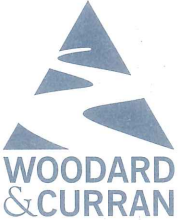


**COMMITMENT & INTEGRITY  
DRIVE RESULTS**

41 Hutchins Drive  
Portland, Maine 04102  
www.woodardcurran.com

T 800.426.4262  
T 207.774.2112  
F 207.774.6635

November 9, 2007



Molly Casto, Planner  
City of Portland Planning & Development Department  
389 Congress Street  
Portland, Maine 04101

Re: Northern Utilities – Environmental Remediation and Site Improvements  
40 West Commercial Street, Portland, Maine  
Response to Portland Planning Division Comments

Dear Molly,

This letter is in response to your letter dated October 30, 2007 regarding Site Improvements at the former Portland Gas Works Site. The Planning Division's comments included plan clarifications and additions to the site plan general notes.

In response to the Portland Planning Division's Site Plan and Engineering comments, we are submitting the enclosed revised sheets, C-07 Site Property Boundaries and C-08 Final Site Finish & Grading. All of the comments from the October 30, 2007 letter have been addressed on these drawings.

Please do not hesitate to contact me if you have any further questions or need additional information.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in dark ink, appearing to read "James D. Ekedahl". The signature is written in a cursive style with a large initial 'J'.

James D. Ekedahl  
Sr. Project Engineer

212315.01

Enclosures

cc: Paul Exner (NiSource)

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

2007-0135  
Application I. D. Number

**Woodard & Curran**

Applicant

41 Hutchins Drive, Portland, ME 041063

Applicant's Mailing Address

8/3/2007

Application Date

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

**Planning Approval Status:**

Reviewer \_\_\_\_\_

- Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

OK to Issue Building Permit \_\_\_\_\_ 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 \_\_\_\_\_ 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 date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
- Defect Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_



# 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](http://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, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

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 ft<sup>2</sup> 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 ft<sup>2</sup> 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.

Area 3 is an approximately 22,900 ft<sup>2</sup> 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 ft<sup>2</sup> 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 ft<sup>2</sup>. The roadway was used 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.

A handwritten signature in blue ink, appearing to read "James D. Ekedahl". To the right of the signature, the text "FOR J.E." is written in blue ink.

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

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**

## 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.

**From:** Barbara Barhydt  
**To:** Casto, Molly  
**Date:** 8/28/2007 2:57:43 PM  
**Subject:** Re: northern utilities site remediation- draft cond. of approval

Let's bounce this condition at the development review meeting. I am adding Alex to this for his input as I know he won't be at the meeting tomorrow. I wonder if this is too restrictive. Did they say how they would use the parcel in their written description?

>>> Molly Casto Tuesday, August 28, 2007 11:59 AM >>>

Barbara-

As requested, here is my first attempt at a condition of approval prohibiting the Northern Utilities site remediation areas from being used as surface parking. Let me know what you think:

***The applicant shall not utilize any portion of the parcel, which has been graveled or paved for the purpose of environmental remediation, for vehicle storage or for temporary parking (less than 24 hours). 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.***

Molly

**CC:** Jaegerman , Alex

2 40 D. Commercial St

- Piping to pave oil well - remediation
  - paving to prevent infiltr for groundwater protection.
  - amt. of gravel - same
  - needs overlaid zone → existing gravel.
  - ~~all~~ all prepared stored areas are already existing gravel.
- Gravel strip - access road maintenance.



07P135

**TO:** Molly Casto – Planner  
**FROM:** Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.  
**RE:** Northern Utilities- Environmental Remediation & Site Improvements  
40 West Commercial Street, Portland, ME  
**DATE:** September 12, 2007

---

Sebago Technics has reviewed the minor Site Plan/Environmental Remediation Package (dated August 15th) prepared by Woodard and Curran of the proposed Upland Site Remediation Project to be located at 40 West Commercial Street for Northern Utilities Gas Company. The following comments are submitted in outline format for your review:

**1. Stormwater Management**

- A. Background:** The existing property is previously an open undeveloped and currently used as a storage and propane distribution area for LP gas. The proposal intends to re-vegetate some existing barren/denuded areas and therefore no increase in stormwater runoff is anticipated as a result of the proposed project. Runoff from the project site has been graded to flow towards the Fore River shoreline. Our immediate concern has to do with erosion control until vegetation is firmly established, and with the need of construction details.
- B. Concerns:** The area is relatively flat and grading is moderately shallow pitched and no collection is proposed by basin. Our immediate concern has to do with erosion control until vegetation is firmly established, and with the details. The following is a punch list of items we feel shall require additional design information and consideration.
- Details of the stone surface cover are needed. Our concern is that the areas covered will likely have a high probability of temporary or incidental traffic/ or for use of future storage over them, and the relatively thin layer of stone will be easily compacted into the existing soil or be tracked away by winter operations/ or site activities. The details will allow us to assure proper compaction and construction.
  - There appears no space available for snow storage. How will it be handled?
  - A basic erosion control plan, or locations on the plan with at least details of measures proposed for erosion control until the site is firmly re-established with vegetation, is needed. Erosion is more of a concern than runoff values or discharge quantities.

2. **Road Access/Circulation**

- A. The storage lots should be controlled with proper labeling and space markings for construction layout.
- B. We recommend that the driveway circulation, turnaround and shorefront access be a minimal 20 feet from the street to assure that in the event of an emergency response Fire apparatus can respond with adequate turnarounds and maneuverability. Also it may be beneficial for the Fire Department to have water access from the site if possible in the event of a water side emergency in relation to the Bridge. Is there any consideration for easement or Right of Way access to the waters edge? We strongly urge the planner to discuss with the Fire Chief.
- C. Will the site be fenced or signed for security, and clearly marked to avoid materials or access from spilling over onto abutting properties.

3. **Grading/Erosion Control**

- A. The plan submission includes no BMP measures on the project for the site construction and soil disturbance when it occurs. BMPs shall be noted and illustrated on the detail plans, but some additional measures should be considered such as pavement cleaning and sweeping from tracked soils during construction.
- B. Finish elevations are shown on the drawings for the proposed paving but not for the stone surfacing. How do these elevations compared with the proposed driveway grades? Is 2 inches an adequate depth for the uses that the surface will be exposed to seasonally?

4. **Utility Installation/Location**

- A. While the site is currently bare/vacant from structures, there are several utility stubs, mains, and lines shown on the plan. Notes should be added to the plans, indicating the responsible party to notify dig safe, or the locally know utilities for marking locations prior to construction.

5. **General**

- A. The planning staff will review if site lighting and landscaping plan are necessary.
- B. Details for driveway infrastructure repairs/improvements such as pavement sections have not been shown or noted on the plans. Also any work over or in the City Right of Way must be in accordance with City Technical Design Standards.
- C. Typical fence details if applicable will need to be shown.



September 12, 2007

- D. A note shall be added discussing snow removals methods and locations. We assume this will not be an issue but the location, may impact the surface design if on a loam or stoned area.

Overall this looks like an improved development for the lot and owner from an environmental standpoint, however the plans technically are missing several of the details and notes associated with a Site Plan. Many items are unclear as to the boundary reference, lot numbers, topographical reference, zoning notes, standard construction notes, etc. It should be noted that a portion of this lot under improvement may be in 100 year floodplain. The site is under DEP regulations for soil remediation, we think it would be useful if the VRAP plan as agreed to by the Maine DEP were submitted to review against the measures proposed. With some more details and data we feel a design can be completed to approve this improvement. We feel until these items have been addressed, that we cannot grant approval. With regards to actual plan standards, and zoning notes, and requested copies of the VRAP, that the planner will determine if the minor plan requirements submitted are sufficient. Please contact our office with any questions.

JRS:jrs

Memorandum  
Department of Planning and Development  
Planning Division

---



**To:** Jim Seymour, Sebago Technics  
**From:** Molly Casto, Planner  
**Date:** August 15, 2007  
**Re:** 40 West Commercial Street  
Northern Utilities- Portland Gas Works Site Improvement  
CBL#: 059 A005001

---

Please review the attached plans for the proposed site improvements to the former Portland Gas Works Site at 40 West Commercial Street.

The applicant has submitted preliminary plans for site remediation.

This application is being reviewed administratively and will, therefore, not appear before the Planning Board at this time. If possible, please get your comments to me no later than **Wednesday August 29<sup>th</sup>**. If this deadline does not work, please get in touch so we can figure out a review schedule that can accommodate everyone.

If you have any questions, feel free to get in touch at 874-8901 or at [mpc@portlandmaine.gov](mailto:mpc@portlandmaine.gov).

**Thanks!**

Molly Casto  
Planner

August 20, 2007

James Ekedahl  
Woodard and Curran  
41 Hutchins Drive  
Portland, Maine 04102

RE: 40 West Commercial Street- Portland Gas Works Site Improvements  
(ID# 2007-0135, CBL#059 A005001)

Dear James:

Thank you for submitting an application to the City of Portland Planning Division re: site improvements at the former Portland Gas Works facility at 40 West Commercial Street. Clearly, your assistance during ESA activities at the site contributed to the removal of significant amounts of pollutants, thereby improving the environmental quality of the Portland waterfront. After reviewing the submitted plans, the following preliminary comments have been generated (all action items have been numbered):

1. There appears to be an easement through the middle of the site. Please identify all existing and proposed (if applicable) easements on the submitted plans.

Areas of this site are within the Shoreland Zone, as defined by Division 26, Sec. 14-447 of the City Code of Ordinances. Shoreland regulations apply to all land areas and uses within 250 feet, horizontal distance, of the normal high water line of any saltwater body. Portions of Areas 4, 5, and 6, as identified on the plans, must be reviewed for compliance with Shoreland Zoning requirements.

2. Please identify the boundary of the Shoreland Zone on the revised plans.

Your letter describes an access road to the shoreline that was used during remediation of the tar scabs and deposits that were located along the shoreline. It is my understanding that this road was not pre-existing and was constructed for the purpose of remediation by the applicant. Your letter states your intent to maintain this road for continued access to the shoreline for inspections. Shoreland Zoning requires that all roads and roadways must be set back at least 75' from the normal high water line. The proposed permanent gravel roadway might be within the Shoreland Zone. A roadway in this area is defined as a conditional use in the Shoreland Zone and would thus trigger Planning Board review and approval.

3. Please clearly identify whether or not the road lies within or outside of the Shoreland Zone on the revised plans.
4. Regardless of whether or not the roadway is within the Shoreland Zone, please submit a description of the nature of the proposed “inspections” and why a permanent gravel roadway would be required to accomplish this. Would it be possible to conduct inspections by foot rather than by vehicle? If the road is not required and can be redesigned, please submit revised plans showing the roadway either removed or relocated beyond the boundary of the shoreland zone, along with a proposal to revegetate that portion of Area 6.

Your letter describes fine grading, which will take place on a roadway in Area 6. All activities that involve grading within a Shoreland Zone require a written soil erosion and sedimentation control plan. If the road lies within the Shoreland Zone and you choose not to modify the location of the road:

5. Please submit a soil erosion and sedimentation control plan containing the following:
  - Provisions for vegetation of disturbed soil.
  - Provisions for temporary runoff control features (e.g.- hay bales, silt fencing, diversion ditches, etc)
  - Provisions for permanent stabilization (much of this information is contained in your submitted letter) of the site.
  - The amount of exposed ground during site work should be minimized at all times to prevent erosion. Any exposed ground must be within one week from when it was actively worked via riprap, sod, seed or mulch. Please include specifics on how you plan to comply with these regulations in the soil erosions and sedimentation control plan.

The site lies within a WPDZ zone. This is waterfront land with direct, deep-water access. It is restricted to uses that contribute to port activity. Non-marine industrial activity may be allowed only on a temporary basis and only to the extent that it will not preclude or impede further water-dependant development.

6. Please submit a more detailed written description of the proposed use of the facility by Northern Utilities. Are they maintaining their current level of activity and infrastructure on site or are they proposing any expansion? Is any part of their activity waterfront-related? There is an existing pier on the site that has been maintained. What are the current use and/or future proposed uses for this pier?

7. Does the applicant plan to store any pollutants or oily wastes on site? If so, it is not permitted to store these substances on site for more than 45 days at a time. Please elaborate on the existing and proposed use of the storage tanks identified on the submitted plans.
8. It is unclear whether the lighting shown on the submitted site plan is existing or proposed. Please clarify this on the revised plans. All lighting in the WPDZ zone must be shielded such that direct light sources do not unreasonably interfere with vessels transiting the harbor nor have an adverse impact on adjacent residential zones. Please submit evidence that all lighting has or will have adequate shielding. If new lighting is proposed or if existing lighting must be modified to comply with this requirement, please submit catalogue cuts of all proposed fixtures.
9. Please show the location and details of all temporary erosion and sedimentation control measures for the entire site on the revised plans (e.g.- silt fencing).

The Department of Public Works is currently reviewing the submitted plans. I will forward any additional comments generated from this review to you promptly. If you have any questions, please do not hesitate to contact me at 874-8901 or by email at [mpc@portlandmaine.gov](mailto:mpc@portlandmaine.gov). I look forward to receiving your updated materials.

Sincerely,

Molly Casto  
Planner

CC: Barbara Barhydt, Development Review Services Manager

**From:** "James Seymour" <jseymour@sebagotechnics.com>  
**To:** "Molly Casto" <MPC@portlandmaine.gov>  
**Date:** 10/11/2007 3:37:12 PM  
**Subject:** RE: response from Woodard and Curran- 40 W. Commercial

I would just have them place a note stating that it is the owners responsibility to maintain drainage schemes and 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.

James Seymour P.E.

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Thursday, October 11, 2007 3:11 PM  
To: James Seymour  
Subject: RE: response from Woodard and Curran- 40 W. Commercial

Thanks Jim-

In your opinion, would increasing the depth of the 3/8" stone from 2" help to mitigate movement and/or excessive compaction of the material or is a note on the plans requiring a certain level of maintenance a better approach?

Thank you.  
Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

>>> "James Seymour" <jseymour@sebagotechnics.com> 10/11/2007 12:07:41 PM >>>

Molly,

I you are satisfied that the revisions for the erosion control, general maintenance of the stone surface, and plan notes are satisfactory for future reference. I am okay with the responses, as long as they are certain about what they are responsible to monitor and maintain.

Thanks  
James Seymour P.E.

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Thursday, October 11, 2007 9:21 AM  
To: James Seymour  
Subject: response from Woodard and Curran- 40 W. Commercial

Importance: High

\*\* High Priority \*\*

Hi Jim-

Attached is a response from Woodard and Curran to your engineering comments re: the Northern Utilities property at 40 West Commercial Street (Old Portland Gas Works Site).

I have reviewed their memo. I would like to go through it with you to be sure we are in agreement before I respond to the applicant. Could we set up a time to talk wither in person or on the phone to quickly run through this document together? I am available this afternoon after 2pm or anytime tomorrow (Friday). Thank you-

Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

Replied 8/28/07 -  
see attached



## PAN AM RAILWAYS, INC.

1700 Iron Horse Park  
North Billerica, MA 01862-1681

---

August 21, 2007

City of Portland, Maine  
Planning Board - Town Hall  
389 Congress Street  
Portland, Maine 04101

Dear Sir/Madam:

Enclosed is a copy of the notices I recently received pertaining to proposed land use in the City of Portland, Maine. Please be advised that Pan Am Railways, Inc. manages real estate matters for several corporations. This response is sent on behalf of the following corporations in reply to your notices, which were received on August 13, 2007:

- Boston and Maine Corporation;
- Maine Central Railroad Company;
- Portland Terminal Company;
- Springfield Terminal Railway Company;
- Hudson River Estates, Inc.;
- Delaware River Estates, Inc.; or
- DH Estates, Inc. (formerly Delaware and Hudson Railroad).

As you may well be aware, the railroads listed above receive numerous notices on a daily basis. Based upon the limited time frame existing between the date on which the notice is received and the scheduled hearing date, I respectfully request your cooperation regarding this matter.

Although the railroads are concerned with each and every notice, there are certain instances, which are of particular concern to the railroads. You may be able to advise me if the petition involves land plans showing a crossing of railroad property. Specifically the railroads' concern exists even in the event that your petitioner indicates that it is the holder of a valid railroad crossing. Also, the railroads must be advised if the petition proposes any development within 25' from the centerline of an existing railroad track, even if such development occurs on non-railroad property. As such, petitions for variances from set back requirements can be particularly troublesome.



City of Portland, Maine  
August 21, 2007  
Page Two

Please be advised that this letter should not be construed as a waiver of any other objections, which the railroads may have to a proponent's plan. However, the railroads respectfully request your assistance in bringing their attention to any such matters.

Thank you for your anticipated cooperation in this regard.

Sincerely,



Roland L. Theriault  
Roland L. Theriault, Vice President - Real Estate

RLT/rjs  
Enclosure

**IMPORTANT NOTICE FROM CITY OF PORTLAND  
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS  
IN THE VICINITY OF 40 WEST COMMERCIAL STREET**

**WHAT** A minor site plan application was submitted to the City of Portland Planning Division by Woodard & Curran. The applicant is proposing to stabilize the soil and perform some aesthetic enhancements to the property located at 40 West Commercial Street..

In accordance with the Portland Land Use Ordinance, notices of receipt of a minor site plan application must be sent to neighbors.

**FOR MORE INFORMATION**

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you have any questions, please call Barbara Barhydt, Development Review Services Manager, at 874-8720.

RECEIVED  
AUG 13 2007

BY:.....

**IMPORTANT NOTICE FROM CITY OF PORTLAND  
PLANNING DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS  
IN THE VICINITY OF 40 WEST COMMERCIAL STREET**

**WHAT** A minor site plan application was submitted to the City of Portland Planning Division by Woodard & Curran. The applicant is proposing to stabilize the soil and perform some aesthetic enhancements to the property located at 40 West Commercial Street..

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RECEIVED  
AUG 13 2007

BY:.....

August 28, 2007

Roland L. Theriault  
Vice President, Real Estate  
Pan Am Railways, Inc.  
1700 Iron Horse Park  
North Billerica, MA 01862-1681

**RE: Receipt of Notice from City of Portland Planning Division  
Project in the vicinity of: 40 West Commercial Street**

Dear Mr. Theriault,

Thank you for your letter regarding Pan Am Railway's potential interest in this project. Please be advised of the following:

- The proposed project does not involve a crossing of railroad property.
- The petitioner does not claim to be a holder of a valid railroad crossing.
- The project proposal may involve development within 25 feet of the centerline of an existing railroad track, however the proposal is limited to environmental remediation activities over existing paved and graveled surfaces. There is no construction or modification of existing structures or roadways being proposed at this time.

Please do not hesitate to contact the Planning Division if you have further questions or if you would like to review materials pertaining to this proposal.

Sincerely,

Molly Casto  
Planner

cc Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Manager

O:\PLAN\DEVREVV\west commercial40\_Northern Utilities\Internal  
Corresp\PanAmRailways reply.doc

**From:** Barbara Barhydt  
**To:** Casto, Molly  
**Date:** 8/28/2007 2:57:43 PM  
**Subject:** Re: northern utilities site remediation- draft cond. of approval

Let's bounce this condition at the development review meeting. I am adding Alex to this for his input as I know he won't be at the meeting tomorrow. I wonder if this is too restrictive. Did they say how they would use the parcel in their written description?

>>> Molly Casto Tuesday, August 28, 2007 11:59 AM >>>

Barbara-

As requested, here is my first attempt at a condition of approval prohibiting the Northern Utilities site remediation areas from being used as surface parking. Let me know what you think:

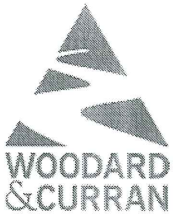
*The applicant shall not utilize any portion of the parcel, which has been graveled or paved for the purpose of environmental remediation, for vehicle storage or for temporary parking (less than 24 hours). If, in the future, the applicant wishes to incorporate parking or vehicle storage on site, they must first submit a site plan application to the Portland Planning Division in accordance with Article V of the City Code of Ordinances.*

Molly

**CC:** Jaegerman , Alex

I3-b

## MEMORANDUM



TO: Molly Casto - Planner  
FROM: Jim Ekedahl  
DATE: October 5, 2007  
RE: Northern Utilities – Environmental Remediation & Site Improvements  
40 West Commercial St., Portland, ME  
Response to Sebago Technics Comments

This memo provides a response to comments provided by Sebago Technics concerning Site Improvements at the Former Portland Gas Works Site. The Sebago Technics comments are provided in italics followed by the Woodard & Curran response in plain text.

*1A. Storm water Management - Background: The existing property is previously an open undeveloped and currently used as a storage and propane distribution area for LP gas. The proposal intends to re-vegetate some existing barren/denuded areas and therefore no increase in storm water runoff is anticipated as a result of the proposed project. Runoff from the project site has been graded to flow towards the Fore River shoreline. Our immediate concern has to do with erosion control until vegetation is firmly established, and with the need of construction details.*

*1B. Storm water Management - Concerns: The area is relatively flat and grading is moderately shallow pitched and no collection is proposed by basin. Our immediate concern has to do with erosion control until vegetation is firmly established, and with the details. The following is a punch list of items we feel shall require additional design information and consideration.*

- Details of the stone surface cover are needed. Our concern is that the areas covered will likely have a high probability of temporary or incidental traffic/ or for use of future storage over them, and the relatively thin layer of stone will be easily compacted into the existing soil or be tracked away by winter operations/ or site activities. The details will allow us to assure proper compaction and construction.*

The stone surface is simply a two-inch thick layer of 3/8" crushed stone. We understand that some areas may be compacted or tracked away by winter operations or site activities. The Owner, Northern Utilities, specifically requested 3/8" crushed stone for this application so it could be easily redistributed in some areas as necessary. The stone cover is primarily for aesthetic purposes and has no significant structural function. There are also no compaction requirements.

- There appears no space available for snow storage. How will it be handled?*

There are no specific designated snow storage areas. Material storage requirements within the fenced site limits of the inland parcel are constantly changing, and the designation of a snow storage area on this site is impractical. Snow piles will be located as necessary to allow equipment and vehicle access. On the shoreline parcel, snow will simply be plowed to the side of the gravel roadway.

I'm OK with this. Is this OK?

I think the 3/8" stone is OK but should be thicker cover  
Rev. plans should show details of stone surface cover.

Plans claim that road will be stone cover & is for inspections. Not just aesthetic.



tackling neg  
agent movements

- **A basic erosion control plan, or locations on the plan with at least details of measures proposed for erosion control until the site is firmly re-established with vegetation, is needed. Erosion is more of a concern than runoff values or discharge quantities.**

The areas to be hydroseeded slope towards the gravel roadway which will prevent the migration of soils to the Fore River. After topsoil is placed, hydroseeding will take place shortly thereafter. Additional erosion control is provided by a mulch berm that exists along the Fore River that is a remnant from previous remedial and construction activities.

This should be developed into a basic erosion control plan

**2A. Road Access/Circulation – Storage Lots:** The storage lots should be controlled with proper labeling and space markings for construction layout.

A benchmark will be set in the field by the contractor to insure proper grading. A baseline is not needed as the roadway, storage areas and parking areas already exist and are merely being resurfaced. *→ I'm ok w/ this. Is this ok?*

**2B. Road Access/Circulation – Fire Department Access:** We recommend that the driveway circulation, turnaround and shorefront access be a minimal 20 feet from the street to assure that in the event of an emergency response Fire apparatus can respond with adequate turnarounds and maneuverability. Also it may be beneficial for the Fire Department to have water access from the site if possible in the event of a water side emergency in relation to the Bridge. Is there any consideration for easement or Right of Way access to the waters edge? We strongly urge the planner to discuss with the Fire Chief.

I want to confirm this w/ Greg Cass.

All of the proposed activities are located greater than 20' from Commercial Street. **There is an existing right of way between the shoreline and inland parcels, and the Fire Department has access to the entire site.** We have communicated with the Portland Fire Department and Fire Chief LaMontagne throughout the design process, and he is aware of all recent activities, including the installation of new fire hydrant in Area 3 which the Fire Department used in a recent fire at the abutting docks. During this fire, the Fire Department also used the gravel roadway with no issues.

**2C. Road Access/Circulation – Site Delineation:** Will the site be fenced or signed for security, and clearly marked to avoid materials or access tram spilling over onto abutting properties.

OK

✓ The inland parcel is already protected with chain link fence, barbed wire, and gates from Commercial Street and to the shoreline parcel right of way. Both gates are locked at all times. No materials are stored on the shoreline parcel.

**3A. Grading/Erosion Control – BMP:** The plan submission includes **no BMP measures on the project for the site construction and soil disturbance when it occurs. BMPs shall be noted and illustrated on the detail plans, but some additional measures should be considered such as pavement cleaning and sweeping from tracked soils during construction.**

I don't think this is adequate. They should show BMPs on plans. All grading activities - esp. those near a river & shoreland should include BMPs. BMPs should be installed if soil disturbance occurs is not adequate.

Soil disturbance will be at a minimum as the project consists of resurfacing. Also, in the event that soil is tracked off site the contractor will be responsible for sweeping. Additional erosion control is provided by a mulch berm located along the Fore River that is a remnant from previous remedial and construction activities. In the event that soil disturbance does occur, the appropriate erosion control BMP's will be used.



no regrading  
- 2" over surface grade

3B. Grading/Erosion Control – Finish Elevations: Finish elevations are shown on the drawings for the proposed paving but not for the stone surfacing. How do these elevations compared with the proposed driveway grades? Is 2 inches an adequate depth for the uses that the surface will be exposed to seasonally?

The stone surfacing will be tapered as necessary to blend with the existing driveway grades. 2" is an adequate depth for crushed stone cover. - I think it's reasonable to ask them to be more specific & to increase thickness of stone surface.

4. Utility Installation/Location: While the site is currently bare/vacant from structures, there are several utility stubs, mains, and lines shown on the plan. Notes should be added to the plans, indicating the responsible party to notify dig safe, or the locally know utilities for marking locations prior to construction.

Dig safe will be notified prior to excavation. - & this should be noted on plans

5A. General – Lighting and Landscaping: The planning staff will review if site lighting and landscaping plan are necessary.

OK ✓

No additional lighting or landscaping other than seed and loam are proposed for this phase of work.

5B. General – Infrastructure Repairs/Improvements: Details for driveway infrastructure repairs/improvements such as pavement sections have not been shown or noted on the plans. Also any work over or in the City Right of Way must be in accordance with City Technical Design Standards..

& this should be noted on plans?

New paving will consist of 2" base course asphalt. Existing pavement that is disturbed will be replaced to match existing conditions. There is no work over or in the City Right of Way

5C. General – Fence Detail: Typical fence details if applicable will need to be shown.

OK ✓

No modifications are proposed to the existing fence. No new fencing is proposed.

5D. General – Snow Removal: A note shall be added discussing snow removals methods and locations. We assume this will not be an issue but the location may impact the surface design if on a loam or stoned area.

This should be inc. as a note on the plans?

No snow removal is planned for loamed areas. It is the Owner's intent to leave a two to four inch depth of snow on stoned areas to minimize disruption of gravel surface, as traffic on the stoned areas will primarily be heavy industrial equipment that can track through a few inches of snow. Stone which is disturbed will be replaced in spring.

Overall this looks like an improved development for the lot and owner from an environmental standpoint, however the plans technically are missing several of the details and notes associated with a Site Plan. Many items are unclear as to the boundary reference, lot numbers, topographical reference, zoning notes, standard construction notes, etc. It should be noted to that a portion of this lot under improvement may be in 100 year floodplain. The site is under DEP regulations for soil remediation, we think it would be useful if the VRAP plan as agree to by the Maine DEP were submitted to review against the measures proposed. With some more details and data we feel a design can be completed to approve this improvement. We feel until these items have been addressed, that we cannot grant approval. With regards to actual plan standards, and zoning notes, and requested copies of the VRAP, that the planner will determine if the minor plan requirements submitted are sufficient.



✓OK

*Please contact our office with any questions.*

Plans and specifications for the previously approved VRAP remedy were submitted to the City of Portland in 2006 in conjunction with an application for Site Plan Exemption. Additionally, activities proposed for this Scope of Work are for aesthetic improvements and site stabilization only and are completely outside the scope of the VRAP remedy which was completed between October, 2006 and February, 2007.

Please do not hesitate to contact me if you have any further questions or need additional information.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in cursive script that reads "James D. Ekedahl".

James D. Ekedahl

Sr. Project Engineer

212315.01



## MEMORANDUM



TO: Molly Casto - Planner  
FROM: Jim Ekedahl  
DATE: October 5, 2007  
RE: Northern Utilities – Environmental Remediation & Site Improvements  
40 West Commercial St., Portland, ME  
Response to Sebago Technics Comments

This memo provides a response to comments provided by Sebago Technics concerning Site Improvements at the Former Portland Gas Works Site. The Sebago Technics comments are provided in italics followed by the Woodard & Curran response in plain text.

*1A. Storm water Management - Background: The existing property is previously an open undeveloped and currently used as a storage and propane distribution area for LP gas. The proposal intends to re-vegetate some existing barren/denuded areas and therefore no increase in storm water runoff is anticipated as a result of the proposed project. Runoff from the project site has been graded to flow towards the Fore River shoreline. Our immediate concern has to do with erosion control until vegetation is firmly established, and with the need of construction details.*

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The stone surface is simply a two-inch thick layer of 3/8" crushed stone. We understand that some areas may be compacted or tracked away by winter operations or site activities. The Owner, Northern Utilities, specifically requested 3/8" crushed stone for this application so it could be easily redistributed in some areas as necessary. The stone cover is primarily for aesthetic purposes and has no significant structural function. There are also no compaction requirements. - is this true?

- There appears no space available for snow storage. How will it be handled?*

There are no specific designated snow storage areas. Material storage requirements within the fenced site limits of the inland parcel are constantly changing, and the designation of a snow storage area on this site is impractical. Snow piles will be located as necessary to allow equipment and vehicle access. On the shoreline parcel, snow will simply be plowed to the side of the gravel roadway.

*Ask J. Szymon if this is acceptable?*

plb identify Fore River on plans? → look @ google earth.  
provide this.



- \* A basic erosion control plan, or locations on the plan with at least details of measures proposed for erosion control until the site is firmly re-established with vegetation, is needed. Erosion is more of a concern than runoff values or discharge quantities.

The areas to be hydroseeded slope towards the gravel roadway which will prevent the migration of soils to the Fore River. After topsoil is placed, hydroseeding will take place shortly thereafter. Additional erosion control is provided by a mulch berm that exists along the Fore River that is a remnant from previous remedial and construction activities.

is this adeq.?

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A benchmark will be set in the field by the contractor to insure proper grading. A baseline is not needed as the roadway, storage areas and parking areas already exist and are merely being resurfaced.

confirm w/ Grey case

2B. Road Access/Circulation – Fire Department Access: We recommend that the driveway circulation, turnaround and shorefront access be a minimal 20 feet from the street to assure that in the event of an emergency response Fire apparatus can respond with adequate turnarounds and maneuverability. Also it may be beneficial for the Fire Department to have water access from the site if possible in the event of a water side emergency in relation to the Bridge. Is there any consideration for easement or Right of Way access to the waters edge? We strongly urge the planner to discuss with the Fire Chief.

- \* All of the proposed activities are located greater than 20' from Commercial Street. There is an existing right of way between the shoreline and inland parcels, and the Fire Department has access to the entire site. We have communicated with the Portland Fire Department and Fire Chief LaMontagne throughout the design process, and he is aware of all recent activities, including the installation of new fire hydrant in Area 3 which the Fire Department used in a recent fire at the abutting docks. During this fire, the Fire Department also used the gravel roadway with no issues.

OK

2C. Road Access/Circulation – Site Delineation: Will the site be fenced or signed for security, and clearly marked to avoid materials or access tram spilling over onto abutting properties.

The inland parcel is already protected with chain link fence, barbed wire, and gates from Commercial Street and to the shoreline parcel right of way. Both gates are locked at all times. No materials are stored on the shoreline parcel.

- \* 3A. Grading/Erosion Control – BMP: The plan submission includes no BMP measures on the project for the site construction and soil disturbance when it occurs. BMPs shall be noted and illustrated on the detail plans, but some additional measures should be considered such as pavement cleaning and sweeping from tracked soils during construction.

\* note on plans

note this on plans

Soil disturbance will be at a minimum as the project consists of resurfacing. Also, in the event that soil is tracked off site the contractor will be responsible for sweeping. Additional erosion control is provided by a mulch berm located along the Fore River that is a remnant from previous remedial and construction activities. In the event that soil disturbance does occur, the appropriate erosion control BMP's will be used.

again - is this ok?

identify on plans - BMPs



*3B. Grading/Erosion Control – Finish Elevations:* Finish elevations are shown on the drawings for the proposed paving but not for the stone surfacing. How do these elevations compared with the proposed driveway grades? Is 2 inches an adequate depth for the uses that the surface will be exposed to seasonally?

The stone surfacing will be tapered as necessary to blend with the existing driveway grades. 2" is an adequate depth for crushed stone cover. - confirm → maybe should be thicker to prevent movement & excess. compaction

*4. Utility Installation/Location:* While the site is currently bare/vacant from structures, there are several utility stubs, mains, and lines shown on the plan. Notes should be added to the plans, indicating the responsible party to notify dig safe, or the locally know utilities for marking locations prior to construction.

Dig safe will be notified prior to excavation. -note on plans

*5A. General – Lighting and Landscaping:* The planning staff will review if site lighting and landscaping plan are necessary.

OK ✓ No additional lighting or landscaping other than seed and loam are proposed for this phase of work.

*5B. General – Infrastructure Repairs/Improvements:* Details for driveway infrastructure repairs/improvements such as pavement sections have not been shown or noted on the plans. Also any work over or in the City Right of Way must be in accordance with City Technical Design Standards..

\* show details →

New paving will consist of 2" base course asphalt. Existing pavement that is disturbed will be replaced to match existing conditions. There is no work over or in the City Right of Way

✓ *5C. General – Fence Detail:* Typical fence details if applicable will need to be shown.

OK No modifications are proposed to the existing fence. No new fencing is proposed.

*5D. General – Snow Removal:* A note shall be added discussing snow removals methods and locations. We assume this will not be an issue but the location may impact the surface design if on a loam or stoned area.

note on plans ←

No snow removal is planned for loamed areas. It is the Owner's intent to leave a two to four inch depth of snow on stoned areas to minimize disruption of gravel surface, as traffic on the stoned areas will primarily be heavy industrial equipment that can track through a few inches of snow. Stone which is disturbed will be replaced in spring.

find V-RAP ↙

Overall this looks like an improved development for the lot and owner from an environmental standpoint, however the plans technically are missing several of the details and notes associated with a Site Plan. Many items are unclear as to the boundary reference, lot numbers, topographical reference, zoning notes, standard construction notes, etc. It should be noted to that a portion of this lot under improvement may be in 100 year floodplain. The site is under DEP regulations for soil remediation, we think it would be useful if the VRAP plan as agree to by the Maine DEP were submitted to review against the measures proposed. With some more details and data we feel a design can be completed to approve this improvement. We feel until these items have been addressed, that we cannot grant approval. With regards to actual plan standards, and zoning notes, and requested copies of the VRAP, that the planner will determine if the minor plan requirements submitted are sufficient.



*Please contact our office with any questions.*

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Please do not hesitate to contact me if you have any further questions or need additional information.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in cursive script, appearing to read "James D. Ekedahl".

James D. Ekedahl

Sr. Project Engineer

212315.01

**From:** "James Seymour" <jseymour@sebagotechnics.com>  
**To:** "Molly Casto" <MPC@portlandmaine.gov>  
**Date:** 10/11/2007 3:37:12 PM  
**Subject:** RE: response from Woodard and Curran- 40 W. Commercial

I would just have them place a note stating that it is the owners responsibility to maintain drainage schemes and 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.

James Seymour P.E.

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Thursday, October 11, 2007 3:11 PM  
To: James Seymour  
Subject: RE: response from Woodard and Curran- 40 W. Commercial

Thanks Jim-

In your opinion, would increasing the depth of the 3/8" stone from 2" help to mitigate movement and/or excessive compaction of the material or is a note on the plans requiring a certain level of maintenance a better approach?

Thank you.  
Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

>>> "James Seymour" <jseymour@sebagotechnics.com> 10/11/2007 12:07:41 PM >>>

Molly,

I you are satisfied that the revisions for the erosion control, general maintenance of the stone surface, and plan notes are satisfactory for future reference. I am okay with the responses, as long as they are certain about what they are responsible to monitor and maintain.

Thanks  
James Seymour P.E.

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Thursday, October 11, 2007 9:21 AM

To: James Seymour  
Subject: response from Woodard and Curran- 40 W. Commercial  
Importance: High

\*\* High Priority \*\*

Hi Jim-

Attached is a response from Woodard and Curran to your engineering comments re: the Northern Utilities property at 40 West Commercial Street (Old Portland Gas Works Site).

I have reviewed their memo. I would like to go through it with you to be sure we are in agreement before I respond to the applicant. Could we set up a time to talk wither in person or on the phone to quickly run through this document together? I am available this afternoon after 2pm or anytime tomorrow (Friday). Thank you-

Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

October 24, 2007

James Ekedahl  
Woodard and Curran  
41 Hutchins Drive  
Portland, Maine 04102

RE: 40 West Commercial Street- Portland Gas Works Site Improvements  
(ID# 2007-0135, CBL#059 A005001)

Dear Jim:

Thank you for getting in touch with me to discuss the development review comments for proposed site improvements at the former Portland Gas Works facility at 40 West Commercial Street. Based on our conversation, additional review of the proposal and your detailed explanations of the improvements being proposed for the site, I have prepared a revised list of staff comment for you. These incorporate comments both from my letter dated August 20, 2007 and from Jim Seymour's engineering review.

\* Initially, Planning staff had expressed concern over the location of the existing gravel road along the shoreline of the site. *Division 26- Shoreland Regulations, Section 14-449- Land Use Standards (i)* of the Portland City Code requires that all roadways and driveways be set back at least seventy five (75) feet from the normal high water line. The ordinance permits reduced setbacks, however, in the W-1, W-2 and I-3b zones. The project area was formerly an I-3b zone, prior to being rezoned to WPDZ in 1993. The I-3b zone no longer exists anywhere in the city. The language of *Division 26- Shoreland Zoning* is in the process of being updated but does not yet reflect these zoning changes. Therefore, for the purposes of interpreting this section of the Ordinance, this area will be reviewed as an I3-b zone. According to this interpretation, the road is a permitted use within 75' of the high water line and does not need to be modified or relocated.

**Site Plan:**

Please make the following additions and/or revisions to the submitted site plans in order to meet site plan standards for submitted plans:

1. Please include a north point on your revised site plan.

2. Please clarify the boundaries of the site. Include ownership information of abutting parcels.
3. Please label and describe the existing easement through the middle of the site in a note on the plans (including book and page number).
4. Please label West Commercial Street.
5. Please include the total land area of the site, identify the existing zoning (WPDZ) as a note and include a vicinity map on the revised plans.
6. Please label existing fence on plans.
7. The final plans must be stamped and signed by a registered professional.

**Engineering:**

1. Please include a note on the plans stating: *Dig Safe, or the locally known utilities will be notified prior to excavation.*
2. Please identify the location of the “mulch berm” you described in your memorandum dated October 5, 2007 on the revised plans.
3. Please include a note on the plans stating: *New paving will consist of 2” base course asphalt. Existing pavement that is disturbed will be replaced to match existing conditions.*
4. Please include a note on the plans stating: *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.*
5. Please include a note on the plans stating: *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.*



6. Please include a note on the plans stating: *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.*

If you have any questions, please do not hesitate to contact me at 874-8901 or by email at [mpc@portlandmaine.gov](mailto:mpc@portlandmaine.gov). I look forward to receiving your updated materials.

Sincerely,

Molly Casto  
Planner, Portland Planning Division

CC: Barbara Barhydt, Development Review Services Manager

November 19, 2007

James Ekedahl  
Woodard and Curran  
41 Hutchins Drive  
Portland, Maine 04102

RE: 40 West Commercial Street- Portland Gas Works Site Improvements  
CBL: 059 A005001  
Application ID: 2007-0135

Dear Mr. Ekedahl:

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:

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.

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- 8901.

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 Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

**From:** "Marilyn Sinnett" <msinnett@woodardcurran.com>  
**To:** "Molly Casto" <MPC@portlandmaine.gov>  
**Date:** 12/5/2007 8:54:00 AM  
**Subject:** FW: follow up on 40 W. Commercial Street

Molly -

Regarding the 40 W. Commercial St full-sized drawing sets, do you mean 11x17, or D-sized sheets (approx 36x24)?

Thank you.

Marilyn

-----Original Message-----

From: Jim Ekedahl  
Sent: Tuesday, December 04, 2007 8:51 PM  
To: Marilyn Sinnett  
Subject: FW: follow up on 40 W. Commercial Street

Marilyn -

Could you check with Molly and see if full-size means 11x17 (I believe that was the original drawing size), or D-sized sheets, then get the drawings out to her and notify Paul with a copy of the transmittal?  
- Jim

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Thursday, November 29, 2007 9:18 AM  
To: Jim Ekedahl  
Subject: RE: follow up on 40 W. Commercial Street

Jim-

Also, don't forget to deliver 7 full-size copies of the final plans to me to distribute to the various City departments.

Thanks!

Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

>>> "Jim Ekedahl" <jekedahl@woodardcurran.com> 11/28/2007 6:37:08 PM  
>>>

Thanks for the clarification Molly.

- Jim

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]

Sent: Wednesday, November 28, 2007 5:02 PM

To: Jim Ekedahl

Cc: Philip DiPierro

Subject: follow up on 40 W. Commercial Street

Hi Jay-

I looked into your two very good questions and have the following responses: I reviewed the City Code section on performance guarantees.

For your reference, it's section 14-525(j). Northern Utilities will not be required to submit a performance guarantee at all as all activities are listed as exempt. They will, however, still need to submit an inspection fee of \$300 (the minimum for non-residential development.

In terms of the building permit, inspections actually refers to all permits that they issue as "building permits" regardless of whether or not there is construction. In the case of this project, your "building

permit" is actually a paving permit. This is what you will need to get

from inspections prior to doing the pavement and gravel next spring. The next step is to pay the inspection fee and get in touch with Phil to

schedule your construction meeting on site. Again, Phil can be reached

at 874-8632. Sounds like we might get a storm next week?. You may want

to give him a call ASAP.

Thanks and feel free to get in touch if you have any additional questions.

-Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

## TRANSMITTAL



TO: Molly Casto, Planner  
City of Portland Planning & Development Department  
389 Congress Street  
Portland, ME 04101

DATE: December 20, 2007  
PROJECT NAME: Northern Utilities  
PROJECT NUMBER: 212315.01

RE: Integrated Contingency Plan - Hardcopy

**WE ARE SENDING:**

- |                                       |  |   |  |
|---------------------------------------|--|---|--|
| <input type="checkbox"/> Quotation    | <input checked="" type="checkbox"/> Drawings | <input type="checkbox"/> Bid Package          | <input checked="" type="checkbox"/> Floppy Disk / CD |
| <input type="checkbox"/> Brochure     | <input type="checkbox"/> Schedule            | <input type="checkbox"/> Installation Package | <input type="checkbox"/> Sample                      |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Manuals             | <input type="checkbox"/> Other (specify)      |  |

Qty.	Item	Dated	Description
7	Drawing C-07	11/ 2007	Site Property Boundaries – 34" x 22"
7	Drawing C-08	11/ 2007	Final Site Finish & Grading – 34" x 22"
1	CD	12/2007	Drawings C-07 and C-08

**For Your:**

**Sent By:**

- |   |   |
|---|---|
| <input type="checkbox"/> USE                    | <input type="checkbox"/> REGULAR MAIL               |
| <input type="checkbox"/> APPROVAL               | <input checked="" type="checkbox"/> FEDERAL EXPRESS |
| <input type="checkbox"/> REVIEW/COMMENTS        | <input type="checkbox"/> UPS                        |
| <input checked="" type="checkbox"/> INFORMATION | <input type="checkbox"/> COURIER                    |
| <input type="checkbox"/> OTHER                  | <input type="checkbox"/> OTHER                      |

**COMMENTS:**

Molly –

Here are the drawings you requested. The Site Application Fee is being sent in a separate transmittal. Please don't hesitate to contact me with any questions.

Marilyn

BY: Marilyn Sinnett.

Memorandum  
Department of Planning and Development  
Planning Division

---



**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.



**From:** "Jim Ekedahl" <jekedahl@woodardcurran.com>  
**To:** "Molly Casto" <MPC@portlandmaine.gov>  
**Date:** 11/28/2007 6:41:22 PM  
**Subject:** RE: follow up on 40 W. Commercial Street

Thanks for the clarification Molly.

- Jim

-----Original Message-----

From: Molly Casto [mailto:MPC@portlandmaine.gov]  
Sent: Wednesday, November 28, 2007 5:02 PM  
To: Jim Ekedahl  
Cc: Philip DiPierro  
Subject: follow up on 40 W. Commercial Street

Hi Jay-

I looked into your two very good questions and have the following responses: I reviewed the City Code section on performance guarantees. For your reference, it's section 14-525(j). Northern Utilities will not be required to submit a performance guarantee at all as all activities are listed as exempt. They will, however, still need to submit an inspection fee of \$300 (the minimum for non-residential development.

In terms of the building permit, inspections actually refers to all permits that they issue as "building permits" regardless of whether or not there is construction. In the case of this project, your "building permit" is actually a paving permit. This is what you will need to get from inspections prior to doing the pavement and gravel next spring. The next step is to pay the inspection fee and get in touch with Phil to schedule your construction meeting on site. Again, Phil can be reached at 874-8632. Sounds like we might get a storm next week? You may want to give him a call ASAP.

Thanks and feel free to get in touch if you have any additional questions.

-Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

**CC:** "Dan Goyette" <DGoyette@woodardcurran.com>



# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

November 19, 2007

James Ekedahl  
Woodard and Curran  
41 Hutchins Drive  
Portland, Maine 04102

RE: 40 West Commercial Street- Portland Gas Works Site Improvements  
CBL: 059 A005001  
Application ID: 2007-0135

Dear Mr. Ekedahl:

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:

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.

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- 8901.

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 Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

July 2, 2007



Bill Needelman, Senior Planner  
City of Portland Planning Department  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

Re: Application for Exemption from Site Plan Review – Former Portland Gas Works Site Improvements  
Northern Utilities – 40 West Commercial Street; Map 59, Block 1, Lots 2, 5, 6, 9, and 10

Dear Bill:

Per our conversation last week, I am providing additional information concerning site improvements at the former Portland Gas Works site on West Commercial St., owned by Northern Utilities. As you are aware, manufactured gas plant operations were performed on the site from the 1850's through the 1960's. A significant amount of soil and debris impacted by coal gasification related material (CGRM) was excavated and removed from the site this winter to remediate the site. The remediation activities were performed under the Maine DEP approved Voluntary Response Action Program (VRAP).

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 change to stormwater drainage volumes or drainage patterns as a result of the remediation activities. The additional asphalt pavement is for site stabilization only and is not for additional on-site parking. Moreover, there are only five vehicles that currently park within the fenced portion of the Site, and ample parking space exists for these vehicles. Existing utilities are adequate for the remediation activities. Figure C-08, attached, depicts the location and extent of the proposed improvements in six areas of the site as described below. We believe that the proposed activities meet the requirements for exemption from Site Plan under Section 14-523 and look forward to your consideration and feedback. Northern Utilities is prepared to commence with this phase of the remediation project immediately. Assuming you are in agreement, we have enclosed a completed Application for Exemption from Site Plan Review on behalf of the property owners, Northern Utilities, and as their Agent.

Area 1 - 17,200 ft<sup>2</sup>: Fine grading and placement of a 2" layer of 3/8" unwashed crushed stone over the indicated area (with the exception of the existing concrete foundations, as seen in Figure C-08).

Area 2 - 21,200 ft<sup>2</sup>: Fine grading to level area and match existing pavement grades, compaction and placement of a 2" layer of base course asphalt pavement over the indicated area.

Area 3 – 22,900 ft<sup>2</sup>: Fine grading and placement of a 2" layer of 3/8" unwashed crushed stone over the indicated area.

Area 4 – 17,400 ft<sup>2</sup>: Fine grading, placement of a 4" loam, and seeding.

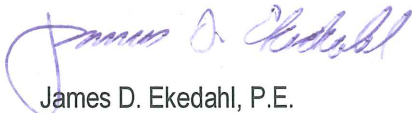
Area 5 – 17,400 ft<sup>2</sup>: Fine grading, placement of a 4" loam, and seeding.

Area 6 – 11,100 ft<sup>2</sup>: Fine grading and placement of a 2" layer of 3/8" unwashed crushed stone over the existing gravel access road.

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

JDE/mms  
212315.01

Enclosures      Application for Exemption from Site Plan Review  
Figure C-08: Final Site Finish and Grading

cc:      Barbara Barhydt, City of Portland  
         Marge Schmuckal, City of Portland  
         Karl Kasper, Woodard & Curran  
         Erika Flemming-Coull, Woodard & Curran  
         Bruce Strattard, Northern Utilities  
         Paul Exner, NiSource



This is the cached copy of <http://www.maine.gov/dep/blwq/docstand/stormwater/ip-mcgp.pdf>.

## DEP ISSUE PROFILE

# Overview of the Requirements of the Maine Construction General Permit

Issued: March 2003 Contact: (207) 287-2111

### Background

As of March 10, 2003, certain construction activities in Maine will require coverage under the Maine Construction General Permit (MCGP). The MCGP is based on the federal National Pollutant Discharge Elimination System (NPDES) Stormwater program that applies nationwide. The federal Environmental Protection Agency has delegated its authority to administer this program to the Maine Department of Environmental Protection (DEP). The program provides that certain discharges are not allowed unless they are licensed, and the DEP is licensing certain discharges of stormwater from construction activities when the requirements of the MCGP are met.

The MCGP sets standards for managing stormwater that may pick up pollutants, including soil, and discharge them to waters of the State, such as lakes, streams, and wetlands. The requirement for a MCGP is triggered by the amount of disturbed area created during construction, and whether the site will directly discharge to surface waters of the state. In contrast to Maine's existing Stormwater Law, the MCGP applies solely to construction activity and not to ongoing stormwater management following construction. Also in contrast to the Stormwater Law, the MCGP applies in both organized and unorganized areas of Maine.

This Issue Profile explains when a MCGP is required and describes the permit process. It provides general information to prospective applicants, and it is not meant as a substitute for the law, rules, and general permit.

### Who comes under the Maine Construction General Permit?

Stormwater that flows over disturbed areas as a result of rain and snowmelt will pick up pollutants, including soil. These runoff flows are likely to concentrate, resulting in a direct discharge of pollutants to wetlands and waterbodies of the State. Given soil, weather, and widespread water resources in Maine, the Department expects most construction sites disturbing an acre or more of land to potentially create a direct discharge. Some areas, such as internally drained gravel pits, will not. A landowner, contractor, or developer may need coverage under the MCGP if his or her construction project will directly discharge to a surface waterbody, and the construction will result in any of the following:

a surface waterbody, and the construction will result in any of the following.

one acre or more of disturbed area;

a common plan of development located in an area subject to LURC jurisdiction and requiring a LURC permit; or

a common plan of development located outside LURC jurisdiction and requiring a Stormwater Law or Site Location of Development Law permit.

### **What is “disturbed area”?**

DEPLW0574

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Page 2

“Disturbed area” includes all areas where soil is cleared, graded, and excavated. Cutting trees alone, without grubbing, removing stumps, disturbing or exposing soil, etc. is not considered disturbed area. Disturbed area does not include routine maintenance, but does include redevelopment. Routine maintenance is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility.

### **What is a “common plan of development”?**

A “common plan of development” means a subdivision as determined by the Land Use Regulation Commission (LURC) if located in an unorganized area, or by the municipality where the subdivision is located. Under this definition, a subdivision will usually, but not always, consist of 3 or more lots. A common plan of development requires coverage under the **MCGP** because, over the life of the project including work on the lots, at least one acre of land is expected to be disturbed.

### **How do I apply for a Maine Construction General Permit?**

Maine’s CGP process has been modeled after the Permit-by-Rule (PBR) process under the Natural Resources Protection Act. Like PBR, the Notice of Intent (NOI) for the **MCGP** is a one page form filed with the DEP. The NOI must be filed and approved prior to any disturbance or construction. Using the NOI form, you will provide information including, but not limited to, your address, the project location, the size of the disturbed area and a brief description of the project. By signing the NOI, you are agreeing to meet the requirements of the general permit, including standards for erosion and sedimentation control; inspection and maintenance of any stormwater control practices; and “housekeeping” (ex. preventing fuel spills and controlling dust on the construction site). Specific standards for these activities are found in the **MCGP**. When you have completed your project and the disturbed areas have been permanently stabilized, you must submit a Notice of Termination (NOT) and photos to the DEP. Notification forms and copies of the **MCGP** can be obtained by calling your regional DEP office or on the web at the following address: <http://www.state.me.us/dep/blwq/docstand/stormwater/construction.htm>.

### **What else do I need to send with my Notice of Intent?**

*All NOI forms must be accompanied by a site plan for your project. The site plan must show the extent*



*All NOI forms must be accompanied by a site plan for your project. The site plan must show the extent of the disturbed area(s), identify nearby wetlands and waterbodies, and the location of downgradient vegetated buffers. Vegetated buffers are known to be useful for filtering stormwater and should be preserved wherever possible. If buffers cannot be retained, you must explain why. For projects that do not require Stormwater or Site Law permits, these plans do not have to be professionally drawn. However, the plan must be legible, reproducible, and drawn to scale. Written approval from the Department of Inland Fisheries & Wildlife (IF&W) must accompany your NOI if your project is located in an essential habitat area. Maps showing these areas are available from the IF&W and at DEP regional offices.*

In addition to the site plan, certain projects require an erosion and sedimentation control plan (ESC) to be submitted with the NOI.

### **Who needs to do an erosion and sedimentation control plan?**

You must complete and maintain an ESC plan if your project includes any of the following involving:

**Disturbed area if:**

one acre or more will be disturbed in the watershed of an impaired waterbody (C); or

three acres or more will be disturbed in any watershed;

**A common plan if:**

the common plan of development drains to an impaired waterbody (C), and also requires a Stormwater Law, Site Location of Development Law, or LURC permit; or

the common plan of development does not drain to an impaired waterbody (C), will include 3 acres or more of disturbed area, and also requires a Stormwater Law, Site Location of Development, or LURC permit.

### **What is an impaired waterbody (C)?**

An "impaired waterbody" is a waterbody that is not meeting water quality standards, as determined by the DEP. If construction activity in a watershed may cause or contribute to the existing impairment of the river, stream or great pond, the waterbody is designated as "impaired waterbody (C)". "C" stands for "construction." The list is included in Appendix D of the MCGP.

### **What is an erosion and sedimentation control plan?**

In addition to the information shown on the site plan, an erosion and sedimentation control plan also must show the locations of sediment barriers, water diversions, temporary stockpiles, constructed ditches and swales, and culverts. The plan must also include permanent stabilization measures for each disturbed area and slope. When an erosion and sedimentation control plan is required in conjunction with an NOI, the plan must include control and stabilization measures for all disturbed areas associated with the development, including lots if the project is a common plan of development (i.e. subdivision). Erosion

control during construction and stabilization after construction should use Best Management Practices (BMPs). When carried out properly, these general BMPs are intended to meet the standards of the CGP. More site specific BMPs may be required for sites with additional constraints. Guidance on standard BMPs for projects not requiring a Stormwater or Site Law permit can be found in Volume III: A Citizens Guide to Best Management Practices for Use with Maine's Construction General Permit, available from the regional offices of the DEP and on the web at:

<http://www.state.me.us/dep/blwq/docstand/stormwater/construction.htm>.

**Is the DEP the only authority that can approve my erosion and sedimentation control plan?**

No. If your project includes three acres or more of disturbed area and directly discharges to a waterbody that is not impaired, your erosion and sedimentation control plan can be signed by a qualified individual who certifies that the plan meets the standards of the general permit. Qualified individuals include: a person certified in erosion control practices or a "professional in erosion and sedimentation control" so designated by the Maine Nonpoint Source Training and Resources Center; a Maine registered professional engineer knowledgeable in stormwater and erosion and sedimentation control; and Soil and Water Conservation District staff trained to develop erosion and sedimentation control plans, working in a District with which the DEP has an agreement concerning review of these plans. A list of certified persons can be found at:

<http://www.state.me.us/dep/blwq/training/cccec.htm>

However, the plan must be submitted to the DEP for review:

- (1) if your project includes one acre or more of disturbed area discharging to an impaired waterbody (C); or
- (2) if your project includes three acres or more of disturbed area, discharging to any other waterbody, and your plan has not been certified.

**Is there a fee for a Maine Construction General Permit?**

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Page 4

Yes. A fee of \$75 is charged for an **MCGP** that does not require submittal of an erosion and sedimentation control plan. If an erosion and sedimentation control plan is submitted for review, the fee for an **MCGP** is \$100. These fees are charged to cover program costs.

**How long will it take the DEP to process my permit?**

An NOI is considered approved 14 days after DEP receives a complete and accurate form if the DEP does not notify you otherwise. If the notice is found to be deficient, the DEP will notify you within 14 days of receiving it. This period may be extended if the NOI is combined with an application with a longer review period. You may begin work after waiting the 14 days unless otherwise notified.

**How long is the Maine Construction General Permit valid?**

The Maine CGP will expire July 1, 2004, therefore all MCGPs will be valid until that date. Prior to that date, DEP will develop a general permit or other mechanism to replace the MCGP.

**Does the Maine Construction General Permit replace or affect existing Stormwater Law, Site Law, or LURC requirements?**

No. However, the DEP is in the process of consolidating application requirements to better coordinate some of these programs. If your project also requires a Stormwater or Site Law permit, you may reference material submitted with those applications provided that it substantively addresses the standards of the MCGP. If not all the standards are addressed, supplementary material should be provided with the NOI. If you wish the Department to rely in whole or part on a submission that is part of a Site Law or Stormwater Management Law application, submit a letter with the NOI describing the previous submission and the extent to which it should be relied upon, and listing the standards addressed by any supplementary material.

**If my project site is located in an unorganized area, where do I file my notifications?**

All notifications for LURC territories will be processed by the DEP through the Eastern Maine Regional Office (address below).

**Are there exemptions under the Construction General Permit?**

Yes. Examples of the exemptions include:

- Forest management activities*
- Normal farming activities*
- Normal maintenance activities*

(Headquarters)  
Central Maine Regional Office  
17 State House Station  
Ray Building, Hospital Street  
Augusta, Maine 04333  
**(207) 287-2111 or**  
toll free at 1-800-452-1942

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
**(207) 941-4570 or**  
toll free at 1-888-769-1137

Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, Maine 04769

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103

**(207) 764-0477 or**  
toll free at 1-888-769-1053

**(207) 822-6300 or**  
toll free at 1-888-769-1036

Memorandum  
Department of Planning and Development  
Planning Division

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**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

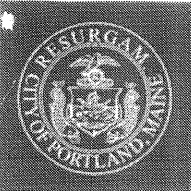
**Re:** 40 West Commercial Street  
Northern Utilities- Portland Gas Works Site Improvement  
CBL#: 059 A005001

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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.



# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

November 19, 2007

James Ekedahl  
Woodard and Curran  
41 Hutchins Drive  
Portland, Maine 04102

RE: 40 West Commercial Street- Portland Gas Works Site Improvements  
CBL: 059 A005001  
Application ID: 2007-0135

Dear Mr. Ekedahl:

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:

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.

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. \$300
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- 8901.

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 Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File



**From:** Molly Casto  
**To:** jekedahl@woodardcurran.com  
**Date:** 11/28/2007 5:01:42 PM  
**Subject:** follow up on 40 W. Commercial Street

Hi Jay-

I looked into your two very good questions and have the following responses: I reviewed the City Code section on performance guarantees. For your reference, it's section 14-525(j). Northern Utilities will not be required to submit a performance guarantee at all as all activities are listed as exempt. They will, however, still need to submit an inspection fee of \$300 (the minimum for non-residential development).

In terms of the building permit, inspections actually refers to all permits that they issue as "building permits" regardless of whether or not there is construction. In the case of this project, your "building permit" is actually a paving permit. This is what you will need to get from inspections prior to doing the pavement and gravel next spring. The next step is to pay the inspection fee and get in touch with Phil to schedule your construction meeting on site. Again, Phil can be reached at 874-8632. Sounds like we might get a storm next week? You may want to give him a call ASAP.

Thanks and feel free to get in touch if you have any additional questions.

-Molly

Molly Casto, Planner  
Portland Planning Division  
389 Congress Street  
Portland, Maine 04101-3509  
207-874-8901  
MPC@portlandmaine.gov

**CC:** Philip DiPierro

## FLOODING STANDARD

The flooding standard applies only to large projects subject to the Site Location Law and requires peak flows to be kept at or below the pre-project levels for the 2-year, 10-year, and 25-year storms. The channel protection provided by the general BMP standards will usually provide sufficient flood control on smaller projects. In situations where flooding issues have been identified at the local level, municipal review may still require flood control on these smaller projects. The flooding standards is waived for projects discharging to the ocean, a major river, or a great pond via man-made channels.



## DISCHARGE TO A WETLAND

The general, Phosphorus, Urban Impaired Stream, and Flooding standards must be met before stormwater runoff enters a wetland. Runoff may not increase the peak storage depth in a wetland more than two inches due to runoff from the 2-year storm and must return to the pre-development elevation within 24 hours of the storm's end. If these requirements are not met, the project may also require approval under the Natural Resources Protection Act.



## LONG-TERM MAINTENANCE

All projects must have an inspection and maintenance plan for permanent erosion and sediment control and stormwater management.

**Every five years, the Permit holder is responsible for recertification that the site is stable and the BMPs have been maintained.**



### RECERTIFICATION

Recertification of a project must consist of a notice certifying that all areas have been inspected for erosion and repairs made; that all stormwater systems have been inspected, cleaned and repaired from damage; that the project's erosion and stormwater maintenance plan is being implemented as written; and that the maintenance log is being kept up to date. Municipalities or associations assuming responsibility for maintenance do not assume responsibility for recertification unless approved by the department.

**Inspect all measures** in the EARLY SPRING to clean out winter sediment and plan repairs for spring/summer, in the LATE FALL to remove leaves and debris, and check for erosion AFTER HEAVY RAINS and quarterly.



## WHAT THE NEW RULES DO NOT DO

Do not change the "most at risk" lakes list (except to correct the listed location for one lake). Certain standards specific to lake watersheds, such as the phosphorus standard, continue to apply.

Do not make Chapter 500 shorter, however there was a concerted effort to make the chapter easier to follow, and to include material to make the process more predictable for applicants. Chapter 502 is shorter.

Do not keep the "sliding scale TSS" or "80% TSS" standards. TSS can be a poor indicator of the pollutants of concern in stormwater runoff, and the ability to predict exact TSS removals under various conditions in Maine is not adequate. Better approaches have been developing since the first rules were adopted in the 1990s.

Do not make the Maine Construction General Permit (MCGP) definitions and the Stormwater Management Law requirements completely consistent, although consistency and coordination is improved. Combining the programs would have required changes such as (a) making a Maine Stormwater Management Law permit a 5-year limited-life permit, requiring re-issuance every 5 years; and (b) requiring conformance with certain requirements of Maine's Waste Discharge Law. However, consistency in basic definitions is improved, so that DEP will be able to combine applications for a Maine Stormwater Management Law permit and MCGP notification in most cases. A separate MCGP notification may still be required when only a MCGP notification, but not an approval under the Stormwater Management Law permit, is needed.

Do not ensure that water resources in organized areas will be protected from *all* the potential quantity and quality impacts of stormwater pollution, but they dramatically reduce potential impacts. Additional work needs to occur through other programs as well. For example, the lake standards in the current and provisionally adopted rules do not prevent degradation of lakes, they merely slow it down and allow more time for other necessary mechanisms to be put in place that are also needed. Prevention of stormwater pollution is a collaborative effort at the federal, state, and local levels and depends upon both regulatory and voluntary measures.

## HOW TO APPLY FOR A PERMIT?

To apply for a permit, obtain an application or more information from the Department of Environmental Protection, you may phone or write to any of the department's offices and have the forms sent directly to you. The following is a list of the offices and their phone numbers.

If you are in need of assistance in determining what type of permit(s) you may need, the department has staff available to help you.

Forms, rules, and other materials are also available through the DEP website.

Go <http://www.maine.gov/dep/blwq/docstand/stormwater/index.htm>

Central Maine Regional Office  
17 State House Station  
Ray Building  
Hospital Street  
Augusta, Maine 04333  
(207) 287-2111

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
(207) 941-4570

Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, Maine 04769  
(207) 764-0477

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
(207) 822-6300



### TYPES OF BMPS

Forest and Meadow **Buffers** for which the design criteria and sizing tables can be found Appendix F of the Chapter 500 rules and in the Maine Stormwater Management BMP manual available in December 2005.

**Soil Filters and Infiltration** must store and treat 1 inch of runoff from impervious areas and 0.4 inches of runoff from landscaped areas. Design criteria can be found in Appendix D and E of the Chapter 500 rules and BMP manual.

**Wetponds** must have a permanent pool volume equal to 1.5 inches of runoff from impervious areas and 0.6 inches of runoff from landscaped areas and a channel protection volume sized at 1 inch of runoff from impervious areas and 0.4 inches of runoff from landscaped areas. A gravel under-drained trench outlet in a bench at the permanent pool elevation is required for discharge of the channel protection volume for projects within a stream watershed. Design criteria can be found in Appendix E of the Chapter 500 rules and BMP manual.

**Low Impact Development** measures such as minimizing impervious area and spreading stormwater treatment throughout the site area are encouraged.

Alternative stormwater management systems may be allowed on a case by case basis.

#### **Erosion and Sedimentation Control**

(Appendix A of Chapter 500):

*An erosion and Sedimentation control plan must be prepared and provided to the contractor. It must include effective means to control erosion and prevent transportation of sediments in stormwater runoff.*

#### **Housekeeping** (Appendix C of Chapter 500):

*During construction, attention must be paid to spill prevention, fugitive sediment and dust prevention, the collection of debris and other materials, trench and foundation dewatering and other non-stormwater discharges.*

#### **Inspection and Maintenance** (Appendix B of Chapter 500):

*Regular inspection and maintenance is required during construction for the proper operation of stormwater management systems and for the prevention of erosion.*

### BASIC STANDARDS

Basic Standards apply to all projects disturbing one acre or more. They require an erosion and sedimentation control plan that must be implemented, complete with inspection and maintenance as well as good housekeeping during construction. They are the only standards required of projects with less than 1 acre impervious area and 5 acres of developed area (20,000 sq. ft. of impervious area for most at risk lakes and urban impaired streams). The proposed activities cannot impede or alter any drainage way.

# OBJECTIVES OF THE NEW RULES

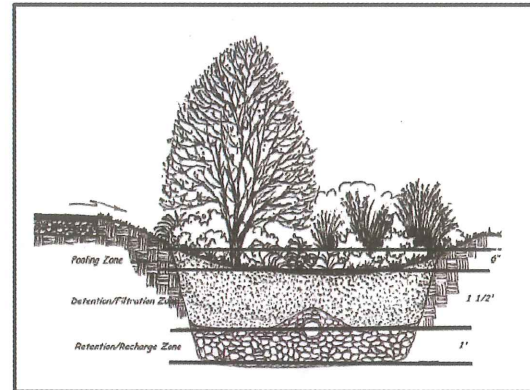
**STREAM CHANNEL PROTECTION** must be provided by storage and slow release of relatively frequent, moderate to large size storms or infiltration of these storms. The site should be designed to maximize incidental infiltration and maximize time of concentration.

**COOLING** of stormwater discharges should be achieved in part by minimizing impervious area, minimizing ponding and maximizing shading. Pond outlets must include underdrained gravel trenches or other means of cooling the discharge.

**POLLUTANT REMOVAL** must be achieved using BMPs that effectively remove fine particulates, dissolved pollutants and hydrocarbons from the runoff.

**FLOOD CONTROL** must be provided on larger projects if detention to provide peak flow matching is likely to do more good than harm based on the project's position in the watershed and the timing of peaks from other parts of the watershed.

**GROUNDWATER RECHARGE** should be encouraged by minimizing impervious area; by taking advantage of every opportunity for incidental infiltration (buffers, and swales instead of pipes) around the site. Minimizing disturbance of natural topography and vegetation is recommended.



## LONG TERM MAINTENANCE

A 5 year re-certification requirement has been added to confirm that the stormwater BMPs are still functional and maintained.

## PRE-APPLICATION MEETING

A pre-application meeting is required for all projects unless waived by mutual agreement of the department and the applicant.



# STANDARDS

## GENERAL STANDARDS

BMP Standards must be applied to no less than 95% of the impervious area and 80% of the developed area. For some roads, runoff from only 75% of the road must be treated.

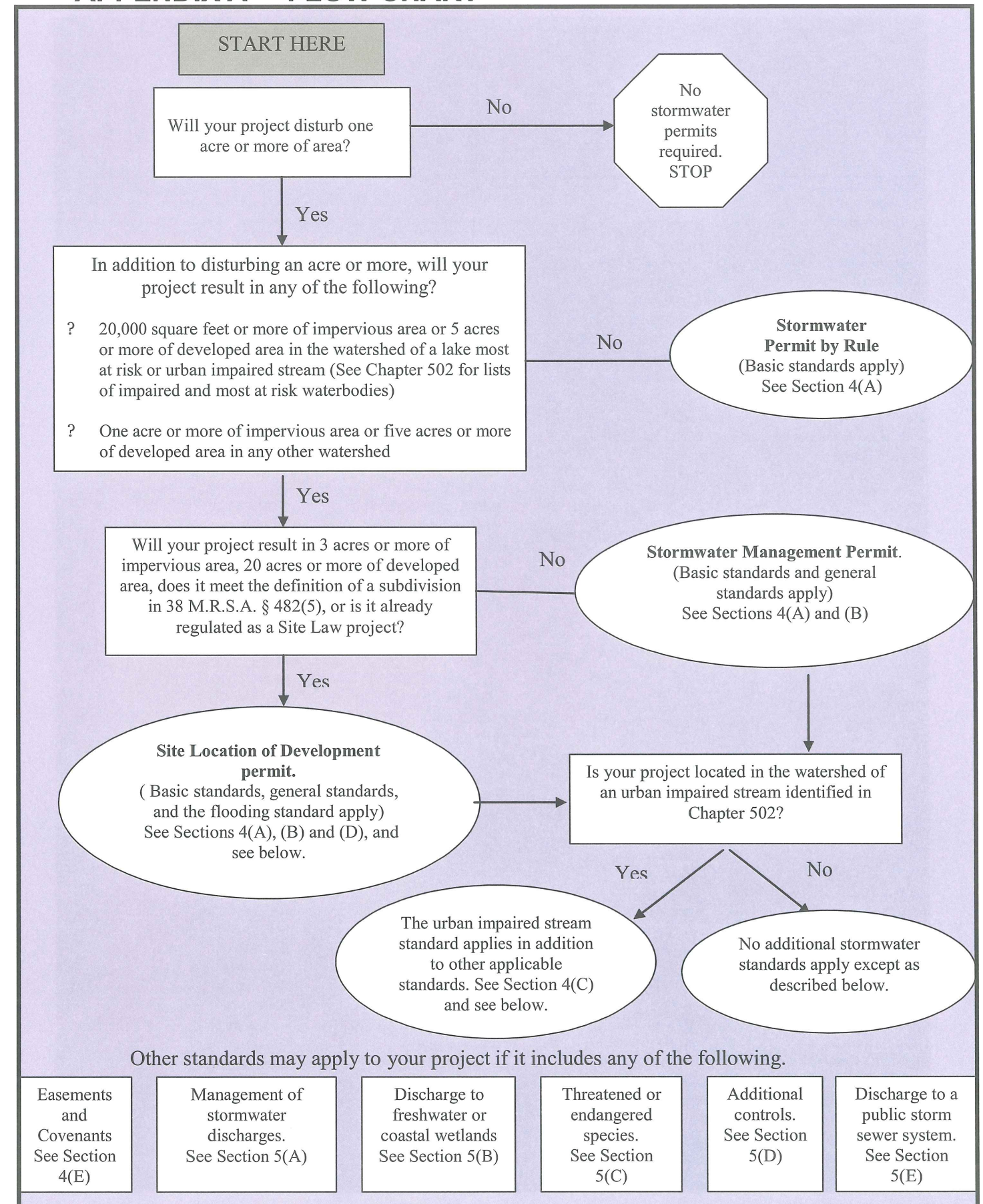
## PHOSPHORUS STANDARDS

The list of most-at-risk lakes is found in Appendix B. Some streamlining and minor changes have been incorporated in the new BMP manual. In watersheds of lakes that are not severely blooming, the BMP standards may be applied as an alternative.

## URBAN IMPAIRED STREAM STANDARDS

The list of urban impaired streams is found in Appendix C. Projects cannot cause or contribute to the impairment of a waterbody. Projects with  $\geq 3$  acres of impervious area in the watershed of an urban impaired stream must meet the required BMP standards plus pay a compensation fee to fund a mitigation project or treat, reduce or eliminate an off-site or on-site pre-development stormwater source.

# APPENDIX A - FLOW CHART



## APPENDIX B - LAKES MOST-AT-RISK FROM DEVELOPMENT

Lakes Most at Risk from Development		ECHO LAKE	PRESQUE ISLE
LAKE	TOWN	ELL POND	SANFORD
(x) = Severely Blooming		ESTES LAKE	SANFORD
		ETNA POND	STETSON
		FAIRBANKS POND	MANCHESTER
		FLOODS POND	OTIS
		FOLLY POND	VINALHAVEN
		FOREST LAKE	WINDHAM
		FRESH POND	NORTH HAVEN
ADAMS POND	BOOTHBAY	GARDINER POND	WISCASSET
ADAMS POND	NEWFIELD	GARLAND POND	GARLAND
ADAMS POND	BRIDGTON	GRANNY KENT POND	SHAPLEIGH
ALLEN POND	GREENE	GRASSY POND	ROCKPORT
ANASAGUNTICOOK LAKE	CANTON	GREAT POND	BELGRADE & ROME
ANDERSON POND	AUGUSTA	GREAT POND	CAPE ELIZABETH
ANNABESSACOOK LAKE (X)	WINTHROP	GREELEY POND	AUGUSTA
BARTLETT POND	WATERBORO	GREEN POND	OXFORD
BAUNEG BEG POND	SANFORD	HALEY POND	RANGELEY
BAY OF NAPLES	NAPLES	HALF MOON POND	ST ALBANS
BEAVER POND	BRIDGTON	HALL POND	PARIS
BERRY POND	WINTHROP	HANCOCK POND	EMBDEN
BERRY POND	GREENE	HATCASE POND	DEDHAM
BIRCH HARBOR POND	WINTER HARBOR	HERMON POND	HERMON
BLACK POND	SWEDEN	HIGHLAND LAKE	BRIDGTON
BONNY EAGLE LAKE	BUXTON	HIGHLAND LAKE	WINDHAM
BOULTER POND	YORK	HOBBS (LT PENNESSE.)	NORWAY
BOYD POND	LIMINGTON	HOGAN POND	OXFORD
BRANCH LAKE	ELLSWORTH	HOLBROOK POND	HOLDEN
BRANCH POND	CHINA	HOLLAND POND	LIMERICK
BRETTUNS POND	LIVERMORE	HORNE POND	LIMINGTON
BUKER POND	LITCHFIELD	HOSMER POND	CAMDEN
BUNGANUT POND	LYMAN	HUTCHINSON POND	MANCHESTER
BURNTLAND POND	STONINGTON	INGALLS POND	BRIDGTON
CARLTON POND	WINTHROP	INGHAM POND	MOUNT VERNON
CHAFFIN POND	WINDHAM	ISINGLASS POND	LIMINGTON
CHASES POND	YORK	JACOB BUCK POND	BUCKSPORT
CHICKAWAUKIE POND	ROCKPORT	JIMMIE (JAMIES) POND	MANCHESTER
CHINA LAKE	CHINA	JIMMY POND	LITCHFIELD
CITY POND	SANDY RIVER	JORDAN POND	MOUNT DESERT
	PLANTATION	KENNEBUNK POND	LYMAN
COBBOSSECONTEE LAKE (X)	WINTHROP	KEZAR POND	WINTHROP
COCHNEWAGON LAKE	MONMOUTH	KILLICK POND	HOLLIS
COFFEE POND	CASCO	KNICKERBOCKER POND	BOOTHBAY
COLD RAIN POND	NAPLES	KNIGHT POND	SOUTH BERWICK
CRAWFORD POND	WARREN	LAKE AUBURN	AUBURN
CRESCENT POND	RAYMOND	LAKE GEORGE	SKOWHEGAN
CRYSTAL LAKE	GRAY	LAKE WOOD	BAR HARBOR
CRYSTAL POND	TURNER	LILLY POND	ROCKPORT
DAM POND	AUGUSTA	LILY POND	SIDNEY
DAMARISCOTTA LAKE,	NOBLEBORO	LILY POND	NEW GLOUCESTER
MIDDLE AND SOUTH BASINS		LITTLE COBBOSSEE	WINTHROP
DAVIS POND	HOLDEN	LITTLE DUCK POND	WINDHAM
DEER POND	HOLLIS	LITTLE MEDOMAK POND	WALDOBORO
DEERING POND	SANFORD	LITTLE OSSIPPEE	WATERBORO
DESERT POND	MOUNT VERNON	LITTLE POND	DAMARISCOTTA
DEXTER POND	WINTHROP	LITTLE PURGATORY POND	MONMOUTH
DODGE POND	RANGELEY	LITTLE SABATTUS	GREENE
DUCKPUDDLE POND	WALDOBORO	LITTLE SEBAGO LAKE	WINDHAM
DUMPLING POND	CASCO	LITTLE TOGUS POND	AUGUSTA
DUTTON POND	CHINA ALBION	LITTLE WATCHIC POND	STANDISH
EAGLE LAKE	BAR HARBOR	LITTLE WILSON POND	TURNER
EAST POND	SMITHFIELD		

### Problems with the Previous Rules

Stormwater quality standards were very limited and most stream and coastal waters were not protected. Stormwater quantity standards were limited to flood control peak attenuation during large, infrequent storms and did not address the increase in runoff volume from small storms, which can cause excessive erosion of stream banks.

Because the many current BMP designs inadequately cooled the stormwater discharge, the warming of streams and ponds resulted from reduced shading and from heated runoff over hot roofs and pavements. Pipes and ponds reduced the recharge to groundwater as runoff was collected, channeled and discharged directly to lakes, major rivers or tidal waters. And toxics and nutrients were also inadequately addressed.



#### For more Information

Judy Gates, Licensing Coordinator,  
Division of Land Resource Regulation: 287-7691  
E-mail: [judy.gates@maine.gov](mailto:judy.gates@maine.gov)  
Don Witherill, Director,  
Division of Watershed Management: 287-7725  
E-mail: [donald.t.witherill@maine.gov](mailto:donald.t.witherill@maine.gov)

### MAINE'S NEW STORMWATER RULES

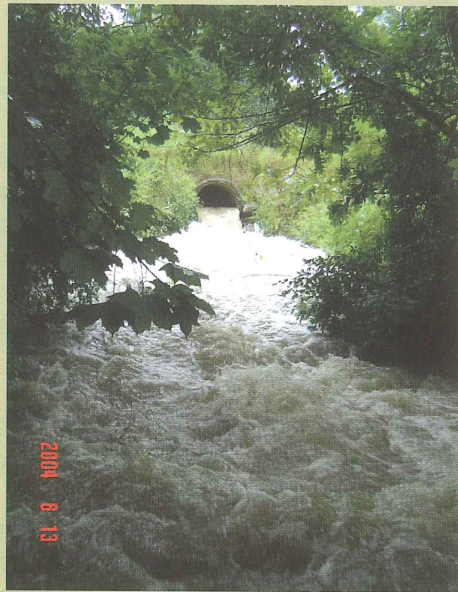
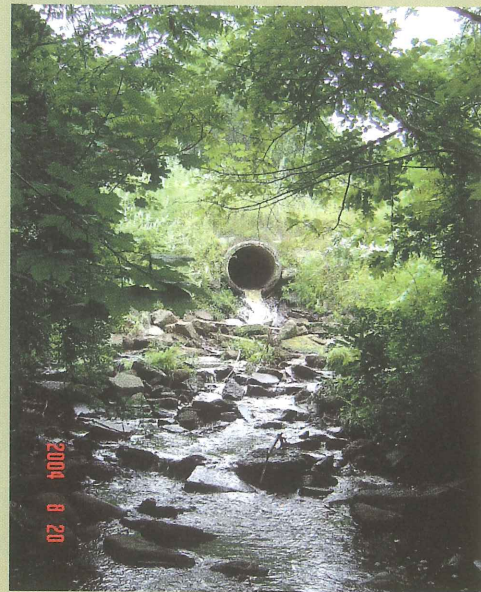
Effective October 31, 2005, the new rules require one set of standards to replace previous quantity and quality treatment standards. The "sensitive or threatened" designation has been dropped. The same standards apply in nearly all watersheds. Stronger emphasis is also placed on erosion and sedimentation control during construction; in long-term, inspection & maintenance; and good housekeeping. A flow chart on how to implement these rules is found in Appendix A.

#### STORMWATER MANAGEMENT PERMIT THRESHOLDS

A Full Permit is required for:

- projects consisting of 20,000 sq ft or more of impervious area or 5 acres or more of developed area in urban impaired stream watersheds or most-at-risk lake watersheds and
- project with 1 acre or more of impervious area or 5 acres or more of developed area in any other stream, coastal or wetland watershed.

A Permit-by-Rule (PBR) applies to projects with one acre or more of disturbed area but less than 1 acre impervious area (20,000 sq. ft. for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area.



Low and high flows of Trout Brook in South Portland. The Maine DEP is now monitoring the water quality and quantity impact from urban runoff. In 2003, the Urban Stream report was prepared on these results and may be available from DEP's website at: <http://www.maine.gov/dep/blwq/docmonitoring/stream/urban/>

## PREVIOUS REQUIREMENTS OF THE STORMWATER MANAGEMENT RULES

Maine's original Stormwater Management Law created "most-at-risk" and "sensitive or threatened" watershed categories and had multiple review thresholds. Under the 1997 rules, quantity standards were applied everywhere; quality standards were required only in most-at-risk & sensitive and threatened watersheds.

The rules did not address standards for impaired streams and most-at-risk streams; and no maintenance of Best Management Practices (BMPs) was required. The rules did not coordinate with requirements of federal (NPDES) stormwater program and did not incorporate the Construction General Permit which required a permit for the disturbances of 1 acre or more that result in a discharge.

### The new Chapter 500 rules are intended to:

- Be understandable, comprehensive and easily implemented, and
- Allow equally effective alternative designs.
- Not foster sprawl as an unintended consequence,
- Not conflict with other major environmental initiatives,



## APPENDIX B - CONTINUED

LONG LAKE	BRIDGTON	ROBERTS WADLEY POND	LYMAN
LONG POND	MOUNT DESERT	ROCKY POND	ROCKPORT
LONG POND	BUCKSPORT	ROUND POND	RANGELEY
LONG POND	SULLIVAN	RUNAROUND POND	DURHAM
LOON POND	SABATTUS	SABATTUS POND (X)	GREENE
LOON POND	LITCHFIELD	SABBATHDAY LAKE	NEW GLOUCESTER
LOVEJOY POND	ALBION	SALMON L (ELLIS P)	BELGRADE
LOWER AND UPPER PONDS	SKOWHEGAN	SALMON STREAM POND	GUILFORD
LOWER HADLOCK POND	MOUNT DESERT	SAND POND	MONMOUTH
LOWER NARROWS POND	WINTHROP	SAND POND	LIMINGTON
LOWER RANGE POND	POLAND	SANDY BOTTOM POND	TURNER
MACES POND	ROCKPORT	SANDY POND	FREEDOM
MANSFIELD POND	HOPE	SAWYER POND	GREENVILLE
MARANACOOK LAKE	WINTHROP	SCITUATE POND	YORK
MARSHALL POND	OXFORD	SEBAGO LAKE	SEBAGO
MCGRATH POND	OAKLAND	SEBASTICOOK LAKE	NEWPORT
MEDOMAK POND	WALDOBORO	SECOND POND	DEDHAM
MEGUNTICOOK LAKE	LINCOLNVILLE	SEWALL POND	ARROWSIC
MIDDLE BRANCH POND	ALFRED	SHAKER POND	ALFRED
MIDDLE RANGE POND	POLAND	SHERMAN LAKE	NEWCASTLE
MIRROR LAKE	ROCKPORT	SHY BEAVER POND	SHAPLEIGH
MOODY POND	LINCOLNVILLE	SILVER LAKE	BUCKSPORT
MOODY POND	WATERBORO	SPECTACLE POND	VASSALBORO
MOOSE HILL POND	LIVERMORE FALLS	STARBIRD POND	HARTLAND
MOOSE POND	OTISFIELD	SWAN POND	LYMAN
MOUNT BLUE POND	AVON	SWETTS POND	ORRINGTON
MOUSAM LAKE	SHAPLEIGH	SYMMES POND	NEWFIELD
MUD POND	WINSLOW	TAYLOR POND	AUBURN
MUD POND	CHINA	THOMAS POND	CASCO
MUD POND	WINDSOR	THOMPSON LAKE	OXFORD
MUD POND	OXFORD	THREECORNERED POND	AUGUSTA
MURDOCK POND	BERWICK	THREEMILE POND (X)	WINDSOR
NEQUASSET POND	WOOLWICH	TOGUS POND	AUGUSTA
NICHOLS POND	SWANVILLE	TOLMAN POND	AUGUSTA
NO NAME POND	LEWISTON	TOOTHAKER POND	PHILLIPS
NOKOMIS POND	NEWPORT	TRAVEL POND	JEFFERSON
NORTH POND	NORWAY	TRICKEY POND	NAPLES
NORTH POND	SUMNER	TRIPP POND	POLAND
NORTH POND	SMITHFIELD	TYLER POND	MANCHESTER
NORTON POND	LINCOLNVILLE	UNITY POND	UNITY
NOTCHED POND	RAYMOND	UPPER NARROWS POND	WINTHROP
NUBBLE POND	RAYMOND	UPPER RANGE POND	POLAND
OAKS POND	SKOWHEGAN	WADLEY POND	LYMAN
OTTER POND	BRIDGTON	WARD POND	SIDNEY
OTTER PONDS #2	STANDISH	WARDS POND	LIMINGTON
PANTHER POND	RAYMOND	WARREN POND	SOUTH BERWICK
PARADISE POND	DAMARISCOTTA	WASSOOKEAG LAKE	DEXTER
PARKER POND	CASCO	WATCHIC POND	STANDISH
PARKER POND	JAY	WEBBER POND (X)	VASSALBORO
PARKER POND	LYMAN	WEST GARLAND POND	GARLAND
PATTEE POND	WINSLOW	WEST HARBOR POND	BOOTHBAY HARBOR
PATTEN POND	HAMPDEN	WHITES POND	PALMYRA
PEMAQUID POND	WALDOBORO	WHITNEY POND	OXFORD
PENNESSEEWASSEE	NORWAY	WHITTIER POND	ROME
PETINGILL POND	WINDHAM	WILEY POND	BOOTHBAY
PLEASANT POND	TURNER	WILSON POND	WAYNE
PLEASANT POND (X)	RICHMOND	WOOD POND	BRIDGTON
POVERTY POND	NEWFIELD	WOODBURY POND	MONMOUTH
QUIMBY POND	RANGELEY	WORTHLEY POND	POLAND
RAYMOND POND	RAYMOND	YORK POND	ELIOT
RICH MILL POND	STANDISH	YOUNGS LAKE	WESTFIELD

## APPENDIX C - STREAMS IMPAIRED FROM DEVELOPMENT

<i>STREAM</i>	<i>TOWN</i>
BOBBIN MILL BROOK	AUBURN
LOGAN BROOK	AUBURN
UNNAMED TRIBUTARY TO BOND BROOK (entering below I-95)	AUGUSTA
PENJAJAWOC STREAM, including MEADOW BROOK	BANGOR
BIRCH STREAM (OHIO STREET)	BANGOR
UNNAMED BROOK (PUSHAW ROAD)	BANGOR
ARCTIC BROOK (VALLEY AVENUE)	BANGOR
SHAW BROOK BANGOR,	HAMPDEN
MARE BROOK	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Jordan Avenue)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near River Road)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Water Street)	BRUNSWICK
CARIBOU STREAM	CARIBOU
FROST GULLY BROOK	FREEPORT
CONCORD GULLY	FREEPORT
DILL BROOK	LEWISTON
JEPSON BROOK	LEWISTON
BROWN BROOK	LIMERICK
MATTANAWCOOK STREAM	LINCOLN
UNNAMED STREAM (Route 196)	LISBON FALLS
CAPISIC BROOK	PORTLAND
FALL BROOK	PORTLAND
NASONS BROOK	PORTLAND
GOOSEFARE BROOK	SACO
TROUT BROOK (including KIMBALL BROOK)	SOUTH PORTLAND
BARBERRY CREEK SOUTH	PORTLAND
LONG CREEK SOUTH	PORTLAND
PHILLIPS BROOK	SCARBOROUGH
RED BROOK	SCARBOROUGH/SOUTH PORTLAND
WHITTEN BROOK	SKOWHEGAN
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Topsham Fair Mall)	TOPSHAM
MILL STREAM	WINTHROP

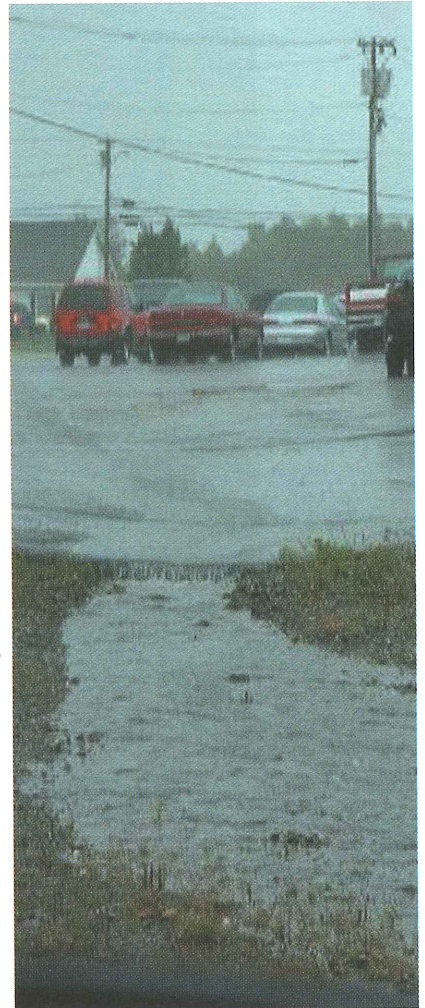
## THE DIRT ON NONPOINT SOURCE POLLUTION

Due to the nature of Maine's scenic character and its abundant natural resources, the people of Maine rely on the State's clean lakes, rivers, and coastal waters for the success of their businesses and quality of life. In fact, over the years, entire regions of the state have prospered because of their proximity to clean waterbodies. Unfortunately many of Maine's lakes, streams and coastal waters are in danger from human activities, altered waterflows, pollutants, and damaged natural habitat.

Water quality declines when rainwater or water from snow melt flows over disturbed areas, paved roads, rooftops and landscaped areas picking eroded soil particles, residue from gas and oil, nutrients, heavy metals, bacteria, and pathogens. Unless stormwater is properly treatment, these pollutants will be deposited in lakes, rivers, and coastal waters. In addition, changes in the volume, velocity and timing of flows can cause property damage, erode stream banks, scour stream bottoms, flood properties, and harm fish and wildlife habitat.

The state of Maine has addressed these stormwater issues in part with the Stormwater Management Law, 38 M. R. S. A., Sections 420 -D, which requires new development projects to manage their stormwater.

This booklet provides general information on the Stormwater Management Law and its associated rules as revised in 2005 and is designed to answer questions on how the law applies to new projects, however it is not a substitute for the law and the rules. If you have specific questions, please consult those documents.



### Other applicable laws

Natural Resources Protection Act, 38 M.R.S.A., Section 480, A to Z.  
 Site Location of Development Law, 38 M.R.S.A., Sections 481-490.  
 Federal Clean Water Act - Water Quality Certification, PL 92-500.  
 Maine Construction General Permit, 38 M.R.S.A., Section 413

## WHAT IS THE STORMWATER MANAGEMENT LAW?

The Stormwater Management law was enacted by the Maine Legislature in 1996 as a way to begin to address the stormwater quantity and quality impacts of development in organized areas of the state. It requires that a permit be obtained from the Department of Environmental Protection (DEP) prior to construction of any project that includes 1 or more acre of disturbed area (filled, grubbed, excavated, etc.). Proposed plans for stormwater management must be reviewed by the DEP before a new project is built. See the Stormwater Management Law and rules for the full text of their requirements. Some municipalities with stormwater ordinances have been delegated authority to administer the law.

## **LINKS TO OTHER USEFUL MAINE GUIDELINES AND MANUALS**

### MAINE STORMWATER MANAGEMENT RULES

Chapter 500: <http://www.maine.gov/sos/cec/rules/06/096/096c500.doc>

Chapter 502: <http://www.maine.gov/dep/blwq/docstand/stormwater/rule500and502/502prov.pdf>

### MAINE STORMWATER MANAGEMENT BMP MANUAL

<http://www.maine.gov/dep/blwq/comment.htm#bmp>

### MAINE EROSION AND SEDIMENT CONTROL LAW

<http://www.maine.gov/dep/blwq/docstand/stormwater/erosion.htm>

### MAINE EROSION AND SEDIMENT CONTROL BMPS MANUAL (2003)

<http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm>

### UNPAVED/GRAVEL ROADS MANUAL

<http://www.state.me.us/dep/blwq/docwatershed/camproad.pdf>

### MAINE NPDES (MEPDES) GENERAL PERMIT; permit requirements

<http://www.maine.gov/dep/blwq/docstand/stormwater/MEPDES.htm>

### NONPOINT SOURCE TRAINING PROGRAM

<http://www.maine.gov/dep/blwq/training/index.htm>

<http://www.maine.gov/dep/blwq/training/ccec.htm>

### NONPOINT SOURCE POLLUTION PROGRAM

<http://www.maine.gov/dep/blwq/doceducation/nps/index.htm>

### MAINE NEMO (Nonpoint source education for Municipal Officials)

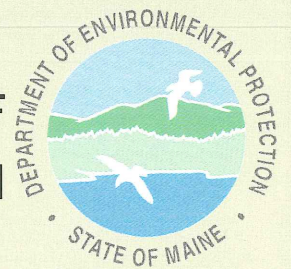
<http://www.mainenemo.org/index.htm>



**2005 MAINE  
STORMWATER  
MANAGEMENT LAW  
SUMMARY OF  
ITS NEW  
REQUIREMENTS**



**MAINE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**



**SEPTEMBER 2005**

**DEPLW0723**