STORMWATER DRAINAGE SYSTEM

MAINTENANCE AGREEMENT

For SUBDIVISIONS

IN CONSIDERATION OF the site plan and subdivision approval granted by the Planning Board of the City of Portland to the proposed 30 Lofts Condominium at 30 Merrill Street, Project ID 2016-172, which is shown on the Subdivision Plat prepared by R.W. Eaton Associates, Inc. and recorded in Cumberland Registry of Deeds in Plan Book 217, Page 266, as revised by the to be recorded Subdivision Plat attached hereto (**Exhibit A**), and associated Site Layout Plan, Grading & Utility Plan, Erosion & Sedimentation Control Details and Detail Sheet (**Exhibit B**) prepared by Jon H. Whitten, Jr., P.E. of Plymouth Engineering, Inc., PO Box 46, Plymouth, ME 04969 and pursuant to a condition thereof, Banner Properties, LLC, a Maine limited liability company with a principal place of business in Portland, Maine, the Declarant under the Declaration of Condominium of 30 Lofts Condominium, dated July 17, 2017 and recorded in the Cumberland County Registry of Deeds in Book 34211, Page 89, as amended, 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 dry well system, hereinafter collectively referred to as the "stormwater system", as shown on the Plans in Exhibit B and in strict compliance with the approved Maintenance & Operations Plan of Stormwater Management Facilities prepared for the Owner by Plymouth Engineering, Inc. (copy attached in Exhibit C) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. 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 said premises and abutters thereto; further, that the said City of Portland and 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 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 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 record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further 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 Services 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 and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles 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 28 day of November, 2017.

Banner Properties, LLC

By: Thomas Landry
Its: Manager

STATE OF MAINE

CUMBERLAND, ss. Date: November 28, 2017

Personally appeared the above-named Thomas Landry, as Manager of Banner Properties, 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: Glenna M Irvine
My commission expires on 11/10/18

SEEN AND AGREED TO:

30 Lofts Condominium Owners Association

By: _____
Thomas Landry, President

Exhibit A: Subdivision Plat as recorded

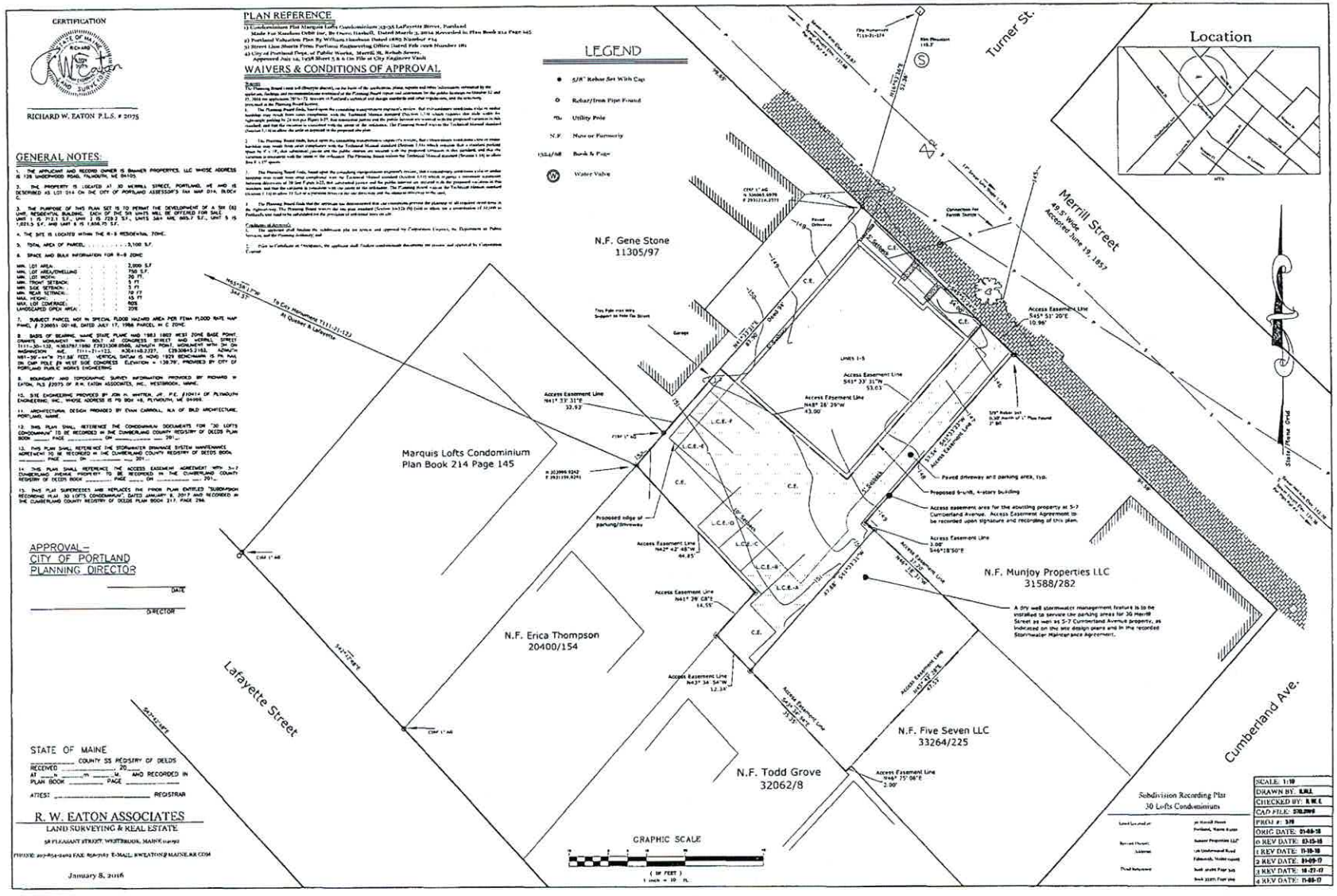
Exhibit B: Approved Site Layout Plan, Grading & Utility Plan, Erosion & Sedimentation Control Details and Detail Sheet

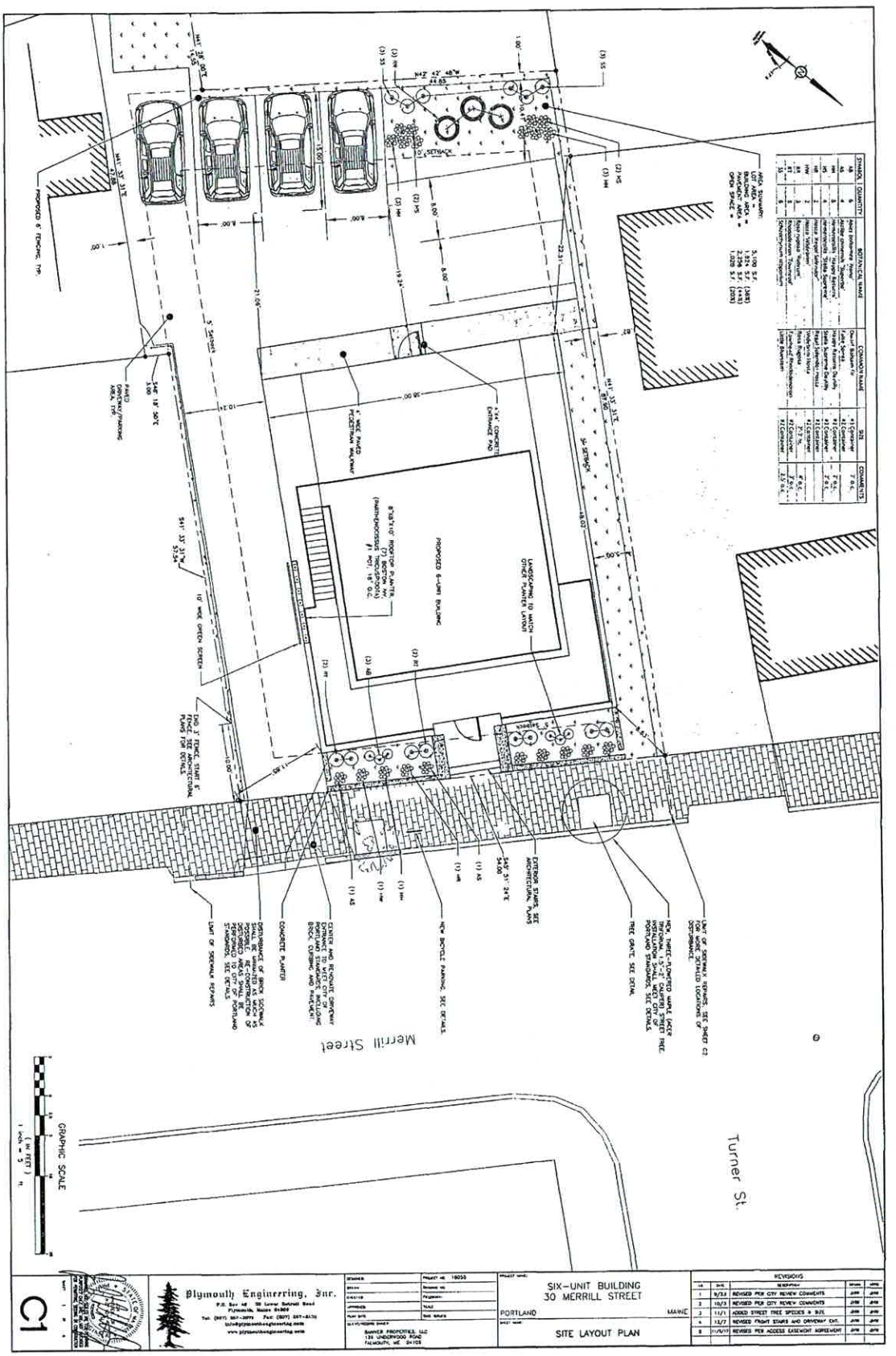
Exhibit C: Approved Stormwater Maintenance and Inspection Agreement

Doc#: 60812 Bk:34497 Pg: 50

EXHIBIT A

ALL-STATE LEGAL





SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
AB	55	Abelia grandiflora 'Rose Creek'	Rose Creek Abelia	#3 Container	3 o.c.
HH	4	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	#3 Container	5 o.c.
HH	3	Hydrangea paniculata 'Tardiva'	Tardiva Hydrangea	#3 Container	5 o.c.
HM	2	Hydrangea 'Merritt's Supreme'	Merritt Supreme Hydrangea	#3 Container	5 o.c.
JS	2	Juniperus scopulorum 'Wichita Blue'	Wichita Blue Juniper	#3 Container	5 o.c.
PJ	2	Pinus strobus 'Pendula'	Pendula White Pine	#3 Container	5 o.c.
SJ	6	Spiraea japonica 'Anthony Waterer'	Anthony Waterer Spirea	#3 Container	3 o.c.
VB	6	Viburnum x burkwoodii 'Mohawk'	Mohawk Viburnum	#3 Container	5 o.c.

AREA SUMMARY:
LOT AREA = 5,100 S.F. (.12 AC.)
BUILDING AREA = 1,125 S.F. (.03 AC.)
PAVEMENT AREA = 2,254 S.F. (.05 AC.)
OPEN SPACE = 1,820 S.F. (.04 AC.)

SIX-UNIT BUILDING
30 MERRILL STREET
PORTLAND MAINE

SITE LAYOUT PLAN

NO.	DATE	REVISIONS DESCRIPTION	DRAWN	CHKD
1	9/23	REVISED PER CITY REVIEW COMMENTS	JMN	JMN
2	10/3	REVISED PER CITY REVIEW COMMENTS	JMN	RB
3	11/1	ADDED STREET TREE SPECIES & SIZE	JMN	JMN
4	12/7	REVISED FRONT STAIRS AND DRIVEWAY EXT.	JMN	JMN
5	11/5/19	REVISED PER ACCESS EASEMENT AGREEMENT	JMN	JMN

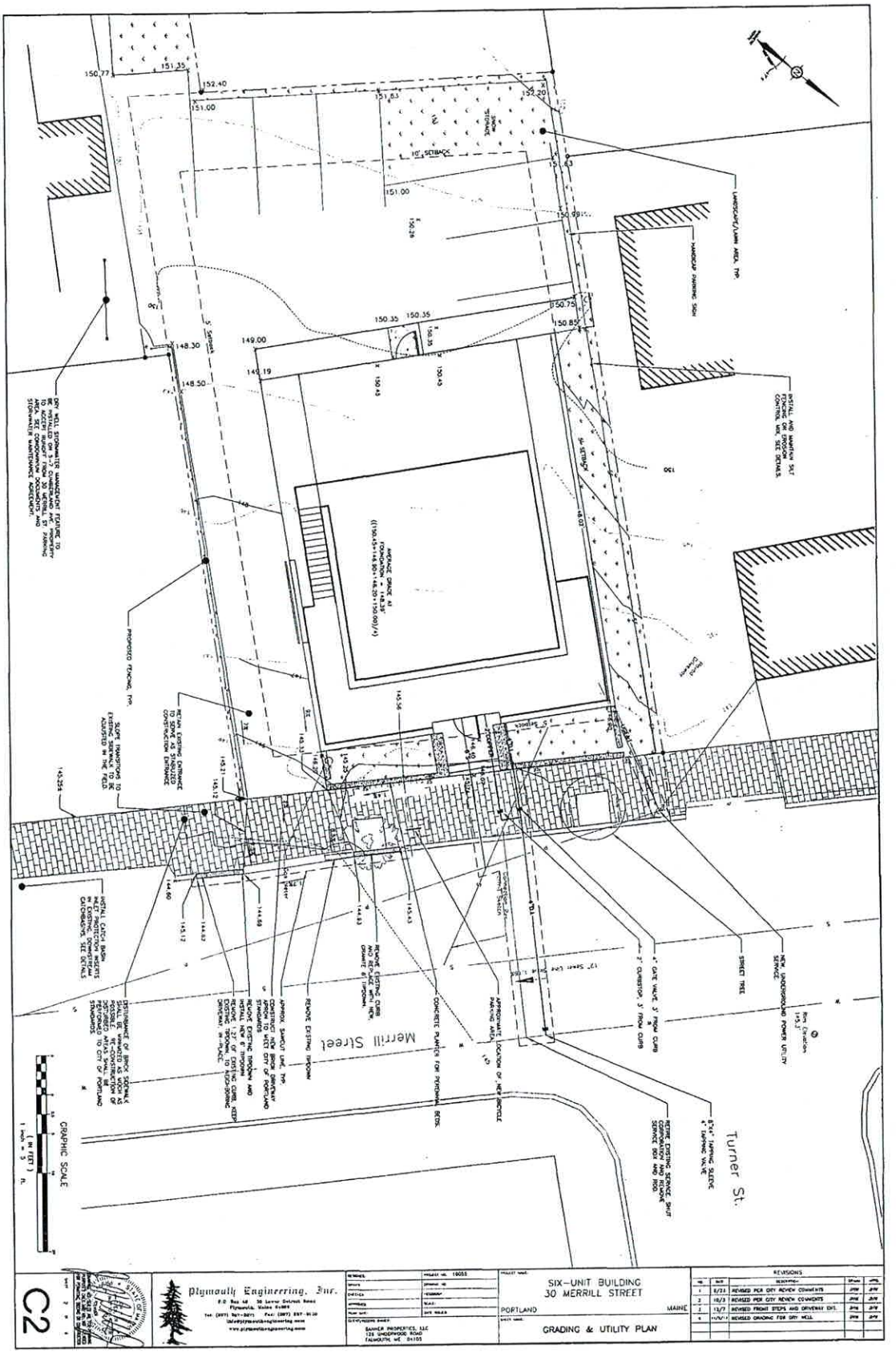
Plymouth Engineering, Inc.
P.O. Box 46 30 Lower Bakerell Road
Plymouth, Maine 04969
Tel: (207) 837-3979 Fax: (207) 837-8170
info@plymouthengineering.com
www.plymouthengineering.com

DRAWN: JMN
CHECKED: RB
APPROVED:
PLOT DATE:
SURVEYING DONE BY: BANNER PROPERTIES, LLC
139 UNDERWOOD POND
FALMOUTH, ME 04105

PROJECT NO. 18055
REVISION NO.
PAGE NO.
SCALE: 1" = 5'
DATE: 9/23

C1

EXHIBIT
B
ALL-STATE LEGAL®


Merrill Street
Turner St.
GRAPHIC SCALE
(IN FEET)
1 inch = 5 ft.
C2
Plymouth Engineering, Inc.
SIX-UNIT BUILDING
30 MERRILL STREET
PORTLAND
MAINE
GRADING & UTILITY PLAN
BANNER PROSPECTIVES, LLC
128 LINDENWOOD ROAD
FALMOUTH, ME 04105
REVISIONS
1 6/23 REVISED PCA CITY REVIEW COMMENTS JHW JHW
2 10/3 REVISED PER CITY REVIEW COMMENTS JHW JHW
3 13/3 REVISED FRONT STEPS AND DRIVEWAY EXT. JHW JHW
4 11/7/11 REVISED GRADING FOR CITY WELL JHW JHW

EROSION AND SEDIMENT CONTROL PLAN

Pre-Construction Phase

[illegible]

BMP Construction Phase

A. Sediment barriers. [illegible]

B. Construction entrance: [illegible]

C. Riprap. [illegible]

D. Temporary stabilization. [illegible]

E. Vegetated waterways. [illegible]

Permanent Stabilization Defined

A. Seeded areas. [illegible]

B. Sodded areas. [illegible]

C. Permanent mulch. [illegible]

D. Riprap. [illegible]

E. Agricultural use. [illegible]

F. Paved areas. [illegible]

G. Ditches, channels, and swales. [illegible]

General Construction Phase

[illegible]

Permanent Vegetation

[illegible]

Seedbed Preparation

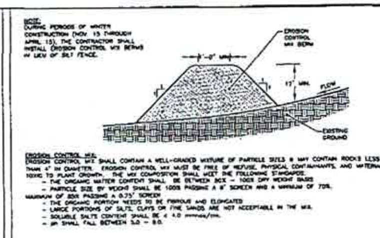
[illegible]

Winter Construction Phase

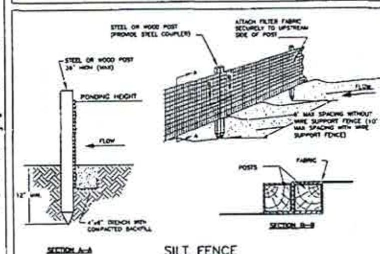
[illegible]

Maintenance and Inspection Phase

[illegible]



EROSION CONTROL MIX BERM
NOT TO SCALE



SILT FENCE
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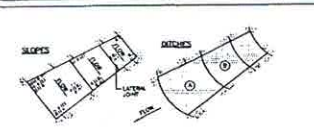

NOTES:

[illegible]

EROSION CONTROL BLANKET
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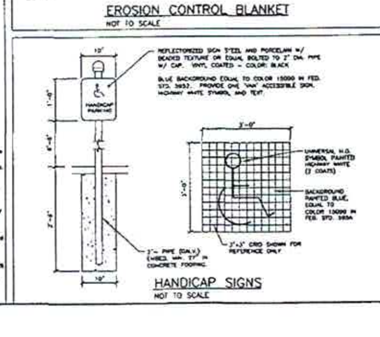

HANDICAP SIGNS
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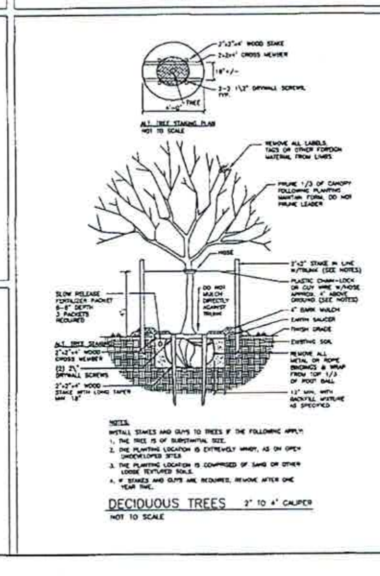


NOTES:

[illegible]

DECIDUOUS TREES 2" TO 4" CALIPER
NOT TO SCALE

CONSTRUCTION NOTES:

[illegible]

REVISIONS			
1	5/23	REVISED PER CITY REVIEW COMMENTS	JAW
2	10/3	REVISED PER CITY REVIEW COMMENTS	JAW

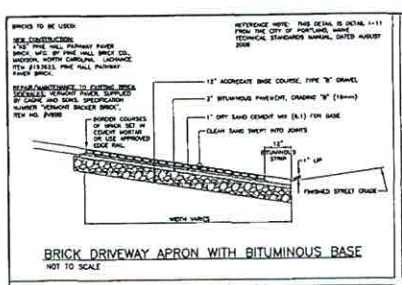
SIX-UNIT BUILDING
30 MERRILL STREET
PORTLAND MAINE

EROSION & SEDIMENTATION CONTROL DETAILS

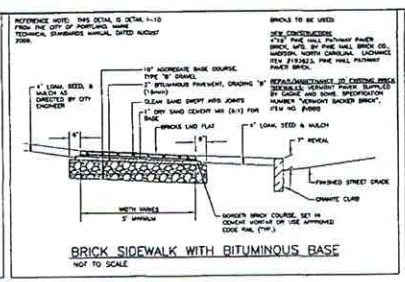
BANNER PROPERTIES, LLC
FALMOUTH, ME 04105

Plymouth Engineering, Inc.

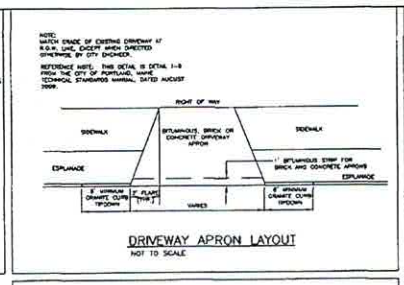
C3



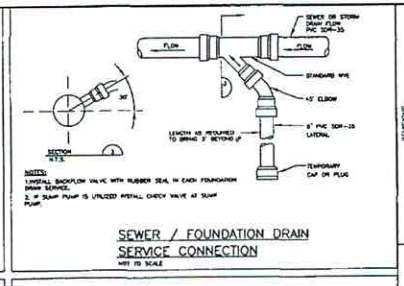
BRICK DRIVEWAY APRON WITH BITUMINOUS BASE
NOT TO SCALE



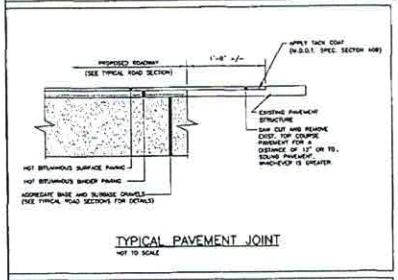
BRICK SIDEWALK WITH BITUMINOUS BASE
NOT TO SCALE



DRIVEWAY APRON LAYOUT
NOT TO SCALE



SEWER / FOUNDATION DRAIN SERVICE CONNECTION
NOT TO SCALE



TYPICAL PAVEMENT JOINT
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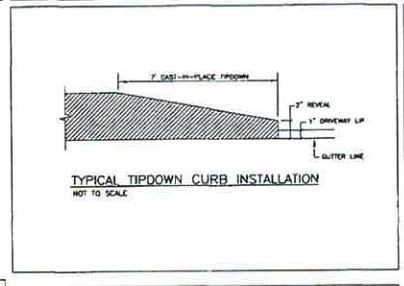
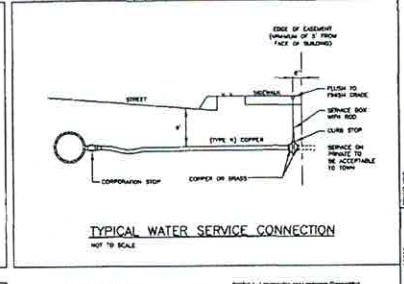
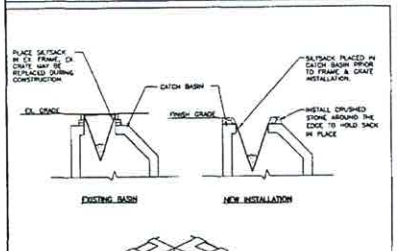


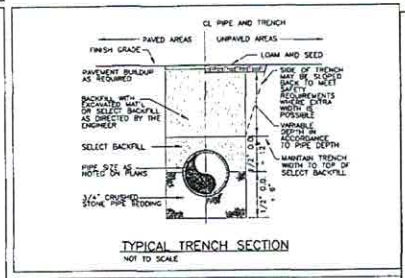
TYPICAL TIPDOWN CURB INSTALLATION
NOT TO SCALE



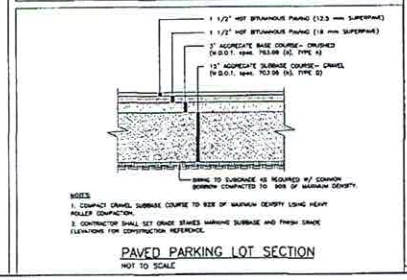
TYPICAL WATER SERVICE CONNECTION
NOT TO SCALE



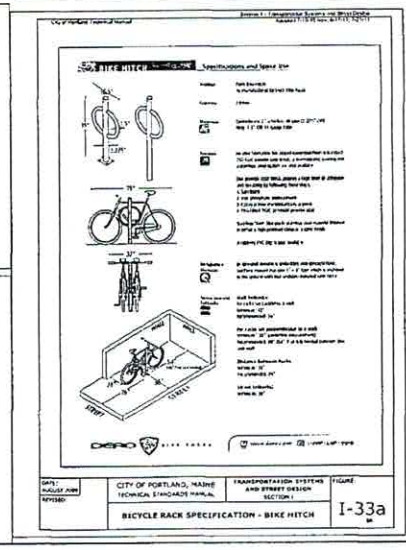
CATCH BASIN EROSION CONTROL INSERT
NOT TO SCALE



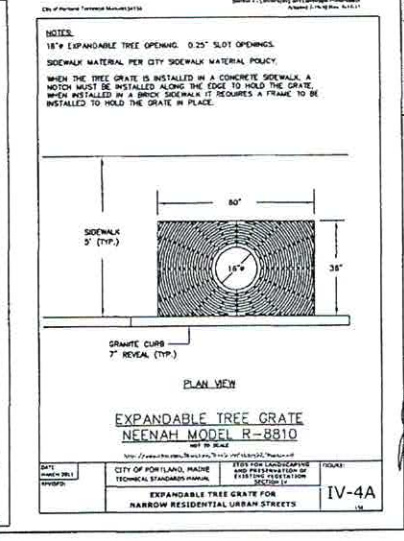
TYPICAL TRENCH SECTION
NOT TO SCALE



PAVED PARKING LOT SECTION
NOT TO SCALE



I-33a



EXPANDABLE TREE GRATE
NEENAH MODEL R-8810

IV-4A

SIX-UNIT BUILDING
30 MERRILL STREET
PORTLAND MAINE
DETAILS

Plymouth Engineering, Inc.

C4

MAINTENANCE & OPERATIONS PLAN OF STORMWATER MANAGEMENT FACILITIES FOR: 30 MERRILL STREET, 6-UNIT BUILDING PORTLAND, MAINE

Responsible Party: **Banner Properties, LLC**
126 Underwood Road
Falmouth, ME 04969

Plan Prepared by: **Plymouth Engineering, Inc.**
PO Box 46
Plymouth, ME 04969

List of Stormwater Measures:
Vegetated Areas
Conveyance & Distribution Systems
Parking Surfaces
Paved Areas
Dry Well

Introduction:
The owner or operator of the proposed project will be responsible for the maintenance of all stormwater management structures, the establishment of any contract services required to implement the program, and the keeping of records and maintenance log book. At a minimum, the appropriate and relevant activities for each of the stormwater management systems will be performed on the prescribed schedule.

Inspection & Maintenance Tasks:
NOTE: The following instruction are excerpts from the Maine Department of Environmental Protection's *Stormwater Management for Maine, Volume III BMPs Technical Design Manual*, dated May, 2016.

Vegetated Areas:
1. Routine Maintenance and Inspection: The area should be inspected for failures following heavy rainfall and repaired as necessary for newly formed channels or gullies, reseeding/ sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity of the check dams.
2. Aeration: Vegetated areas may require periodic mechanical aeration to restore infiltration capacity. This aeration must be done during a time when the area can be reseeded and mulched prior to any significant rainfall.
3. Erosion: It is important to install erosion and sediment control measures to stabilize this area as soon as possible and to retain any organic matter on the surface.
4. Fertilization: Routine fertilization and/or use of pesticides is strongly discouraged. If complete re-seeding is necessary, half the original recommended rate of fertilizer should be applied with a full rate of seed.

Conveyance & Distribution Systems: (Stormwater Channels & Culverts, etc.)
1. **Mowing:** Grass should not be trimmed extremely short, as this will reduce the filtering effect of the swale (MPCA, 1989). The cut vegetation should be removed to prevent the

decaying organic litter from adding pollutants to the discharge from the swale. The mowed height of the grass should be 2-4 inches taller than the maximum flow depth of the design water quality storm. A minimum mow height of 6 inches is generally recommended (Galli, 1993).

2. **Routine Maintenance and Inspection:** The area should be inspected for failures following heavy rainfall and repaired as necessary for newly formed channels or gullies, reseeding/ sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity of the check dams.
3. **Aeration:** The buffer strip may require periodic mechanical aeration to restore infiltration capacity. This aeration must be done during a time when the area can be reseeded and mulched prior to any significant rainfall.
4. **Erosion:** It is important to install erosion and sediment control measures to stabilize this area as soon as possible and to retain any organic matter in the bottom of the trench.
5. **Fertilization:** Routine fertilization and/or use of pesticides is strongly discouraged. If complete re-seeding is necessary, half the original recommended rate of fertilizer should be applied with a full rate of seed.
6. **Sediment Removal:** The level of sediment deposition in the channel should be monitored regularly, and removed from grassed channels before permanent damage is done to the grassed vegetation, or if infiltration times are longer than 12 hours. Sediment should be removed from riprap channels when it reduces the capacity of the channel.
7. **Catch Basins**: All catch basins, and any other field inlets throughout the collection system, need to be inspected on a monthly basis to assure that the inlet entry point is clear of debris and will allow the intended water entry. At that time, these will be cleared, if necessary on a yearly basis or when sediment reaches two thirds of total volume. Catch basins need to be vacuumed and cleaned of all accumulated sediment. This work must be done by a vacuum truck under contract. The removed material must be disposed of in accordance with the Maine Solid Waste Disposal Rules.

Parking Surfaces:
Paved surfaces shall be swept or vacuumed at least twice annually in the Spring to remove all Winter sand, and periodically during the year on an as-needed basis to minimize transportation of sediment during rainfall events.

Dry Well/Catch Basin:
Preventive maintenance is vital for the long-term effectiveness of an infiltration system.

1. **Fertilization:** Fertilization of the area over the infiltration bed should be avoided unless absolutely necessary to establish vegetation.
2. **Snow Storage:** Snow removed from any on-site or off-site areas may not be stored over an infiltration area, with the exception of storage on permeable pavement.
3. **Monitoring and Inspections:** Inspect the infiltration system several times in the first year of operation and at least annually thereafter. Conduct the inspections after large storms to check for surface ponding at the inlet that may indicate clogging. Water levels in the observation well should be recorded over several days after the storm to ensure that the system drains within 24 to 48 hours after filling. The basin will need to be rehabilitated if it fails to drain before the next rain event or 72 hours.
4. **Pollution-Control Devices**: Pollution-control devices such as oil-water separators, skimmers, and booms should be inspected regularly to determine if they need to be cleaned or replaced.
5. **Sediment Removal and Maintenance of System Performance:** Sediment must be removed from the system at least annually to prevent deterioration of system performance. The pre-treatment inlets should be checked and cleaned out when accumulated sediment occupies more than 10% of the available capacity. This can be done manually or by a

vacuum pump. Inlet and outlet pipes should be checked for clogging. Accumulated grease and oil from separator devices should be removed frequently and disposed of in accordance with applicable state and local regulations. The system must be rehabilitated or replaced if its performance is degraded to the point that applicable stormwater standards are not met.

6. **Pretreatment Buffer Strips:** If a grass buffer strip is used in conjunction with the infiltration BMP it should have vigorous and dense vegetation. Bare spots or eroded areas should be repaired and/or re-seeded or re-sodded. Watering and/or fertilization should be provided during the first few months after the strip is established, and may be needed in times of drought. Grass filter strips should be mowed regularly to prevent the uncontrolled growth of weeds, but filter strip performance will be impaired if the grass is cut too short.

Task Frequency:

Table 11-1
Long-Term Inspection & Maintenance Plan

	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
Vegetated Areas				
Inspect all slopes and embankments	X		X	
Replant bare areas or areas with sparse growth	X		X	
Armor areas with rill erosion with an appropriate lining or divert the erosive flows to on-site areas able to withstand concentrated flows. See Appendix A(5) of Rule.	X		X	
Stormwater Channels				
Inspect ditches, swales and other open stormwater channels	X	X	X	
Remove any obstructions and accumulated sediments or debris	X	X		
Control vegetated growth and woody vegetation		X		
Repair any erosion of the ditch lining		X		
Mow vegetated ditches		X		
Remove woody vegetation growing through riprap		X		
Repair any slumping side slopes		X		
Replace riprap where underlying filter fabric or underdrain gravel is showing or where stones have dislodge		X		
Culverts				
Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit	X	X	X	
Repair any erosion damage at the culvert's inlet and outlet	X	X	X	
Catch Basin Systems				
Remove and legally dispose of accumulated sediments and debris from the bottom of the basin, inlet grates, inflow channels to the basin, and pipes between basins.	X			
Remove floating debris and floating oils (using oil absorptive pads) from any trap designed for such	X			
Roadways and Parking Surfaces				
Clear accumulated winter sand in parking lots and along roadways	X			
Sweep pavement to remove sediment	X			
Grade road shoulders and remove excess sand either manually or by a front-end loader	X			
Grade gravel roads and gravel shoulders	X			
Clean-out the sediment within water bars or open-top culverts	X			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the shoulder	X			

Table 11-1 Long-Term Inspection & Maintenance Plan				
	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
Dry Well/Catchbasin				
Inspect and clean-out any pre-treatment measures that collect sediment and hydrocarbons entering an infiltration measure	X	X		
Provide for the removal and disposal of accumulated sediments within the infiltration area				X
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				X

Maintenance Log Sheet:

Maintenance Log Sheet 30 Merrill Street, Portland, ME			
BMP's	**Date Inspected**	**Repairs Needed?**	**Date Repaired**
Example	4/1/17	Y	4/2/17
1. Vegetated Areas			
2. Paved Areas			
3. Catch Basin			
4. Dry Well			

Detailed Repair Notes:

BMP Type	Date	Description of Repair Made
1	4-1-17	Sodded over eroded section (Example)

Received
Recorded Register of Deeds
Nov 30,2017 01:29:33P
Cumberland County
Nancy A. Lane