

42-E-1

1999-0143

398-410 Commercial St.

Storage Building

Berlin Mills wharf

on spreadsheet

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

19990143

I. D. Number

Berlin Mills Wharf

Applicant

P.O. Box 3542, Portland, ME 04109

Applicant's Mailing Address

Wm. Nemmers Architect

Consultant/Agent

774-3683 761-2836

Applicant or Agent Daytime Telephone, Fax

10/5/99

Application Date

Commercial St 398-410

Project Name/Description

398- 410 Commercial St, Portland, Maine 04101

Address of Proposed Site

042-E-001

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) **Storage Bldg Boat yard**
488 sf.

Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **10/5/99**

DRC Approval Status:

Reviewer Steve Bushy

Approved *No comments* Approved w/Conditions see attached Denied

Approval Date 10/25/99 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

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate Of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	
	date		
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date



WILLIAM NEMMERS ASSOCIATES ARCHITECTS
424 FORE ST. PORTLAND, ME 04101 774-3683.

SEPTEMBER 29, 1999

Marge Schmuckel,
Building Inspections Office
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Berlin Mills Wharf
400 Commercial Street

Dear Marge:

With this letter I am applying for a Flood Hazard Development Permit (FHDP) on behalf of my Client, Berlin Mills Wharf, Inc. As you know the statute, Section 14-450, is quite a jungle so I have, in an attempt to understand it and be sure that I have covered all the bases, enclosed the attached EXHIBIT #1, an outline of the statute. I will refer to that outline as I go through the application in hopes that it will make things easier to understand.

Before I get started I would like to make a couple notes regarding definitions.

One of the items for Exemption from Site Plan Review is, according to the language on the Form, (b) Footprint increase Less than 500 Sq.Ft. Footprint increases of less than 500 sf are not to be considered as Site Plan Review Projects, but treated as improvements to existing structures. I would like to request that you review the Application for Exemption from Site Plan Review which we have submitted and make a ruling that this project is not an Increase-of-Footprint of more than 500sf.

In Section 14-450-5 the definition of Substantial Improvement is any improvement, including addition, to a structure which equals 50% of the market value of the pre-improved structure. By that definition this project does not qualify as Substantial Improvement.

Since it is not a building project subject to Site Plan Review and since it is not a Substantial Improvement, I would like to request that you make a ruling that this Project requires a Permit only under section 14-450-9(3) for Minor Developments. It is our contention that the Project as described fits neither into 14-450-9.(1) for elevated structures, or 14-450-9.(2) for new construction or Substantial Improvement.

If you rule that this Project is neither a New construction requiring a Site Plan Review nor a Substantial Improvement, then Section 14-450-8(7) Standards does not apply to this project, and a Permit under 14-450-9.(3) can be issued, without the requirement for floodproofing and professional certification.

If you rule that the Project is subject to the requirements of a Permit under 14-450-9.(2)

then that will require floodproofing as per the (FEMA Coastal Construction Manual) as tempered by Standards under 14-450-8.(16).(6). We are submitting the floodproofing design and the certification required for this type of approval.

The Building addition we are proposing will be used as the existing space is used; as an unheated storage area for steel and materials used for the boatyard's work, storage for an occasional boat, as an area to work on small boats in inclement weather. This definition conforms to 14-450-8.(16).(6) which states that in the Coastal Zone enclosed areas can be used for "...parking, storage and building access."

The Floodproofing procedures included in the FEMA Coastal Construction Guide are general in nature and do not address specifically the concerns and uses of this project, and therefore I have interpreted and designed details which go to the intent of the legislation and I believe accomplish the spirit of the law.

Our design insures that the following floodproofing details are included:

a) Because all construction below the +12.00 elevation flood level is reinforced concrete, problems with rotting or rusting of materials and other water damage are eliminated.

b) Because the concrete wall is anchored to the existing concrete deck, no horizontal water pressures can move the wall sideways, and no ground based upward acting hydrostatic pressure can be applied to the structure.

c) Because 23 feet of the 90 feet of perimeter wall is doorway (and also the existing attached building is at the same elevation) there will be plenty of area available for a rising or retreating flood water to enter and exit the building, thus keeping the pressure equal on the inside and outside of the concrete wall.

d) Because all electrical equipment will be wall mounted several feet above the +12.00 elevation, the building will be protected from flood caused electrical shorts.

e) Because the use of the building is material storage of boat building materials and boat storage the contents and finishes of the building will not be adversely affected by incidental flood water, and no protective measures to guard contents need be taken.

The proposed construction details include a 3 foot high concrete wall around the entire construction, anchored to the existing reinforced concrete wharf deck. This wall was designed to prevent forklifts from damaging the building siding but will also serve to keep any construction joints above the +12 ft elevation. The building will have (2) garage doors, a 12' x 12' and a 8' x 10'. These garage doors will allow any flood water to enter and exit the building thus equalizing the hydrostatic pressure on the 3 foot high foundation wall. All electrical equipment, switches and outlets will be located above the concrete wall and thus above the 12ft elevation. Please note the details on the attached plan.

The existing deck of Berlin Mills Wharf, and the existing building set on it have, according to the management of the Boatyard, not been under water in anyone's memory, and no water damage has been incurred. The site has been surveyed to confirm that the existing deck at the location of the proposed project is at elevation (+9.90 feet above MSL) and the existing building was built with this deck as it's floor at elevation (+10.14 feet above MSL).

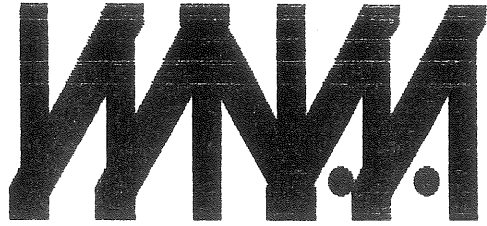
We therefore request that we be issued a Flood Hazard Development Permit under Section 14-450-9 for this project.

Thank you,



William Nemmers

copy, Joe Schmader, Berlin Mills Wharf, Inc.



WILLIAM NEMMERS ASSOCIATES ARCHITECTS
424 FORE ST. PORTLAND, ME 04101 774-3683.

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Marge Schmuckel,
Building Inspections Office
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Berlin Mills Wharf
400 Commercial Street

Dear Marge:

This is the Letter of Certification from the Architect as required by 14-450-6(2)d.4 of the Site Plan Ordinance for Flood Plain Construction. Please refer to the detail of the construction included on the Plan sheet accompanying this application.

The Elevation of the site has been determined by Nadeau and Lodge, Surveyors. They took the elevation from the City of Portland Datum as reflected by the invert on an adjacent manhole whose elevation was set at the City's Mean Sea Level (MSL) Datum at the time of the construction of the sewer line. Based on this benchmark, the elevation of the existing and proposed floor level for the subject addition was determined to be +9.90 feet above MSL.

According to Section 14-450-8(7) of the Code, Non-residential structures must have the lowest floor at +12.0 feet above MSL; OR:

- a) be floodproofed to elevation +12.0 MSL
- b) have components able to resist hydrostatic loads and buoyancy
- c) Architectural certifications required by 14-450-6(2)d.4

The points noted below fulfill these three requirements.

A• The design of the concrete flood wall is such that the top of the wall is at elevation +12.90 feet above MSL, which is above the +12.00 standard set in the Ordinance.

B• This wall has been anchored to the existing structural concrete deck with 1/2" diameter rods so as to prevent lateral movement as per the direction of the standard (FEMA Coastal Construction Guide). (See detail on the drawings)

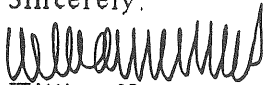
C• The existing conditions on the pier consists of two structural concrete slabs separated by a depth of structural gravel fill. The deck is built to resist upward acting hydrostatic forces, as there is no confined area below grade which will act to trap a flood surge and exert that upward pressure.

D• The concrete flood wall has been designed to raise all building connections above the level of the +12.0 foot limit line, and therefore all wall materials which may be subject to water damage are above that elevation.

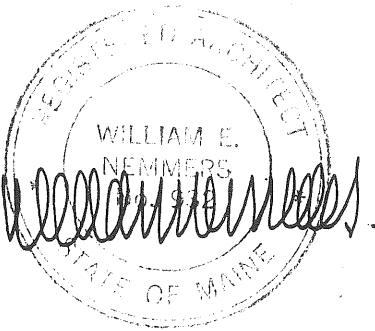
E• There are located two large garage doors which open to the level of the floor at elevation +9.90. This, plus the fact that the floor level of the remainder of the existing building is at +9.90, will insure that the level of any rising or ebbing flood waters will be equalized on both sides of the wall. Therefore no unequal pressures will be generated which may tend to have a destabilizing effect on the wall.

F• Finally, the use of the addition is important in the determination of its floodproof status. This building is being used for the same purpose as the existing building, that is, parking for boats, and storage. These are uses approved under section 14-450-8(16)6 which can be housed in enclosed areas.

Sincerely,



William Nemmers, Architect
Maine Reg #932



OUTLINE OF REQUIREMENTS OF THE FLOOD ZONE PERMIT APPLICATION

- 14-450-5 substantial improvement - cost exceeds 50% of market value of structure
(this is not the case here we are less than 50%)
- 14-450-7 (municipal review directions)
- 14-450-6 Application for Permit needs
- (2)a - site plan DONE
 - (2)b - plat plan (survey) DONE
 - (2)c - development not meeting minimum threshold (less than 500sf addition)
 - 1. name of owner DONE
 - 2. map with site loc DONE
 - 3. site plan DONE
 - 4. statement of intended use DONE
 - 5. cost DONE
 - 6. wastewater treatment N/A
 - (2)d. 1 elevation information
 - (1)- floor elevation relative to mean sea level +9.90 feet
 - (2)- high and low grades at site adjacent to building +9.90 feet
 - (3)- basement elev if any N/A
 - (4)- floodproofing level +12.90 feet
 - (2)d. 2 -set elevation reference point
 - (invert of San. Man Hole @ station 38+57.2) +0.97 feet
 - (current top of manhole rim @ station 38+57.2) +12.07 feet
 - (2)d. 3 -FEMA Form 81-65,05/93 verification by surveyor that el are accur-
 - (2)d. 4 -certification by architect that structure will meet floodproofing criteria of 14-450-6(2)d.4 [this paragraph is section 14-450-6(2)d.4] DONE
14-450-8(7) (non-residential standards- see directly below)
14-450-8 (standards - see directly below)
 - (2)d. 5 -N/A watercourse alteration
 - (2)d. 6 -details of 14-450-8 will be met (standards - see below)
 - (2)d. 7 -cross section of site (see plan sheet)
- 14-450.8 Standards
- 1. design to prevent flotation, collapse of lateral movement damage
 - 2. N/A (water supply systems)
 - 3. N/A (Sanitary sewer systems)
 - 4. N/A (Waste disposal systems)
 - 5. N/A (Watercourse carrying capacity)
 - 6. N/A (Residential)
 - 7. For Zone A-1 - Non-residential have lowest floor at +12.0 feet OR:
 - a) be floodproofed to elevation +12.0
 - b) have components able to resist hydrostatic loads and buoyancy
 - c) Architectural certifications required by 14-450-6(2)d.4
 - 8. N/A (Manufactured homes)
 - 9. N/A (Recreational Vehicles)
 - 10. N/A (Accessory structures)
 - 11. N/A (Floodways)
 - 12. N/A (Subfloor enclosed areas)
 - 13. N/A (Bridges)
 - 14. N/A (Containment walls)
 - 15. N/A (Wharves, piers and docks)(no new wharf or pier construction is proposed)
 - 16. Coastal flood plain.

1. New construction in Zone A1 shall be located landward of mean high tide. Site is above Mean High Tide
2. N/A (only applies to zone V)
3. Architect must review and certify design to meet Coastal Construction Manual(FEMA-55, 1986) and 14-450-8(16)2 N/A (only applies to zone V)
4. N/A (Structural fill requirements)
5. N/A (Sand dune in zone "V")
6. Enclosed areas can be used for parking, storage building access. The purpose of this proposed building is the same as the existing building, that is, parking for boats, and storage.
7. N/A (Lobster sheds)

14-450-9 Permits

Building authority shall issue one of the following permits

- (1) N/A (for elevated structures only)
- (2) Flood Hazard Devevelopment Permit for Floodproofing of Nonresidential Structures ...that are not elevated... meet standards of 14-450-8(7)1.a.thru c. DONE
- (3) N/A (for maintenance and utility and other accessory items)

14-450-10 Certificate of Compliance

prior to occupation a Certifivation of Compliance must be issued by the Building Authority. (1) need elevation certificate by serveyor, (2) Certification by Applicant (3) inspection by Authority.



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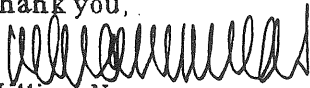
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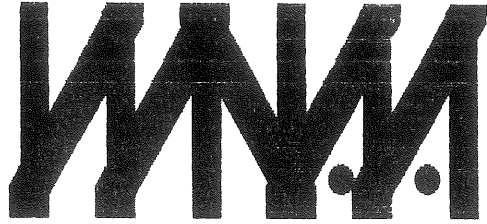
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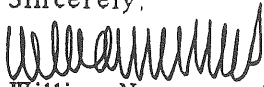
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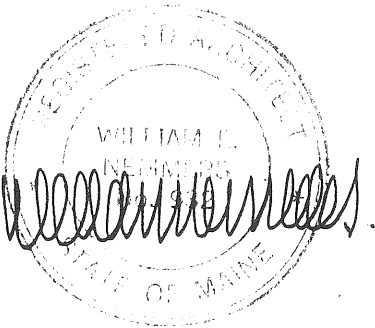
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Maine Reg #932



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 - 13. N/A (Bridges)
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 - 15. N/A (Wharves, piers and docks)(no new wharf or pier construction is proposed)
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14-450-10 Certificate of Compliance

prior to occupation a Certifivation of Compliance must be issued by the Building Authority. (1) need elevation certificate by serveyor, (2) Certification by Applicant (3) inspection by Authority.



CITY OF PORTLAND

October 28, 1999

Mr. William Nemmers
424 Fore Street
Portland ME 04101

RE: Storage Building Boat Yard, 398-410 Commercial Street

Dear Mr. Nemmers:

On October 27, 1999 the Portland Planning Authority granted minor site plan approval for a 488 sq. ft. Storage Building Boat Yard located at 398-410 Commercial Street.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

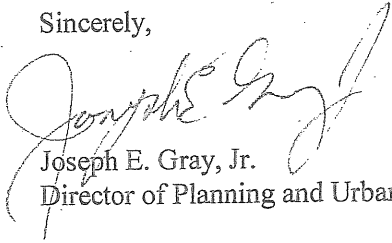
Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
William Needleman, Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File