Form # P 04

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUREAU OF INSPECTION

Please Read Application And Notes, If Any, Attached

PERMIT

Permit Number. 060492

PERMIT ISSUED

JUN 1 4 2006

CITY OF PORTLAND

This is to certify that CHESTNUT ST METHODIST SOCIETY IN PORTLAND/ ed/

has permission to Build 37 Residential Condominiums and 200 sq. ft. of office/retail space on first floor

AT 21 CHESTNUT ST L 027 C010001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Oregon and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is lined or closed-in 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. Corey Cuss 4-18-06

Health Dept. _____

Appeal Board _____

Other _____

DepartmentName

6/13/06

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 21 CHESTNUT ST **CBL** 027 C010001

Issued to Chestnut Str. Lofts LLC/Allied/Cook Construction **Date of Issue** 07/18/2007

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 06-0492 , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES	APPROVED OCCUPANCY
ENTIRE/Units 101,201-206,301-306,401-406,501-506,601-606,702,704,802,803	Residential Condomiums R-2/M/S Type 1B IBC 2003

Limiting Conditions:

NONE

This certificate supersedes certificate issued

Approved:

7/18/07 Chester J Sh
(Date) *Inspector*

Jeanne Bourke 7/18/07
Inspector of Buildings

Per JMB
MMC-Elec, GregCass-PFD.

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

CITY OF PORTLAND, MAINE

Department of Building Inspection

Certificate of Occupancy

LOCATION 21 CHESTNUT ST **CBL** 027 C010001

Issued to Chestnut Str.Lofts LLC/Allied/Cook Construction **Date of Issue** 08/02/2007

This is to certify that the building, premises, or part thereof, at the above location, built – altered – changed as to use under Building Permit No. 06-0492 , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES	APPROVED OCCUPANCY
Unit 102, first floor	Office/Retail Use Group M Type 1B IBC 2003

Limiting Conditions:

Any Tennant Fit Up or Change of Use requires a separate permit and approval

This certificate supersedes certificate issued

Approved:

8/2/07 Per CH. Janine Bourke Janine Bourke 8/2/07

(Date) *Inspector* *Inspector of Buildings*

Per MMC-elec
Grandfathered P.E.D.

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No:	Issue Date:	CBL:
06-0492	PERMIT ISSUED	007 C010001

JUN 14 2006

CITY OF PORTLAND

Location of Construction:	Owner Name:	Owner Address:	Phone:
21 CHESTNUT ST	CHESTNUT ST METHODIST SO	PO BOX 3893	
Business Name:	**Contractor Name:**	**Contractor Address:**	**Phone**
	Allied/Cook Construction	PO Box 1396 Portland	2077722883
Lessee/Buyer's Name	**Phone:**	**Permit Type:**	**Zone:**
		Commercial	B3

Past Use:	Proposed Use:	Permit Fee:	Cost of Work:	CEO District:
Vacant Land connected w/ permit #060426	Residential Condo's & Commercial space/ 37 Residential Condominiums and 2,200 sq ft of office retail space on first floor	$37,257.00	$4,129,000.00	1

FIRE DEPT: ☑ Approved ☐ Denied

See Conditions

Signature: Greg Cass

INSPECTION:

Use Group: R2/M Type: 5B

6/13/06

Signature: Allen Campbell

Proposed Project Description:

Build 37 Residential Condominiums and 2,200 sq ft of office retail space on first floor

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action: ☐ Approved ☐ Approved w/Conditions ☐ Denied

Signature: Date:

Permit Taken By:	Date Applied For:
ldobson	04/12/2006

1.

2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Zoning Approval

Special Zone or Reviews	Zoning Appeal	Historic Preservation
☐ Shoreland N/A	☐ Variance	☐ Not in District or Landmar
☐ Wetland	☐ Miscellaneous	☐ Does Not Require Review
☐ Flood Zone	☐ Conditional Use	☑ Requires Review
☒ Subdivision 37 Condo D.U.	☐ Interpretation	☐ Approved
☒ Site Plan #2005-0096	☐ Approved	☐ Approved w/Conditions
Maj ☒ Minor ☐ MM ☐	☐ Denied	☐ Denied
Date: 4/13/06	Date:	Date:

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued. I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable *to* such permit.

SIGNATURE OF APPLICANT | ADDRESS | DATE | PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK. TITLE | DATE | PHONE

Location of Construction:	Owner Name:	Owner Address:	Phone:
21 CHESTNUT ST	CHESTNUT ST METHODIST SO	PO BOX 3893	
Business Name:	**Contractor Name:**	**Contractor Address:**	**Phone**
	Allied/Cook Construction	PO Box 1396 Portland	(207) 772-2888
Lessee/Buyer's Name	**Phone:**	**Permit Type:**	
		Commercial	

☐

Location of Construction:	Owner Name:	Owner Address:	Phone:
21 CHESTNUT ST	CHESTNUT ST METHODIST SO	PO BOX 3893	
Business Name:	**Contractor Name:**	**Contractor Address:**	**Phone**
	Allied/Cook Construction	PO Box 1396 Portland	(207) 772-2888
Lessee/Buyer's Name	**Phone:**	**Permit Type:**	
		Commercial	

13 If the applicant proceeds with the roof-top deck, then the final roof-top deck elevations shall be submitted to the City for review prior to the issuance of a building permit. Carrie Marsh, Urban Designer, has reviewed the rooftop deck and approves the elevation as submitted on Sheet A2.0 Elevations, Revision #2.

Comments:

5/1/2006-mjn: Emailed the following questions to TFH:

1) What are the ratings of the walls and ceiling separating the parking garage from the other uses?
2) Does the basement corridor need to be rated?
3) What is the basement ceiling/floor assembly rating, STC and IIC?
4) There are no dampers shown for the shaft penetrations the the units.
5) Need to discuss Clothes dryer venting
6) Need to have a general fire separation assembly penetration discussion.
7) I don't see Standpipe refences in the pplan or specs.
8) Are all units Type "B" units for accessibility purposes?
9) Please demonstrate compliance with Section 1007.1, Accessible Means Of Egress.
10) Please provide a code justification for the omission of the elevator lobby on each floor.

5/1/2006-mjn: Waiting for waiver request on percentage of unprotected openings given the tire separation distance of 2'3".

FROM DESIGNER: TFH Architects

DATE: 04/11/06

Job Name: Chestnut Street lofts

Address of Construction: 89 Chestnut Street Portland, Me 04101

2003 *International Building Code*

Construction project **was** designed according to the **building** code criteria **listed** below:

Building Code and Year IBC 2003 Use Group Classification(s) R-2 . 15

Type of Construction 1B

Will the Structure have a Fire suppression **system** in Accordance with Section 903.3.1 of the 2003 IRC yes

Is the Structure mixed use? yes **if** yes, separated or non separated (see **Section** 302.3)

Supervisory **alarm** system? yes Geotechnical/Soils report required?(See Section 1802.2)

STRUCTURAL DESWN CALCULATIONS

_____ Submitted for **all** structural members *(106.1, 106.1.1)*

DESIGN LOADS ON CONSTRUCTION **DOCUMENTS** (1603)

Uniformly distributed floor **live** loads *(7603.11, 1607)*

Floor Area Use	Loads Shown
Dwelling unit 5	40 PSF
Balconies	60 PSF
Rooftop deck	60 PSF
Public Corridors	100 PSF
Commercial areas	100 PSF

Wind loads *(1603.1.4, 1609)*

ASCE 7 Design option **utilized** (1609.1. *1*, 1609.6)

100 mph **Basic** wind speed *(1809.3)*

1 Building category and wind Importance factor, I_w (Table *1604.5*, 1609.5)

C Wind exposure category *(1609.4)*

± 18 PSF Internal pressure **coefficient** *(ASCE 7)*

6.5.12.4 Component and **cladding** pressures *(1609.1.1; 1609.6.2.2)*

6.5.12.2 Main force wind pressures (7603.1. *1*, *1609.6.2.1)*

Earthquake design data *(1603.1.5,* 1614 - *1623)*

1616.3 Design option **utilized** *(1614.1)*

1 **Seismic** use group ("Category") *(Table* 1604.5, *1616.2)*

SDS 0.37

a1 0.16 Spectral response **coefficients**, S_{DS} & S_{D1} (7675.7)

B Site class *(1615.1.5)*

Live load reduction *(1603.1.1, 1607.9, 1607.10)*

Roof *live* **loads** *(1603.72,* 1607.11)

Roof snow **loads** *(7603.7.3,1608)*

60 PSF Ground snow load, P_g (1608.2)

42 PSF If P_g > 10 psf flat-roof snow load, P_f *(1608.3)*

1.0 If P_g > 10 psf, snow exposure factor, C_e *(Table 1608.3.1)*

1.0 If P_g > 10 psf, snow load Importance factor, I_s *(Table 1604.5)*

1.0 Roof **thermal** factor, C_t *(Table 1608.3.2*

N/A Sloped roof snowload, P_s *(1608.4)*

C **Seismic design** category *(1616.3)*

7B **Basic seismic-force-resisting system** *(Table 1617.6.2)*

7 Response modification coefficient, R_I and deflection amplification factor, C *(Table 1617.6.2)*

E.L.F. Analysis procedure *(1616.6,* 1617.5)

187K Design base shear (1617.4, *1617.5.1)*

Flood loads *(1603.1.6,* 7672)

_____ Flood hazard area (1612.3)

Elevation of structure

Other **loads**

_____ Concentrated loads (1607.4)

_____ **Partition loads** (1607.5)

_____ Impact loads *(1607.8)*

_____ Misc. loads *(Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)*

CITY OF PORTLAND
BUILDING CODE CERTFICATE
389 Congress St., Room 315
Portland, Maine 04 101

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Service

FROM: TFH Architects

RE: Certificate of Design

DATE: 04/07/06

These plans and/ or specifications covering construction work on:

29 Chestnut Street

Portland, Maine 04101

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the 2003 International Building Code and local amendments.

(SEAL)

LICENSED ARCHITECT
T. SCOTT TEAS
No. 802
STATE OF MAINE

Signature:

Title: principal

Firm: TFH Architects

As per Maine State Law:

$50,000.00 or more in new construction, repair expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.

Address: 100 Commercial St.
Portland, Maine
04101

CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

ACCESSIBILITY CERTIFICATE

Designer: TFH Architects

Address of Project: 29 Chestnut Street Portland, Me 041

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act.

Signature:

Title: Principal

(SEAL)

LICENSED ARCHITECT
T. SCOTT TEAS
No. 802
STATE OF MAINE

Firm: TFH Architects

Address: 100 Commercial Street
Portland, Maine 0410

Phone: 775-6141

NOTE-: If this project is a new Multi Family Structure of 4 units or more, this project must also be designed in compliance with the Federal Fair Housing Act. On a separate submission, please explain in narrative form the method of compliance.

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No:	Issue Date:	CBL:
06-0426		027 C010001

Location of Construction:	Owner Name:	Owner Address:	Phone:
21 CHESTNUT ST	CHESTNUT ST METHODIST SOCI	17 CHESTNUT ST	
Business Name:	**Contractor Name:**	**Contractor Address:**	**Phone**
	Allied/Cook Construction	PO Box 1396 Portland	2077722888
Lessee/Buyer's Name	**Phone:**	**Permit Type:**	**Zone:**
		Demolitions	

Past Use:	Proposed Use:	Permit Fee:	Cost of Work:	CEO District:
	Demolition of a Multi-Family - Create Vacant land for future build	$822.00	$89,000.00	1

FIRE DEPT: ☐ Approved ☐ Denied — Signature:

INSPECTION: Use Group — Type — Signature:

Proposed Project Description:
Demolition of a Multi-Family - Create Vacant land for future build

Signature: Date:

Permit Taken By:	Date Applied For:
ldobson	03131/2006

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six **(6)** months of the date of issuance. False information may invalidate a building permit and stop all work..

Zoning Approval

Special Zone or Reviews	Zoning Appeal	Historic Preservation
☐ Shoreland	☐ Variance	☐ Not in District or Landma
☐ Wetland	☐ Miscellaneou	☐ Does Not Require Revie
☐ Flood Zon	☐ Conditional Us	☐ Requires Review
☐ Subdivision	☐ Interpretati	☐ Approved
☐ Site Plan	☐ Approved	☐ Approved w/Condition
Ma ☐ Mino ☐ M ☐	☐ Denied	☐ Denied
late:	late:	Date:

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or **that** the proposed **work** is authorized by the **owner** of record and that I have been authorized by the owner to make **this** application as his authorized agent and I agree to conform to **all** applicable laws of this jurisdiction. In addition, if a permit **for work** described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all **areas** covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICAN — ADDRESS — DATE — PHO

RESPONSIBLE PERSON IN CHARGE OF WORK, TIT — DATE — PHO

General Building Permit Application

PDF & Drive

If you or the property owner owes real estate or personal property taxes **or** user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 29 Chestnut Street

Total Square Footage of Proposed Structure	Square Footage of Lot
53,768sf	Parcel C 19,780sf From total 30,180sf

Tax Assessor's Chart, Block & Lot	Owner:	Telephone:
Chart# 27-C Block# Lots 1, 10 & 11 Lot#	Chestnut Str. Lofts, LLC c/o Richard Berman One India Street Portland, ME 04101	772-3225
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: Allied/Cook Const. Corp. P.O. Box 1396 Portland, ME 04104 (207) 772-2888	cost Of Work $4,129,000. Fee: $37,182. C of O Fee: $75.00

Current Specific use: Residential

Proposed Specific use: Residential (Condominiums)

Project description:

37 Residential Condominium Units on 8 Floors and 2,200 sf of office/retail space on first floor

DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME APR 12 2006 RECEIVED

Contractor's name, address & telephone:

Who should we contact when the permit is ready: Jessica Dearborn

Mailing address: Do not mail

Phone: 772-2888

Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner: of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: [signature] VP Allied Cook | Date: 4/6/06

This is not a permit; you may not commence ANY **work until** the permit is issued.

Maineland

Real Estate Appraisals
Environmental Services
Flood Determinations
Mortgage Inspections

June 23,2005

Mr. Evan Richert
c/o Berman Associates
One India Street
Portland, Maine 04101

Subject: **Phase II Environmental Investigation**
17 & 21 Chestnut Street and 266 Cumberland Avenue
Portland, Maine 04101

Dear Mr. Richert:

Maineland Consultants has conducted the test boring and soil analysis investigation on the subject property in accordance with the findings presented in the Phase I Environmental Site Assessment of the subject property (Maineland 2005a) and the Phase II Work Plan (Maineland 2005b). The Phase II Work Plan was previously approved by you and by Mr. Nicholas Hodgkins representing the Voluntary Remedial Action Program (VRAP) of the Maine Department of Environmental Protection (MDEP). It is my understanding that you have entered into the VRAP process and are seeking MDEP approval of any remedial actions that may be required to address contamination. These efforts have been undertaken as part of an anticipated condominium project. This report presents the results of that testing and recommends additional *efforts* that should be undertaken to address conditions documented. It is understood that these results will be furnished to VRAP personnel.

BACKGROUND

The subject property is located at the comer of Chestnut Street and Cumberland Avenue in Portland, Cumberland County (Appendix A), The ESA established that current parking lot was formerly occupied by a gasoline filling station and, later, an automobile sales and service station, between circa 1925 and 1986. As a result of this former site usage, the **ESA** (Maineland, 2005a) identified several issues that were recommended for a Phase II investigation, as follows:

- Potential soil and/or groundwater contamination associated with the former and/or current 3,000-gallon No. 2 heating oil underground storage tank (UST) installed in 1989;
- Potential soil and/or groundwater contamination associated with the four former gasoline USTs and the associated gasoline pump island, all of which were removed in 1987; and
- Potential soil and/or groundwater contamination associated with automotive servicing associated with the former garage building which was demolished in 1987.

General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on **any** property within the **City,** payment arrangements must be made before permits **of** any kind are accepted.

T		
Total Square Footage of Proposed Structure	Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# 55 Block# B Lot# Y7	Owner: RONALD McDONALD HOUSE	Telephone:
Lessee/Buyer's Name (If Applicable) 55 B 5	Applicant name, address & telephone: THE THAXTER CO 55 BELL ST PORTLAND 04103	cost Of Work: $ Fee: $ C of O Fee: $

Current Specific use: _____

Proposed Specific use: _____

Project description: Renovate existing two story wood frame house at 59 Carleton St. Construct two story wood frame addition connecting renovated house with Ronald McDonald House

Contractor's name, address & telephone: The Thaxter Co

Who should we contact when the permit is ready: STEVE KELTONIC

Mailing address: Phone: 653-9821

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME
APR 12 2006
RECEIVED

Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so **will result in the automatic denial of your permit.**

In order to be sure **the** City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to **the issuance** of a permit. For further information visit **us** on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call **874-8703.**

I hereby certify that I **am** the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for **work** described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit

Stephen

1

This is not a permit; **you may not** commence **ANY work until** the permit **is issued.**

fire alarm system in compliance with NFPA 72

illuminated exit signs with battery back-up

C) safety provisions which will not be provided under the definition of a mid-rise building.

emergency generator

smokeproof enclosure at stairwells

fire command center

The Phase II Work Plan was generated to characterize existing on-site contamination resulting from former site usage as a gasoline station. Because of the potential for petroleum contamination, the Work Plan was prepared in accordance with MDEP guidelines for petroleum-contaminated sites (MDEP, 2000).

Based on information in various historical documents the locations of the former structures were located as accurately as possible. The Work Plan proposed that a total of five (5) test borings be completed in locations associated with the current fuel oil UST, the former service station, the former gasoline USTs, and the former fuel pump island. Soil samples were to be field screened for contamination by using a portable photoionization detector (PID). Selected samples were to be submitted for analytical laboratory tests for volatile organic compounds (VOCs), metals, and gasoline-range organics (GRO) and diesel-range organics (DRO) to characterize soil contaminant levels.

RESULTS

Soil Boring installation

Installation of the Phase II test borings was completed by direct-push technology on May 14, 2005. In addition to the five test borings proposed in the Work Plan, an additional boring (TB-6) was completed near a previously-installed geotechnical boring in which petroleum odors were reported (Sebago Technics, 2005). Test borings were completed to refusal in the Work Plan-specified locations except for TB-3, which initially encountered refusal in concrete at 3 feet below the ground surface (bgs) in what was inferred to be a former foundation or concrete wall. TB-3 was subsequently relocated 3 feet closer to Cumberland Avenue and completed without further difficulty. Test borings TB-1 through TB-5 were completed to refusal, interpreted as bedrock based on rock fragments recovered and ranging from 15 to 18 feet bgs in the five locations. TB-6 was not completed to refusal because of its proximity to the geotechnical boring completed earlier. Table 1 includes total depths of all borings.

Geology

All six borings were completed predominantly the native marine clay termed the Presumpscot Formation and commonly found throughout coastal Maine. The marine clay is a tight, dense, "plastic" gray material with pebbles throughout. Test boring TB-3 was moved because of the presence of buried concrete, as discussed above, Additionally, fill material was observed in TB-4 and in TB-5, in the areas of the former gasoline tanks and the fuel island, respectively. Parking lot base material and asphalt were obviously present at the top of each boring. Both because the surficial geology consists only of the naturally-occurring Presumpscot Clay with limited areas of fill and because detailed geotechnical borings had recently been completed (Sebago Technics, 2005), detailed geological descriptions and boring logs have not been completed for the Phase II borings.

With the exception of TB-1, all test' borings exhibited visual and olfactory indications of petroleum contamination. Dark staining and odors were typically most noticeable in the approximate mid-depth range of about 6 to 12 feet bgs.

Field PID Screening Results

PID field screening for volatile organic compounds (VOCs) was done following MDEP procedures for field headspace analyses (MDEP, 2004). The MDEP procedure specifies the use of a response factor of 2.5 at gasoline spill sites, i.e., the PID meter read 250 ppm when sampling a 100 ppm isobutylene calibration gas (Seel, 2004). Field PID readings were performed on 30+ samples; results are presented in Table 1.

All PID readings from TB-1 were zero (0). As a result of these readings and the lack of visual indications of contamination, no samples were selected for laboratory analysis. It is concluded that both the current and former fuel oil tank did not leak or otherwise cause contamination in this area.

PID readings from TB-2 through TB-6 indicated contamination up to or exceeding 2,000 ppm, the approximate "overrange" limit of the instrument as calibrated with the gasoline response factor. All five of these borings had one or more readings in excess of 1,000 ppm. PID readings in general were highest in the depth range of approximately 8 to 12 feet bgs, consistent with the visual observations. For comparison, the MDEP *Baseline* 2 (BL-2) remediation goal for petroleum contaminated soils as measured by the field headspace technique is 500 to 1,000 ppm. The MDEP BL-1 remediation goal has no field headspace criteria.

Analytical Laboratory Results

Based on field observations and the intent to characterize the most heavily contaminated soil samples, selected soil and groundwater samples were submitted to environmental laboratories for analyses as follows:

Five (5) water samples, one each from MW-1 and MW-2 (wells of unknown construction adjacent to current fuel oil tank), MW-3 (previously-installed "well" of unknown construction in central portion of parking lot), TB-2, and TB-5, analyzed for 80+ VOCs by the EPA Method 82608;
Five (5) soil samples analyzed for GRO by the MDEP HETL Method 4.2.17;
Six (6) soil samples analyzed for DRO by the MDEP HETL Method 4.1.25;
Five (5) soil samples, one each from TB-2 through TB-6, analyzed for 80+ VOCs by the EPA Method 8260B;
Two (2) soil samples, one each from TB-2 and TB-4, extracted by SW-846 Method 1311 and analyzed for 10 TCLP VOCs by the EPA Method 8260B;
Five (5) soil samples analyzed for total concentrations of the eight RCRA metals; and
Two (2) soil samples analyzed for TCLP concentrations of the eight RCRA metals.

The results are summarized in Table 2 and presented in full in Appendix B.

Water Samples

The laboratory results from the monitoring wells MW-1 and MW-2 were nondetect for all 80+ VOCs, again suggesting that no contamination has resulted from the use of the current or former fuel oil tanks. The construction of these wells likely dates to the time of installation of the existing tank (1987) and details are unknown. Both are believed to be only 9.6 feet deep and continuously screened; the "water table" in each was detected at 8.5 feet bgs but is not believed to represent the true water table. More likely the water level in each represents a "perched" water table constrained by the Presumpscot Clay. Based on onsite observations and experience, the true water table is believed to be below the top of the bedrock.

Water from MW-3, another shallow pre-existing "well" of unknown construction, was sampled and analyzed for VOCs. Only MTBE at 3.4 µg/l (parts per billion or "ppb"), was detected. Because MTBE was used in reformulated gasoline in the 1990s, it is inferred that this low concentration reflects only runoff from minor gasoline drips from the current parking-of cars in the lot and not the former gasoline station that was operational long before reformulated gas was sold in Maine. Additionally, the concentration is well below the state MTBE drinking water standard of 50 ppb.

Water samples from TB-2 and TB-5, which as above are believed to represent a perched water table and not true groundwater, were collected at depths of 10 to 13 feet and 14 to 17 feet bgs, respectively. Both samples contained approximately 10 VOCs such as ethylbenzene, toluene, and xylenes, which are constituents of weathered gasoline. No compounds other than those contained in gasoline were detected.

Soil Samples - GRO/DRO

One soil sample each from the visually-contaminated depths of TB-2 through TB-6 were analyzed for both GRO and DRO. GRO concentrations ranged from undetected in TB-2 to a high of 7,100 mg/kg in the 8 feet bgs sample from TB-4. DRO concentrations ranged from undetected in TB-2 to a high of 1,990 mg/kg, again in TB-4. In the samples where GRO and DRO were quantified, the GRO concentration is typically about 10 times higher than the corresponding DRO concentration.

Soil Samples - Total VOCs

One soil sample each from TB-2 through TB-6, based on field observations of contaminant levels, was selected for analysis for total VOCs. Although all the samples presented indications of contamination by weathered gasoline, the TB-3 and TB-4 samples had concentrations of gasoline constituents approximately 10 times higher than those in the sample from TB-5. The samples from both TB-2 and TB-6 had the lowest concentrations.

Equally as important as the VOCs detected are those that were not. First, the MTBE and benzene "detections" have been established as 'false positives" because the gas chromatographic (GC) identification of these two compounds was not confirmed by mass spectrometry (Twomey, 2005). These false positives are common with GC identification and suggest that other, unidentified compounds are present but the identification and quantification of them are unknown. Perhaps most important, no 'non-petroleum" VOCs such as the chlorinated solvents (halocarbons) trichloroethylene (TCE) widely used as an automotive degreaser, tetrachloroethylene (PCE) or carbon tetrachloride widely used as dry cleaning fluids, carbon disulfide, methylene chloride (MeCL) widely used as a paint stripper, or other compounds that are not components of gasoline were detected in any of the samples. The lack of chlorinated solvents means that the site has not been contaminated by compounds that may have been incidental to the primary gas station functions such as automotive servicing. Additionally, the property appears not to have been contaminated by off-site sources, e.g., past or present dry cleaning operations. The lack of such compounds also simplifies the regulatory treatment of this contamination] as described below.

Soil Samples - TCLP VOCs

The Toxicity Characteristic Leaching Procedure (TCLP) extraction procedure as devised by the U.S. Environmental Protection Agency consists of "digesting" the sample to a dilute acetic acid solution considered to simulate natural conditions including 'acid rain". The TCLP extraction is then analyzed by conventional laboratory methodologies. TCLP concentrations of organic or inorganic chemicals are generally considered to represent leachable or 'available" concentrations versus "total" concentrations that include chemicals which are so tightly bound to or even an integral part of mineral matter. As such, the TCLP procedure is routinely used in environmental assessment as an aid in the characterization of the impact from pollutants on groundwater and surface water quality. .

The TCLP concentration will therefore be less than the total concentration of any chemical in a particular sample. For man-made organic compounds such as (gasoline components) ethylbenzene and toluene, the TCLP concentration represents the extent to which those chemicals are still available to be leached away naturally and to contaminate off-site groundwater] for example. For inorganics (metals) such as lead which

may be either naturally-occurring or anthropogenic, e.g. from leaded gasoline, the TCLP concentration helps establish the relative importance of natural verus man-made concentrations.

Two samples, one from TB-2 @ 9 feet bgs and one from TB4 @ 8 feet bgs, were collected for the TCLP extraction and analysis for 10 selected VOCs. None of the 10 select VOCs were detected in either extract. Therefore, although the VOCs undoubtedly represent residual gasoline contamination, the TCLP results indicate that these VOCs are tightly bound to the clay materials and are not readily leached into percolating rainwater or groundwater.

Soil Samples - Total Metals (Inorganics)

The inorganics characterization of the selected soils is not suggestive of significant contamination with the possible exception of the lead concentration (148 mg/kg) in the sample from TB-4, located in the area of the former gasoline USTs. The four other lead concentrations were 12 mglkg or lower; it is considered that this level can be considered the 'background" or naturally-occurring lead concentration, even though these soil samples were not selected to be background samples. Therefore, the lead concentration in the vicinity of TB-4 is concluded *to* be approximately 10 times higher than background and a result of the use, storage, and release of leaded gasoline, The concentrations of the seven other inorganics are 'low" relative to the laboratory detection limits and did not exhibit any noticeable trend of significance.

Soil Samples - TCLP Metals (Inorganics)

As described above, the TCLP concentrations of the 8 RCRA metals were measured in two soil samples to characterize contaminant levels due to contamination associated with the gasoline station versus natural levels of these metals. Also as noted above, total concentrations of these metals were generally low with the exception of lead in TB-4. Consistent with those findings, the TCLP concentrations for five of the eight metals were below even the laboratory detection limit and well below the federal limit established in the definition of hazardous wastes ("regulatory limit"). The higher TCLP arsenic concentration was 0.03J mg/L, about one-third of the laboratory reporting limit and less than 10% of the regulatory limit. The higher TCLP barium concentration was only 4 mg/L, compared to a regulatory limit of 100 mg/L. The higher TCLP cadmium concentration was 0.02J mg/L, half of the laboratory reporting limit only 20% of the regulatory limit. In summary, these TCLP data indicate that very little if any of the inorganic chemicals would be expected to leach from the site.

SUMMARY

The Phase II investigation was successfully conducted in compliance with the MDEP-approved Work Plan which was designed to characterize soil contaminant levels resulting from the both the former site usage as a gasoline station current and former fuel oil underground tanks used by the Methodist Church. The summary of these efforts is as follows:

- Contamination was not observed near the underground storage tank (UST) tank used by the Methodist Church. The current UST was reported to have been installed in the location of the original fuel oil tank. As such, the use of both the current and the former fuel oil USTs is concluded to have not resulted in subsurface contamination.
- Petroleum contamination consistent with the former gasoline station operations was observed in the portion of the site formerly occupied by the gas station building, underground gasoline tanks, pump island, and parking/access areas. The organic compounds "fingerprint" in the soil samples is characterized as being one of weathered gasoline;

- The contaminants present are concluded to have resulted from the leakage, spillage, or other releases of petroleum products, i.e., leaded and unleaded gasoline over a period of decades and ending in the 1980s;
- Within the area of contamination, petroleum compounds exist throughout the soil column from near the ground surface down to bedrock. The highest concentrations were in the (approximately) 6 to 12 feet depth interval, corresponding roughly to the typical depth of the bottom of buried gasoline tanks, buried fuel lines, basement floors, etc. associated with the former gas station building. Lower concentrations at shallower depths suggest that surface release of gasoline was not a major problem. Lower concentrations at greater depths indicate that the native Presumpscot Clay as well as the parking lot pavement have acted to contain much of the contamination from dissolving and migrating groundwater;
- Halocarbons such as TCE, PCE, methylene chloride, MEK as might be expected *if* theses materials were discharged on the property or at nearby upgradient properties were not observed; and
- Concentrations of contaminants as measured by federal TCLP procedures for identification of hazardous wastes were, at most, 20% of the level defined as 'hazardous". Most of the TCLP levels were below the laboratory detection limits.

CONCLUSIONS AND RECOMMENDATIONS

The chemical data establish that a portion of the property is contaminated by virgin petroleum products; as such, remediation efforts are governed by MDEP policies (MDEP, 2000). Within the framework of the MDEP guidance for remediation of petroleum-contaminated sites, four cleanup standards have been established. Selection of the appropriate cleanup standard is ultimately made on a case-by-case basis by the Department staff following established policies.

Based upon the MDEP guidance and conversations with MDEP staff (Hodgkins, 2005), remediation of contamination at the subject property is concluded to be subject to the "Baseline-2" (BL-2) cleanup goal. This designation is based on a number of criteria, e.g., the geological conditions present, the lack of use of groundwater as a drinking water supply, the presence of a public drinking water supply within the Portland downtown area, the anticipated future site usage as a residential condominium project, and the presence of existing housing in the vicinity.

The BL-2 cleanup goal requires the removal of free product and saturated soils, plus soils exhibiting field headspace readings above 500 - 1,000 ppm or 50 - 100 ppm as measured by the GRO laboratory method. The Phase II investigation observed no free product although 'saturated soils", as evaluated by MDEP field methodologies, are present at TB-2. The lateral and vertical extent of such saturated soils are unknown because the field test was performed only on the sample from TB-2 at 9 feet bgs. However, field headspace readings from TB-3, TB-4, TB-5, and TB-6 each reported one or more samples with readings in excess of 1,000 ppm, the approximate reading of the sample from TB-2 that is "saturated" as well as the upper limit of the BL-2 standard. Further, samples from TB-3 through TB-6 had GRO concentrations ranging from 588 to 7,100 ppm, well in excess of the 50 - 100 ppm permitted by the BL-2 cleanup standard.

Based on this information, it is concluded that a substantial volume of contaminated soils will need to be removed and disposed or recycled off site. The total volume of material requiring remediation is dependent upon the MDEP establishment of a specific cleanup standard as well as, obviously, the actual extent of contamination exceeding that standard. Delineation of the extent of excavation is typically performed by screening soil samples in "real time" using a field instrument while the soils are being excavated. Additionally, soil samples may need to be collected and analyzed for GRO at the conclusion of the excavation effort to

ensure that soils remaining on-site meet the remediation goal. Based on the data collected, the soils appear to be acceptable for treatment at licensed recycling facilities, e.g., the Commercial Recycling Systems (CRS) facility (Appendix C). Based on the Phase 2 results, I would roughly estimate that a minimum of 3,000 tons (2,000 cy) of contaminated soil will need to be remediated. At an estimated trucking and disposal fee of $35 per ton, the cost of this soil removal alone would exceed $100,000. Actual costs could be substantially higher.

Soils that will be excavated in order to construct the building or other structures must be screened for contamination before being disposed. Soils meeting the BL-2 standard may be re-used on-site as rough fill. Soils not meeting the BL-2 standard must be disposed off-site at a licensed facility. The building design must also include provisions such as a sub-slab ventilation system and/or impermeable membrane to minimize the potential for petroleum vapors to enter the residential spaces. If the building is not constructed with such provisions, more stringent cleanup goals may be imposed by the MDEP for the area of the building footprint.

Finally, it must be emphasized that the Phase II investigation addressed onsite contamination only; i.e., possible offsite contamination resulting from the former gas station operations have not been characterized. Given the likely groundwater flow directions, the relatively steep topography, and the length of time that the gas station was operational, it is more likely than not that contamination has spread within the soil and/or bedrock to downgradient locations such as Cumberland Avenue and lower sections of Chestnut Street. The regulatory and financial implications of potential off-site contamination are beyond the scope of this investigation but may nevertheless be of serious consequences to the current and/or future owners of this property. I would therefore recommend that the issue of potential off-site contamination and possible legal exposure be discussed with MDEP staff and legal counsel.

LIMITATIONS

This report has been prepared for the use of Berman Associates in association with the proposed development of the subject property. Other limitations and restrictions, as applicable, are specified in Appendix A of the afore-mentioned Phase I report, dated February 7, 2005 and prepared for Mr. Evan Richert and Berman Associates.

It has been a pleasure to work with you on this project. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Robert R. McGirr

Robert R. McGirr, C.E.P.
Senior Environmental Scientist

Banknorth
Maine

One Portland Square
P.O. Box 9540
Portland, ME 041 12-9540
T: 207 761-8500
Toll Free: 800 761-3666

June 27,2005

Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

RE: Richard Berman and Evan Richert – Chestnut Street Lofts Condos ,

Dear Planning Department:

Richard Berman and Evan Richert have requested the Bank consider the financing of a new project, called Chestnut Street Lofts Condos, in Portland, ME?. A brief review of the project indicates the project to be economically feasible and, based on our experience with Mr. Berman in the past, I believe a financing package can be arranged. However, this letter is merely a statement of interest and does not represent a commitment to lend.

Should you have any questions, please feel free to call me at 761-8604.

Sincerely,

Richard A. Blake
Senior Vice President

Land Use Consultants Inc.

David A. Kamila PE
Frederic J. Licht PE
Thomas N. Emery RLA
J. David Haynes RLA

July **18,** 2005 **4376**

p l a n n e r s
e n g i n e e r s
l a n d s c a p e
a r c h i t e c t s

Barbara Barhydt, Senior Planner
Department of Planning & Urban Development
Portland City Hall
289 Congress Street
Portland, **ME** 04101

Site Plan & Subdivision Application, Chestnut Street Lofts, Portland, Maine:

Dear Barbara,

Land Use Consultants, Inc. has reviewed the site at the comer of Chestnut Street and Cumberland Avenue to evaluate the potential impacts which may result from the proposed development improvements. The existing site is entirely paved or impervious, It **is** assumed that the site has been developed for at least 100 years. There is no evidence of significant erosion or drainage problems as a result of rainfall or runoff in these areas. There is an 'existing catch basin on the site. The catch basin and paved parking on the site and the existing curb and sidewalk on Chestnut Street are in a state of significant distress and disrepair.

It is not known where the existing catch basin drains to. There are no separated storm drains in the immediate vicinity. All catch basins and drains discharge to a combined sewer in Chestnut Street or Cumberland Avenue. Most of the existing impervious surfaces drain via sheet flow to the existing catch basin on site or to Chestnut Street and Cumberland Avenue prior to discharge into the combined sewer. There are two catch basins located in Chestnut Street near the corner of Cumberland Avenue. Improvements in this area will include construction of a new separated storm drain. The new storm drain will connect to the existing sewer with a temporary connection until such time as the City of Portland separates the sewers beyond the site.

Existing buildings and parking areas will be removed from the site. The proposed amount of impervious surfaces will be less than the existing site and will not result in increased runoff or create erosion problems. The proposed landscaping improvements to this area include the addition **of** a new vegetated courtyard between the new parking and the existing chapel and Chestnut Street Church. **A** new mid rise multifamily residential building and parking lot will be constructed. All of these improvements will drain to new catch basins and drains. Essentially all runoff will be collected on site via the new storm drain prior to discharging to the city sewer.

966 RIVERSIDE STREET
PORTLAND, MAINE 04103

voice *(207) 878* · **3313**
f a x *1207) 878* · 0201
email: landuse@landuseinc.net

LUC

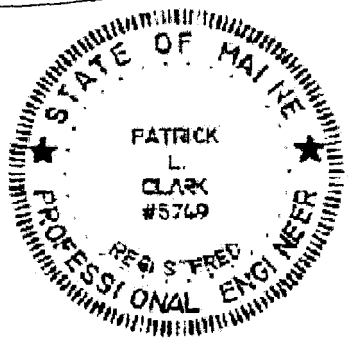
This project results in a net reduction of impervious area and is not subject to the Stormwater Law pursuant to 38 M.R.S.A. § 420 D. Land Use Consultant's has not performed pre and post development runoff calculations in order to evaluate the reduction in peak discharge rates resulting from the proposed project. No stormwater detention is proposed for this project. New storm drains are proposed for on site runoff and a new separated storm sewer is proposed in Chestnut Street. This storm drain will tie into the existing 18 inch Sanitary Sewer in Chestnut Street.

Based on comments provided by James Seymour, Development Review Coordinator, the City will require treatment of the stormwater. Mr. Seymour has requested that a minimum of **60%** TSS removal be provided. LUC has evaluated runoff from the site using the Rational Method for calculating peak flow rates. Using this method and HydroCad software the runoff rates were calculated to be 0.66 cfs, 0.99 **cfs, 1.18** cfs, **1.35** cfs and **1.63** cfs for the 1, 2, 5, **10** and **25** year rainfall intensities. Based on these runoff rates and evaluation of available DEP approved treatment products, LUC has chosen the First Defense, as manufactured by Hydro International. This device has been approved by Maine DEP for 60% TSS removals for one year flows not exceeding 0.71 cfs **(320** GPM). I have attached a letter fiom Don Witherell of Maine DEP.

In general, all of the improvements will serve to better control the runoff **fiom** the site and prevent erosion. Due to the decrease in impervious area and direct discharge of stormwater to the **new** storm drain system, it is our opinion that drainage calculations or stormwater management improvements will not be required. The project will significantly improve the drainage characteristics of the site.

Prepared by:

Patrick L. Clark, PE, CPESC



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN A. GALLAGHER
COMMISSIONER

January 5, 2005

Pain Deahl
Hydro International
94 Hutchins Drive
Portland, **ME** 04102

Dear Ms. Deahl,

The purpose of this letter is to inform you that, in accordance with the Laboratory Testing Protocol for Manufactured Treatment Systems and based on the results of the confirmation test for removal of OK-110 grade silica sand performed on November 12,2004and described in the attached report, the 4 foot diameter First Defense stormwater treatment device is approved for a total suspcndcd solids **(TSS)** removal rating of 60%, provided that the device is sized such that the projected one ycar pcak flow from the device's drainage area does not exceed 320 gpm.

If you havc any qucstions regarding this letter or the attached report, please feel free to call Jeff Dennis at 207-287-7847.

Sincerely,

Donald T. Witherill
Division of Watershed Management

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

Hydro International First Defense OK-110 Sand SSC (TSS) Removal Confirmation Test November 12, 2004

Reported by Jeff Dennis
Division of Watershed Management, DEP

On November 12,2004 1witnessed a confirmation test of the ability of a 4 ft diameter First Defense® unit with an 8 inch inlet to remove OK-110 grade silica sand. The test was performed in the laboratory of the Hydro International office on Hutchins Drive in Portland, Maine. The target flow rate for the test was 320 gpm.

Lab Set-Up

The laboratory set-up for the test consists of a 23,300 gallon clean water storage reservoir from which water is pumped into an 8 in pipe which feeds water to a 4 **ft** diameter First Defense® unit, The pipe from the storage reservoir is fitted with a valved bypass to divert excess flows back to the storage reservoir, a butterfly valve along with avariable frequency drive for flow control, and an ISCO UniMag Magnetic Flowmeter. OK-110 sand is fed into the inflow pipe from an elevated 60 gal sand slurry barrel. The sand is kept in a relatively uniform suspension in the slurry tank using a propeller type mixer. Slurry **is** pumped through plastic tubing from the slurry tank into the inflow pipe by a peristaltic pump. **An** automatic sampler is located upstream of the slurry feed to collect background samples. Several feet downstream of the slurry feed in the inflow pipe there is a 6 inch T with a sluice gate for collection of inflow samples.

The outflow pipe from the First Defense® unit has a free-fall discharge back into the storage reservoir. Outflow samples are collected by passing the sample bottle through the free fall discharge into the reservoir.

Test Procedure

The target test flow for the test was 320 gpm. The mean water detention time in the system **at** this flow rate is 78 seconds. Outflow samples lagged inflow samples by this amount. The interval between samples for both the inflow and outflow samples was 60 seconds. Back ground samples were collected at the same time as inflow samples. Flow was observed throughout the test.

The flow rate was stabilized at around 300 gpm and the slurry feed pump started. The system was then allowed to reach equilibrium for a period in excess of four detention times, before the first inflow sample was taken. Outflow sampling commenced about 78 seconds later. Background sampling commenced prior to inflow sampling and continued throughout the test. Six sets of samples were taken.

Inflow, outflow and background samples were taken to the University of Maine Environmental Chemistry Lab for Suspended Sediment Concentration analysis. The analyses was performed by John Cangclosi.

Results

Results of the test are presentcd in the attached tables. Inflow concentrations ranged from 189.1mg/l lo 299.8 mg/l. Outflow concentrations ranged from 12.6mg/l to 17.3 mg/l. Background concentrations ranged betwccn 0.9 and 1.9mg/l.

The removal efficiencies indicatcd by inflow/outflow pairs ranged from 93.3% up to 95.4%, with a mean of 94.2%. When adjusted for recycled background concentrations, efficiencies were slightly higher, from 94.0% to 95.7% with a mean of 94.7%.

Flow for thc tcst varied from 262 gpm to 328 gpm with a mean of 290 gpm, slightly lower than the target flow rate of 320 gpm.

Conclusions

All the paired sample removal efficiencies exceeded 80%, as did their mean whether or not they were adjusted for background concentrations, so it is very clear that at 290 gpm, a **4** ft diameter First Defense® unit can remove at least 80% of OK-110 grade silica sand, and seems to be able to remove more than 90% at this flow. Variation in paired rcmoval efficicncics was low, and variation in inflow concentration was high, but still acceptable. Since removal efficiencies were so much higher than the required 80% and the flow for at least one pair exceeded 320 gpm, it is reasonable to conclude that, even though the mean flow was less than the target flow of **320** gpm, thc unit can remove greater than 80% of OK-110 grade silica sand at the target flow rate of 320 gym.

Therefore, the conclusion of this report is that the test performed on November 11, 2004, in substantial accordance with the Lab Testing Protocol, indicates that a **4** ft diameter First Defense® unit operating at an average flow rate of 320 gpm provides at least 80% removal of the specified OK-110 grade silica sand.

Signed: _____ Date: _____

Applicant: Chestnut St Lofts Date: 4/13/06

Address: 29 Chestnut St C-B-L: 027-C-001 & 10

CHECK-LIST AGAINST ZONING ORDINANCE

#06-0492 & PART OF 11

Date -

Zone Location - B-3

Interior or corner lot -

Proposed Use/Work - To Construct 8 (L. Bldg - 37 condominium DU & offices

Demo was under #06-0426

Sewage Disposal -

Lot Street Frontage - 15' min -

Front Yard - Maximum Street build to requirement Approved by The PB.

Rear Yard - to be located within 5' - shall be 10' ↑ OL

Side Yard - None req'd

Projections -

Width of Lot - N/A

Height - min bldg height = 35' / max height = 85' MAX (not averaged)

85' scaled from lowest pt to top of Roof beam

Lot Area - N/A ~~19,761 SF~~ given Parcel "C" only

Lot Coverage/ Impervious Surface - 100% allowed

Area per Family - N/A

Off-street Parking - Approved by PB over 50,000 SF - 37 Spaces Approved

Loading Bays -

Site Plan - #2005-0096

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - Zone C

From: Marge Schmuckal
To: Barbara Barhydt
Date: 1/19/2006 12:20:37 PM
Subject: Chestnut Street Lofts

Barbara,
I have reviewed the recent proposed changes for the Chestnut Street Lofts. I am responding in regards to the 2 parking spaces that are dedicated to the church. These two spaces shall be retained for the benefit of the church use. There should be some documentation showing where those 2 required spaces will be located.

If in the future the church use is changed, this office would of course require a change of use permit. At that time the issue of parking, along with other B-3 zone requirements will be reviewed.

Marge Schmuckal
Zoning Administrator

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Zoning Copy

2005-0096
Application I D Number

5/12/2005
Application Date

Chestnut Street Lofts
Project Name/Description

Chestnut Street LLC
Applicant

1India Street, Portland, ME 04101
Applicant's Mailing Address

29 Chestnut St

~~266 266 Cumberland Ave, Portland~~, Maine
Address of Proposed Site

Consultant/Agent

Applicant Ph: **(207) 7723225** Applicant Fax: **(207) 772-7673**
Applicant or Agent Daytime Telephone, Fax

027 C001001
Assessor's Reference: Chart-Block-Lot

Proposed **Development** (check all that *apply)* ☑ **New** Building ☐ **Building Addition** ☐ Change Of Use ☑ **Residential** ☐ **Office** ☐ Retail
☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot ☐ Other (specify)

50,000 sq. fl.	**19,780 sq fl**	**B3**
Proposed Building square Feet *or* # **of Units**	Acreage of Site	Zoning

Check Review **Required:**

☑ Site Plan (major/minor)	☑ **subdivision** #of lots **38**	☐ PAD Review	☐ 14-403 Streets Review
☐ Flood Hazard	☐ Shoreland	☐ **HistoricPreservation**	☐ **DEP** Local Certification
☐ Zoning Conditional Use (ZBA/PB)	☐ Zoning Variance		☐ Other

Fees Paid Site Plan $1,950.00 Subdivision Engineer Review **$864.02** Date **9/12/2005**

Zoning Approval Status:

Reviewer

☐ **Approved** ☐ **Approved w/Conditions** See Attached ☐ ***Denied***

Approval Date Approval Expiration Extension to ☐ **Additional Sheets** Attached

☐ Condition Compliance
signature date

Performance Guarantee ☐ **Required*** ☐ **Not Required**

* No building permit may be issued until a performance guarantee has been submitted as indicated below

☐ Performance Guarantee Accepted — date / amount / expiration date

☐ Inspection **Fee** Paid — date / amount

☐ Building Permit Issued — date

☐ PerformanceGuarantee Reduced — date / remaining balance / signature

☐ Temporary Certificate of Occupancy — date ☐ Conditions (See Attached) / expiration date

☐ Final Inspection — date / signature

☐ Certificate Of Occupancy — date

☐ Performance Guarantee Released — date / signature

☐ Defect Guarantee Submitted — submitted / amount / expiration date

Memorandum
Department of Planning and Development
Planning Division

To: Chair Lowry and Members of the Portland Planning Board

From: Barbara Barhydt, Senior Planner

Date: December 2,2005

Re: Communication regarding Chestnut Street *Lofts,* 29 Chestnut Street

The Planning Board approved the Chestnut Street *Loft* project with conditions on September 27, 2005. The subdivision and site plans are being revised in order to address escalating construction *costs.* Attached is a memorandum fiom Evan Richert that outlines the proposed modifications along with the revised building elevation. The developers hope to *start* site work at the beginning of February. Unless otherwise directed by the Planning Board, the Planning staff is recommending that the revised plans be reviewed at public hearing on January 24,2005.

2005 0096
266 Cumberland Ave
027 C001

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME
DEC 2 3
RECEIVED

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND
RECEIVED

CHESTNUT STREET LOFTS, LLC
1 INDIA STREET ◆ PORTLAND, ME 04101 ◆ 207-772-3225

MEMOR
November 3

TO: **Portland** Planning Board
FROM Evan Richert
RE: **Proposed** amendments **to** Chestnut Street **Lofts**

Chestnut Street **Lofts,** LLC, proposes the following **modifications to** the **approved** subdivision **and** site plans for our project at the intersection of Chestnut Street **and** Cumberland **Avenue,** which **received** approval on September 27,2005. **The modifications** are the result of new budget **realities arising,** in large **part,** fiom **the effects** of the Gulf of Mexico **hurricanes** on **the** construction **industry** in September **and** October.

The proposed modifications are:

- **Increase the** number **of** units **from 34 to** 37. **This will** be achieved within the same building footprint. The 6th floor layout will now **have** 6 units **rather than 4** units **(mimicking floors** 2 **through** *5).* **The** *six* 7th **and** 8th floor **townhouses** will **be** replaced **by** 7 flats: **4 on the seventh** floor **and** 3 on the **eighth floor.** Thc average **floor** *size* of all units is **reduced** slightly to **1,028** square feet.

- **The** two-story "wedge" along Cumberland Avenue **will** be eliminated, reducing the *size* of **the commercial** space **along Cumberland** Avenue to **2,400** sq. ft. The stairway **entries** to **the** commercial spaces will remain in place **and** will still **extend** to **the** front property line. With elimination of the **"wedge," the** portion of the colonnade along **Cumberland** Avenue **is no longer** needed. **Between** the stairs, we propose a raised **landscaping bed, designed** with **materials that** match the **masonry** of the building. The overall result is a relationship between the **building and** the **pedestrian environment** that is more traditional **than** in the original plan, while **reducing the** *cost* of **the** structure. However, **because** more of **the** building will be **set** back **farther than** 5 feet than **in** *the* **original plan, wc need an expanded** waiver. The **Chestnut** Street side of the building **and** all other design elements *of* the building are **unchanged.**

- The number of parking **spaces** on-site **remain** the **same, and as configured** in **thc approved plans. This provides for one** space **per** residential unit. We propose to secure two **off-site** spaces to provide for **the two dedicated spaces** now available to **the** Chestnut **Street** Church. **The** commercial **space** is **reduced** to 2,400 sq ft., **requiring only** *6* **off-site** spaces **versus** 7 in **the original approval.**

Where?

First Defense OK-110 Sand Confirmation Test - 11/12/04

	Inflow (mg/l)	Time	Outflow (mg/l)	Time	Background	Rem. Eff.	Inflow - BG	Outflow - BG	BG adj. Rem. Eff.
1	299.8	11:08	13.7	11:09	0.9	95.4	298.9	12.8	95.7
2	268.6	11:09	16.8	11:10	1.2	93.7	267.4	15.6	94.2
3	189.1	11:10	12.6	11:11	1.4	93.3	187.7	11.2	94.0
4	279.1	11:11	15.8	11:12	1.9	94.3	277.2	13.9	95.0
5	291.1	11:12	17.3	11:13	1.4	94.1	289.7	15.9	94.5
6	267.2	11:13	15.8	11:14	1.2	94.1	266.0	14.6	94.5
Mean	265.8		15.3		1.3	94.2	264.5	14.0	94.7

Flow	l/sec
1	17.4
2	20.7
3	19.1
4	18.6
5	16.5
6	17.7
mean	18.3

18.3 l/sec = 290 gpm = 0.65 cfs

Residence Time and interval between samples 78 seconds, time to start of sampling 5 minutes 13 seconds

CHESTNUT STREET LOFTS, LLC
1 INDIA STREET ● PORTLAND, ME 04101 ● *207-772-3225*

July 19,2005

Barbara Barhhydt, Senior Planner
Department of Planning and Urban Development
City Hall
389 Congress Street
Portland, ME 0410**1**

RE: Site Plan and Subdivision Application, Chestnut Street Lofts, for August 9 Workshop

Dear Barbara:

Enclosed are nine copies of our updated site plan and subdivision application for Chestnut Street Lofts in preparation for our second workshop with the Planning Board. Also included are a letter dated July 18 from Patrick Clark concerning stormwater treatment; a letter from Randy Blake of TD Banknorth on financial capability; and **a** summary of the results of the Phase II environmental assessment, which is now the basis of a VRAP application to the Maine Department of Environmental Protection.

As presented to the first workshop, the Chestnut Street Lofts now comprise **34** residential units and 3,000 square feet of leaseable commercial space.

Key changes, responding to comments from the first workshop, are as follows:

Property line for Church parcel

We understand that the City is exercising its right to acquire from the Chestnut Street United Methodist Church an easement that currently exists between City Hall and the Church. The property line of the church parcel has been revised accordingly.

Urban design

Carrie Marsh in her June 21 comments identified several items for final resolution. **A** meeting with Carrie and you has been set up for July **28.** Meanwhile, we have addressed the items as follows:

- With respect to relationship of building to contextual environment: at the first workshop, subsequent to Ms. Marsh's memo, we presented drawings that show the proposed new building in context with the Merrill Auditorium, the Portland High School, City Hall, and Congress Street buildings. We believe this shows the relationship of the new building to its contextual environment.

- With respect to building form and massing in relation to traditional forms that have distinctive base, middle, and top: Also at the first workshop, Scott Teas's presentation showed the consistency of the line that defines the base of the new building with the strong lines that define the bases of Merrill Auditorium and Portland High School. Similarly, the top of the new building steps back in tandem with the step-back of the Merrill Auditorium. The new building is the equivalent of approximately one story taller than Portland High School, and about one-half story shorter than Merrill Auditorium.

- With respect to building entrances, location, prominence and orientation to street: The revised plan shows an enhanced entrance to the first-floor commercial space from Cumberland Avenue, through the use of cheek walls, signage, and lighting. It also increases the prominence of the main colonnade entry point and relationship to Chestnut Street by means of signage, the articulation of masonry to call forth the columns along the length of the colonnade along Chestnut St., the relocation and emphasis of the two entry points into the building (the main entry plus a direct entry into commercial space, and the incorporation of a logo to demarcate the main entry into the lobby. See the west and south elevations. In addition, to remove a potential "dead" spot at the end of the colonnade – a concern raised by two speakers at the first planning board workshop – this area will now be enclosed and used for bicycle parking and storage (see the first floor plan).

Setback modification

We reiterate our June **28** request of the Planning Board, using its renewed authority under state law, to modify the maximum setback to allow the "cut-out" at the corner of Cumberland and Chestnut that gives form to the colonnade entry to the building and preserves a wider and earlier view of Portland High School from the north.

Parking and traffic

We have revised the parking layout slightly for the area below the building overhang to improve the handicapped spaces, improve the rear entry to the building, and provide direct entry to the bicycle storage area. The parking lot has a total of **37** spaces.

Tom Errico has asked that our traffic consultant look at the parking and traffic lanes on Chestnut Street in relation to the presence of school buses on the opposite side of the street. We have asked Jack Murphy to perform that review and expect his comments

soon. I note that his initial observation was that our proposed parking with not be significantly different than the current situation, in which up to **44** cars per day enter and exit the commercial parking lot on the site during all seasons at peak morning hours and other parts of the day, without conflict with the school buses.

We understand also that staff is examining the question of a financial contribution to the Franklin Arterial project.

Finally, Mr. Errico and Jim Seymour noted that internal sidewalks should be at least **4** feet wide. The sidewalk connecting the open space to adjacent buildings is now **4** feet wide, and the sidewalk between the parking spaces and new building is 5 feet wide.

Stormwater treatment

The City asked that stormwater treatment be included, since the proposed parking lot accommodates more than 25 spaces. The attached letter to you from Patrick Clark of Land Use Consultants explains the treatment that will be provided, achieving ***60%*** removal of **TSS.**

Utility and construction coordination

Land Use Consultants has been in contact, or is in the process of setting up meetings with, all utilities, and has been in discussion with Bill Goodwin. Earlier contacts with PWD indicated no conflict with work in this segment of Chestnut Street, but this will be confirmed. We anticipate the necessary meetings will have been held by August 9.

In addition, we are in the process of setting up a meeting with the Portland High School (principal Mike Johnson) to discuss how to best coordinate construction schedules and management with the school's operations.

Exterior lighting, sidewalks

We have added pedestrian lighting, using "Congress Street" fixtures, on Cumberland Avenue. Sidewalks the length of the property on Cumberland Ave. and Chestnut St. will be brick, with a sidewalk detail available on drawing C-5.

Historic Preservation Committee

We are scheduled for the Committee's August 3 meeting for presentation of alterations of the exterior of the church associated with the demolition of the rear of the adjacent chapel. (These alterations are relatively minor, involving the restoration of the side entry that is now enclosed by a vestibule and the relocation of an elevator on the side of the church.) We also will ask the Committee for advisory comments on the reconstruction of a back wall for the retained chapel building.

Environmental assessment

The Phase II assessment is complete. Contamination from a former gas station at the northern end of the site is limited to "weathered petroleum." The concentrations are such that soils, from approximately 6 foot to 13 foot depth, over an area of approximately 6,000 square feet, will need to be removed. The proposal is to remove these soils to a recycling facility. Soils at greater depth, with much less concentration of petroleum product, will be sealed off with a seal and vent system. These approaches have been discussed with the DEP, and an application for VRAP certification will be made to DEP prior to construction. A *summary* of the phase II report is attached.

We look forward to our meeting with the Planning Board.

Sincerely,

Evan Richert

cc Scott Teas, TFH Architects
David Kamila, Land Use Consultants
Richard Berman, Berman Associates

Subcatchment 1S: (new Subcat)

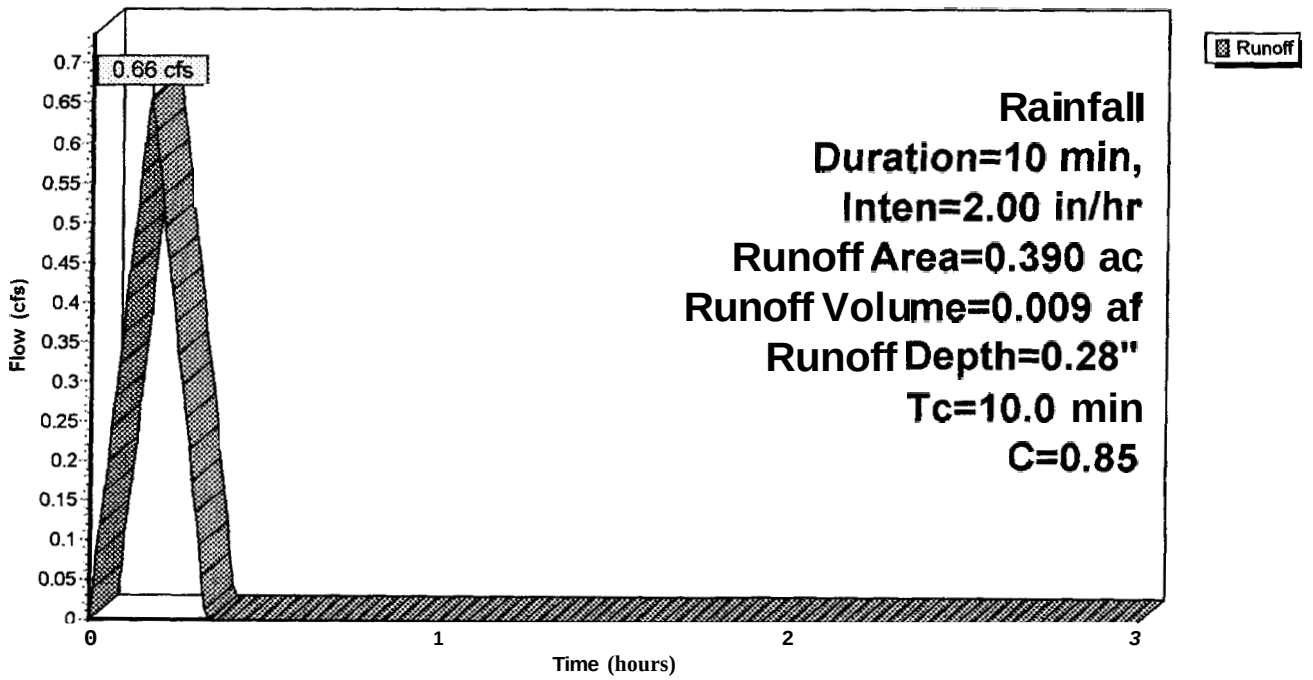
Runoff = **0.66cfs @** **0.17 hrs, Volume=** **0.009 af, Depth= 0.28"**

Runoff **by Rational method, Rise/Fall=1.0/1.0 xTc, Time Span= 0.00-3.00 hrs, dt= 0.01 hrs**
Rainfall Duration=10 min, Inten=2.00 in/hr

Area (ac)	C	Description
0.330	0.95	impervious
0.060	0.30	grass
0.390	0.85	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
10.0					Direct Entry,

Subcatchment 1S: (new Subcat)



Subcatchment IS: (new Subcat)

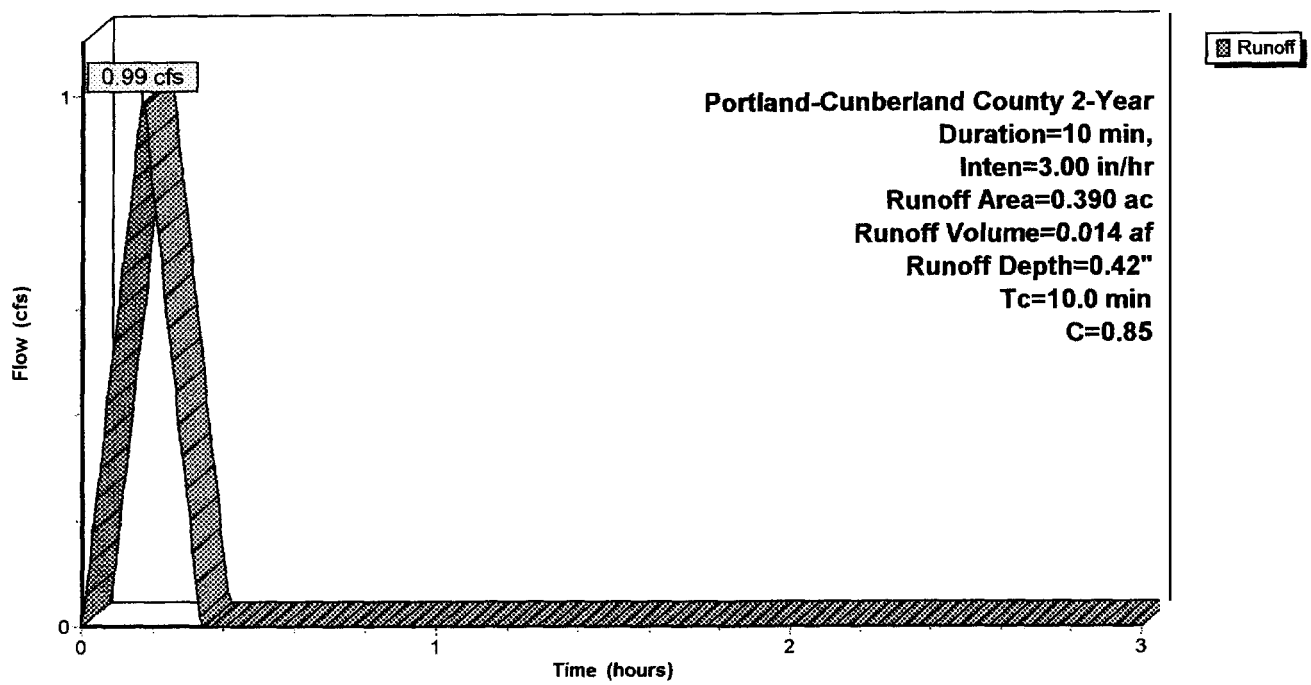
Runoff = 0.99 cfs @ 0.17 hrs, Volume= 0.014 af, Depth= 0.42"

Runoff by Rational method, Rise/Fall=1.0/1.0 xTc, Time Span= 0.00-3.00 hrs, dt= 0.01 hrs
Portland-Cunberland County 2-Year Duration=10 min, Inten=3.00 in/hr

Area (ac)	C	Description
0.330	0.95	impervious
0.060	0.30	grass
0.390	0.85	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
10.0					Direct Entry,

Subcatchment IS: (new Subcat)



Subcatchment IS: (new Subcat)

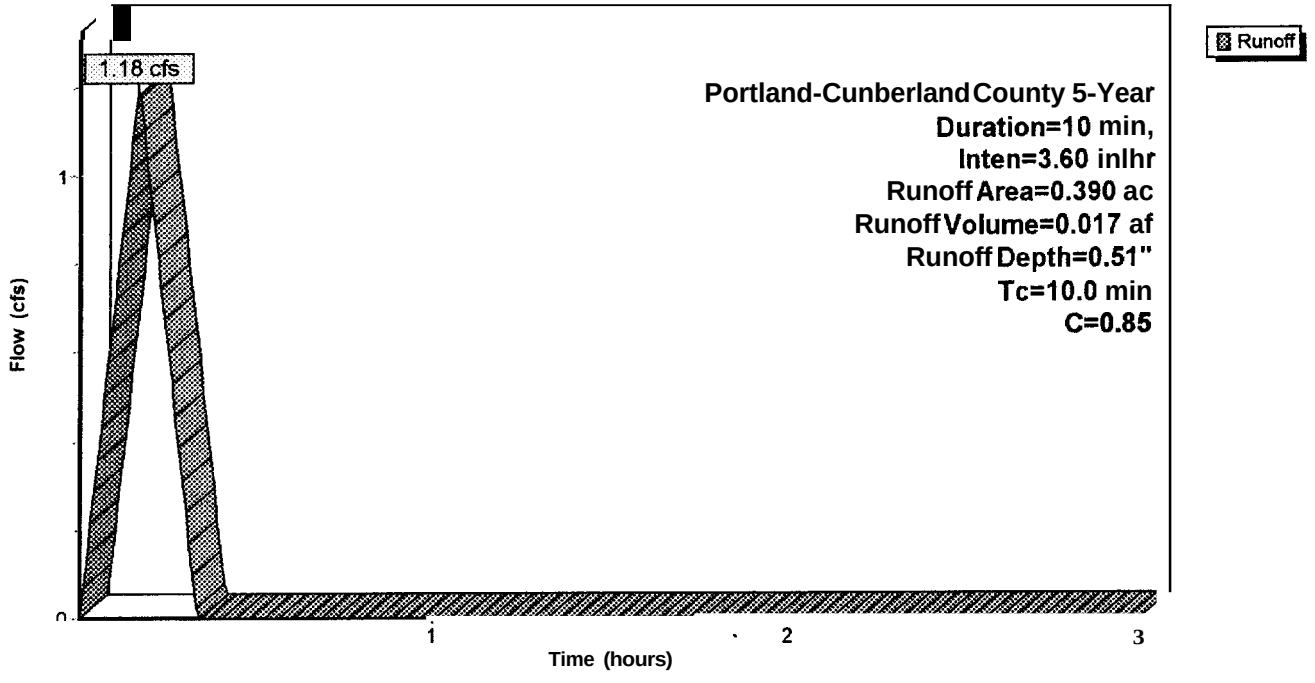
Runoff = 1.18 cfs @ 0.17 hrs, Volume= 0.017 af, Depth= 0.51"

Runoff by Rational method, Rise/Fall=1.0/1.0 xTc, Time Span= 0.00-3.00 hrs, dt= 0.01 hrs
Portland-Cunberland County 5-Year Duration=10 min, Inten=3.60 in/hr

Area (ac)	C	Description
0.330	0.95	impervious
0.060	0.30	grass
0.390	0.85	Weighted Average

Tc (min)	Length (feet)	Slope (Wft)	Velocity (Wsec)	Capacity (cfs)	Description
10.0					**Direct Entry,**

Subcatchment 1S: (new Subcat)



Subcatchment IS: (new Subcat)

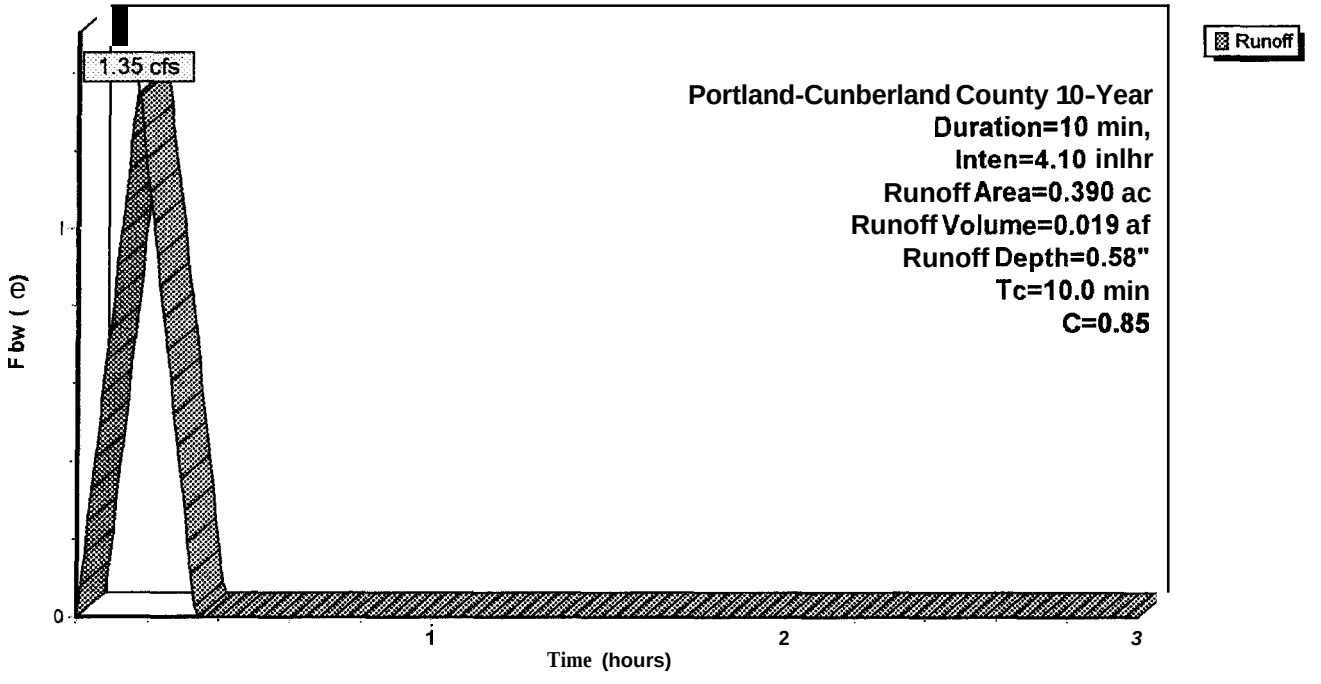
Runoff = 1.35 cfs @ 0.17 hrs, Volume= 0.019 af, Depth= 0.58"

Runoff by Rational method, Rise/Fall=1.0/1.0 xTc, Time Span= 0.00-3.00 hrs, dt= 0.01 hrs
Portland-CunberlandCounty IO-Year Duration=10 *rnin,* Inten=4.10 in/hr

Area (ac)	C	Description
0.330	0.95	impervious
0.060	0.30	grass
0.390	0.85	Weighted Average

Tc (rnin)	Length (feet)	Slope (ft/ft)	Velocity (Wsec)	Capacity (cfs)	Description
10.0					**Direct Entry,**

Subcatchment IS: (new Subcat)



Subcatchment IS: (new Subcat)

Runoff = 1.63 cfs @ 0.17 hrs, Volume= 0.023 af, Depth= 0.70"

Runoff by Rational method, Rise/Fall=1.0/1.0 xTc, Time Span= 0.00-3.00 hrs, dt= 0.01 hrs
Portland-Cunberland County 25-Year Duration=10 min, Inten=4.95 in/hr

Area (ac)	C	Description
0.330	0.95	impervious
0.060	**0.30**	grass
0.390	**0.85**	Weighted Average

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
10.0					**Direct Entry,**

Subcatchment IS: (new Subcat)