standing water is observed, remove any sediments or obstructions and dispose of in an acceptable manner.

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:

Catch basins 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.
- If the basin outlet is designed with a hood to trap floatable materials (e.g. Snout), check to ensure watertight seal is working.
- Appropriately dispose of all collected material.

Landscaped and Vegetated Areas

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.

INSPECTION AND MAINTENANCE TABLE

Inspection and Maintenance Frequency	Spring or Yearly	Summer	Fall	As Necessary
Pervious Panels - Sweeping	X		X	X
Underdrained Infiltration Trench	X			X
Storm Drains		X		X
Catch Basins		X		X
Landscaped/Vegetated/Wall Areas	X			X

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

PERVIOUS PANELS:		
Location: 107 - 121 Washington Ave, Portland, Maine 04101	**Latitude:**	43.667176° N
	Longitude:	-70.252907° W
Description of Located Point: Along north side of parking lot island.	**Inspector:**	
	Date of Inspection:	
	Weather Conditions:	
Days since last precipitation:	**MEDEP Permit #:**	N/A
Quantity of last precipitation (in):	**Design Drawings:**	YES

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Pervious Panels							
Panel pores are free of sediments and organic debris (e.g., pine needles)	☑	☐	☑	☐ Yes ☐ No ☐ N/A			
Site shows no evidence of winter sand being spread on site	☑	☐	☐	☐ Yes ☐ No ☐ N/A			
Maintain in accordance with manufacturer's recommendations	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Panel surface is free of potholes, cracks, and heaves	☐	☑	☑	☐ Yes ☐ No ☐ N/A			
No visual signs/odor associated with petroleum hydrocarbon contamination	☐	☑	☑	☐ 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:							

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

CATCH BASIN:		
Location: 107 - 121 Washington Ave, Portland, Maine 04101	**Latitude:**	43.667117° N
	Longitude:	-70.252908° W
Description of Located Point: Within the site.	**Inspector:**	
	Date of Inspection:	
	Weather Conditions:	
Days since last precipitation	**MEDEP Permit #**	N/A
Quantity of last precipitation (in)	**Design Drawings:**	YES

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Catch Basins							
Catch basin is working properly and is free of debris and sediment	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Basin outlet hood (if any) is working properly.	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Inter-basin storm drain is functioning properly and free of sediment and debris.	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Sediment sacks and hydrocarbon absorptive pads (if any) are working properly.	☐	☐	☑	☐ 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:							

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

UNDERDRAINED INFILTRATION TRENCH:			
Location: 107 - 121 Washington Ave, Portland, Maine 04101		**Latitude:**	43.667526° N
		Longitude:	-70.252254° 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:**	YES

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 layer retains the design volume for a drain down time greater than 24-hours and less than 48-hours	☑	☑	☐	☐ 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			
The cleanout is free from obstruction and flowing freely, less than 1' of standing water is observed	☐	☑	☐	☐ 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:							

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

STORMWATER PIPE:			
Location: 107 - 121 Washington Ave, Portland, Maine 04101		**Latitude:**	43.667249° N
		Longitude:	-70.252592° W
Description of Located Point: Throughout the site.		**Inspector:**	
		Date of Inspection:	
		Weather Conditions:	
Days since last precipitation:		**MEDEP Permit #**	N/A
Quantity of last precipitation (in):		**Design Drawings:**	YES

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Inlets, Outlets, Culverts & Storm Drains							
Pipe/culvert is free of obstruction, accumulated sediment and debris	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Pipe inlet and outlet is free of obstruction, accumulated sediment and debris	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Pipe/culvert, inlet and outlet is free of collapses and structural damage	☑	☑	☐	☐ Yes ☐ No ☐ N/A			
Outlet and inlet are properly conveying stormwater and no erosion is visible	☑	☑	☐	☐ 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:							

STORMWATER MAINTENANCE AND INSPECTION AGREEMENT: INSPECTION LOG

VEGETATED AREAS:		
Location: 107 - 121 Washington Ave, Portland, Maine 04101	**Latitude:**	43.667190° N
	Longitude:	-70.252704° W
Description of Located Point: Landscape Areas within the property	**Inspector:**	
	Date of Inspection:	
	Weather Conditions:	
Days since last precipitation:	**MEDEP Permit #**	N/A
Quantity of last precipitation (in):	**Design Drawings:**	YES

Maintenance Items	Inspect In Spring	Inspect In Fall	Inspect As Necessary		Maintenance Requested (Date)	Maintenance Completed (Date)	Summary of Maintenance Required
Embankments							
Slopes and embankments are in good condition.	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
Site is free of rill erosion	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
General							
Site is free of locations with less than 90% vegetative cover	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Plantings are capable of withstanding concentrated flows	☐	☐	☑	☐ Yes ☐ No ☐ N/A			
Access to facility is adequate	☐	☑	☐	☐ Yes ☐ No ☐ N/A			
Photographs of most recent site inspection are included	☐	☑	☐				Photographs are attached.
Additional Comments:							