

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

2007-0135
Application I. D. Number

8/8/07

8/3/2007
Application Date

Woodard & Curran
Applicant
41 Hutchins Drive, Portland, ME 041063
Applicant's Mailing Address

Portland Gas Works Site Improvement
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 774-2112 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

40 - 40 West Commercial St R, Portland, Maine
Address of Proposed Site
059 A005001
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 Apt 0 Condo 0 Other (specify)

Proposed Building square Feet or # of Units _____ Acreage of Site _____ **WPDZ**
Zoning

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date **8/6/2007**

Zoning Approval Status:

- 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 Issue _____ date _____
- Performance Guarantee Reduced _____ date _____ remaining balance _____
- Temporary Certificate of Occupancy _____ date _____ Conditions (See Attached) _____ signature _____ expiration date _____
- Final Inspection _____ date _____ signature _____
- Certificate Of Occupancy _____ date _____
- Performance Guarantee Released _____ date _____ signature _____
- Defect Guarantee Submitted _____ submitted date _____ amount _____ expiration date _____
- Defect Guarantee Released _____ date _____ signature _____



MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0135

Date: 8/16/2007

This project is within WPDZ zone. All work is associated with the required V-wrap. No new gravel areas are being created per the applicant. The asphalt is to cap an old tar well to eliminate water penetration. It is not proposed to be a parking area and it shall not be used as a parking area.

The project meets the WPDZ Zone.



Site Plan Application

Department of Planning and Development
Portland Planning Board

Address of Proposed Development: 40 West Commercial Street

Zone: WPDZ - Waterfront

Project Name: Former Portland Gas Works Site Improvements

Existing Building Size: N/A sq. ft.

Proposed Building Size: N/A sq. ft.

Existing Acreage of Site: 8.12 acres

Proposed Acreage of Site: N/A sq. ft.

Tax Assessor's Chart, Block & Lot:

Chart# 59 Block # 1
Lot# 2.5.6.9 & 10

Property Owners Mailing address:

PO Box 3586
Portland, ME 04104

Telephone #:

207-252-0001

Consultant/Agent Contact Name and Mailing address, Telephone # and Cell Phone #:

James Ekedahl
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
207-774-2112

Applicant's Name/Mailing Address:

James Ekedahl
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102

Telephone #:

207-774-2112

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking lot

Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable

Site Location of Development (\$3,000.00)

(except for residential projects which shall be \$200.00 per lot _____)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other Site Soil Stabilization

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

RECEIVED

AUG 3 2007

City of Portland
Planning Division

~ Please see next page ~

Minor Site Plan Review

Less than 10,000 sq. ft. (\$400.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

Planning Staff Review (\$250.00)

Planning Board Review (\$500.00)

Who billing will be sent to:

Submittals shall include (7) separate folded packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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

This application is for site review only; a Building Permit application and associated fees will be required prior to construction.

Signature of Applicant:



Date:

8/3/07



August 1, 2007

Barbara Barhydt, Development Review Services Manager
City of Portland Planning Department
City Hall, 4th Floor
389 Congress Street
Portland, ME 04101

WPD Z

Re: Application for Minor Site Plan Review – Former Portland Gas Works Site Improvements – 40 West Commercial Street

Dear Barbara:

On behalf of the owner, Northern Utilities, we are pleased to submit this Site Plan Application for the proposed site improvements at the former Portland Gas Works site on West Commercial Street. The property was previously used as a manufactured gas plant from the 1850's through the 1960's. Significant quantities of soil and debris impacted by coal gasification related material (CGRM) were excavated and removed from the site this past winter to remediate the site. The remediation activities were performed under the Maine DEP approved Voluntary Response Action Program (VRAP). A summary of the VRAP has been attached for your information.

The work we are proposing now is for the purpose of soil stabilization and aesthetic enhancement of areas that were disturbed during remediation activities. There will be no new buildings, building demolitions, or building additions; no new curb cuts or driveways; no traffic increases; and no significant changes to stormwater drainage volumes or drainage patterns as a result of the remediation activities.

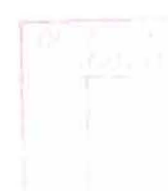
Attached are photographs that show the condition of the six areas we wish to enhance. Below is a narrative on the six areas and a description of the proposed work for each area.

Area 1 is approximately 17,200 ft² and was originally a location for gas holders, a tar separator, and other equipment used in MGP processing. It currently consists of the foundations for two former gas holders, and a gravel surface mixed with a temporary construction entrance. For aesthetics we are proposing removal of the temporary construction entrance and placement a 2" layer of 3/8" crushed stone over the gravel surface area.

Area 2 is an approximately 21,200 ft² gravel surface that included a former tar well. This past winter, CGRM was removed from the tar well, and the tar well was then backfilled with soil. We now are proposing to fine grade the area to match existing pavement grades, and place a 2" layer of base course asphalt pavement. This will allow for little to no maintenance in the area and will stabilize the soils.

— & prohibit water from penetrating the old tar well - to discourage water from dispersing the tar

Area 3 is an approximately 22,900 ft² gravel surface storage area enclosed by a bituminous roadway loop. For aesthetics we are proposing to fine grade the existing surface and install a 2" layer of 3/8" crushed stone which will match the surface treatment in Area 1.





Area 4 and Area 5 are both approximately 17,400 ft² areas. We plan on raking the areas to remove surficial stones and construction debris and placing a new 4" loam surface. The loam will then be seeded.

Area 6 is an existing access road to the shoreline with an area of approximately 11,100 ft². The roadway was used to for equipment access during remediation of the tar scabs and deposits that were located along the shoreline. We are proposing to fine grade the existing roadway and install a 2" layer of 3/8" crushed stone that will act as the surface course. This will allow for access to inspect the shoreline without adding additional pavement.

We look forward to commencing these site improvements and if you have any questions related to this project, please don't hesitate to contact me at (207) 774-2112. I look forward to discussing the project with your office.

Sincerely,

WOODARD & CURRAN INC.

James D. Ekedahl, P.E.
Sr. Project Engineer

FOR J.E.

per Dan G. 8/15/07
All the existing gravel areas are exactly the same - There will be stone over the existing gravel
- NO Change of use
V-VRAP mitigating

JDE/mms
212315.01

- Enclosures Site Plan Application
- VRAP Project Summary
- Site Photos
- Figure C-01: Existing Conditions
- Figure C-02: Final Site Grading

- cc: Marge Schmuckal, City of Portland (via e-mail)
- Karl Kasper, Woodard & Curran (via e-mail)
- Erika Flemming-Coull, Woodard & Curran (via e-mail)
- Bruce Strattard, Northern Utilities (via e-mail)
- Paul Exner, NiSource (via e-mail)



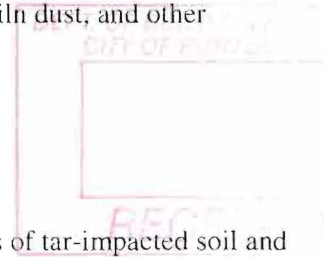
Project Summary: Former Portland Gas Works, Portland, Maine – Phase I, Phase II, and Phase III

The former Portland Gas Works site has been assessed as a Maine Department of Environmental Protection (MEDEP) Voluntary Response Action Program (VRAP) site, in accordance with a Scope of Work approved by the MEDEP. Woodard & Curran conducted Phase I and II Environmental Site Assessments (ESAs) to characterize coal-gasification-related-materials (CGRM) along the Portland waterfront. Further investigations included surface soil sampling; groundwater collection and analysis; subsurface and Geoprobe exploration; test pitting activities; and conducting monitoring well programs. The results of each investigation were provided to the MEDEP.

As part of a Phase II ESA, Woodard & Curran developed a remedial action plan, which included site-specific and quantitative goals that defined the extent of cleanup for each area of concern, and described detailed remedial alternatives. In addition, institutional controls were established for each proposed remedial alternative to be protective of the remedy, public, and environment.

Woodard & Curran provided engineering design, procurement assistance, and construction monitoring for remediation of several areas of the site. These included:

- Shoreline Tar Scabs
 - Removal and off-site disposal of approximately 800 tons of tar scabs and CGRM-impacted soils;
 - Removal and on-site reuse of approximately 1,600 tons of non-impacted soils;
 - Removal and offsite disposal of approximately 200 cubic yards of non-impacted debris (steel, timbers, and concrete);
 - Installation of a heavy (20-inch stone size) riprap revetment at the top of the slope along 600 linear feet of shoreline, and installation of 6-inch riprap to replace non-impacted debris removed from the site; and
 - Power washing of existing riprap to remove adhered tar scabs.
- Tar Well
 - Removal and off-site disposal of approximately 400 tons of liquid tar;
 - Removal and off-site disposal of approximately 650 tons of tar-impacted soils, sludge, and debris stabilized with sawdust, kiln dust, and other amendments;
 - Demolition of the roof; and
 - Cleaning and backfilling of the tar well.
- Tar Processing Area
 - Removal and disposal of approximately 5,704 tons of tar-impacted soil and debris;
 - Removal of flammable tar and capping of former tar pipes with concrete;
 - Demolition of tar separator; and





- Backfill of tar processing area to match surrounding grade.
- Dense Nonaqueous Phase Liquid (DNAPL) System
 - Installation of a pumping system to remove DNAPL from four monitoring wells.



PORTLAND GAS WORKS SITE PHOTOS



AREA 1



AREA 2

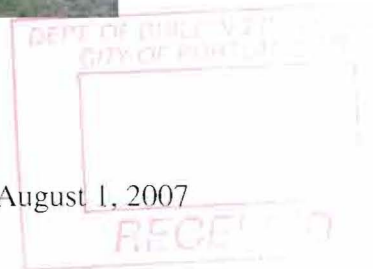




AREA 3



AREA 4





AREA 5 & 6





APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

NORTHERN UTILITIES
Applicant

APRIL 5, 2005
Application Date

ATTN: BRUCE STRATTARD; 1075 FOREST AVE, PORTLAND, ME 04103
Applicant's Mailing Address

NORTHERN UTILITIES - UTILITY SHED
Project Name/Description

BARRY SHEFF; WOODARDE CURRAN 774-2112
Consultant/Agent/Phone Number

40 WEST COMMERCIAL STREET
Address of Proposed Site

CBL: 659 A005602

Description of Proposed Development:

INSTALLATION OF UTILITY SHED TO HOUSE STORAGE TANK, PUMPS, AND PUMP CONTROLS. SHED AND EQUIPMENT NECESSARY TO PILOT TEST A SOIL AND GROUNDWATER REMEDIATION SYSTEM.

Please Attach Sketch/Plan of Proposal/Development

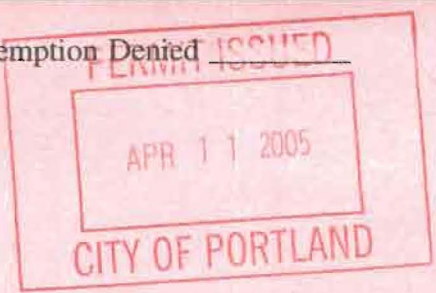
Criteria for Exemptions: See Section 14-523 (4) on back side of form

- a) Within Existing Structures; No New Buildings, Demolitions or Additions
b) Footprint Increase Less Than 500 Sq. Ft.
c) No New Curb Cuts, Driveways, Parking Areas
d) Curbs and Sidewalks in Sound Condition/Comply with ADA
e) No Additional Parking/ No Traffic Increase
f) No Stormwater Problems
g) Sufficient Property Screening
h) Adequate Utilities

Table with 2 columns: Applicant's Assessment (Yes, No, N/A) and Planning Office Use Only. Contains handwritten responses for each criterion.

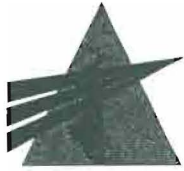
Planning Division Use Only

Exemption Granted [checked] Partial Exemption Exemption Denied



Planner's Signature [Signature]

Date 4/6/05



April 5, 2005

Sarah Hopkins, Development Review Program Manager
City of Portland Planning Department
City Hall, 4th Floor
389 Congress Street
Portland, ME 04101

Re: Application for Exemption from Site Plan Review – Utility Shed
Northern Utilities – 40 West Commercial Street; CBL 059 A005002

Dear Sarah:

Enclosed is a completed Application for Exemption from Site Plan Review for a proposed utility shed for the Portland Gas Works Site on West Commercial St. The property is owned by Northern Utilities and the shed will house a storage tank, pumps, and pump controls. The shed and equipment are necessary to pilot test a soil and groundwater remediation technology for the removal of coal tar at the site; the pilot test has been approved by the Maine DEP under the Voluntary Response Action Program (VRAP). The 8'x16' shed will likely be either painted steel, or wood framed with wooden or vinyl siding and asphalt shingle roof (typical shed photos attached). The shed will have a red-alarm strobe light on its exterior to indicate when the storage tank is full. The proposed location of the utility shed is displayed on the attached Site Plan Figure and as you can see, has been located in the most distant location on the site, within the existing fencelines; the shed will not be visible from the street. Existing site lighting, access, utilities and stormwater controls are all adequate to support this project without modification. We anticipate the storage tank will need to be emptied three to four times per year, dependent upon the success of the groundwater extraction project. The storage tank will be emptied by a licensed hauler and the vehicle will likely be a fixed axle truck, similar in size to a home heating oil delivery truck.

We look forward to commencing the remediation project and if you have any questions related to this project, please don't hesitate to contact me at (207) 774-2112. I look forward to discussing the project with your office.

Sincerely,
WOODARD & CURRAN INC.

Barry Sheff, P.E.
Project Manager

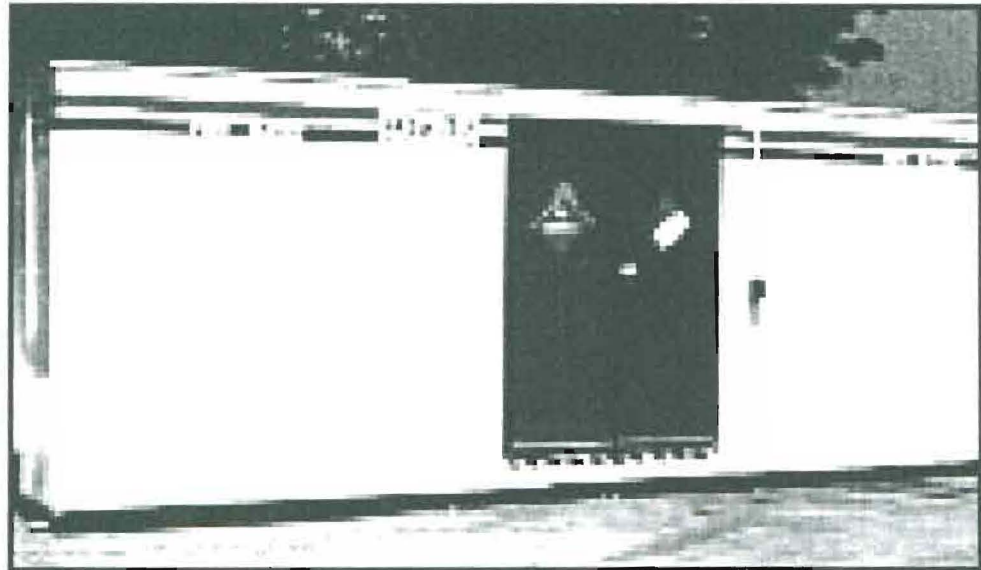
BSS
212315.01

Enclosures – Application for Exemption from Site Plan Review
Site Plan Figure
Example Shed Photographs

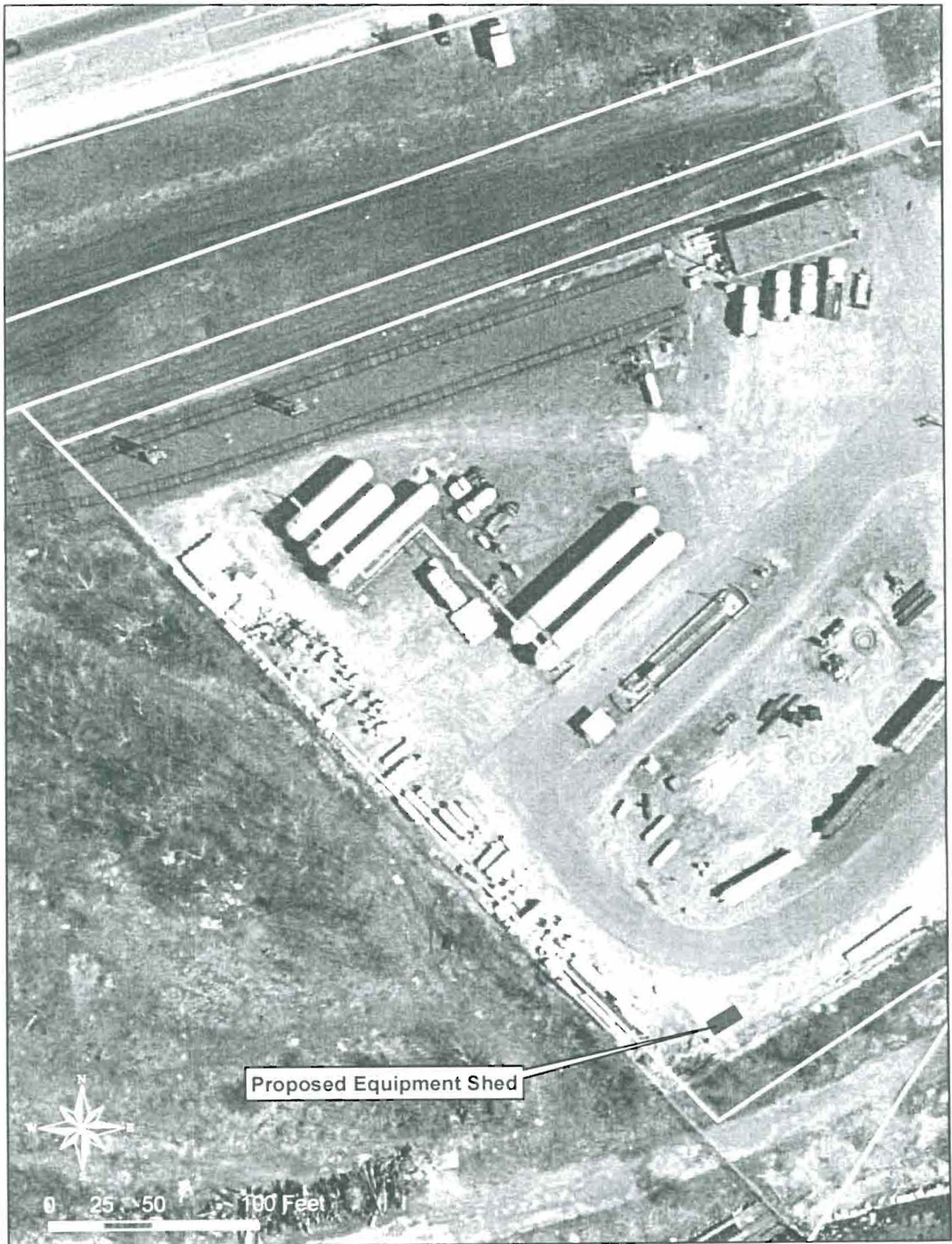
cc: Karl Kasper, Woodard & Curran
Erika Flemming-Coull, Woodard & Curran
Bruce Strattard, Northern Utilities



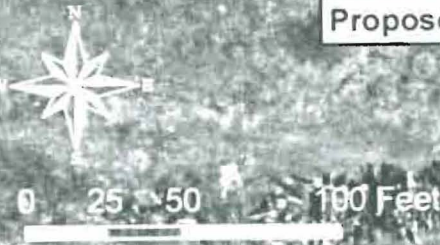
Note: Typical wood frame/asphalt shingle shed building.



Note: Typical metal utility shed building



Proposed Equipment Shed



Memorandum
Department of Planning and Development
Planning Division

Stamp site
plan
attached



To: Phil DiPierro, Development Review Coordinator
Mike Farmer, Public Works
Todd Merkle, Public Works
Marge Schmuckal, Zoning Administrator
Bill Clark, Public Works
Jeff Tarling, City Arborist

From: Molly Casto, Planner

Date: January 7, 2008

Re: 40 West Commercial Street
Northern Utilities- Portland Gas Works Site Improvement
CBL#: 059 A005001



Attached is the final, approved site plan for the Northern Utilities site at 40 West Commercial Street. The plan was approved with conditions on November 19, 2007. All conditions (copied below) have been included as notes on the final site plan.

Conditions of approval:

1. New paving will consist of 2" base course asphalt. Existing pavement that is disturbed will be replaced to match existing conditions.
2. It is the owner's responsibility to maintain drainage schemes and to maintain stone surface such that it will not promote concentrated runoff patterns, erosion, or tracking of sediment from service vehicles.
3. It shall be the responsibility and cost of the owner to clean, and repair any public way, which is encumbered by tracked debris, stones, or sediment.
4. The applicant shall neither utilize, nor allow others to utilize any portion of the facility, which has been graveled or paved for the purpose of environmental remediation, for vehicle storage or for temporary parking (less than 24 hours) for more than the five vehicles presently occupying the site by EnergyUSA Propane, and for Northern Utilities personnel or contractor visits for operation and maintenance or remediation activities at the site. If, in the future, the applicant wishes to incorporate parking or vehicle storage on site, they must first submit a site plan application to the Portland Planning Division in accordance with Article V of the City Code of Ordinances.



Planning and Development Department
Lee C. Jordan, Director

Planning Division
Alexander Jacobson, Director

November 19, 2007

James E. Kexlahl
Woodard and Curran
41 Hatchings Drive
Portland, Maine 04102

RE: 40 West Commercial Street-Portland Gas Works Site Improvements
CR# 059-0005001
Application ID: 2007-0148

← file in side plate

Dear Mr. Kexlahl:

On November 19, 2007, the Portland Planning Authority approved the proposed site improvements at 40 West Commercial Street as shown on the approved plan. **Please submit 7 full size sets of the final, approved site plan to the Planning Division for distribution.** The site improvements have been approved with the following conditions, which have also been included as notes on the approved site plan:

New paving will consist of 2" base course asphalt. Existing pavement that is disturbed will be replaced to match existing conditions.

It is the owner's responsibility to maintain drainage schemes and to maintain stone surface such that it will not promote concentrated runoff patterns, erosion, or tracking of sediment from service vehicles.

It shall be the responsibility and cost of the owner to clean and repair any public way, which is encumbered by tracked debris, stones, or sediment.

- The applicant shall neither utilize, nor allow others to utilize any portion of the facility, which has been graveled or paved for the purpose of environmental remediation, for vehicle storage or for temporary parking (less than 24 hours) for more than the five vehicles presently occupying the site by EnergyL SA Propane, and for Northern Utilities personnel or contractor visits for operation and maintenance of remediation activities at

the site. If, in the future, the applicant wishes to incorporate parking or vehicle storage on site, they must first submit a site plan application to the Portland Planning Division in accordance with Article V of the City Code of Ordinances.

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:

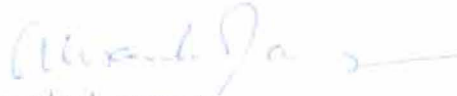
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. 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. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction 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 pre-construction meeting.
6. 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.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is 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 Molly Casto, Planner at 874- 8900.

Sincerely,



Alexander Jaegerman
Planning Division Director

Electronic Distribution

- cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuekel, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bohinsky, Public Works Director
Kathu Farley, Public Works
Bill Clark, Public works
Jim Carmody, Transportation Manager
Michael Farmer, Public Works
Jeff Farling, City Arborist
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File



APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

NORTHERN UTILITIES

JULY 1, 2007

Applicant

P.O. BOX 3586 PORTLAND, ME 04104

Applicant's Mailing Address

WOODARD & CURRAN / (207) 774-2112

Consultant/Agent/Phone Number

Application Date

FORMER PORTLAND GAS WORKS
SITE IMPROVEMENTS

Project Name/Description

40 W. COMMERCIAL ST. PORTLAND, ME 04101

Address of Proposed Site

CBL: LOTS 59-A-2,5,6,9,& 10

Description of Proposed Development:

Site stabilization activities associated with grading, spreading crushed stone, paving, loaming and seeding as shown in attached figure.

Please Attach Sketch/Plan of Proposal/Development

Criteria for Exemptions:

See Section 14-523 (4) on back side of form

a) Within Existing Structures; No New Buildings, Demolitions or Additions

b) Footprint Increase Less Than 500 Sq. Ft.

c) No New Curb Cuts, Driveways, Parking Areas

d) Curbs and Sidewalks in Sound Condition/Comply with ADA

e) No Additional Parking/ No Traffic Increase

f) No Stormwater Problems

g) Sufficient Property Screening

h) Adequate Utilities

Applicant's Assessment
(Yes, No, N/A)

a) Yes, no new buildings or additions.

b) N/A, no new buildings or additions.

c) Yes, no new curb cuts, driveways, or parking areas.

d) N/A, no adjacent curbs or sidewalks.

e) Yes, no increase in traffic or parking.

f) Yes, no stormwater impacts.

g) N/A, no screening required.

h) N/A, no additional utilities required.

Planning Office
Use Only

31,200^{sq} new
Pavement
22,000^{sq} gravel
17,200^{sq} gravel

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME
JUL 30 2007
RECEIVED

Planning Division Use Only

Exemption Granted _____ Partial Exemption _____ Exemption Denied X

Minor site plan review required. In
Shirland Zone. Impervious surfaces -

Planner's Signature _____

Date 7/12/07

