

**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 70 Anderson Street Redevelopment shown on the Subdivision Plat 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 8/22/16 prepared by Acorn Engineering, Inc. of P.O. Box 3372, Portland, ME 04104 dated and pursuant to a condition thereof, Redfern Properties, LLC, a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of P.O. Box 8816, 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 rain garden, roof dripline filter, storm drain pipes, and underdrain pipes (hereinafter collectively referred to as the “stormwater system”) as shown on the Stormwater Maintenance Agreement Drainage Plan, Drawing EX-01, attached hereto as **Exhibit B** and in strict compliance with the approved Stormwater Inspection & Maintenance Plan and Stormwater Maintenance and Inspection Log, dated 8/22/16, 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 rain garden, roof dripline

filter, storm drain pipes, underdrain 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 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 _____ day of August, 2016.

REDFERN PROPERTIES, LLC
A Maine limited liability company

Jonathon Culley, Manager

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named Jonathon Culley, Manager of Redfern Properties, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

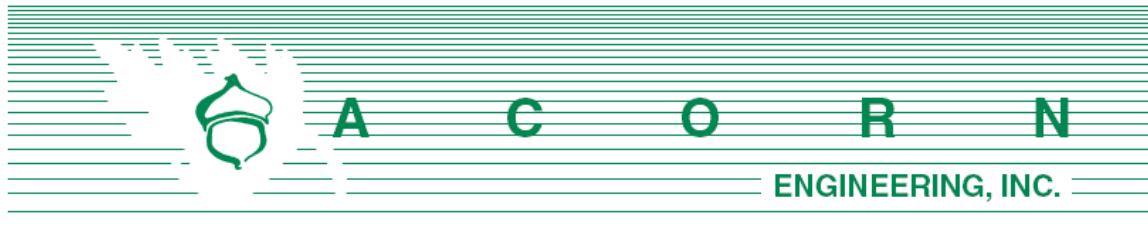
Notary Public/Attorney at Law

Print name: _____

Exhibit A: Stormwater Inspection & Maintenance Plan

Exhibit B: Stormwater Maintenance Agreement Drainage Plan

Exhibit C: Stormwater Maintenance and Inspection Log



POST CONSTRUCTION - STORMWATER INSPECTION & MAINTENANCE PLAN

Prepared For:

**Redfern Properties, LLC
70 Anderson Street Redevelopment
Portland, Maine 04101**

Prepared By:

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



AUGUST 2016



A C O R N

ENGINEERING, INC.

RESPONSIBLE PARTY

The owner, Redfern Properties, 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 Services prior to June 30th.

The following is an example of a qualified stormwater professional that the owner 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, Drainage, & Erosion Control Plan, revised August 22nd, 2016 or the latest version 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 Bioretention Cell “Rain Garden”:

The maintenance of the rain garden 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 7.2 Underdrained Bioretention Cell BMP.

- The soil filter 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, and that the plants are establishing. Thereafter, the filter 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.
- Soil filter modification shall occur if the filter bed is draining in less than 24 hours. The top six inches of the filter shall be replaced with six inches of loam, per the most recent Maine DEP specification. Soil filter replacement shall be replaced with fresh material on a yearly basis.
- The filter area shall not be fertilized unless it is absolutely necessary.
- Harvesting and pruning of excessive growth shall be done occasionally. Weeding to control unwanted or invasive plants may be necessary and plants that are not thriving must be replaced.
- Inspect the overflow outlet at least annually to ensure it is in good working order and unobstructed from trash and debris. Removed sediments should be disposed of in an acceptable manner.

Roof Dripline Filter:

The maintenance of the roof dripline 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 7.5 Roof Dripline Filtration BMP and Chapter 7.2 Underdrained Bioretention Cell BMP.

- 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 filter 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.
- No gutter may be installed on the roof line above the dripline.

Sweeping:

Annual sweeping of the parking lot and internal sidewalks following the snow melt for accumulated winter sand, if necessary. All material is to be appropriately disposed of.

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.

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 contract documents.

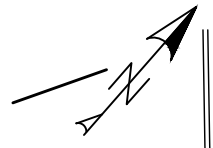
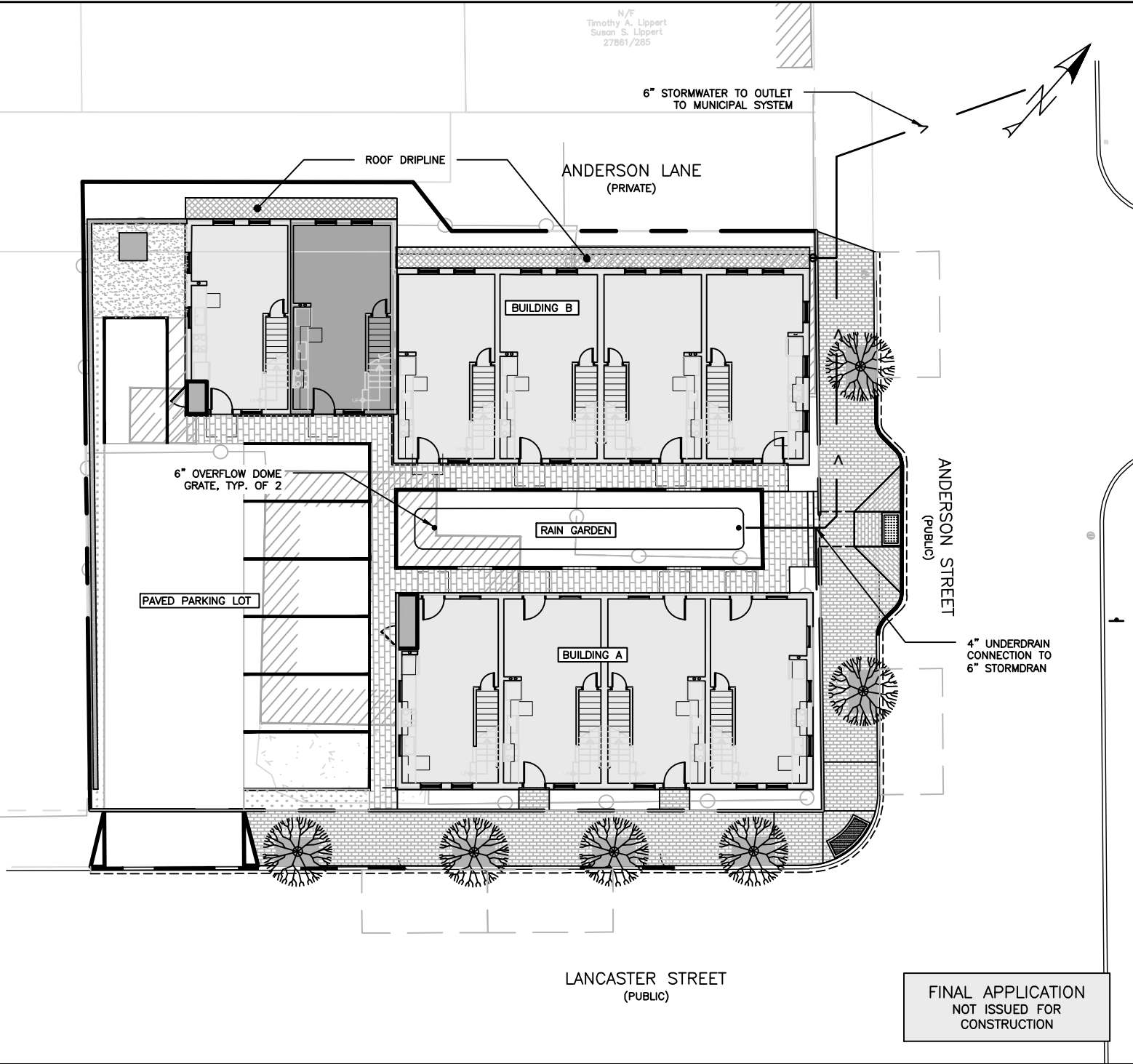
If signs of rill erosion or scour are present within areas tributary to the retaining walls, Acorn Engineering should be immediately contacted to perform an inspection and/or to contact the appropriate professional. Periodic inspections of the retaining walls shall be performed, under separate contract, by a Professional Geotechnical Engineer.

INSPECTION AND MAINTENANCE TABLE

| Inspection and Maintenance Frequency | Spring or Yearly | Summer | Fall | As Necessary |
|---|------------------|--------|------|--------------|
| Rain Garden | X | X | | X |
| Roof Dripline | X | X | | X |
| Storm Drains | | X | | X |
| Sweeping | X | | | X |
| Landscaped/Vegetated/Wall Areas | X | | | X |

N/F
Portland Renewal Authority
Portland Housing Authority
2818/53

N/F
Timothy A. Lippert
Susan S. Lippert
27681/265



| | |
|------------|---------|
| ISSUED FOR | BY |
| FINAL APP | DATE |
| | WHS |
| | 8/22/16 |

DRAWING NAME: STORMWATER MAINTENANCE AGREEMENT DRAINAGE PLAN
 PROJECT NAME: 70 ANDERSON STREET REDEVELOPMENT
 CLIENT: REDFERN PROPERTIES, LLC
 PORTLAND, ME 04104

ACORN ENGINEERING, INC.
 ACORN ENGINEERING, INC. P.O. BOX 3372
 PORTLAND, MAINE 04104 (207) 775-2655

| | |
|-------------|------------|
| FILE: | CIVIL 1067 |
| JN: | 1067 |
| SCALE: | 1":20' |
| DESIGN BY: | OJD |
| DRAWN BY: | OJD |
| CHECKED BY: | WHS |

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

DRAWING NO.

EX-01

FINAL APPLICATION
NOT ISSUED FOR
CONSTRUCTION

STORMWATER MAINTENANCE AND INSPECTION LOG

| | |
|--|------------------------------|
| BIORETENTION CELL "RAIN GARDEN" BMP: | |
| Location: 70 Anderson Street, Portland ME 04101 | Latitude: 43.665095 |
| | Longitude: -70.254757 |
| Description of Located Point: Center of Property, In Between Buildings | Inspector: |
| | Date of Inspection: |
| | Weather Conditions: |
| Days since last precipitation | MEDEP Permit # YES |
| 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 |
|-------------------|-------------------|-----------------|----------------------|--|------------------------------|------------------------------|---------------------------------|
|-------------------|-------------------|-----------------|----------------------|--|------------------------------|------------------------------|---------------------------------|

Underdrained Ditch, Vegetated Underdrain Soil Filter, Bio-retention Cell, etc.

| | | | | | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|---|--|--|--|
| Soil filter retains the design volume for a drain down time greater than 24-hours and less than 48-hours | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Permeability is between 2.4 and 4 in/hr | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Filter bed consists of at least 6 in of loam | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Filter bed planting height is no less than 6" | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Filter area is properly planted, showing no bare spots and free of unwanted vegetative growth | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| The outlet control structures (2) are in good working condition and free of debris | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Plantings are in good condition and do not show signs of rot or decay | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |

STORMWATER MAINTENANCE AND 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Photographs of most recent site inspection are included | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | Photographs are attached. |
| Additional Comments: | | | | | | | |

STORMWATER MAINTENANCE AND INSPECTION LOG

| | |
|---|------------------------------|
| ROOF DRIPLINE FILTER BMP: | |
| Location: 70 Anderson Street, Portland ME 04101 | Latitude: 43.665186 |
| | Longitude: -70.254877 |
| Description of Located Point: Along the rear of Building B to the northwest of the property | Inspector: |
| | Date of Inspection: |
| | Weather Conditions: |
| Days since last precipitation | MEDEP Permit # YES |
| 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 |
|-------------------|-------------------|-----------------|----------------------|--|------------------------------|------------------------------|---------------------------------|
|-------------------|-------------------|-----------------|----------------------|--|------------------------------|------------------------------|---------------------------------|

Underdrained Ditch, Vegetated Underdrain Soil Filter, Bio-retention Cell, etc.

| | | | | | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|---|--|--|--|
| Reservoir stone layer retains the design volume for a drain down time greater than 24-hours and less than 48-hours | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Permeability is between 2.4 and 4 in/hr | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Reservoir stone is at least 12" deep | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Reservoir layer is free from growth | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| The cleanout is free from obstruction and flowing freely, less than 1' of standing water is observed | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |

STORMWATER MAINTENANCE AND 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Photographs of most recent site inspection are included | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | Photographs are attached. |
| Additional Comments: | | | | | | | |

STORMWATER MAINTENANCE AND INSPECTION LOG

| | |
|---|------------------------------|
| STORMWATER PIPE: | |
| Location: 70 Anderson Street, Portland ME 04101 | Latitude: 43.665288 |
| | Longitude: -70.244181 |
| Description of Located Point: Stormwater Drain outlet to Municipal System | 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, & Storm Drains

| | | | | | | | |
|---|-------------------------------------|-------------------------------------|-------------------------------------|---|--|--|--|
| Pipe is free of obstruction, accumulated sediment and debris | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Pipe inlet and outlet is free of obstruction, accumulated sediment and debris | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Pipe, inlet and outlet is free of collapses and structural damage | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Outlet and inlet are properly conveying stormwater and no erosion is visible | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |

General

| | | | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|---|--|--|---------------------------|
| Access to facility is adequate | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Photographs of most recent site inspection are included | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | Photographs are attached. |

| | |
|-----------------------------|--|
| Additional Comments: | |
|-----------------------------|--|

STORMWATER MAINTENANCE AND INSPECTION LOG

| VEGETATED AREAS: | | | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|---|------------------------------|------------------------------|---------------------------------|
| Location: 70 Anderson Street, Portland ME 04101 | | | | Latitude: 43.665095 | | | |
| | | | | Longitude: -70.254757 | | | |
| Description of Located Point: Bordering the parking lot, terraces, and within the Rain Garden | | | | Inspector: | | | |
| | | | | Date of Inspection: | | | |
| | | | | Weather Conditions: | | | |
| | | | | 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Site is free of rill erosion | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| General | | | | | | | |
| Site is free of locations with less than 90% vegetative cover | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Plantings are capable of withstanding concentrated flows | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Access to facility is adequate | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | | | |
| Photographs of most recent site inspection are included | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | Photographs are attached. |
| Additional Comments: | | | | | | | |