

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

83E-F-460
2012-411
Diamond Cove-
GDI
The Inn

APL

REVIEW

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk

March 21, 2012

Mr. David Bateman
The Inn at Diamond Cove
P.O. Box 3572
Portland, ME 04104

Mr. Ronald Ward
Drummond Woodsum
84 Marginal Way
Portland, ME. 04101-2480

Project Name:	The Inn at Diamond Cove	Project ID:	#2012-411
Address:	Diamond Cove, Building 46	CBL:	83E-F-460
Applicant:	The Inn at Diamond Cove, LLC		
Planner:	Richard Knowland		

Dear Mr. Bateman,

On March 13, 2012, the Planning Board considered The Inn at Diamond Cove application for a 22 unit hotelminium project. The Planning Board reviewed the proposal for conformance with the standards of the IR-3 development standards, Subdivision Ordinance and Site Plan Ordinance.

IR-3 DEVELOPMENT STANDARDS

The Planning Board voted unanimously (6-0) that the plan is in conformance with the IR-3 development standards of the Land Use Code, subject to the following conditions of approval:

1. That prior to the issuance of a building permit, documentation from a Fire Protection Engineer shall be provided certifying that the fire protection and operations components of the development meets the requirements of Chapter 10 of the City Code (which adopts NFPA 1 and 101) and the City's Technical Standards subject to review and approval by the Planning Authority and Fire Department.

2. That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.
3. That the Applicant shall submit to Corporation Counsel for review and approval documentation of an executed project financing agreement (a line of credit or a loan by a financial institution, or evidence of another form of financial assurance), prior to the initiation of construction.

SUBDIVISION REVIEW

The Planning Board voted unanimously (6-0) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. That the final subdivision and condominium recording plats shall be reviewed and approved by the Planning Authority and Corporation Counsel to be signed by the Planning Board.
2. That the Applicant shall submit all new or revised easements, ground leases, and homeowner association documents including the declaration, bylaws and rules and regulations to Corporation Counsel for review and approval prior to the issuance of a certificate of occupancy.
3. That prior to the issuance of a building permit, documentation from a Fire Protection Engineer shall be provided certifying that the fire protection and operations components of the development meets the requirements of Chapter 10 of the City Code (which adopts NFPA 1 and 101) and the City's Technical Standards subject to review and approval by the Planning Authority and Fire Department.
4. That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.
5. That the Applicant shall submit to Corporation Counsel documentation of an executed project financing agreement (a line of credit or a loan by a financial institution, or evidence of another form of financial assurance) for review and approval prior to the initiation of construction.

SITE PLAN REVIEW

The Planning Board voted unanimously (6-0) that the plan is in conformance with the site plan standards of the Land Use Code.

The approval is based on the submitted plans and the findings related to IR-3 development standards, site plan and subdivision review standards as contained in Planning Report #10-12 for application #2012-411- which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.

7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.
10. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
11. **Department of Public Services Permits** 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.)
12. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
13. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

March 26, 2013

Ms. Richard Knowland, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: The Inn at Diamond Cove, LLC
Diamond Cove, Great Diamond Island
Response to Condition 4 of the Subdivision Approval**

Dear Mr. Knowland:

On March 13, 2012, the Planning Board granted conditional approval for the Inn at Diamond Cove Site Plan and Subdivision Applications. Specifically, Condition 4 of the Subdivision Approval stated:

“That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.”

As a point of clarification, it should be noted that the Waste Discharge License has been amended twice since its’ original issuance in September 2009. The latest license amendment was issued on September 12, 2012. Minor revisions to the implementation schedule for the sewer rehabilitation work were approved by MDEP as a result of the delay in the final approval of the project. A copy of the latest license is appended to this letter

In accordance with Special Condition K of the previously amended wastewater discharge license, the applicant did permanently disconnect the “Hospital” from the sewer collection system prior to March 8, 2012. However, with the delay in obtaining all approvals, project financing, and start of construction, the applicant requested and received approval to extend the completion schedule for the remaining rehabilitation of the sewer collection system on or before July 1, 2014.

The applicant has scheduled to complete the remaining sewer system rehabilitation work as outlined in the Special Condition K of the Waste Discharge License this spring. Upon completion of the rehabilitation work, the applicant will submit documentation to the MDEP and City of Portland to demonstrate proof of compliance with this condition of approval.

Mr. Richard Knowland
March 26, 2013
Page 2

The remedial sewer system work is being performed by the Diamond Cove Homeowners Association. The details of the sewer rehabilitation work were contained as an exhibit to the Waste Discharge License application.

The final site plans prepared, submitted and approved for the Inn at Diamond Cove are consistent with all applicable conditions of the MDEP permits and licenses.

Please contact our office with any questions you may have concerning this letter.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Joseph A. Laverriere, P.E.
Senior Engineer

C: David Bateman – The Inn at Diamond Cove, LLC
Ronald Ward, Esq. – Drummond Woodsum & MacMahon



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

September 12, 2012

Mr. Aaron Bateman
Phoenix Management Company
P.O. Box 759
Saco, ME. 04072

RE: **Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0023248
Maine Waste Discharge License (WDL) Application #W006931-5C-G-M
Diamond Cove Homeowners Association & The Inn at Diamond Cove LLC
Final Minor Revision**

Dear Mr. Bateman:

Enclosed please find a copy of the **final** Maine MEPDES/WDL **minor revision** which was approved by the Department of Environmental Protection. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding this matter, please feel free to call me at 287-7693.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Wood".

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc. William Johnson, DEP/CMRO
Lori Mitchell, DEP/CMRO
MaryBeth Richardson, DEP/SMRO
Sandy Mojica, USEPA



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND COVE HOMEOWNERS ASSOC &	)	MAINE POLLUTANT DISCHARGE
THE INN AT DIAMOND COVE, LLC	)	ELIMINATION SYSTEM PERMIT
PORTLAND, CUMBERLAND COUNTY, ME.	)	AND
OVERBOARD DISCHARGE)	
ME0023248	)	WASTE DISCHARGE LICENSE
W006931-5C-H-M	)	MINOR REVISION
		APPROVAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and *Conditions of licenses*, 38 M.R.S.A. § 414-A and applicable regulations, the Department of Environmental Protection (Department hereinafter) is initiating a minor revision of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0023248/Maine Waste Discharge License (WDL) #W006931-5C-F-R (“permit” hereinafter), issued to the DIAMOND COVE HOMEOWNERS ASSOCIATION AND THE INN AT DIAMOND COVE, LLC (“permittee” hereinafter) on September 15, 2009, and subsequently modified on October 21, 2011. With its supportive data, agency review comments, and other related material on file, the Department finds the following facts:

MODIFICATIONS REQUESTED

On July 10, 2012, a consulting engineering firm representing the permittee submitted a letter to the Department requesting a minor revision of the schedule of compliance in Special Condition K, *Treatment System Repairs and Maintenance*, of MEPDES permit #ME0023248/WDL # W006931-5C-G-M date October 21, 2011. The request is to extend a date of schedule of compliance for the permittee to refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and #83E-B40-4, and replace/raise to grade the manhole adjacent to Unit #83E-260-26A. More specifically, the permittee is requesting the date of compliance be changed from September 8, 2012, to July 1, 2014, given delays in obtaining the necessary state and local permits to conduct the work, project financing and start of construction due to the delays.

The July 10, 2012, letter along with a July 17, 2012, supporting letter from a law firm representing the permittee requested the Department modify language in Special Condition E, *Unauthorized Discharges*, of MEPDES permit #ME0023248/WDL # 006931-5C-F-R, dated September 15, 2009, to be consistent with other state and local regulatory permits, licenses and local approvals.

MODIFICATIONS GRANTED/DENIED

The Department concurs that a revised schedule of compliance is warranted given the construction start date was delayed by factors outside of the control of the permittee. Therefore, this minor revision modifies the schedule of compliance in Special Condition K, *Treatment System Repairs and Maintenance*, of MEPDES permit # ME0023248/WDL #W006931-5C-G-M issued on October 21, 2011, accordingly.

The Department concurs that the language revision will result in the MEPDES permit be consistent with other state and local regulatory permits, licenses and local approvals. Therefore, Special Condition E has been modified accordingly.

CONCLUSIONS

BASED on the findings on page 1 of this minor revision, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharges, either individually or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharges, either individually or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the action to modify language in Special Condition E, *Unauthorized Discharges*, in MEPDES permit #ME0023248/WDL #W006931-5C-F-R, and Special Condition K, *Treatment System Repairs and Maintenance*, in MEPDES permit minor revision #ME0023248/WDL # W006931-5C-G-M issued to the DIAMOND COVE HOMEOWNERS ASSOCIATION AND THE INN AT DIAMOND COVE, LLC on September 15, 2009, and October 21, 2011 respectively, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to MEPDES permit #ME0023248/WDL # W006931-5C-F-R, issued on September 15, 2009.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit #ME0023248/WDL # W006931-5C-F-R, issued on September 15, 2009, and minor revision #ME0023248/WDL # W006931-5C-G-M issued on October 21, 2012, not modified by this permitting action remain in effect and enforceable.
4. This minor revision becomes effective on the date of signature below and expires on September 15, 2014, concurrent with MEPDES permit #ME0023248/ WDL #W006931-5C-F-R, issued on September 15, 2009. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

ACTION

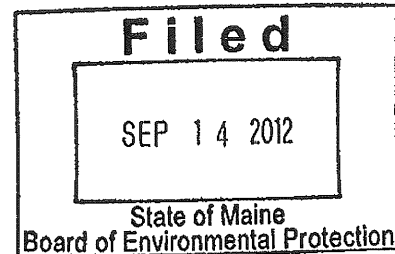
PLEASE NOTE ATTACHED FACT SHEET FOR GUIDANCE ON APPEAL PROCEDURES
DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY OF September, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Heather
For Patricia W. Aho, Commissioner

Date of initiation: July 11, 2012

Date of acceptance: July 12, 2012



Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

SPECIAL CONDITIONS

E. UNAUTHORIZED DISCHARGES

The permittees are authorized to discharge only in accordance with the terms and conditions of this permit and only from the existing outfall. Discharges of wastewater from any other point source are not authorized under this permit, but must be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

This permit specifically excludes introduction of wastewater directly or indirectly from the redevelopment of the Hospital and the proposed Inn swimming pool. This license authorizes the inclusion of wastewater resulting from the general practice of hotels and inns to have kitchen facilities to support food and beverage services so long as the food and beverage service provided, and the kitchen facilities used, are customary for a residential hotel condominium and such services are provided to, and the kitchen facilities are used to prepare food and beverages solely for, owners of the units at the Inn and the registered guests at the Inn.

K. TREATMENT SYSTEM REPAIRS AND MAINTENANCE

Prior to habitation of the Barracks and final reconnection of the Barracks to the OBD, or by July 1, 2014 [PCS Code 04599], whichever occurs first, the permittee shall refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and #83E-B40-4, and replace/raise to grade the manhole adjacent to Unit #83E-260-26A.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

From: Chris Pirone
To: Knowland, Rick
CC: joe@delucahoffman.com
Date: Tuesday, March 12, 2013
Subject: Inn @ Diamond Cove

The Portland Fire Department approves this project moving forward and will not need a letter from a Fire Protection Engineer as the issues have been thoroughly vetted with Joe Laverriere. The fire flow requirements will have to meet 2009 NFPA 1 18.4.5.2.2 which states the resulting fire flow shall not be less than 600 gpm and the building shall have a NFPA 13R sprinkler system.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410



PORTLAND MAINE

Planning Division
Richard Knowland, Senior Planner

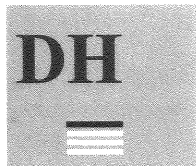
7-9-13

Hi CAMILLE,

ATTACHED FOR THE RECORDS IS THE
AMENOS SUBDIVISION PLAN FOR
INN AT DIAMOND CREEK / DIAMOND CREEK.

RICK KNOWLAND

PAPER COPIES SENT TO
MARCE
ANDERSON



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

March 26, 2013

Ms. Richard Knowland, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: The Inn at Diamond Cove, LLC
 Diamond Cove, Great Diamond Island
 Response to Condition 4 of the Subdivision Approval**

Dear Mr. Knowland:

On March 13, 2012, the Planning Board granted conditional approval for the Inn at Diamond Cove Site Plan and Subdivision Applications. Specifically, Condition 4 of the Subdivision Approval stated:

“That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.”

As a point of clarification, it should be noted that the Waste Discharge License has been amended twice since its' original issuance in September 2009. The latest license amendment was issued on September 12, 2012. Minor revisions to the implementation schedule for the sewer rehabilitation work were approved by MDEP as a result of the delay in the final approval of the project. A copy of the latest license is appended to this letter

In accordance with Special Condition K of the previously amended wastewater discharge license, the applicant did permanently disconnect the “Hospital” from the sewer collection system prior to March 8, 2012. However, with the delay in obtaining all approvals, project financing, and start of construction, the applicant requested and received approval to extend the completion schedule for the remaining rehabilitation of the sewer collection system on or before July 1, 2014.

The applicant has scheduled to complete the remaining sewer system rehabilitation work as outlined in the Special Condition K of the Waste Discharge License this spring. Upon completion of the rehabilitation work, the applicant will submit documentation to the MDEP and City of Portland to demonstrate proof of compliance with this condition of approval.

Mr. Richard Knowland
March 26, 2013
Page 2

The remedial sewer system work is being performed by the Diamond Cove Homeowners Association. The details of the sewer rehabilitation work were contained as an exhibit to the Waste Discharge License application.

The final site plans prepared, submitted and approved for the Inn at Diamond Cove are consistent with all applicable conditions of the MDEP permits and licenses.

Please contact our office with any questions you may have concerning this letter.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Joseph A. Laverriere, P.E.
Senior Engineer

C: David Bateman – The Inn at Diamond Cove, LLC
Ronald Ward, Esq. – Drummond Woodsum & MacMahon



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

September 12, 2012

Mr. Aaron Bateman
Phoenix Management Company
P.O. Box 759
Saco, ME. 04072

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0023248
Maine Waste Discharge License (WDL) Application #W006931-5C-G-M
Diamond Cove Homeowners Association & The Inn at Diamond Cove LLC
Final Minor Revision

Dear Mr. Bateman:

Enclosed please find a copy of the **final** Maine MEPDES/WDL **minor revision** which was approved by the Department of Environmental Protection. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding this matter, please feel free to call me at 287-7693.

Sincerely,

A handwritten signature in cursive script that reads "G. Wood".

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc. William Johnson, DEP/CMRO
Lori Mitchell, DEP/CMRO
MaryBeth Richardson, DEP/SMRO
Sandy Mojica, USEPA



STATE OF MAINE
Department of Environmental Protection

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Division of Water Quality Management
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Enc. William Johnson, DEP/CMRO
Lori Mitchell, DEP/CMRO
MaryBeth Richardson, DEP/SMRO
Sandy Mojica, USEPA



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND COVE HOMEOWNERS ASSOC &	)	MAINE POLLUTANT DISCHARGE
THE INN AT DIAMOND COVE, LLC	)	ELIMINATION SYSTEM PERMIT
PORTLAND, CUMBERLAND COUNTY, ME.	)	AND
OVERBOARD DISCHARGE)	
ME0023248	)	WASTE DISCHARGE LICENSE
W006931-5C-H-M	)	MINOR REVISION
APPROVAL)	

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and *Conditions of licenses*, 38 M.R.S.A. § 414-A and applicable regulations, the Department of Environmental Protection (Department hereinafter) is initiating a minor revision of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0023248/Maine Waste Discharge License (WDL) #W006931-5C-F-R ("permit" hereinafter), issued to the DIAMOND COVE HOMEOWNERS ASSOCIATION AND THE INN AT DIAMOND COVE, LLC ("permittee" hereinafter) on September 15, 2009, and subsequently modified on October 21, 2011. With its supportive data, agency review comments, and other related material on file, the Department finds the following facts:

MODIFICATIONS REQUESTED

On July 10, 2012, a consulting engineering firm representing the permittee submitted a letter to the Department requesting a minor revision of the schedule of compliance in Special Condition K, *Treatment System Repairs and Maintenance*, of MEPDES permit #ME0023248/WDL # W006931-5C-G-M date October 21, 2011. The request is to extend a date of schedule of compliance for the permittee to refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and #83E-B40-4, and replace/raise to grade the manhole adjacent to Unit #83E-260-26A. More specifically, the permittee is requesting the date of compliance be changed from September 8, 2012, to July 1, 2014, given delays in obtaining the necessary state and local permits to conduct the work, project financing and start of construction due to the delays.

The July 10, 2012, letter along with a July 17, 2012, supporting letter from a law firm representing the permittee requested the Department modify language in Special Condition E, *Unauthorized Discharges*, of MEPDES permit #ME0023248/WDL # 006931-5C-F-R, dated September 15, 2009, to be consistent with other state and local regulatory permits, licenses and local approvals.

MODIFICATIONS GRANTED/DENIED

The Department concurs that a revised schedule of compliance is warranted given the construction start date was delayed by factors outside of the control of the permittee. Therefore, this minor revision modifies the schedule of compliance in Special Condition K, *Treatment System Repairs and Maintenance*, of MEPDES permit # ME0023248/WDL #W006931-5C-G-M issued on October 21, 2011, accordingly.

The Department concurs that the language revision will result in the MEPDES permit be consistent with other state and local regulatory permits, licenses and local approvals. Therefore, Special Condition E has been modified accordingly.

CONCLUSIONS

BASED on the findings on page 1 of this minor revision, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharges, either individually or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharges, either individually or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the action to modify language in Special Condition E, *Unauthorized Discharges*, in MEPDES permit #ME0023248/WDL #W006931-5C-F-R, and Special Condition K, *Treatment System Repairs and Maintenance*, in MEPDES permit minor revision #ME0023248/WDL # W006931-5C-G-M issued to the DIAMOND COVE HOMEOWNERS ASSOCIATION AND THE INN AT DIAMOND COVE, LLC on September 15, 2009, and October 21, 2011 respectively, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to MEPDES permit #ME0023248/WDL # W006931-5C-F-R, issued on September 15, 2009.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit #ME0023248/WDL # W006931-5C-F-R, issued on September 15, 2009, and minor revision #ME0023248/WDL # W006931-5C-G-M issued on October 21, 2012, not modified by this permitting action remain in effect and enforceable.
4. This minor revision becomes effective on the date of signature below and expires on September 15, 2014, concurrent with MEPDES permit #ME0023248/ WDL #W006931-5C-F-R, issued on September 15, 2009. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

ACTION

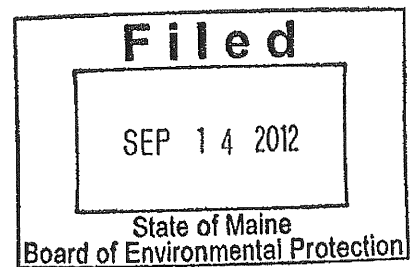
PLEASE NOTE ATTACHED FACT SHEET FOR GUIDANCE ON APPEAL PROCEDURES
DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY OF September, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Heather*
For Patricia W. Aho, Commissioner

Date of initiation: July 11, 2012

Date of acceptance: July 12, 2012



Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

SPECIAL CONDITIONS

E. UNAUTHORIZED DISCHARGES

The permittees are authorized to discharge only in accordance with the terms and conditions of this permit and only from the existing outfall. Discharges of wastewater from any other point source are not authorized under this permit, but must be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

This permit specifically excludes introduction of wastewater directly or indirectly from the redevelopment of the Hospital and the proposed Inn swimming pool. This license authorizes the inclusion of wastewater resulting from the general practice of hotels and inns to have kitchen facilities to support food and beverage services so long as the food and beverage service provided, and the kitchen facilities used, are customary for a residential hotel condominium and such services are provided to, and the kitchen facilities are used to prepare food and beverages solely for, owners of the units at the Inn and the registered guests at the Inn.

K. TREATMENT SYSTEM REPAIRS AND MAINTENANCE

Prior to habitation of the Barracks and final reconnection of the Barracks to the OBD, or by July 1, 2014 [PCS Code 04599], whichever occurs first, the permittee shall refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and #83E-B40-4, and replace/raise to grade the manhole adjacent to Unit #83E-260-26A.

EXHIBIT A

*Order 114-11/10
Grab 17 2-6-12*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
DIAMOND COVE, GREAT DIAMOND ISLAND
PORTLAND, MAINE**

A TRUE COPY
ATTEST: *Katherine L. Jones*
Katherine L. Jones City Clerk
Portland, Maine
DATE 4/24/2012

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
BUILDINGS 46 ("DOUBLE BARRACKS") AND 19 ("HOSPITAL")
FT. MCKINLEY, PORTLAND, MAINE
FEBRUARY 22, 2012**

The following supplemental conditions and restrictions are imposed by the City of Portland (the "City") on that portion of the Ft. McKinley project ("Project") commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 ("Premises"), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC ("IDC")¹, and consented to by the Diamond Cove Homeowners Association ("DCHA"):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, inter alia, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the "Existing Conditions and Restrictions").

2. Supplemental Conditions and Restrictions. Notwithstanding the terms of the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 ("Hospital") and Building 46 ("Double Barracks"), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and

¹ For purposes of this Supplemental Conditions and Restrictions document, "Owner/Manager" referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, their heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

Passage 9-0 on 2/22/2012
Given first
reading on 2/6/2012

attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as "hotelminiums" and a supporting pool/services area on the Open Space. "Hotelminium" is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services² which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a "lock out" system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of twenty-two (22) hotelminium units [with the maximum number of lock out units, included as part of the twenty-two hotelminiums and not separate units, not to exceed ~~twenty-twosixteen (22+6)~~] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a "lot" within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the "Dedicated Open Space Plan" attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the

² For purposes of this Supplemental Conditions and Restrictions document, "reasonable and customary on-site hotel services" shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

Rick Knowland - Re: Diamond Cove- recording plat

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Rick Knowland
Date: 4/5/2013 11:19 AM
Subject: Re: Diamond Cove- recording plat
CC: Alex Jaegerman; Barbara Barhydt

I do not need to see the full size plan. I have reviewed the e-mailed copy. I think that it hits all the statutory and code requirements. Your addition seems ok, but I recall (since I have reviewed this plat several times before during the process), that Ron was concerned about adding that reference so he included #3 which references to the plan of diamond cove dated 1989.

Thanks,

Danielle

>>> Rick Knowland 4/5/2013 11:03 AM >>>

Hi Danielle, Thanks. Just received a few minutes ago a real full size plan (its easier on your eyes) if you'd like to review it.

I would suggest adding the following as note #5 (left hand side of sheet): This plan details revisions to Building #46 related to the 22 unit residential hotelminium development. Therefore this plan amends the prior subdivision recording plat (in regard to Building #46) entitled "Diamond Cove, Great Diamond Island, Portland, Maine dated October 25, 1985, recorded in said Registry of Deeds in Plan Book 160, Page 54.

I know this seems redundant but no where does it specifically state on the plan that this is a revision to the previous subdivision recording plat.

>>> Danielle West-Chuhta (Danielle West-Chuhta) Friday, April 05, 2013 >>>
Rick:

I have reviewed the plat and I agree with your references - except that I think that they have been already included. The reference to the 22 units, the amendment to the subdivision plat, the conditional zoning agreement, the approvals by the MDEP, the leased areas, etc. have all been included. I think that this looks ok.

Thanks,

Danielle

>>> Rick Knowland 4/5/2013 9:30 AM >>>

Hi Danielle, I received the attached Diamond Cove hotelminium draft subdivision recording plat late yesterday afternoon. Ideally Diamond Cove would like to have this signed by the Board on Tuesday. I have just begun to review this. If this review time frame doesn't work, well it doesn't work.

So could you take a look at the attached recording plat?

Among the conditions of approval that your office would be involved in this project include:

1. planning staff and corporation counsel review of subdivision and condominium recording plats.

DALEMAN

AMENDMENTS
By P.B.C.

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
DIAMOND COVE, GREAT DIAMOND ISLAND
PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
BUILDINGS 46 (“DOUBLE BARRACKS”) AND 19 (“HOSPITAL”)
FT. MCKINLEY, PORTLAND, MAINE
FEBRUARY 22, 2012**

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2. Supplemental Conditions and Restrictions. Notwithstanding the terms of the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 (“Hospital”) and Building 46 (“Double Barracks”), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and

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attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as “hotelminiums” and a supporting pool/services area on the Open Space. “Hotelminium” is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services² which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a “lock out” system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of twenty-two (22) hotelminium units [with the maximum number of lock out units, included as part of the twenty-two hotelminiums and not separate units, not to exceed twenty-twosixteen (22+6)] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a “lot” within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the “Dedicated Open Space Plan” attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City’s opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility. ~~Notwithstanding the above, all solid waste shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection’s September 2009 Site Location of Development Act Minor Order (the “DEP Order) for the Inn at Diamond Cove, or successive DEP Order as may be amended.~~

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

to extent necessary to avoid conflict between City and DEP review, the more strict provision shall apply.

(UNAW)

² For purposes of this Supplemental Conditions and Restrictions document, “reasonable and customary on-site hotel services” shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. ~~All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island), and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island.~~ The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

" pier "

VNAN

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

8. Site Plan Review. Nothing herein is intended to release the applicant owner from any applicable standards under site plan review.

VNAN

Findings in recommendation applicant's representative that applicant will be clear found applicant that all solid waste will be stored on premises

DrummondWoodsum

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February 21, 2012

Portland City Council
City of Portland
389 Congress Street
Portland, ME 04101

RE: The Inn At Diamond Cove

Dear Mayor Brennan and City Councilors:

I represent the owner/developer, The Inn At Diamond Cove, LLC, a Maine limited liability company ("IDC"). Bateman Partners, LLC, a Maine limited liability company, is its Managing Member. I write to express IDC's support for the Amended Order proposed by the Portland Planning Board at its hearing on February 14, 2012 and forwarded on to you by the Planning Department.

This notable effort to restore the Double Barracks at Ft. McKinley to a productive use and to preserve its nationally significant historic features commenced in 2007 with the original contract between the City and IDC. Since then, the project has been subjected to multiple workshops and public hearings, including several at City Council and the Planning Board, and was also subjected to litigation by an opposition group. Along the way, the necessary permits for this development have been secured from MDEP and the National Park Service. The litigation was resolved completely in favor of the City and IDC. What's left is final City Site Plan/Subdivision Approval.

Diamond Island Association has participated throughout the process and was instrumental in creating the Amended text, referenced in its letter to you dated February 17, 2012. We'd have suggested that the text be modified somewhat differently, but are in total agreement with the intent expressed. Simply stated, this project will abide by all conditions in all valid Orders, whether in the Amended Zoning text, or otherwise. Most importantly, it's time to send this project forward to its final approval and to the realization of the significant benefits it offers to all parties.

Our request, therefore, is that the Planning Board's proposed Amended Order be promptly adopted on by the Council on February 22nd, thereby allowing us to return to

Daniel Amory*
David J. Backer*
S. Campbell Badger*
Jerrol A. Crouter*
George T. Dilworth*
Jessica M. Emmons*†
Peter C. Felmy*
Erin R. Feltest
Anthony T. Fratianne*
Sara S. Hellstedt*
Eric R. Herlan*†
Melissa A. Hewey*†
Michael E. High*
David M. Kallin*
John S. Kaminski*
Edward J. Kelleher*
Jeanne M. Kincaid*†
Peter D. Klein*
Rodney A. Lake*
Benjamin E. Marcus*
Elak A. Miller*
Mona T. Movafaghit
Michael J. Murray*
Robert P. Nadeau*
Daina J. Nathanson*†
Kimberly A. Pacelli*
Jeffrey T. Piampiano*
William L. Plouffe*
Aaron M. Pratt*†
Harry R. Pringle*
Daniel J. Rose*†
George Royle V*
Gregory W. Sample*
David S. Sherman, Jr.*
Richard A. Shinay*
Christina R. Simpson†
Kaighn Smith, Jr.*
Bruce W. Smith*
Richard A. Spencer*†
Christopher G. Stevenson*
E. William Stockmeyer*†
Amy K. Tchao*†
Joanna B. Tourangeau*†
M. Thomas Trenholm*
Matthew H. Upton†
Gary D. Vogel*
Ronald N. Ward*
Brian D. Willing*
Gerald M. Zelint

Consultants

Ann S. Chapman
Policy & Labor Relations

Roger P. Kelley
Labor Relations &
Conflict Management

Michael J. Opuda Ph.D.
Special Education

Of Counsel

Joseph L. DeLafeld III*
Robert L. Gips*
Donald A. Kopp*
Hugh G. E. MacMahon*
Harold E. Woodsum, Jr.*

* Admitted In Maine

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MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
DIAMOND COVE, GREAT DIAMOND ISLAND
PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
BUILDINGS 46 (“DOUBLE BARRACKS”) AND 19 (“HOSPITAL”)
FT. MCKINLEY, PORTLAND, MAINE
FEBRUARY 22, 2012**

The following supplemental conditions and restrictions are imposed by the City of Portland (the “City”) on that portion of the Ft. McKinley project (“Project”) commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 (“Premises”), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC (“IDC”) ¹, and consented to by the Diamond Cove Homeowners Association (“DCHA”):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, inter alia, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the “Existing Conditions and Restrictions”).

2. Supplemental Conditions and Restrictions. Notwithstanding the terms of the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 (“Hospital”) and Building 46 (“Double Barracks”), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and

¹ For purposes of this Supplemental Conditions and Restrictions document, “Owner/Manager” referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, their heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as “hotelminiums” and a supporting pool/services area on the Open Space. “Hotelminium” is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services² which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a “lock out” system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of ~~twenty-two~~ (22~~0~~) hotelminium units [with the maximum number of lock out units, included as part of the ~~twenty-two~~ hotelminiums and not separate units, not to exceed ~~twenty-twosixteen~~ (22~~16~~)] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a “lot” within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the “Dedicated Open Space Plan” attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City’s opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility. All solid waste shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection’s September 2009 Site Location of Development Act Minor Order (the “DEP Order”) for the Inn at Diamond Cove, or successive DEP Order as may be amended. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provision shall apply.

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

² For purposes of this Supplemental Conditions and Restrictions document, “reasonable and customary on-site hotel services” shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove Pier ~~landing point~~ or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

8. Site Plan Review. Nothing herein is intended to relieve the applicant/owner from complying with applicable standards under Site Plan Review.

PBM1

Memorandum
Department of Planning and Urban Development
Planning Division



To: Chair Morrissette and Members of the Portland Planning Board

From: Richard Knowland, Senior Planner

Date: January 24, 2012

Re: The Inn at Diamond Cove, Great Diamond Island

A workshop has been scheduled to consider a proposal by The Inn at Diamond Cove, LLC. for a proposed 20 unit residential hotel condominium (hotelminium) on Great Diamond Island. This proposal would renovate the existing Double Barracks building within the parade ground of the Fort McKinley complex on Great Diamond Island. The Double Barracks building is the largest brick building not renovated within the Fort McKinley complex.

Note: On Thursday (January 19th) Planning Staff was informed the applicant would like to increase the number of hotelminium units from 20 to 22. This will require an amendment to the Diamond Cove conditional zone text. For more details see attached letter from Ronald Ward, the applicant's attorney.

The Board held an initial workshop on this proposal on January 27, 2009 and then a second workshop on January 26, 2010. Since that time the applicant has received all necessary approvals from the Maine DEP related to a waste discharge license for the existing overboard wastewater discharge and a site location permit for various site changes associated with the condominium development. Several law suits have delayed the project but have been litigated in favor of the proposal.

The proposal is subject to IR-3 development standards, site plan and subdivision review.

A vicinity map is shown on Attachment 1-A. An outline of commonly asked questions about Diamond Cove and IR-3 zoning is shown on Attachment 1-B.

Site plans and building elevations are shown on Attachments 2-C and 2-D.

Notices were sent to all property owners on Great Diamond Island.

The applicant is represented by Archetype (architect), DeLucca-Hoffman (engineer) and Ronald Ward (attorney).

The existing IR-3 development consists of 79 condominium units, several businesses, a public safety building on a land area of 92 acres.

I. FINDINGS

Zoning: IR-3 conditional use zone

Proposed Use: Residential hotel condominiums (hotelminiums)

Number of units: 20 with 16 lock-out units
two 1 bedroom units; ten 2 bedroom units; eight 3
bedroom units

Building footprint: existing13,629 sq. ft.
proposed....16,510 sq. ft.

Building floor area: existing building.....51,164 sq. ft. plus an addition
(2,881 sq. ft.)
cabana building.....307 sq. ft.
swimming pool.....686 sq. ft.

Total site disturbance: 34,848 sq. ft.

The swimming pool, cabana and surrounding open space area (approx. 15,473 sq. ft.) though owned by the Diamond Cove Homeowners Assoc. will be leased by The Inn at Diamond Cove LLC.

The original site plan application is dated December 5, 2008 and therefore is considered to be a pending proceeding under the previous site plan ordinance which was amended with an effective date of August 18, 2010.

II. DEVELOPMENT APPROVALS RECEIVED TO DATE

City of Portland Historic Preservation Board: Approval letter dated Nov. 6, 2009 with condition. See Attachment 1-G.

Maine Department of Environmental Protection: Approval letter dated Sept. 9, 2009 (with conditions) for a Maine Pollutant Discharge Elimination System Permit and Waste Discharge License involving a transfer and renewal of the license. This approval addresses sanitary waste and overboard discharge related issues. See Attachment 2-E.

Maine Department of Environmental Protection: Approval letter dated Sept 2009 under the Site Location of Development Act involving revisions to the site plan. See Attachment 2-F.

Maine Department of Environmental Protection: Approval letter dated Oct 2011 extending Site Location approval for two years. See Attachment 2-F-13.

City of Portland Historic Preservation Board: Approval letter dated Nov. 6, 2009 with condition. See Attachment 1-G.

United States Department of the Interior National Park Service: Approval letter dated May 15, 2008 involving historic preservation certification of building rehabilitation. See Attachment 2-G.

II. **CONDITIONAL ZONING AMENDMENT**

After Planning Board review, the City Council on September 15, 2008 enacted an amendment to the IR-3 conditional zoning for the Diamond Cove property to allow the proposed residential hotel condominium use for the Double Barracks building and the Hospital building. The Hospital building is a future project and is not part of this application.

The complete text of the enacted amendments is shown on Attachment 1-C. The amendments established a definition for the residential hotel condominium use (hotelminiums) and allowed up to 20 condominium units with up to 16 lock-out units in the Double Barracks building. The text also referenced a swimming pool and cabana services building to the rear of the Double Barracks building as depicted on the site plan.

Other Provisions

- (3) Disposal of Solid Waste: Applicant is responsible for disposing of solid waste associated with this use privately on the mainland or if in the opinion of the city, it would not create an unreasonable burden, at a municipal island solid waste disposal facility.
- (4) Fire Protection: Buildings shall be fully sprinkled and a central fire alarm system shall be installed.
- (5) Transportation Services: Ferry service for the project is intended to be from and between the Portland Waterfront and the Diamond Cove Pier. The owner/manager shall not provide motorized ground transportation off the Ft. McKinley Project site. Guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the southerly pier except in the event of an emergency. All such transportation shall conform to all existing

ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The owner/manager shall conspicuously post, and keep posted in each hotelminimum units at the premises, a written notice of the applicable ordinances, rules and regulations.

- (6) Sanitary Waste: No site plan or subdivision application shall be approved by the city unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

With submission of the applicable DEP approvals this requirement has now been met.

III. PROPOSED DEVELOPMENT

The proposed development involves the renovation and conversion of the Double Barracks building into residential hotel condominiums. The applicant is not pursuing redevelopment of the hospital building at this time. Site plans and building elevations are shown on Attachments 2-C and 2-D. The specific elements of the development proposal include the following:

- Renovation and conversion of the Double Barracks building into 20 residential hotel condominiums (hotelminiums) with 16 lock-out units.
- A 2,881 sq. ft. addition is proposed to the rear of the building. An earlier plan indicated a dining room/reception area for 14 tables serving about 56 people. Other building additions include an elevator and a new porch. Patios are proposed on both sides of the addition.
- An inground swimming pool and a cabana building (food service, bar) are proposed to the rear of the building. An extended deck is shown surrounding the pool and cabana.
- A series of small bioretention cells are proposed between the building addition and the swimming pool to treat stormwater. A new storm drain line is proposed that will outlet to an existing drainage swale.
- A parking space for a shuttle vehicle (6 ft. by 15 ft.) is shown along the rear driveway behind the Double Barracks building.

IV. SITE PLAN ISSUES

Wastewater Treatment and Capacity

Condition 6 of the conditional zoning states: “No site plan or subdivision application shall be approved by the City unless documentation of Maine DEP approval of the sanitary waste system serving the premises is provided.”

This condition has been addressed with Maine DEP approval of a Maine Pollutant Discharge Elimination System Permit and Waste Discharge License. See Attachment 2-E.

By way of background, the original Diamond Cove wastewater treatment system approved by the DEP in 1986 was designed to accommodate 134 condominium units and 5 commercial uses. As the development was scaled back, the number of sand filter treatment fields was correspondingly reduced.

By 2000, a third sand filter was installed accommodating what was believed to be a total build-out of only 79 condominium units and providing for increased wastewater flows from the Diamond Cove restaurant. The wastewater treatment system is licensed by the DEP to accept and treat 35,000 gallons of waste per day based on a monthly average. The sand filter treatment system has an outfall pipe in Casco Bay. In September 2003, the DEP formally banned new overboard discharges. The existing sand filter treatment system may be maintained but the amount of wastewater flow into Casco Bay may not be increased above the license restrictions.

The developer submitted an application to the Maine DEP on December 31, 2008 to modify the existing wastewater discharge license to accommodate the additional wastewater flows for this project. After reviewing the application the Maine DEP has determined the project in combination with the remaining Diamond Cove development will not exceed the license limits of 35,000 gallons per day based on a monthly-daily average. According to the DEP, existing uses contributing to the waste collection and treatment system generate approximately 28,910 gallons of waste per day. The proposed project is anticipated to discharge an additional 4,545 gallons of wastewater per day which will result in a daily flow waste under the daily average cap of 35,000 gallons.

A key factor in remaining below the license limits is controlling groundwater infiltration into the sewer pipes. Groundwater that migrates into the sewer pipes reduces the capacity of the treatment system. Infiltration has been a long standing issue at Diamond Cove and the property owner has made incremental improvements over the years in an attempt to address this problem. The DEP approval is “requiring rehabilitation of the remaining 1,340 linear feet of non-rehabilitated wastewater conduit associated with this Permit in addition to the other remedial measures proposed in the application...”

Other DEP requirements/conditions of interest include:

- Authorizing the year-round overboard discharge monthly average of no more than 35,000 gallons per day. Required monitoring of the discharge to be conducted as a weekly average.
- Prohibiting wastewater (including inflow and/or infiltration) from the Hospital from inclusion in the wastewater influent to the existing over board discharge sand filter treatment system. Prior to habitation of the Inn the sewer connection to the Hospital must be capped. Wastewater from a future renovated Hospital must be accommodated by a subsurface system in the vicinity of the building.
- Prohibiting wastewater from the proposed swimming pool to the existing over board discharge sand filter system.
- Requiring updates to the Operation and Maintenance Plan to include provisions for near capacity discharges.

A comparison of the most recently approved DEP permit with an earlier permit can be seen on Attachment 2-E-11.

The DEP is requiring that “the kitchen and cabana of the proposed inn shall not contain any equipment that would necessitate the use of a grease trap, and shall be limited to serving only continental breakfasts and light snacks to guests of the inn.” This effectively means there will be no restaurant at the inn. This restriction is intended to address the concern that a second restaurant at Diamond Cove would increase the waste flow above the discharge license requirements.

The applicant indicates garbage disposals will not be installed in the units.

Transportation

The revised conditional zoning provisions are very specific in prohibiting motorized ground transportation off the Fort McKinley site to the southerly pier. The intent is that owners and visitors of the units will use the Diamond Cove pier for all water transportation needs and not use the southerly pier. As the Board is aware the transportation issues on Great Diamond Island (motor vehicles, golf carts, common motor vehicles) have been complex and contentious. We have requested the applicant submit in writing how they will be implementing the conditional zoning transportation requirements. Supplemental information has been received on this topic (Attachment 2-H-1).

The site plan indicates that a designated space for shuttle vehicle (6 ft by 15 ft) will located adjacent to the rear driveway.

A two bike storage rack per sec. 14-526(a)(i)(c) is shown on the plan to the rear of the Double Barracks.

Tom Errico, Traffic Engineer Consultant, has reviewed the plan and indicates “the applicant should provide detailed information on parking usage at the Portland Harbor Hotel for guests of the proposed Inn. This should include not only actual excess parking supply during the peak summer months, but also conformity with site plan requirements for the Portland Harbor Hotel.” See Attachment D-1.

In response a letter has been submitted by David Bateman (dated Jan. 19, 2009) regarding mainland parking supply at the Harbor Plaza/Portland Harbor Hotel. See Attachment I-1. The letter states the Harbor Plaza Garage includes 198 spaces within the parking garage and 20 surface spaces. “Current parking requirements” for existing uses on the site (MEMIC building, Portland Harbor Hotel, etc.) are calculated as 152 spaces leaving a balance of 66 spaces. Utilizing the most restrictive application (residential uses) a total of 44 spaces would be required for the condominium hotel; use/ 2 spaces for every unit plus 1 additional space for every 6 units. The letter concludes a surplus of 22 spaces will remain after the additional use is factored in. From a zoning perspective, staff has confirmed a surplus of parking spaces at the parking garage.

We will provide updated staff comments on parking for the public hearing

Stormwater

The site plan indicates that a series of 4 small bio-retention basins are proposed adjacent to the roadway between the Double Barracks building and the swimming pool. The basins are intended to address stormwater quality issues required by the Maine DEP. This requirement is being triggered by the 7,620 sq. ft. of additional impervious surface areas associated with the building addition, walkways, pool and pool deck. A cross section of the proposed bio-retention basin is shown on Attachment 2-C-10. The bio-retention system replaces a plunge pool that would have required significant vegetation clearance shown on the original site plan.

Stormwater from 6 catch basins flows into the bio-retention basins and is then conveyed into a new stormdrain line that runs along the driveway before diverting to an existing drainage swale within designated common open space. The outlet of the stormdrain includes a riprap apron. See Attachment 2-C-8 for construction detail.

A note on the plan indicates that a portion of the storm drain line and outlet are located on a “permanent drainage and maintenance easement (approx. 3,032 s.f) between The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association”. An executed copy of this agreement should be submitted for review and approval.

Comments from David Senus of Woodard & Curran consulting review engineer are summarized below.

Applicant must obtain executed ground lease and drainage easements from the Diamond Cove Homeowners Association prior to the start of construction.

The *Inspection and Maintenance Manual for Stormwater Management and Related Stormwater Facilities* should be updated to reflect the requirements of Chapter 32, Article III, Post Construction Stormwater Management of the City of Portland Code of Ordinances.

Solid Waste

Condition 3 of the 2008 Conditional Zoning Amendment states:

(3) Disposal of Solid Waste: All solid waste generated on the Premesis shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

This language is similar to the original Diamond Cove conditional zoning of 1985. In practice at some point, the City volunteered to transport Diamond Cove solid waste off the island although they were under no obligation to do so.

We have requested a letter from Public Services on their ability to transport hotelminium waste off the island.

The Diamond Island Association indicates waste associated with the hotelminium project should be transported off the island from the Diamond Cove side of the island and not cross the southerly end of the island.

Fire

The conditional zoning requires that the Double Barracks be fully sprinkled and have a central fire alarm system. To the best of our knowledge the Double Barracks building will be the first building at Diamond Cove to have a sprinkler system.

In a previous submission Archetype indicated there were two options for addressing the installation of a fully operable sprinkler system. The first option would be to increase the water pressure in the existing water system by closing the loop of the water lines, which currently dead-end downstream from Building 46. This modification "would increase the pressure adequately to supply the sprinkler system". The second option would be to install a sprinkler pump within the building to provide an adequate flow of water in the event the sprinklers are activated for a fire.

In an updated letter from Archetype (dated January 3, 2011) states: "As presently designed, there will be a sprinkler pump within the building. These pumps have been a proven means of providing adequate pressure to sprinkler systems in many projects with water pressure issues. The pump will be adequately sized to perform with the existing pressures on site." See Attachment 2-M.

Comments from Capt. Chris Pirone of the Fire Department (Attachment 1-F) are shown below:

I am requesting the developer hire a Professional Engineer (101:3.3.200) for technical assistance (1.15) on this project focusing on Fire Department Access and Water Supply (NFPA 1 Chapter 18 and City of Portland Technical standards Chapter 10)

My concerns in more detail are related to:

The testing and maintenance of the private hydrant system meeting NFPA 25 standards.

Water main size.

Meeting of required flows for sprinkler system and firefighting operations.

Location and number of hydrants.

Fire Department Access according to NFPA and Chapter 10.

The nearest hydrant is just under 200 feet from the Double Barracks.

The driveway behind the Double Barracks is about 13 feet wide. The driveway should be a minimum of 16 feet wide for fire access.

A letter has been received from the Portland Water District (dated January 6, 2012) regarding ability to serve the project. See Attachment 2-J. Data from the public hydrant nearest the Diamond Cove Association connection (the water lines within Diamond Cove are private) at Willis Street and Crescent Avenue indicates a static pressure of 97 PSI and a flow of 1,299 GPM. This hydrant is about 2200 feet from the Double Barracks site.

The District "indicates there should be adequate pressure and volume of water to serve the domestic needs of the proposed Inn at Diamond Cove at the point which the Diamond Cove Association is connected to the public system. The District cannot confirm the adequacy of the private piping owned by the Diamond Cove Association."

Building Elevations

Building elevations are shown on Attachment 2-D. Since Fort McKinley is located in a historic district, the project is subject to review by the Portland Historic Preservation Board. On September 16, 2009, the Historic Preservation Board voted to approve a Certificate of Appropriateness (with conditions) for the comprehensive rehabilitation of the exterior alterations, building addition and site changes. See Attachment 1-G. The plans have also been reviewed and approved (with conditions) by the US Dept. of the

Interior National Park Service for compliance with the guidelines for rehabilitation to historic properties. See Attachment 2-G.

The Double Barracks building is the largest brick building not renovated in the Fort McKinley complex and is currently in a very deteriorated condition. The proposal preserves the character defining features of the building with very limited changes to the exterior. The proposed building addition has a brick exterior and is located on the northerly or rear side of the building. The slate roof will apparently be retained in all 4 sides of the building. The number of dormers on the northerly side of the building has been reduced since the 2010 submission simplifying the roof line.

A building elevation of the cabana building has previously been submitted. The cabana is an octangular shaped building sheathed in wood shakes.

Landscaping

A landscaping plan has been submitted. See Attachment 2-C-7. 120 shrubs and ornamental grasses are proposed adjacent to the building addition and the swimming pool area. Groundcover material including vines and herbaceous plants. Three Autumn Brilliance Serviceberry (1 1/2-2 in. caliper), three Korean Dogwood (5 to 6 ft high) and one Saucer Magnolia (5 to 6 ft high) are proposed.

Vegetation will be disturbed for the construction of the swimming pool. Although mature trees are shown on the plan there is not a definitive note that these trees will be protected. A tree protection plan should be submitted.

Financial and Technical Capacity

A letter has been submitted by Katahdin Trust Company (dated December 20, 2011) in support of the developer's financial capacity. See Attachment 2-O. The submission includes an estimated project cost of \$9,392,154 (dated December 1, 2011). Sources of funding include a first mortgage loan (permanent) of \$5,290,000 and partnership equity (cash) of \$4,102,154. Technical capacity information has also been submitted.

Additional information on financial capacity is expected to be submitted by the applicant.

IR-3 Development Standards

Applicant has provided a written response to the IR-3 development standards (sec. 14-156.16). See Attachment 2-AA-2. Although there is some overlap with site plan standards this section states "no development shall occur nor shall any use be established unless the planning board finds that the final development plan is in compliance with the following [IR-3] development standards".

Subdivision Plan

A revised subdivision recording plat has been submitted. Staff is in the process of reviewing it. See Attachment 2-12.

Written Public

Over the years we have received a large number of written comments on this project. Attachment C includes the most recent comments received. For the public hearing we will gather together all of the comments for the Board to review.

Attachments

City Staff Submissions

- 1-A Vicinity Maps
- 1-B Commonly Asked Questions on Diamond Cove and Original 1985 Conditional Zone
- 1-C Revised Conditional Zoning Amendments, enacted September 15, 2008
- 1-D Comments of Tom Errico, Traffic Review Consultant (December 23, 2009)
- 1-E Comments of David Senus, Development Review Engineer (January 17, 2012)
- 1-F Comments of Chris Pirone, Fire Captain (January 16, 2012)
- 1-G Approval Letter from Historic Preservation Board (November 6, 2009)

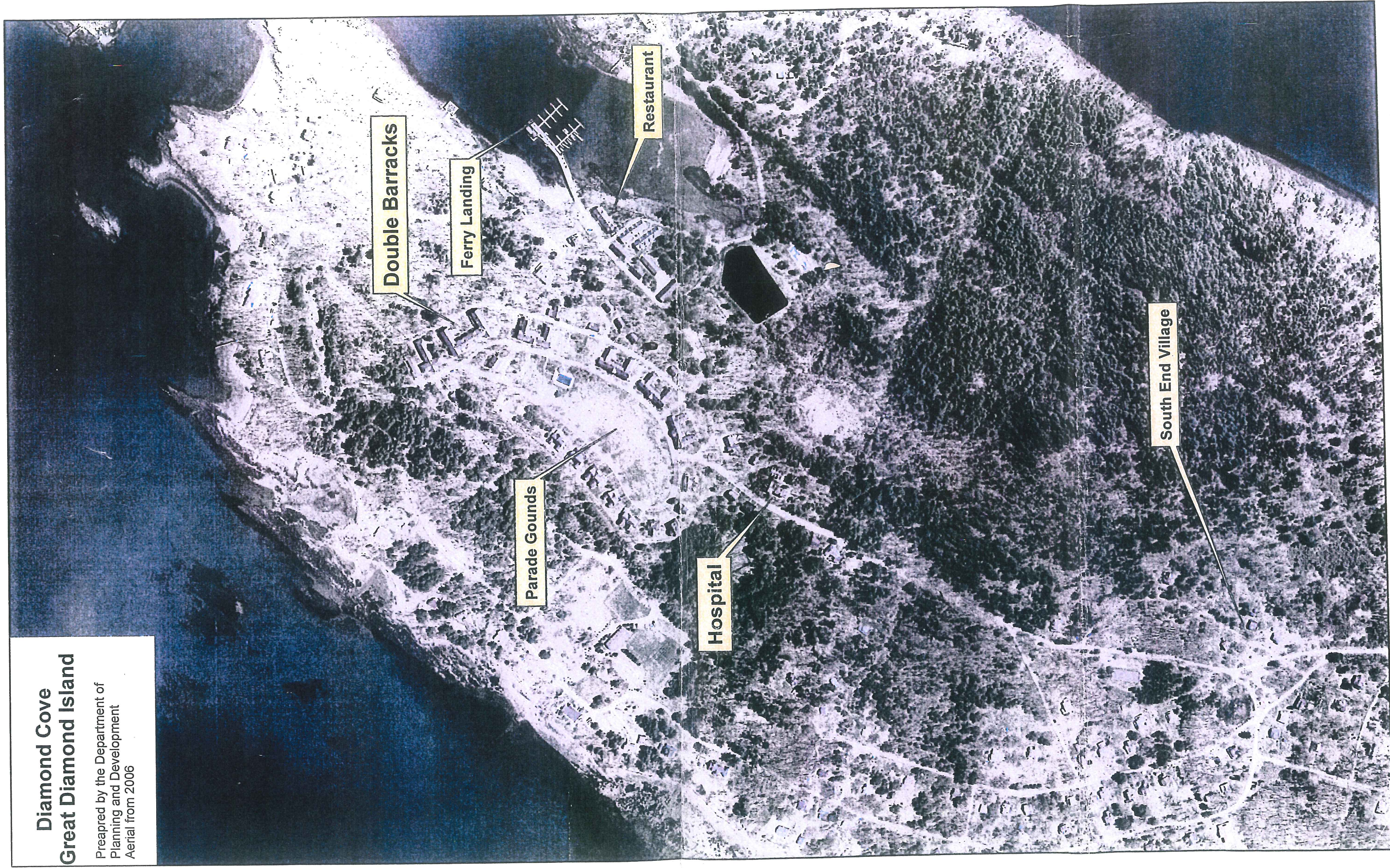
Applicant Submissions

- 2-AA Introductory Cover Letter and Related Material for January 24, 2012 Planning Board Workshop
- 2-A Introductory Cover Letter and Related Exhibits for January 27, 2009 Planning Board Workshop
- 2-B Introductory Cover Letter for January 26, 2010 Planning Board Workshop
- 2-C Site Plan and Subdivision Recording Plat
- 2-D Building Elevations
- 2-E Maine DEP Maine Pollutant Elimination System Permit and Waste Discharge License (September, 2009)
- 2-F Maine DEP Site Location Permit (September, 2009)
- 2-G US National Park Service Historic Preservation Certification (May 15, 2008)
- 2-H Transportation
- 2-I Parking Related Information
- 2-J Portland Water District Letter (January 6, 2012)
- 2-K Stormwater Mangement Report
- 2-L Erosion and Sedimentation Report
- 2-M Sprinkler System Info.
- 2-N Solid Waste
- 2-O Financial and Technical Capacity
- 2-P Second Amendment to Amended and Restated General Declaration of Covenants and Restrictions (on file in Planning Office)
- 2-Q Property Deed (on file in Planning Office)

3 Written Public Comment

**Diamond Cove
Great Diamond Island**

Prepared by the Department of
Planning and Development
Aerial from 2006



Double Barracks

Ferry Landing

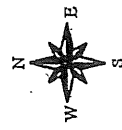
Restaurant

Parade Grounds

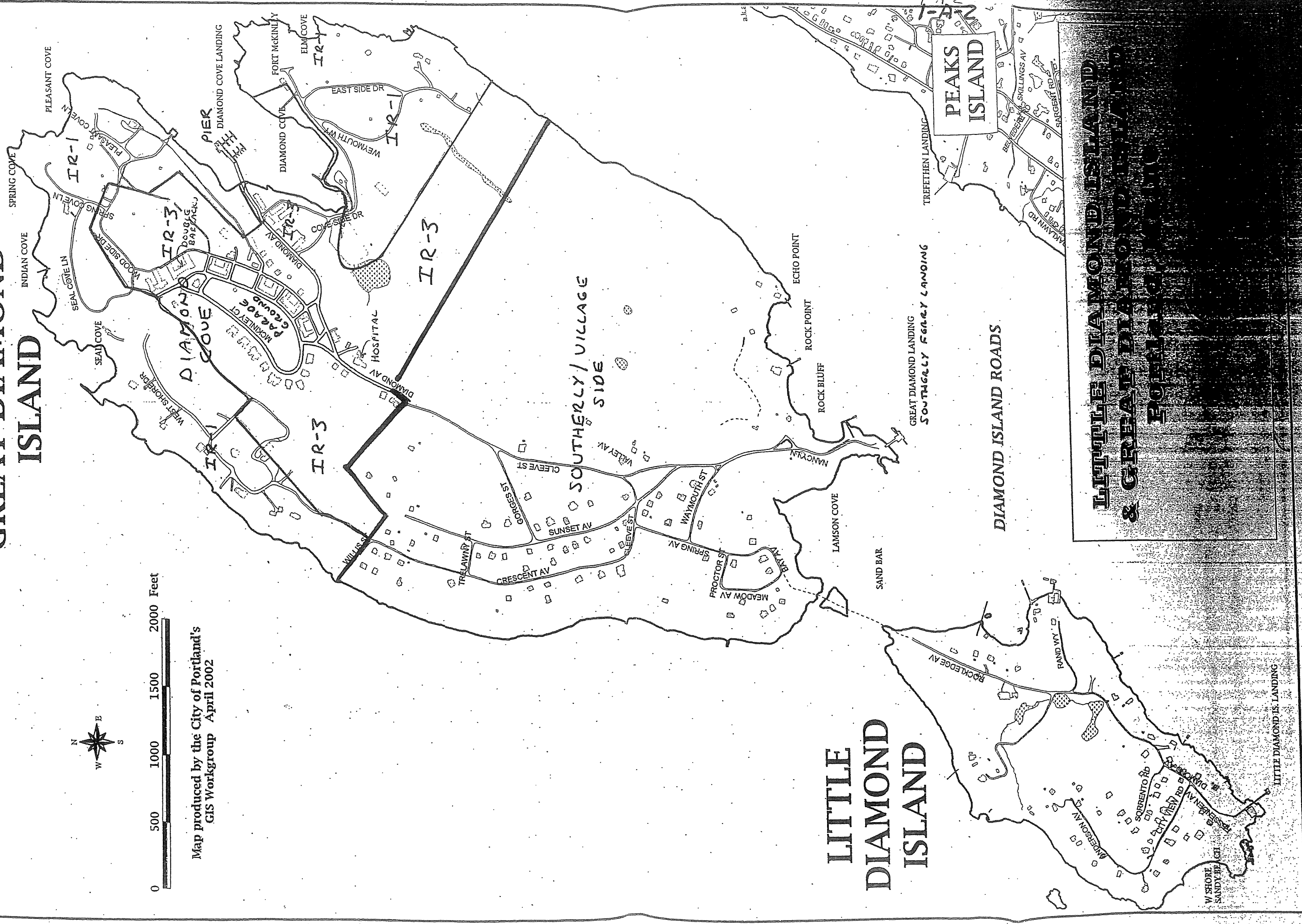
Hospital

South End Village

GREAT DIAMOND ISLAND



Map produced by the City of Portland's
GIS Workgroup April 2002



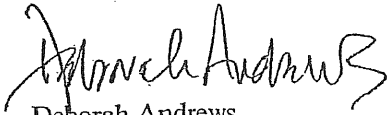
**LITTLE DIAMOND ISLAND
& GREAT DIAMOND ISLAND
PORTLAND, OREGON**

Applicant's Submittal

1-6-2

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Deborah Andrews
Historic Preservation Program Manager

cc: David Lloyd, Archetype

 COPY

CITY OF PORTLAND, MAINE
HISTORIC PRESERVATION BOARD

Rick Romano, Chair
Martha Deprez, Vice-Chair
Otis Baron
Scott Benson
Michael Hammen
Ted Oldham
John Turk

November 6, 2009

David Bateman
Bateman Partners LLC.
245 Commercial Street
Portland, Maine 04101

Re: Rehabilitation of Double Barracks, Fort McKinley Historic District

Dear Mr. Bateman:

On September 16, 2009 the City of Portland's Historic Preservation Board voted 6-0 (Benson absent) to approve your application for a Certificate of Appropriateness for the comprehensive rehabilitation of the former Double Barracks within the Fort McKinley Historic District. Approval is for exterior alterations, building addition and site changes associated with the adaptive reuse of the structure for residential hotel condominiums.

Board approval was made subject to the following conditions:

- * Real slate (as opposed to the proposed faux slate) to be used on side walls of new dormers on the rear elevation. Slate to match existing in terms of type, color, width and exposure.
- * Roofs of rear dormers to be EPDM.
- * Composite decking material to be consistent with decking previously approved for other buildings within the Fort McKinley complex--Tendura 4" tongue-and-groove decking. If Tendura is no longer available, applicant to use equivalent product in terms of width and visual character. Any proposed substitute for Tendura to be submitted to historic preservation staff for review and approval.
- * Historic preservation staff to review and approve test patch of proposed brick repointing before commencing with final repointing. Contact Scott Hanson (756-8023) to arrange an inspection.

All improvements shall be carried out as shown on the plans and specifications submitted for or presented at the 9/16/2009 public hearing and/or as described above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

ATT 1-F

From: Chris Pirone
To: Knowland, Rick
CC: Wallace, Benjamin
Date: Monday, January 16, 2012
Subject: Re: Diamond Cove

Fire Comments:

I am requesting the developer to hire a Professional Engineer(101:3.3.200) for technical assistance(1.15) on this project focusing on Fire Department Access and Water Supply(NFPA 1 Chapter 18 and City of Portland Technical standards Chapter 10).

I would like the PE to contact me with my specific concerns as mentioned above.

My concerns in more detail are related to:

1. The testing and maintenance of the private fire hydrant system meeting NFPA 25 standards..
2. Water main size.
3. Meeting of required flows for sprinkler system and firefighting operations.
4. Location and number of fire hydrants.
5. Fire Department Access according to NFPA and Chapter 10.

Please contact me with questions and concerns.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Rick Knowland 01/12/12 10:22 AM >>>
Chris, I'll be here. Thanks.

>>> Chris Pirone Thursday, January 12, 2012 >>>
I can come see you at 11:30 today.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Rick Knowland 1/12/2012 9:02 AM >>>
Hi Chris, If you have a few minutes I'd like to go over the Diamond Cove project with you. The Double Barracks renovation is fairly simple but its the islands and things are never simple. Project requires sprinklers. I'm around today but otherwise won't be back into the office till Tuesday. Please email me or

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MEMORANDUM



TO: Rick Knowland, Planner
FROM: Ashley Auger, E.I.T. & David Senus, P.E.
DATE: January 17, 2012
RE: The Inn at Diamond Cove

Woodard & Curran has reviewed the Site Plan submittal for the Double Barracks renovation at Diamond Cove. The project involves twenty condominium/hotel units together with some common amenities consistent with the operation of a hotel. These amenities include a pool and restaurant. The project has provided previous Site Plan Application submittals, and has received review comments from the City of Portland Planning Office; including review comments prepared by Woodard & Curran. The project has applied for and received a Site Location of Development Act approval through the MaineDEP, which includes review of stormwater management systems for conformance with MaineDEP Chapter 500 standards.

Documents Reviewed

- Section 12, Stormwater Management Report, prepared by Deluca-Hoffman Associates, dated March 2009
- Section 14, Erosion and Sedimentation Control Report, prepared by Deluca-Hoffman Associates, dated March 2009
- Engineering Plan Sheets C1-C10, prepared by Deluca-Hoffman Associates, dated January 2, 2012
- MaineDEP Site Law Approval, # L-13160-L3-AB-B, dated September 2009

Comments

- As a condition of approval for the Site Law Permit, the applicant must obtain executed ground lease and drainage easements from the Diamond Cove Homeowners Association (DCHA) prior to the start of construction. As such, copies of executed ground lease and drainage easements must be submitted to the MaineDEP Bureau of Land and Water Quality and the City of Portland Planning Office in advance of the work.
- The *Inspection and Maintenance Manual for Stormwater Management and Related Stormwater Facilities* should be updated to reflect the requirements of Chapter 32, Article III. Post Construction Stormwater Management of the City of Portland Code of Ordinances.

ATT 1-D

Rick Knowland - Building 46 - Great Diamond Island

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 12/23/2009 8:33 AM
Subject: Building 46 - Great Diamond Island
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>

Rick -- I have reviewed the November 18, 2009 submittal prepared by Archetype and offer the following comment.

- The applicant should provided detailed information on parking usage at the Portland Harbor Hotel for guests of the proposed Inn. This should include not only actual excess parking supply during the peak summer months, but also conformity with site plan parking requirements for the Portland Harbor Hotel.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.
TYLIN INTERNATIONAL

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

1-C-4

Restrictions shall control.

O:\OFFICE\PENNY\CONTRACT\rezone
\GDI 072908to Council.DOC

1-C-3

facility.

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and

the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 ("Hospital") and Building 46 ("Double Barracks"), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as "hotelminiums" and a supporting pool/services area on the Open Space. "Hotelminium" is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services² which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a "lock out" system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of twenty (20) hotelminium units [with the maximum number of lock out units, included as part of the twenty hotelminiums and not separate units, not to exceed sixteen (16)] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a "lot" within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the "Dedicated Open Space Plan" attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal

² For purposes of this Supplemental Conditions and Restrictions document, "reasonable and customary on-site hotel services" shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

ATT 1-C-1

Order 55-08/09

Given first reading: 8/18/08 Public Hearing and postponed on 9/3/08

Amended and Passed 9/15/08 (Cohen abstaining)

EDWARD J. SUSLOVIC (MAYOR)
 KEVIN J. DONOGHUE (1)
 DAVID A. MARSHALL (2)
 DANIEL S. SKOLNIK (3)
 CHERYL A. LEEMAN (4)

CITY OF PORTLAND
 IN THE CITY COUNCIL

JAMES I. COHEN (5)
 JOHN M. ANTON (A/L)
 JILL C. DUSON (A/L)
 NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
 CONDITIONAL ZONE FOR PROPERTY
 IN THE VICINITY OF
 DIAMOND COVE, GREAT DIAMOND ISLAND
 PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
 BUILDINGS 46 (“DOUBLE BARRACKS”) AND 19 (“HOSPITAL”)
 FT. MCKINLEY, PORTLAND, MAINE
 SEPTEMBER 3, 2008**

The following supplemental conditions and restrictions are imposed by the City of Portland (the “City”) on that portion of the Ft. McKinley project (“Project”) commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 (“Premises”), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC (“IDC”) ¹, and consented to by the Diamond Cove Homeowners Association (“DCHA”):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, *inter alia*, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the “Existing Conditions and Restrictions”).

1. Supplemental Conditions and Restrictions. Notwithstanding the terms of

¹ For purposes of this Supplemental Conditions and Restrictions document, “Owner/Manager” referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, their heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

7/15/85

1-0-7

15. Remedies not impaired. No failure or delay by the City to enforce any of these conditions and restrictions shall impair any remedy available for breach hereof, or constitute a waiver of or acquiescence in any breach hereof, the remedies for which shall be cumulative.

7/15/85

1-B-6

10. Applicability of other laws. The development, use and occupancy of the Premises shall be subject to all other applicable laws, ordinances, regulations and requirements of the City as they may from time to time exist, and neither these conditions or restrictions nor the performance of any obligation hereunder shall constitute compliance therewith or prevent the enforcement thereof, any violation of which shall also constitute a breach of these conditions and restrictions, any breach of which shall also constitute a violation of Chapter 14, Article III (Zoning) of the Portland City Code.

11. Successors bound. These conditions and restrictions shall bind the Owner, its successors and assigns, of or to the Premises, or any portion thereof or any interest therein, including but not limited to any security interest, and any person in possession or occupancy of the Premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City. The Owner shall, at its own expense, record a copy of these conditions and restrictions in the Cumberland County Registry of Deeds, and shall, by deed, covenant, declaration of condominium or other recorded or recordable instruments, as appropriate, ensure that these conditions and restrictions are enforceable by the City against all such successors, assigns and persons. Nothing herein shall be deemed to limit the Owner's right of alienability of the Premises, or any portion thereof, subject to these conditions and restrictions, which conditions and restrictions shall run with the land and be binding upon the Owner, its successors and assigns, as their interests may appear.

12. No reliance or estoppel. Nothing in these conditions or restrictions shall constitute any representation or commitment by the City to retain the zoning classification of the Premises, or shall entitle the Owner to rely thereon for any purpose, or shall estop the City from any future rezoning or exercise of other authority with respect to the Premises. Nothing herein shall be deemed to preclude the Owner from petitioning the City for any future rezoning of the Premises or other property in the vicinity thereof; provided, however, that nothing herein shall constitute any representation or commitment by the City to grant such a petition or otherwise act thereon.

13. Breach. In case of any breach of these conditions and restrictions, and except as otherwise hereinbefore provided, the City shall, after giving written notice to the Owner and a reasonable time to cure not to exceed six (6) months, refer the same to the Planning Board, which shall, after notice and hearing, make a recommendation to the City Council whether to rezone the Premises, or any portion thereof, which recommendation shall be advisory only.

14. Declaration of invalidity. In the event that these conditions and restrictions, or any portion thereof, are declared invalid for any reason by a court of competent jurisdiction, the City shall invoke the same procedure as hereinbefore provided for breach of these conditions and restrictions.

7/15/85

1-0-5

- (c) a building or buildings, or portions thereof, suitably located on the Premises, for permanent maintenance and storage of said vehicles and related apparatus and equipment, and housing of at least two (2) City personnel associated therewith, which facility shall conform to City specifications and be leased to the City under a ninety-nine (99) year written net lease agreement in a form mutually satisfactory to the parties and providing for, among other things, annual lease payments in the amount of one dollar (\$1.00), and delivery of possession on a "turn-key" basis.

Upon the City's occupancy of said facility, the Owner shall, at its own expense, provide at all times thereafter a number, not to exceed two (2), of qualified private personnel equal to the number of City personnel then assigned thereto, which private personnel shall be on the Premises and available at all times on an on-call basis to assist said City personnel in the rendering of fire protection, public safety and emergency services on or to the Premises; provided, however, that nothing herein shall constitute any representation or commitment by the City to provide any particular level of staffing or services. Said private personnel shall be trained and equipped for such purposes by the City and at its expense, and shall be under the direction and supervision of authorized City personnel at all times while so engaged; provided, however, that in no case shall said private personnel be deemed agents or employees of the City for any purpose, including but not limited to workers' compensation, unemployment compensation, tort claims liability and collective bargaining; provided, further, that notwithstanding the foregoing, in the event that the City is held liable for any claim arising out of or relating to any actions of said private personnel, which actions were not pursuant to and consistent with the directions of authorized City personnel, the Owner shall indemnify and save forever harmless the City from and against any and all such claims.

8. Water transportation service. The Owner shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and Diamond Cove via a suitable docking facility on the Premises and on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service is or at any time becomes unavailable, the Owner shall, at its own expense, provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof.

9. Restrictions on motor vehicles. Except for vehicles used primarily for construction, maintenance, service and the common transportation of goods and passengers, and fire protection, public safety and emergency vehicles, no motor vehicles, as defined in 29 M.R.S.A. Section 1(7), but including snowmobiles, shall be operated or stored, temporarily or otherwise, on the Premises.

but not limited to the exercise of self-help, as to it may seem necessary or appropriate to perform the same, the cost of which shall be reimbursed in full by the Owner upon demand.

4. Maintenance of utilities. All utilities and related infrastructure and improvements on the Premises, including but not limited to water, power, communications, sewers and drains, surface drainage ways, street lights and hydrants, shall be kept fully operational and in good repair at all times, including but not limited to the off-season or winter months, and at the Owner's expense; provided, however, that in the event that the Owner fails to perform any obligation hereunder, the City may, after giving actual notice to the Owner and a reasonable time to perform, enter upon the Premises, or any portion thereof, and take such reasonable steps, including but not limited to the exercise of self-help, as to it may seem necessary or appropriate to perform the same, the cost of which shall be reimbursed in full by the Owner upon demand.

5. Disposal of sanitary waste. All sanitary waste generated on the Premises shall be collected and disposed of on the Premises by means of a community sewer and secondary treatment system which complies with all applicable federal, state and local regulations, and at the Owner's expense.

6. Disposal of solid waste. All solid waste generated on the Premises shall be collected and disposed of on the mainland or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility, in a manner which meets all applicable federal, state and local requirements, and at the Owner's expense.

7. Fire protection, public safety and emergency services. Before occupancy of the Premises, or any portion thereof, the Owner shall, at its own expense, provide to the City:

- (a) a fully equipped "Quint truck", so-called, or its equivalent, for fire protection purposes, which vehicle, whether new or used, shall conform to City specifications and be leased to the City under a written net lease-purchase agreement in a form mutually satisfactory to the parties and upon commercially reasonable terms, at the end of which lease term title to said vehicle shall be transferred to the City free and clear of all liens and encumbrances, and at no additional charge;
- (b) a fully equipped multi-purpose truck van, for public safety and emergency purposes, which vehicle, whether new or used, shall conform to City specifications and be leased to the City for its useful life under a written net lease agreement in a form mutually satisfactory to the parties and providing for, among other things, annual lease payments in the amount of one dollar (\$1.00); and

7/15/85 1-B-3

ORIGINAL 1985 DIAMOND COVE CONDITIONAL ZONE

CONDITIONS AND RESTRICTIONS

The following conditions and restrictions are imposed by the City of Portland (the City) on Diamond Cove Associates (the Owner) as conditions of the rezoning of the property described on the map attached hereto (the Premises) from the R-2 Residential Zone to the IR-3 Island Residential Zone:

1. Development limited. The development, use and occupancy of the Premises shall be limited to one hundred thirty-four (134) dwelling units and other permitted uses, and uses accessory thereto. Except for the reconstruction, renovation and repair of existing buildings and structures, and the construction of minor additions and improvements thereto, there shall be no construction or development of any new principal building or structure on the Premises. All portions of the Premises identified on the map attached hereto as open space shall be dedicated and reserved as such in perpetuity.

2. Completion of development. The development of the Premises as aforesaid shall be substantially completed within three (3) years after the issuance of all licenses, permits and approvals required and requiring final action by any administrative agency, board or commission, including but not limited to subdivision, site plan and site location of development approvals, but not including building, plumbing, electrical or similar permits, which licenses, permits and approvals shall hereafter be diligently pursued; provided, however, that the time for performance hereunder shall be extended for the time during which performance is delayed by reasons wholly beyond the Owner's control, including but not limited to strikes, lock-outs, labor disputes, inability to procure materials, failure of power, riots, war, insurrection, administrative or judicial delay and similar reasons, but not including financial hardship or business conditions; provided, further, that the Planning Board may, after notice and hearing, extend the time for performance hereunder for up to one (1) additional year if it finds that substantial progress has been made toward completion, and that there is a reasonable likelihood of substantial completion within the time as extended.

3. Maintenance of streets, walks and landings. All streets and ways, walks and pedestrian rights of way, and landings, floats and docks on the Premises, including but not limited to those to which the public has a right of access, shall be kept reasonably safe and passable at all times, including but not limited to the off-season or winter months, and at the Owner's expense; provided, however, that the City may, from time to time, designate such areas as need not be kept clear of ice and snow when or where, in its opinion, the public health, safety and welfare do not require it; provided, further, that in the event that the Owner fails to perform any obligation hereunder, the City may, after giving actual notice to the Owner and a reasonable time to perform, enter upon the Premises, or any portion thereof, and take such reasonable steps, including

Any other amendments made to the Diamond Cove conditional zoning since 1985?

Yes, the original conditional zoning has been amended three times.

In 2000, the IR-3 zone was expanded to include lot 44. Lot 44 is located near Diamond Cove and was incorporated into the zone to allow outdoor tent events associated with the Diamond Cove restaurant. A proposal for a beachfront bar (Stowaways) was not approved.

In 2004, the conditional zoning was modified to address golf cart issues within the project.

In 2008, the conditional zoning was amended to accommodate The Inn at Diamond Cove proposal.

Commonly Asked Questions About Diamond Cove

Below are some commonly asked questions about the Diamond Cove development and IR-3 conditional zoning. The original 1985 conditional zoning text is attached.

What is the size and scope of the Diamond Cove development?

The total land area of the Diamond Cove development is about 190 acres, which occupies the northerly half of Great Diamond Island. The IR-3 zone totals about 92 acres. The IR-3 zone section was approved for 134 dwellings within the historic military buildings although only 79 units have been placed in the buildings to date. The conditional zoning intended to facilitate the rehabilitation of the existing Fort McKinley buildings thus newly constructed buildings were prohibited. Five buildings were originally allocated for commercial uses near the Diamond Cove ferry landing but only a couple of the buildings have been used for that purpose including a restaurant.

Thirty-four buildings within the Fort McKinley complex were originally slated for renovation into residential buildings. Of these buildings only the Double Barracks and Hospital have not been converted into residences.

The IR-1 single-family section of the development has 39 lots with 34 houses on the lots but isn't part of the IR-3 conditional zone.

In contrast, the remainder of the island (the southerly or village section of the island) had about 72 dwellings as of 2004.

Why was the property zoned IR-3 conditional zoning?

As part of the comprehensive island zoning update in 1985, an IR-3 zoning text was created to address large-scale development on the islands. An IR-3 is a specialized island zone that is enacted with a conditional zone. The IR-3 is the only island residential zone that allows condominiums (attached housing). Converting the military buildings into condominiums was the only feasible way to renovate the historic Fort McKinley buildings. Thus the developer requested IR-3 conditional zoning for the property.

The islands are unique landforms with sensitive environmental features particularly the shoreland areas that ring the island. The land development pattern of an island such as Great Diamond is reflective of a rural village rather than a mainland neighborhood. The special development standards of the IR-3 zone and the ability to use conditional zoning were intended to address the unique physical and natural characteristics of the islands.

The IR-3 conditional zone covers the entire Fort McKinley complex, the main complex of former military buildings around the parade ground and the Diamond Cove pier area.

A R C H E T Y P E

January 3, 2012 (Rev. 2 – 17 January 2012)

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island; IR-3 Conformance

Rick:

Herein you will find all necessary documentation to fulfill the requests made by the Planning Staff in previous meetings regarding the outstanding items in the application for site plan approval for the Inn at Diamond Cove. This letter and associated documents and appendices are to serve as an amendment to our previous and existing application for a public hearing. We are aware, however, that you have determined that it may be necessary to sit for an additional workshop, given the length of time that has passed since our last meeting. As this is an amendment to an existing application, I have not re-filed all of the application materials and checklists. If you or your staff feel that this is in error please let me know and I will provide all necessary documents again.

Our team is requesting inclusion in the January Planning Board meeting for this workshop.

The following document is an analysis of the City of Portland Code of Ordinances, *Chapter 14 Land Use, Division 7.3. IR-3 Island Residential Zone*, and contains a response to the requirements of each standard describing the means of compliance for the proposed Inn at Diamond Cove project. Following each section of the Ordinance language below there will be a written response in bold text.

DIVISION 7.3. IR-3 ISLAND RESIDENTIAL ZONE

Sec. 14-145.13. Purpose.

The purpose of the IR-3 island residential zone is to allow for a planned unit development in a manner compatible with both the natural and built environment, which provides for adequate circulation and waterfront access, adequate water supply for private use and fire protection, and safe and clean disposal of solid and septic wastes.

The following guidelines shall be considered, among others, in establishing an IR-3 zone:

- a) An IR-3 zone should have a minimum land area of twenty (20) acres;
- b) A site for an IR-3 zone should be able to accommodate a higher density of development by providing buffers from surrounding areas on a substantially sized parcel for which natural amenities are capable of being conserved in a development plan for the site;
- c) IR-3 zones should not be established unless issues of municipal services, including infrastructure, education, and police and fire services and other municipal services can be appropriately and adequately addressed;
- d) The differences in scale and intensity of uses between existing development and the IR-3 zone, and the cumulative impact on the overall density of the island, should be mitigated by appropriate open space and buffer areas; and
- e) The development plan should have the capability of meeting the development review standards of section 14-145.16. (Ord. No. 29-85, § 1, 7-15-85).

Response: This section is directed to the Planning authority as it defines the establishment of the zone.

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Sec. 14-145.14. Permitted uses.

Response: Permitted use within the IR-3 Zone, as it pertains to this Project, has been fully addressed by the inclusion, at the end of this document, of a Conditional Zone Amendment, approved by the Planning Board, and recorded on 9-15-08. This can be found as Appendix A to this document.

Sec. 14-145.14.1. Conditional uses.

Response: This section not applicable.

Sec. 14-145.15. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited. (Ord. No. 29-85, § 1, 7-15-85)

Sec. 14-145.16. Development review

In addition to other applicable requirements, no development shall occur nor shall any new use be established unless the Planning Board finds that the final development plan for the site is in compliance with the following development standards:

- a) *Transportation:* The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

Response: The project is located in close proximity to the Diamond Cove landing of the Casco Bay Lines, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland, or within surface parking in accordance with an agreement with the owner of the lot on the corner of Cross and Fore Streets, as depicted in the attached map and labeled as "Parking Lot 25". The sole means of arrival at the island is by boat transportation (refer to Appendix I below for a full description of the arrival/departure procedures). There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guest luggage to and from the Diamond Cove ferry landing. No ground transportation for guests or staff will go off of the Fort McKinley site. Guests, tenants, invitees and employees will not operate motorized ground transportation to travel off the Fort McKinley project site to the southerly pier except as necessary for emergency purposes. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.

Response: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers are instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Ferry Landing. This will be in the instructions

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to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

The development shall not have a substantial adverse impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.

Response: *The existing Diamond Cove boat landing and Diamond Cove ferry terminal of the Casco Bay lines will be used.*

- b) **Solid waste:** Adequate provision for off-island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.

Response: *All solid waste will be held within the building in a trash room and will be picked up and removed in accordance with the Diamond Cove Homeowner's Association, of which this project will be a member. The project will pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.*

- c) **Sanitary waste:** All sanitary waste from the development shall be disposed of by a public sewer, private community sewer system providing at least secondary treatment, or subsurface sewerage system, in compliance with federal, state and local regulations. The developer shall demonstrate that the project will comply with all applicable federal, state and local water quality and groundwater standards.

Response: *Per our permit from the Maine Department of Environmental Protection, dated September 9, 2009, the project is approved in its design for the removal of sanitary waste. See Appendix C at the end of this document.*

- d) **Water:** The proposed development shall have sufficient water for the reasonably foreseeable needs of the development and shall not cause an unreasonable burden on existing water supply or adversely affect groundwater resources. Unless the development is to be served entirely by public water and secondary treatment sewer systems, the determination of compliance with this provision shall be based upon one (1) or more comprehensive groundwater analyses and reports prepared by qualified professionals and including assessment of current groundwater aquifer conditions, the impact of the proposed development on the groundwater aquifer, and recommendations for mitigation of potential impacts caused by the development.

Response: *The project will have adequate water supply, as described in the Ability to Serve letter from the Portland Water District. This letter is dated January 6, 2012. This is a revised and updated letter.*

- e) **Shoreland areas:** The development shall preserve the natural features of the shoreland area by minimizing the disturbance of existing vegetation and slopes, avoiding development in areas subject to erosion and sedimentation, and conserving scenic views and vistas to and from the site.

Response: *This project is located within the Fort McKinley development, and is not within a Shoreland Area. The project is contained within an existing building, and its associated open space, and will not impact any shoreland areas. Construction of the pool and cabana has been designed to preserve existing beech trees and natural slopes of the terrain.*

A R C H I T E C T U R E

- f) *Environmentally sensitive areas:* The development plan shall preserve significant resources of the site by integrating open space into the development plan and by conserving such features as scenic vistas, historic man-made or natural features, existing vegetation, wetland areas, shoreland areas, ground water, natural wildlife habitat, and recommended or registered State of Maine Critical Land Areas, as well as other environmentally sensitive areas.

Response: The "Double Barracks" (Building 46), as an element of the Fort McKinley development is the primary feature of this site, historically, and visually. The preservation of this building, which is currently in a state of partial collapse, will be returning the site to its historic character. The primary work for the project will be contained within the shell of the existing historic building. The addition to the main building will be contained within the inner courtyard, which was historically an empty space. The construction of the pool and cabana has been designed to preserve existing beech trees and natural slopes of the terrain.

- g) *Recreation and open space:* All open spaces on the site shall be functionally integrated into the development plan by virtue of such features as passive and active recreational opportunities, accessibility to residents, preservation of natural site amenities and resources, orientation to achieve energy conservation or solar access, use as a buffer between housing clusters and to screen the development from surrounding areas.

Response: The work of this project is primarily one of preservation, and rehabilitation of a collapsing historic structure. Open space in the area of the Fort McKinley development will be not only preserved, but enhanced as the wild overgrowth on and around the building is removed to return the site to its historically clear and open character. This project will re-integrate the "Double Barracks" with the larger Fort McKinley complex.

- h) *Financial and technical capability:* The applicant shall demonstrate sufficient financial and technical capability for undertaking the proposed project. Financial capability shall include a cost estimate of the proposed improvements, proposed construction and permanent financing, and terms of sale or lease of dwellings and commercial space. Technical capacity shall include the experience and expertise of the developer in implementing projects of similar scope.

Response: The financial and technical capabilities of the developer, The Inn at Diamond Cove, LLC, are demonstrated with the documents included at the end of this document as Appendix E.

- i) *Environmental impact analysis:* The applicant shall develop an environmental impact analysis including an inventory of existing environmental conditions at the project site and in the surrounding area with an assessment of the development's probable impact upon the environment. The inventory shall include such resources as air, water quality, water supply, surface water and shoreline, geology, soils, topography, wildlife, botanical and aquatic, including rare and endangered species, historic, archeological and aesthetic. The analysis shall include the direct and cumulative adverse impacts of the project on these resources. The analysis shall also include what steps the applicant proposes to take to identify and minimize adverse environmental impacts during construction, management and use of the property and whether there are alternatives for the project which would decrease the impact of the development.

Response: An inventory of the existing environmental conditions at the project site with an assessment of the development's probable impact upon the environment has been provided as part of the MDEP Site Location of Development Act Permit Amendment Application (which can be found at the end of this

A R C H I T E C T U R E

document as Appendix F). A summary of the applicable DEP Application Section References is provided below:

Section 1 – Development Description
Section 6 – Visual Quality and Scenic Character
Section 8 – Historic Sites
Section 11 – Soils
Section 12 – Stormwater Management
Section 14 – Erosion and Sedimentation Control
Section 16 – Water Supply
Section 17 – Wastewater Disposal

- j) *Development phasing:* If the project is to be completed in phases, the applicant shall indicate the schedule for completing and implementing infrastructure improvements as well as other improvements, agreements or services required for compliance with the development standards of this section, planned unit development standards, and site plan and subdivision review requirements.
Response: This project is to be completed in a single construction phase.

- k) *Emergency services:* The development shall not place an unreasonable burden on the ability of the city to provide police, fire and other emergency services.
 (Ord. No. 29-85, § 1, 7-15-85)

Response: The project maintains and repairs all emergency access to the site, and does not change the capacity or configuration of said access. The project includes the installation of an automatic sprinkler system, in conformance with NFPA 101 9.7.1.1, which will be supported by a fire pump to ensure and maintain adequate water pressure to operate the sprinklers. The building is also located within very close proximity to the Diamond Cove Fire Station.

Sec. 14-145.17. Dimensional requirements

Response: Dimensional requirements within the IR-3 Zone, as it pertains to this Project, has been fully addressed by the inclusion, at the end of this document, of a Conditional Zone Amendment, approved by the Planning Board, and recorded on 9-15-08. This can be found as Appendix A to this document.

Sec. 14-145.18. Other requirements.

[Other requirements include the following:]

- a) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

Response: The project is not within either a shoreland zone or a flood hazard area. See below Appendix G and Appendix H for Zoning and Flood Plane maps.

- b) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.

Response: As described above, parking will be maintained on the mainland within the Portland Harbor Hotel parking facilities, and in Parking Lot 25 (shown on attached map). The Portland Harbor Hotel has an agreement with the owner of Lot 25 for capacity to accept additional cars to accommodate the

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Inn guests. Attached below in Appendix I you will find a letter from the General Manager of the Portland Harbor Hotel defining the process by which guests will be transported to the island. The Inn at Diamond Cove will be operated as a hotel, in that the "owners" of the Hotelinium units are owners in a financial sense, rather than in a "property usage" sense, and would, therefore, be required to follow the same procedure as any other guest in order to use the property.

(Ord. No. 29-85, § 1, 7-15-85; Ord. No. 15-92, § 14, 6-15-92; Ord. No. 240-09/10, 6-21-10)

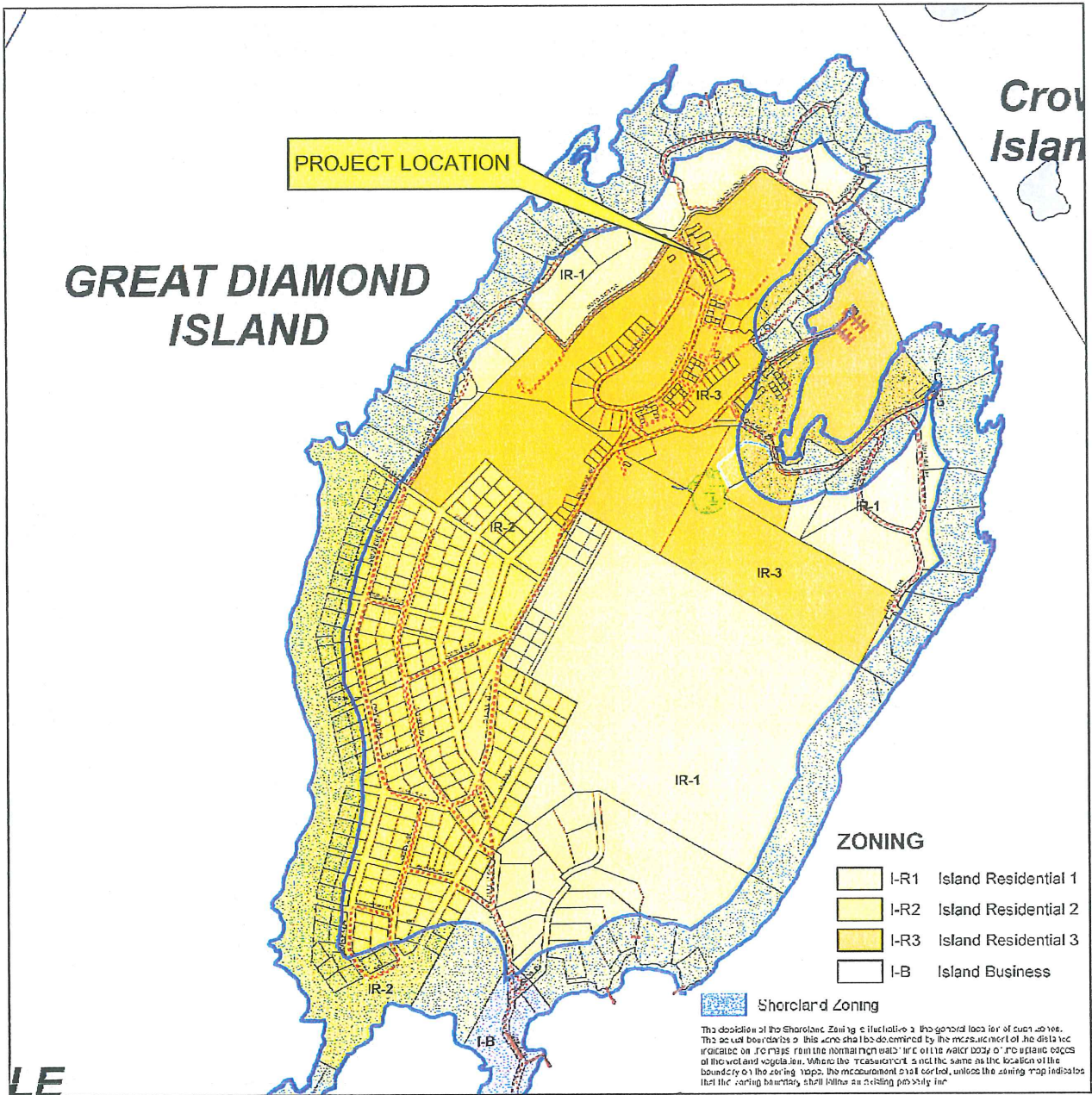
If you have any questions or concerns with our amended application, please let me know and I will address them immediately.

Thank you,



Kevin Gough, Architect
Archetype PA
Portland, ME

- End of Section -
- Attachments Follow -

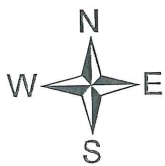


ZONING MAP
THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND - PORTLAND, MAINE
 SOURCE: CITY OF PORTLAND ISLAND ZONING MAP, DECEMBER 2008

DeLuca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207-775-1121
 www.delucahoffman.com

DRAWN: SEB
 CHECKED: JAL
 DATE: DECEMBER 2008
 FILENAME: 2769 ZONING.DWG
 SCALE: 1 inch = 1,000 feet

FIGURE
3



FLOOD MAP
THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND - PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: JAL
DATE: DECEMBER 2008
FILENAME: 2769-FLOOD
SCALE: 1 inch = 1,000 feet

FIGURE

6

December 5, 2008

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Development Review Application Double Barracks (Building 46) – Great Diamond Island

Dear Rick:

Enclosed is our application for Site Plan Review for the proposed renovations to Building No. 46 (Double Barracks) at Diamond Cove, Great Diamond Island. The development entity is The Inn at Diamond Cove, LLC, a Maine limited liability company. Archetype Architects is submitting this application in their stead.

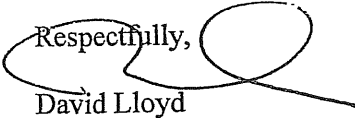
The proposed renovations consist of twenty (20) condominium/hotel units together with some limited common amenities consistent with the operation of a hotel. The following is a summary of the current project status:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties.
2. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.
3. An amendment to the existing site location order for the Diamond Cove Project will also be submitted this month to the Maine D.E.P. to allow the proposed renovations.

The current time line for completion of this project anticipates a May 2009 construction start with a completion date of June 2010.

We look forward to working with this Board to restore the Double Barracks to a productive property which generates real estate taxes and much-needed assessment revenue for the Diamond Cove Homeowners Association.

Respectfully,


David Lloyd
Archetype Architects

(attachments below)

RECEIVED

DEC 5 2008

City of Portland
Planning Division



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: Building 46 Double Barracks Great Diamond Island		
Zone: 1R-3		
Project Name: The Inn at Diamond Cove		
Existing Building Size: 13,629 sq. ft.	Proposed Building Size: 16,510 sq. ft.	
Existing Acreage of Site: 193.4 acres sq. ft.	Proposed Acreage of Site: .08 acres sq. ft.	
Proposed Total Disturbed Area of the Site: sq. ft. *		
* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).		
Tax Assessor's Chart, Block & Lot: Chart # 83E Block # F Lot # 460	Property Owners Name/ Mailing address: The Inn at Diamond Cove, LLC PO Box 3572 Portland, ME 04104	Telephone #: (207) 772-2992 Cell Phone #: (207) 332-1459
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone # : David Lloyd Archetype, PA 48 Union Wharf Portland, ME 04101 (207) 772-6022 (207) 831-8627	Applicant's Name/ Mailing Address: The Inn at Diamond Cove, LLC PO Box 3572 Portland, ME 04104	Telephone #: (207) 772-2992 Cell Phone #: (207) 332-1459
Fee for Service Deposit (all applications) <u> X </u> (\$200.00)		
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
~ Please see next page ~		

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)

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)

Billing Address: (name, address and contact information)

The Inn at Diamond Cove, LLC
 PO Box 3572
 Portland, ME 04104

David Bateman (207) 772-2992

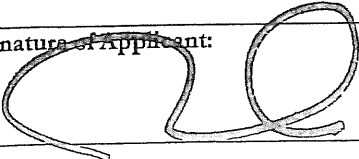
Submittals shall include seven (7) folded packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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 Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 12/5/08
---	---------------

January 9, 2009

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Development Review Application Double Barracks (Building 46) – Great Diamond Island

Dear Rick:

We are submitting our revised and extended application for Development Review on behalf of applicant and owner, The Inn at Diamond Cove, LLC, a Maine limited liability company, for a renovation of and addition to Building No. 46 (Double Barracks) at Diamond Cove, Great Diamond Island.

The building in question is substantially deteriorated and in a state of near abandon. The Double Barracks is planned be fully rehabilitated in accordance with the National Park Service and the Portland Historical Board and shall convert the property to a hotel condominium use together with some limited common amenities consistent with the operations of a hotel. The building itself will house 20 residential units, governed by a newly-formed condominium association. Each of the units shall be considered a "lot" within the Diamond Cove Homeowners Association and will be used for purposes consistent with a residential hotel condominium, including reasonable and customary on-site services limited to the owners, their guests, tenants in residence and members of DCHA. The addition will entail a one story lobby structure in the inner courtyard of the existing building with a three story elevator tower and porch addition on the face of the building in that courtyard.

Located in an IR-3 zone, the addition is a permitted use based upon a Zoning Text Amendment to the Fort McKinley Conditional Zone.

The following is a summary of the current project status:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties.
2. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.
3. An amendment to the existing site location order for the Diamond Cove Project will also be submitted this month to the Maine D.E.P. to allow the proposed renovations.

THE FOLLOWING SUBMISSION ITEMS FOR DEVELOPMENT AND SITE PLAN REVIEW ARE LISTED FOR BOTH STATUS AND APPLICABILITY:

Site Plan Checklist:

1. Standard boundary survey;

Buiding 46 (Double Barracks) was declared as (14) fourteen lots by the declarant as recorded by amended plans recorded on August 22, 2002 in plan book 202, pages 526-528 "Phase I Plan". A copy of that plan is attached as Exhibit I. This plan reflects a building and lot footprint which can be transferred to each individual owner and a dashed line which represents each lot owner's exclusive right to use area (which is part of the Diamond Cove Home Owners Common Space). The Diamond Cove Home Owners Association increased the number of declared lots in Building 46 from (14) fourteen lots to up to a maximum of (22) twenty-two lots by vote of the

association. This vote was recorded in a second amendment to the amended and restated general declaration of covenants and restrictions. A copy of this amendment is attached as Exhibit II. This document was recorded August 28, 2007 at the Cumberland County Register of Deeds.

2. Plans based on the boundary survey including existing soil conditions, water courses, building and grade elevations, building elevation drawings, location of other buildings, on-site waste receptacles, utilities, mains, etcetera;

Included with this application please find one set of "Site Development Plans", prepared by Deluca-Hoffman Associates, the civil engineers for the proposed development. In addition there are included herein architectural plans and building elevations prepared by Archetype Architects. Also see attachment, "Section 14 - Erosion and Sedimentation Control Report".

3. Landscape Plan;

A landscape plan has not been included with this submission. In conformance with the requirements of the National Park Service, the landscape around the building will remain as grass, consistent with the original barrack's design and the current condition (with improvements).

4. Location and intensity of outdoor lighting system;

The outdoor lighting system plan and photometrics is being prepared by our electrical engineer and will be provided as soon as it becomes available.

5. Location of fire hydrants, existing and proposed;

See attached drawing entitled "Existing Hydrant Location" prepared by Deluca-Hoffman Associates. See Exhibit 3, attached.

6. Description of proposed uses to be located on site;

The proposed renovations consist of twenty (20) condominium/hotel units together with some limited common amenities consistent with the operation of a hotel.

7. Quantity and type of residential units;

See Item 6 above.

8. Total land area of the site;

Refer to Item 1 above, as well as to Exhibit I attached.

9. Total floor area, disturbed area, and ground coverage of proposed structure;

The existing structure has a footprint of 13,629 square feet. The proposed total disturbed area of the site is 0.8 acres (34,848 square feet). The ground coverage of the proposed addition to the building is 2,881 square feet.

10. General summary of existing and proposed easements or other burdens;

N/A

11. Type, quantity and method of handling solid waste disposal; *This document is forthcoming.*

12. Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water, and streets;

Water Capacity Letter and Sewer Capacity letters to follow.

13. Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff;

See attachment, "Section 12 - Stormwater Management Report", prepared by Deluca-Hoffman, December 2008.

A R C H I T E C T Y P E

14. An estimate of the time period required for completion of the development;

The current time line for completion of this project anticipates a May 2009 construction start with a completion date of June 2010.

15. A list of all state and federal regulatory approvals to which the development may be subject. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction;

An amended waste water discharge license application has been completed and is pending approval. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.

16. Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved;

See attachment from David A. Bronson, Senior Vice President, TD Banknorth; dated April 29, 2008. In addition, Archetype Architects has designed and completed numerous building projects throughout the city of Portland. See Exhibit 4, attached.

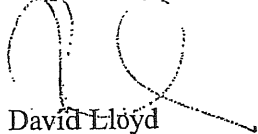
17. Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation;

See attachment, "Warranty Deed", dated November 8, 2006. Exhibit 5.

18. A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site;

There are none, to our knowledge.

Respectfully,



David Lloyd
Archetype Architects

(attachments below)

A R C H E T Y P E

November 18, 2009

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island

Rick:

Given the amount of time that has passed, allow me to re-introduce the Great Diamond Island Project as we request inclusion on the next Planning Board agenda. As you will recall, a workshop was held on January 27 of 2009, the results of which will be addressed here as an amendment to the pre-established Site Plan Application on file with your Department.

The following is a summary of the current project status, with a listing of items provide within this current amendment to our application:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties. A copy of the National Park Service approval letter is attached below.
2. On September 16, 2009 the City of Portland's Historic Preservation Board voted in favor of approval for our application for a Certificate of Appropriateness for the project as presented. The letter from Deborah Andrews is attached below.
3. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to show the location of the nearest fire hydrant as well as the size of the water lines. The building fire protection sprinkler line will be serviced by an existing 6" diameter water main. Attached please find a letter dated May 6, 2009 from the Portland Water District which provides the certification of the ability of the Water District to serve the project. A copy of the ability to serve letter from the Portland Water District is contained in Attachment C of this response letter. The Inn at Diamond Cove will be served by connection to the private sanitary sewer collection system that is treated by the Overboard Discharge System that has a waste discharge license through the MeDEP. The waste discharge license was amended as part of the MeDEP review process. A copy of the amended waste discharge license is contained in an attachment to this response letter.
4. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to reflect the approximate pavement width of the roadway along the front and rear of the building. Any disturbed roadway surface behind the building will be reconstructed with concrete similar to the existing surface.
5. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to indicate a 6' by 15' parking stall for the electric transportation vehicle to transport people from the Inn to the Diamond Cove pier.
6. Pursuant to the bicycle rack requirement, section 14-526(2)(c), the Site Layout & Utility Plan (Sheet C-4) has been revised to reflect bike storage racks sufficient for eight (8) bikes.
7. It is anticipated that all soil materials excavated as part of this project will either be re-used as backfill material or used in fill areas around the pool, etc. It is not anticipated that there will be any surplus excavation material that will need to be disposed off-site.
8. A Landscape Plan has been prepared for the project and is depicted as Sheet C-7 of the plan set.
9. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to provide a summary of the building floor areas and dimensions; the footprint area (sq. ft.) and dimensions of the inn; floor area of the inn; floor area and dimensions of the building addition and elevator; and the footprint and floor area of swimming pool and cabana.
10. The stormwater drainage plan has been revised to eliminate a single stormwater drainage basin and replace with several smaller bioretention basins. The bioretention basins provide water quality treatment as required by the MeDEP under the State Stormwater Law. This change in the stormwater drainage plan was submitted to the MeDEP

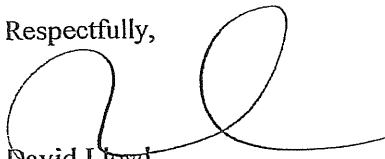
A R C H E T Y P E

- in March of 2009 and approved as part of the Site Location of Development Act Permit Amendment. A copy of the Amended Site Location of Development Act Permit is contained in an attachment to this letter.
11. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to include a unit summary table as well as the designated land areas associated with the exclusive right-to-use area, long-term ground lease area, and permanent drainage & maintenance easement area.
 12. A letter from the General Manager of the Portland Harbor Hotel is attached below, which indicates the manner in which all guest parking will be handled on the mainland. There will be no parking on the island.
 13. It is anticipated that all soil materials excavated as part of this project will either be re-used as backfill material or used in fill areas around the pool, etc. It is not anticipated that there will be any surplus excavation material that will need to be disposed off-site.
 14. The Inn will not have a full kitchen area used for preparing foods, etc., but rather will be limited to serving continental breakfast, etc. that is customary to an Inn in accordance with the requirements set forth in the amended waste discharge license. Preparation of food for events requiring service beyond this will be catered through the Diamond Edge Restaurant.
 15. As a means of satisfying the Board's and Zoning's request for context and area maps of the Island, the cover sheet for the Site Plans contains an excerpt of the USGS Map that depicts the location of the Inn on the Diamond Island, and within the context of the Fort McKinley plan.
 16. The outdoor lighting system plan and photometrics is being prepared by our electrical engineer and will be provided as soon as it becomes available.
 17. The current time line for completion of this project anticipates a May 2010 construction start with a completion date of June 2011.
 18. In response to Comments from Dan Goyette, P.E. of Woodard Curran dated December 30, 2008, a copy of the test pit logs prepared by Albert Frick Associates has been added to Sheet C-3 of the plan set.
 19. The storm drain system for the project has been revised from the original site plan submission to the City. The current design includes the use of shallow nyloplast yard inlets without the need for hooded outlets. The detail for the catch basins has been revised on Sheet C-9 of the plan set.
 20. As requested by Dan Goyette, P.E., the Grading & Drainage Plan (Sheet C-5) has been revised to identify the pipe materials.

As can be seen from the above listing, our project team finds itself in conformance with the outstanding issues which our records indicate were addressed in our previous Planning Board Workshop. We seek to be included on an upcoming agenda for another workshop in order that we can move forward in the process towards an approved site plan.

We thank you for your time and your attention to the project. We are available any time to clarify or discuss these items.

Respectfully,



David Lloyd
Archetype Architects

(attachments below)

ATT 2-E-1

Appendix C 1



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

September 9, 2009

Diamond Cove Homeowners Assoc and The Inn at Diamond Cove, LLC
Attn: Aaron Bateman
P.O. Box 759
Saco, ME 04072

STATE SECTION

RE: **Final Permit:** Maine Waste Discharge License (WDL) Application #W006931-5C-F-R
Maine Pollutant Discharge Elimination System Permit #ME0023248

Dear Mssrs. Whelan and Bateman:

Enclosed please find a copy of your **final** MEPDES permit/Maine Waste Discharge License which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months. However, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-3901.

Sincerely,

Michael Demarest
Division of Water Quality Management
Bureau of Land and Water Quality

Enc. Final Permit

cc: Stuart Rose, DEP/SMRO
Mary Beth Richardson SMRO
Robert Whelan, President, DCHA
Aaron Bateman, Phoenix Mgmt.
Joseph Laverriere, P.E

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

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

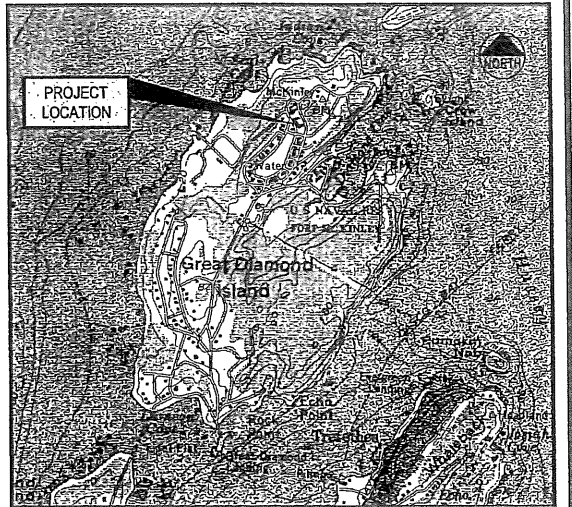
PORTLAND
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6300
FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DR., SKYWAY PK.
PRESQUE ISLE, ME 04769-2094
(207) 764-6477
FAX: (207) 764-1507

ATT 2-C-1

PROJECT PARCEL SITE
 PORTLAND TAX ASSESSOR'S MAP & LOT NUMBERS
 MAP 83-E BLOCK E LOT 460

SITE DEVELOPMENT PLANS FOR THE INN AT DIAMOND COVE GREAT DIAMOND ISLAND PORTLAND, MAINE JANUARY 2012



LOCATION MAP
 N.T.S.

OWNER/APPLICANT:
 The Inn at Diamond Cove LLC
 c/o Baleman Partners LLC
 P.O. Box 3572
 Portland, Maine 04104
 TEL: 207.772.2992
 FAX: 207.772.1881

INDEX

- C-1 COVER SHEET
- C-2 GENERAL NOTES & LEGEND
- C-3 EXISTING CONDITIONS & DEMOLITION PLAN
- C-4 SITE LAYOUT & UTILITY PLAN
- C-5 OVERALL GRADING, DRAINAGE & EROSION CONTROL PLAN
- C-6 DETAILED GRADING PLAN (10 SCALE)
- C-7 LANDSCAPE PLAN
- C-8 EROSION CONTROL DETAILS & NARRATIVE
- C-9 SITE DETAILS
- C-10 SITE DETAILS

UTILITIES

- WATER**
 ATTN: RICO SPUGNARDI
 PORTLAND WATER DISTRICT
 225 DOUGLASS STREET
 P.O. BOX 3553
 PORTLAND, MAINE 04104-3553
 TEL: 207.761.8310
- SEWER**
 CITY OF PORTLAND
 PUBLIC WORKS ENGINEERING DEPT.
 55 PORTLAND STREET
 PORTLAND, MAINE 04102
 TEL: 207.874.8840
- POWER**
 ATTN: JEFF HANSCOM
 CENTRAL MAINE POWER COMPANY
 162 CANCO ROAD
 PORTLAND, MAINE 04103
 TEL: 207.791.1023
- TELEPHONE**
 ATT: SUE SERRETTE
 FAIRPOINT COMMUNICATIONS
 ONE DAVIS FARM ROAD
 PORTLAND, MAINE 04103
 TEL: 207.797.1842
- NATURAL GAS**
 ATTN: MIKE SMITH
 NORTHERN UTILITIES, INC.
 1075 FOREST AVENUE
 PORTLAND, MAINE 04103
 TEL: 207.797.8002 EXT. 6220

PERMITS

- LOCAL**
 SITE PLAN PERMIT
 GOVERNING BODY
 CITY OF PORTLAND PLANNING AUTHORITY
 CITY OF PORTLAND PLANNING AND URBAN DEVELOPMENT DEPARTMENT
 389 CONGRESS STREET
 PORTLAND, MAINE 04101
 TEL: 207.874.8883
 STATUS
 PRELIMINARY SUBMISSION JANUARY 2, 2012
- BUILDING PERMIT**
 CITY OF PORTLAND CODE ENFORCEMENT OFFICE
 PLANNING AND URBAN DEVELOPMENT DEPARTMENT
 389 CONGRESS STREET
 PORTLAND, MAINE 04101
 TEL: 207.874.8883
 TO BE FILED PRIOR TO CONSTRUCTION
- STATE**
 SITE LOCATION OF DEVELOPMENT PERMIT AMENDMENT
 GOVERNING BODY
 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
 312 CANCO ROAD
 PORTLAND, MAINE 04103
 TEL: 207.822.6300
 STATUS
 SUBMITTED MARCH 12, 2009
 APPROVED SEPTEMBER 23, 2009
- MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES)**
 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
 312 CANCO ROAD
 PORTLAND, MAINE 04103
 TEL: 207.822.6300
 SUBMITTED MARCH 12, 2009
 APPROVED SEPTEMBER 23, 2009
- COMMERCIAL WASTEWATER DISCHARGE LICENSE**
 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
 STATE HOUSE STATION 17
 AUGUSTA, MAINE 04333-0017
 TEL: 207.287.2111
 SUBMITTED DECEMBER 31, 2008
 APPROVED SEPTEMBER 15, 2009

PREPARED BY

- ARCHITECT**
 Archetype, P.A.
 48 UNION WHARF
 PORTLAND, MAINE 04101
 TEL: 207.772.6022
 FAX: 207.772.4056
 ATTN: DAVID LLOYD
- CIVIL ENGINEER:**
 DeLuca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, MAINE 04106
 TEL: 207.775.1121
 FAX: 207.879.0896
- TOPOGRAPHIC SURVEY:**
 DeLuca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, MAINE 04106
 TEL: 207.775.1121
 FAX: 207.879.0896

PRELIMINARY - NOT FOR CONSTRUCTION

I HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE AND THAT I AM COMPETENT TO PREPARE THIS DOCUMENT.

		PROJECT THE INN AT DIAMOND COVE SHEET TITLE COVER SHEET CLIENT THE INN AT DIAMOND COVE LLC	DeLUCA-HOFFMAN ASSOCIATES, INC. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM																																	
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2-C-2

GENERAL NOTES:

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF ALL REGULATIONS ADMINISTERED BY THE LOCAL UTILITY COMPANIES AND THE CITY OF PORTLAND.
- THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF THE ENTRANCES, PAVING, EXITS, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY ENTRANCE POINTS.
- ALL REQUIRED AND NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL SERVICE CONNECTIONS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE (1-888-DIGSAFE). IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ONSITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO PROJECT CONTRACT SPECIFICATIONS, AND THE CITY OF PORTLAND TECHNICAL STANDARDS, WHICHEVER IS MORE STRINGENT.
- THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED IN THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THE PLAN AND ALL THE PROPERTY WHICH APPEARS IN THE RECORD OF THE PLANNING BOARD PROCEEDINGS ARE CONDITIONS OF THE APPROVAL. NO CHANGE FROM THE CONDITIONS OF APPROVALS IS PERMITTED UNLESS AN AMENDED PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING AUTHORITY.
- THE CONTRACTOR OR DEVELOPER IS REQUIRED TO NOTIFY THE CITY OF PORTLAND PUBLIC WORKS INSPECTION SERVICES DIVISION (874-8300 EXT. 8838), CODE ENFORCEMENT OFFICE AND DEVELOPMENT REVIEW COORDINATOR IN WRITING THREE (3) DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION. SHOULD THE IMPROVEMENTS BE OF SIGNIFICANT CONCERN OR IN A SENSITIVE AREA, A PRECONSTRUCTION MEETING MAY BE REQUIRED AT THE DISCRETION OF THE PUBLIC WORKS AUTHORITY OR DEVELOPMENT REVIEW COORDINATOR.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE. THE DEVELOPER, OR AN AUTHORIZED AGENT, MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- WARNING SIGNS, MARKERS, BARRICADES OR FLAGMEN MUST BE EMPLOYED ON ADJACENT STREETS AS NECESSARY.
- CONSTRUCTION DEBRIS SHALL BE CONTAINERIZED AND DISPOSED OF IN ACCORDANCE WITH THE CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 12.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO INSURE INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT.

SITE LAYOUT & LANDSCAPE NOTES:

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE EDGE OF PAVEMENT OR THE FACE OF THE BUILDING.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

EROSION CONTROL NOTES:

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED DURING CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
- PRIOR TO PAVING, THE CONTRACTOR SHALL FLUSH SILT FROM ALL STORM DRAIN LINES.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
- SILT REMOVED FROM AROUND INLETS AND BEHIND THE SILT FENCES SHALL BE PLACED ON A TOPSOIL STOCKPILE AND MIXED INTO IT FOR LATER USE IN LANDSCAPING OPERATIONS.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITEE.
- ALL STORM DRAIN INLETS AND OUTLETS NOT IN PAVED AREAS ARE TO RECEIVE RIPRAP PROTECTION APRONS DURING CONSTRUCTION.

UTILITY NOTES:

- ALL WATER UTILITY MATERIALS AND INSTALLATION METHODS SHALL CONFORM TO THE PORTLAND WATER DISTRICT STANDARDS & THE MAINE STATE PLUMBING CODE. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARD C651, LATEST REVISION.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ELECTRIC WITH CENTRAL MAINE POWER COMPANY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TOTAL INSTALLATION OF THE OVERHEAD AND UNDERGROUND SERVICE INCLUDING, BUT NOT LIMITED TO, ALL TRENCHING, CONDUIT, PRIMARY AND SECONDARY CABLES, TERMINATORS, CONNECTORS, PULL WIRES, SPARE CONDUIT, JUNCTION MANHOLES AND APPURTENANCES.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF TELEPHONE WITH FAIRPOINT COMMUNICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUITS, EXCAVATION, BACKFILL, JUNCTION BOXES, APPURTENANCES AND SCHEDULING THE INSTALLATION OF THE SERVICE.
- SANITARY SEWER PIPE SHALL BE POLYVINYL CHLORIDE PIPE MEETING THE REQUIREMENTS OF SDR-35 FOR GRAVITY PIPE AND DR 21 FOR PRESSURE LINES, UNLESS OTHERWISE NOTED ON THE PLANS. ALL SEWER UTILITY MATERIALS AND INSTALLATION METHODS SHALL CONFORM TO CITY OF PORTLAND STANDARDS.
- ALL STORM DRAIN PIPE SHALL BE SMOOTH BORE INTERIOR PROVIDING A MANNINGS COEFFICIENT OF n = 0.012 OR LESS.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW LINE	---
---	CONSTRUCTION BASELINE	---
○ 3/4" IR	IRON PIPE/ROD FOUND	---
△ CP-6	SURVEY CONTROL POINT	---
○ RS	IRON ROD SET	---
○ PKF/PKS	P.K. NAIL FOUND/SET	---
⊕	TEST PIT	---
⊕	TEST BORING	---
⊕	TEST PROBE	---
---	TREELINE	---
☀	EVERGREEN TREE	☀
☀	DECIDUOUS TREE	☀
☀	SHRUB	☀
---	SIGN	---
---	LIMIT OF WORK	---
---	CHAIN LINK FENCE	---
---	LIGHT POST	---
---	UTILITY POLE	---
---	GUY WIRE	---
---	ELECTRIC CONTROL BOX	---
---	GRADING CONTOUR LINE	---
---	GRADING SPOT GRADE	---
---	SILT FENCE	---
---	CATCH BASIN SEDIMENT TRAP	---
---	BUILDING	---
---	BUILDING SETBACK	---
---	EDGE OF PAVEMENT	---
---	FIRE HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	WATER GATE/VALVE	---
---	OVERHEAD WIRES	---
---	WATER LINE	---
---	STORM DRAIN LINE	---
---	SANITARY SEWER LINE	---
---	UNDERGROUND ELECTRIC/TELEPHONE	---
---	GAS MAIN	---
---	CONCRETE PAVEMENT	---
---	PAVERS	---
---	BITUMINOUS PAVEMENT	---
---	DECK	---
---	RIPRAP	---
---	LEDGE	---

PRELIMINARY - NOT FOR CONSTRUCTION

<p>PROJECT: THE INN AT DIAMOND COVE</p> <p>SHEET TITLE: GENERAL NOTES & LEGEND</p> <p>CLIENT: THE INN AT DIAMOND COVE LLC</p>				<p>DeLUCA-HOFFMAN ASSOCIATES, INC. 776 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.776.1121 WWW.DELUCAHOFFMAN.COM</p>														
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>01.02.12</td> <td>RESUBMITTED TO CITY OF PORTLAND</td> </tr> <tr> <td>3</td> <td>11.11.09</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> <tr> <td>2</td> <td>03.12.09</td> <td>SUBMITTED TO M&DEP</td> </tr> <tr> <td>1</td> <td>12.05.08</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> </tbody> </table>					REV	DATE	DESCRIPTION	4	01.02.12	RESUBMITTED TO CITY OF PORTLAND	3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	2	03.12.09	SUBMITTED TO M&DEP	1	12.05.08
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R:\2769 Diamond Cove\Cadd\dwg\permit set\2769-GEN.dwg, C2 GEN NOTES, 12/21/2011 3:41:46 PM, whittemute

2-C-3

THE SURFICIAL TEST PITS (AF TP 1) SHOWN ON THIS PLAN WERE PERFORMED AND EVALUATED BY ALBERT FRICK, C.S.S. #66, S.E. #163, OF ALBERT FRICK ASSOCIATES, INC., GORHAM, MAINE. THE SURFICIAL TEST PITS WERE GPS LOCATED BY ALBERT FRICK ASSOCIATES, INC. THE RESULTS OF THE TEST PITS ARE SHOWN ON THIS SHEET.

APPROXIMATE LOCATION OF EXCLUSIVE RIGHT-TO-USE AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527)

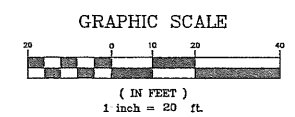
SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)	
Observation Hole: AF TP 1	Test Pit: []
Depth of Sample: []	Soil Name: []
Texture: []	Consistency: []
Color: []	Mottling: []
Remarks: []	Remarks: []

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)	
Observation Hole: AF TP 2	Test Pit: []
Depth of Sample: []	Soil Name: []
Texture: []	Consistency: []
Color: []	Mottling: []
Remarks: []	Remarks: []

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)	
Observation Hole: AF TP 3	Test Pit: []
Depth of Sample: []	Soil Name: []
Texture: []	Consistency: []
Color: []	Mottling: []
Remarks: []	Remarks: []

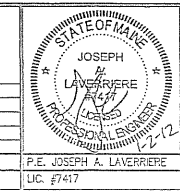
KEY

- EXISTING CONCRETE TO BE REMOVED
- EXISTING TREES/BRUSH TO BE REMOVED



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
5	01.02.12	RESUBMITTED TO CITY OF PORTLAND
4	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
3	03.12.09	SUBMITTED TO M&S/P
2	01.15.09	REVISED PER INTERNAL REVIEW
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT
THE INN AT DIAMOND COVE

SHEET TITLE
EXISTING CONDITIONS & DEMOLITION PLAN

CLIENT
THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
776 MANN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELOCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: 1" = 20'
CHECKED: JAL JOB NO.: 2769
FILE NAME: 2769-SP
SHEET: C-3

R:\2769 Diamond Cove\cadd\wgj\permit.dwg(2769-SP).DWG, C-3 DEMO PLAN, 12/21/2011 3:42:23 PM, cwininterm

LAYOUT DATA TABLE:

PT. #	DESCRIPTION	NORTHING	EASTING
1	SURVEY CONTROL PT.	N 10000	E 10000
2	SURVEY CONTROL PT.	N 9978.622	E 9913.5874
3	SURVEY CONTROL PT.	N 9734.6052	E 9916.5934
4	BUILDING CORNER	N 9791.7564	E 9907.6251
5	BUILDING CORNER	N 9826.811	E 9884.3529

SITE LAYOUT NOTES:

1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE EDGE OF PAVEMENT OR THE FACE OF THE BUILDING.

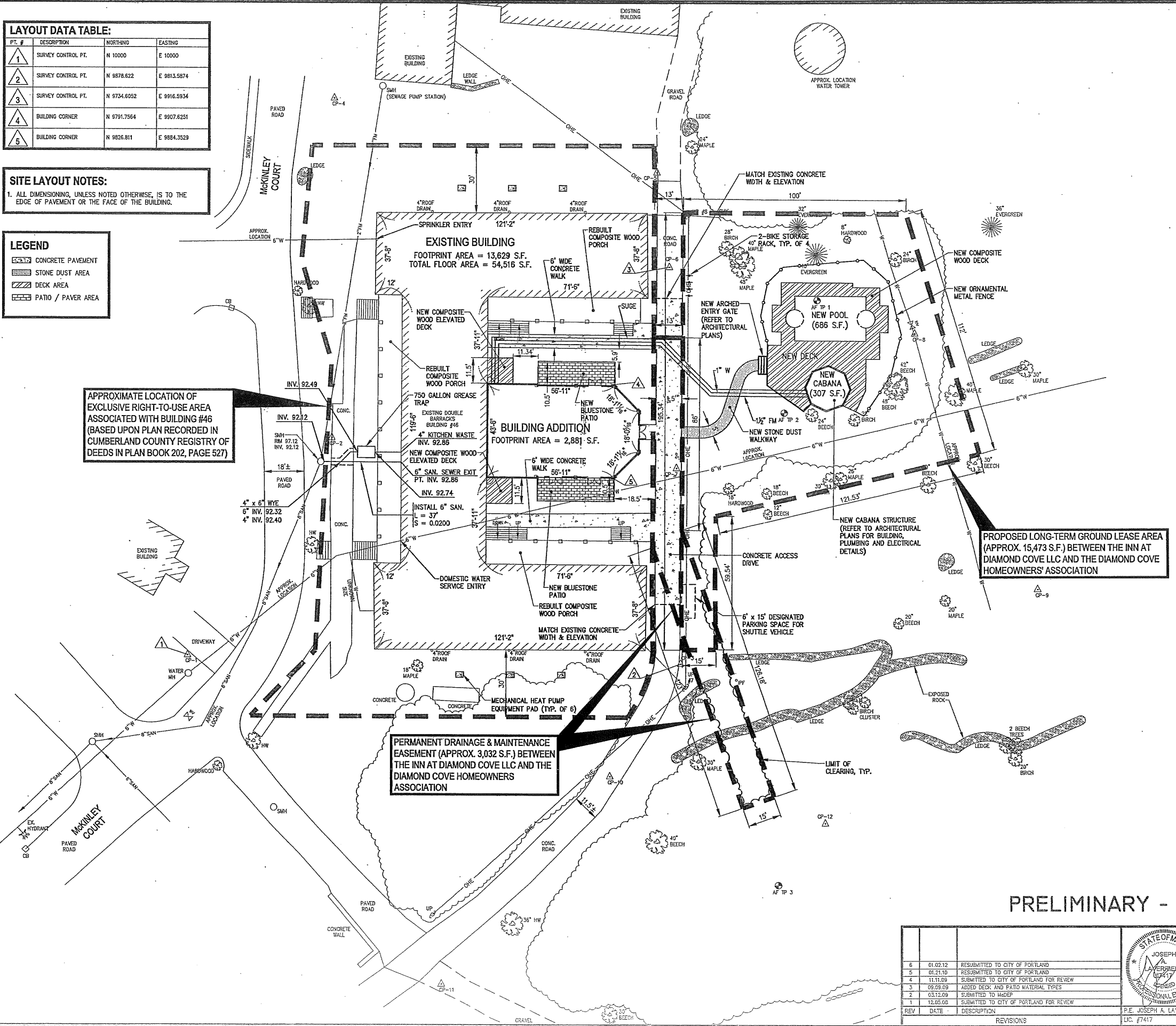
LEGEND

	CONCRETE PAVEMENT
	STONE DUST AREA
	DECK AREA
	PATIO / PAVER AREA

APPROXIMATE LOCATION OF EXCLUSIVE RIGHT-TO-USE AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527)

PERMANENT DRAINAGE & MAINTENANCE EASEMENT (APPROX. 3,032 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION

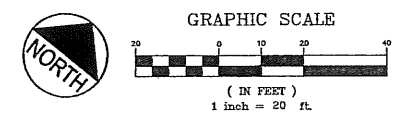
PROPOSED LONG-TERM GROUND LEASE AREA (APPROX. 15,473 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION



- CONDITIONAL ZONING AMENDMENT**
- As the Board will recall, last year the Planning Board forwarded a recommendation to the City Council regarding amendments to the existing IR-3 zone to allow the conversion of the Double Barracks and Hospital building into residential hotel condominiums (hotelmintimums). The complete text of the enacted amendments is shown on Attachment 1-C. The amendments established a definition for the residential hotel condominium use (hotelmintimums) and allowed up to 20 condominium units with up to 16 lock-out units in the Double Barracks building. The text also referenced a pool and cabana services building to the rear of the Double Barracks building as depicted on the site plan.
- Other Provisions**
3. Disposal of Solid Waste...Applicant is responsible for disposing of solid waste associated with this use privately on the mainland or if in the opinion of the city, it would not create an unreasonable burden, at a municipal island solid waste disposal facility.
 4. Fire Protection...Buildings shall be fully sprinkled and a central fire alarm system shall be installed.
 5. Transportation Services...Ferry service for the project is intended to be from and between the Portland Waterfront and the Diamond Cove Pier. The owner/manager shall not provide motorized ground transportation off the Ft. McKinley project site. Guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the southerly pier except in the event of an emergency. All such transportation shall conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The owner/manager shall conspicuously post, and keep posted in each hotel minimum units at the premises, a written notice of the applicable ordinances, rules and regulations.
 6. Sanitary Waste...The Applicant is obligated to involve the City in all aspects of its sanitary waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the city in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the city unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

SUMMARY OF PROPOSED INN CONDOMINIUM UNITS

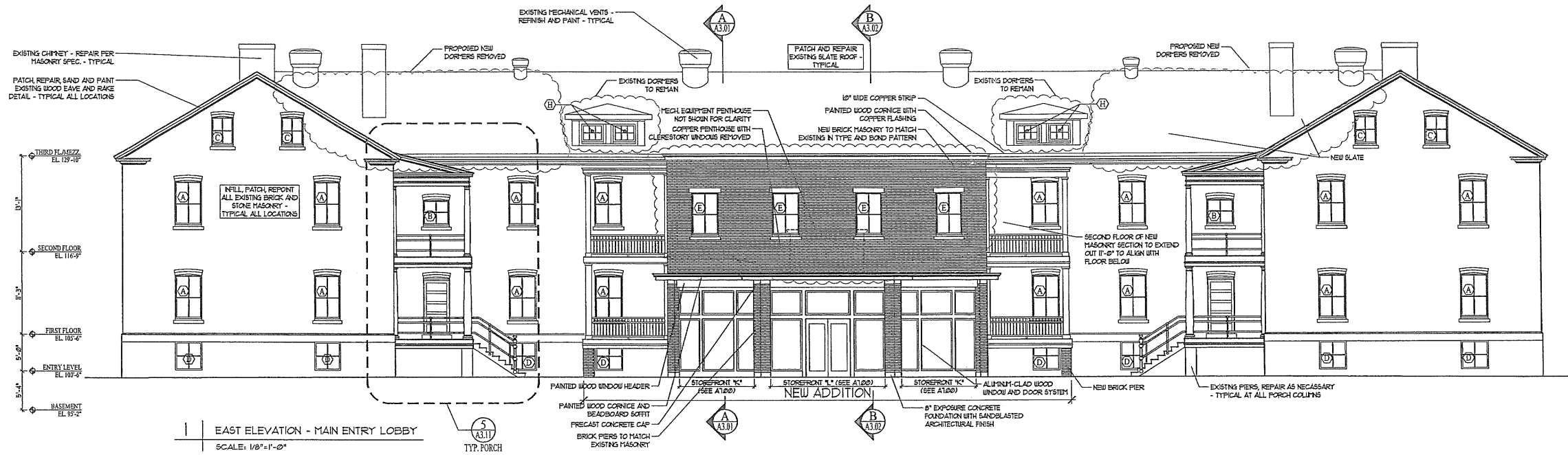
FLOOR	UNIT NUMBER	LOCKOUT UNIT (Y/N)
BASEMENT/FIRST FLOOR	101	Y
BASEMENT/FIRST FLOOR	102	Y
BASEMENT/FIRST FLOOR	103	Y
BASEMENT/FIRST FLOOR	106	Y
BASEMENT/FIRST FLOOR	108	Y
BASEMENT/FIRST FLOOR	110	Y
BASEMENT/FIRST FLOOR	111	Y
BASEMENT/FIRST FLOOR	112	Y
FIRST	104	Y
FIRST	105	Y
FIRST	107	Y
FIRST	109	Y
SECOND FLOOR	201	Y
SECOND FLOOR	202	Y
SECOND FLOOR	203	Y
SECOND FLOOR	205	Y
SECOND FLOOR	207	Y
SECOND FLOOR	208	Y
SECOND FLOOR	209	Y
SECOND FLOOR	210	Y
SECOND/THIRD FLOOR	204	Y
SECOND/THIRD FLOOR	206	Y
TOTAL UNITS 22	TOTAL LOCKOUTS 22	



PRELIMINARY - NOT FOR CONSTRUCTION

R:\172709 Diamond Cove\cadd\dwg\Permit\172709-SP-DWG_C-4 SITE & UTILITY_12/21/2011 3:42:52 PM.cwh\msh

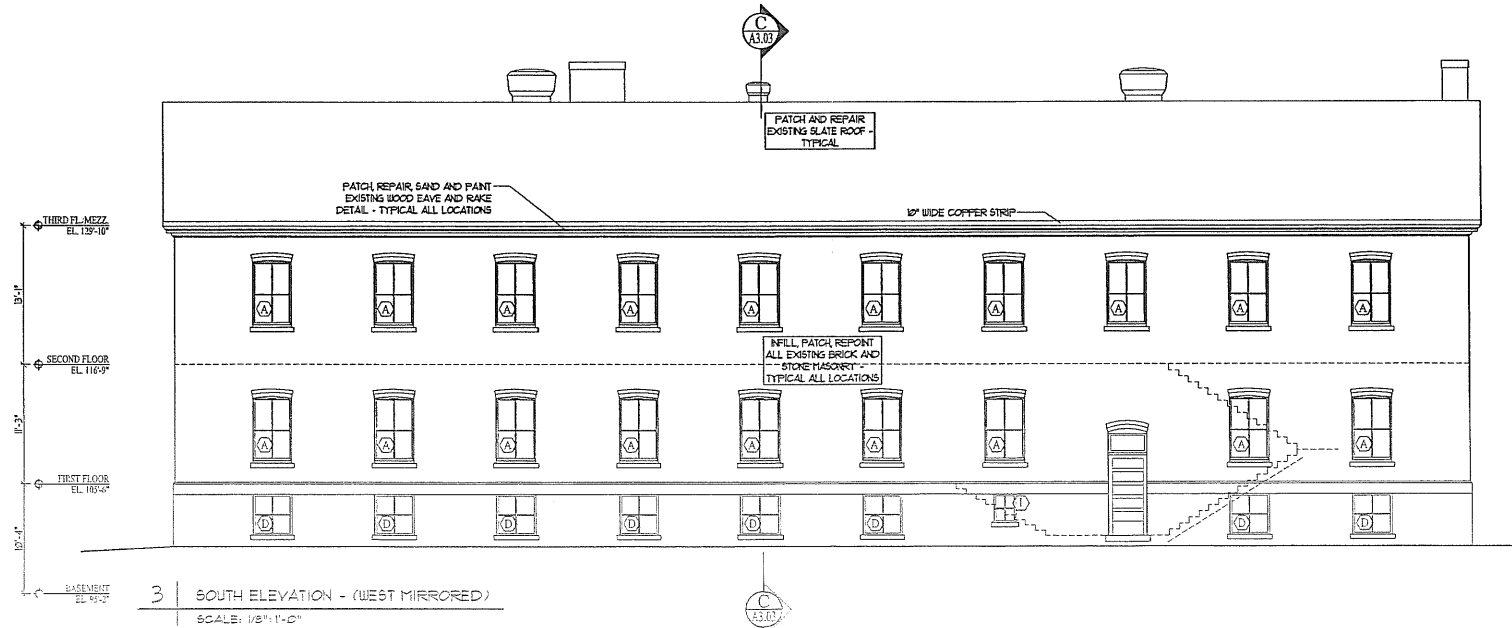
<p>PROJECT: THE INN AT DIAMOND COVE</p> <p>SHEET TITLE: SITE LAYOUT & UTILITY PLAN</p> <p>CLIENT: THE INN AT DIAMOND COVE LLC</p>			<p>DeLUCA-HOFFMAN ASSOCIATES, INC.</p> <p>178 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106</p> <p>207.775.1121</p> <p>WWW.DELUCA-HOFFMAN.COM</p>																						
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<p>DRAWN: CDD DATE: DEC. 2008</p> <p>DESIGNED: JAL SCALE: 1" = 20'</p> <p>CHECKED: JAL JOB NO. 2769</p> <p>FILE NAME: 172709-SP</p> <p>SHEET: C-4</p>																									



1 EAST ELEVATION - MAIN ENTRY LOBBY
SCALE: 1/8" = 1'-0"



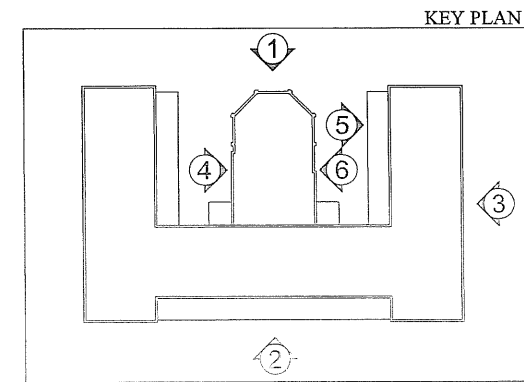
2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION - (WEST MIRRORRED)
SCALE: 1/8" = 1'-0"

LEGEND

BUILDING SECTION	(X AXX)
WALL SECTION	(X AXX)
SECTION DETAIL	(X AXX)
PLAN DETAIL	(X AXX)
WALL TYPE (SEE SHEET A4.01)	(WX)
FLOOR/CEILING TYPE (SEE SHEET A4.02)	(FX)



2-D-6

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
209 BATTERY STREET BURLINGTON, VERMONT 05401 USA
Phone 802.656.2775 Fax 802.227.1076
ARCHITECTURE | INTERIOR DESIGN | truexculins.com

Architect:
ARCHETYPE architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
THE INN AT DIAMOND COVE, LLC
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
Planning Board Amendment 12-15-11

Date:
12 January 2011

Scale:
1/8" = 1'-0"

BUILDING ELEVATIONS

A2.01

2-D-5

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
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Phone: 802.656.2775 BOO.227.1076
ARCHITECTURE | INTERIOR DESIGN | truexculins.com

Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-8022 Fax (207) 772-4056

Project:
**THE INN AT
DIAMOND COVE,
LLC**
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
Planning Board Amendment 12-15-11

Date: 12 January 2011
Scale: 1/8" = 1'-0"
ROOF PLAN

A1.04

LEGEND

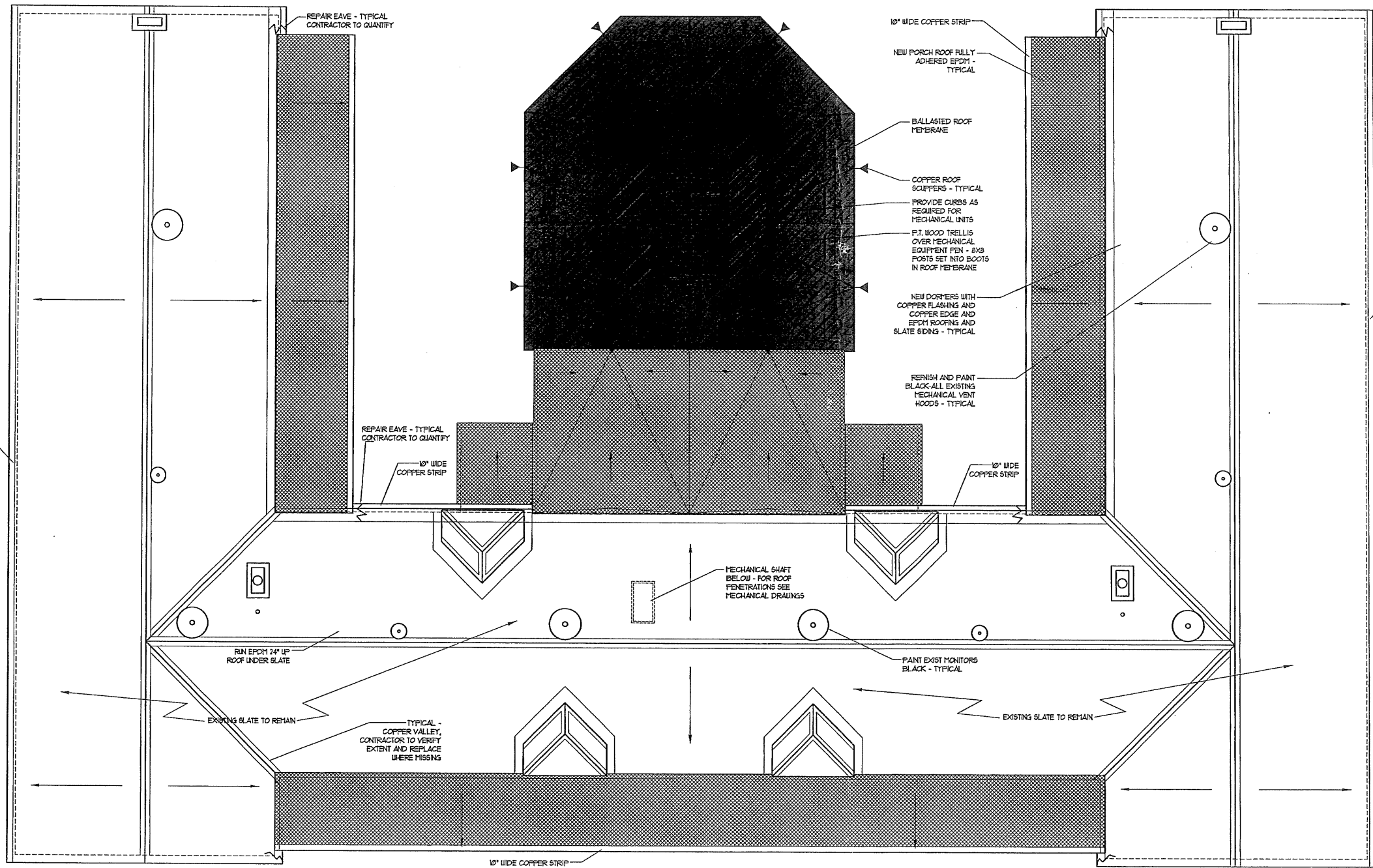
- BUILDING SECTION
- WALL SECTION
- SECTION DETAIL
- PLAN DETAIL
- WALL TYPE (SEE SHEET A4.01)
- FLOOR/CEILING TYPE (SEE SHEET A4.02)

GENERAL NOTES:

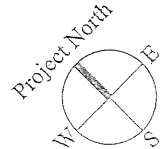
- I. ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
2. OFFSET STUDS WHERE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1 AND 2 LAYERS OF GYP BOARD. FINISHED GYP BOARD SHALL BE A CONTINUOUS PLANE.
3. ALL DIMENSIONS ARE TO FACE OF ROUGH FRAMING, COLUMN CENTERLINES AND FACE OF MASONRY.
4. SEE A4.00 FOR WALL TYPE ASSEMBLIES
5. SEE A1.00 FOR DOOR/FINISH SCHEDULES
6. SEE A6.00 FOR ENLARGED UNIT PLANS AND INTERIOR DETAILS.
7. INFILL, REPAIR & REPOINT EXISTING MASONRY. TYPICAL ALL EXISTING MASONRY.
8. PROVIDE WOOD BLOCKING AT ALL LOCATIONS OF CONNECTION OF NEW FRAMING TO EXISTING MASONRY.
9. PATCH AND REPAIR WOOD FLOOR STRUCTURE AS INDICATED ON STRUCTURAL DRAWINGS AND AS NECESSARY.
10. PORCHES REBUILT AND DETAILED ON SHEET A3.02.
- II. SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.

MATERIAL LEGEND

- BALLASTED EPDM
- FULLY ADHERED EPDM









NOTE:
RE-USE ALL EXISTING SLATE THAT HAS BEEN SALVAGED AS FAR AS POSSIBLE, THEN USE NEW SLATE TO MATCH EXISTING



2-0-4

LEGEND

- BUILDING SECTION 
- WALL SECTION 
- SECTION DETAIL 
- PLAN DETAIL 
- WALL TYPE
(SEE SHEET A4.01) 
- FLOOR/CEILING TYPE
(SEE SHEET A4.02) 

GENERAL NOTES:

- I. ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
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Prepared For:
The Inn at Diamond Cove, LLC.
 PO BOX 3572
 PORTLAND, ME 04101

Interior Designer:
truexculins
 INTERIORS
 209 BATTERY STREET BURLINGTON, VERMONT 05401 USA
 Phone 802.666.2775
 ARCHITECTURE | INTERIOR DESIGN | truexculins.com

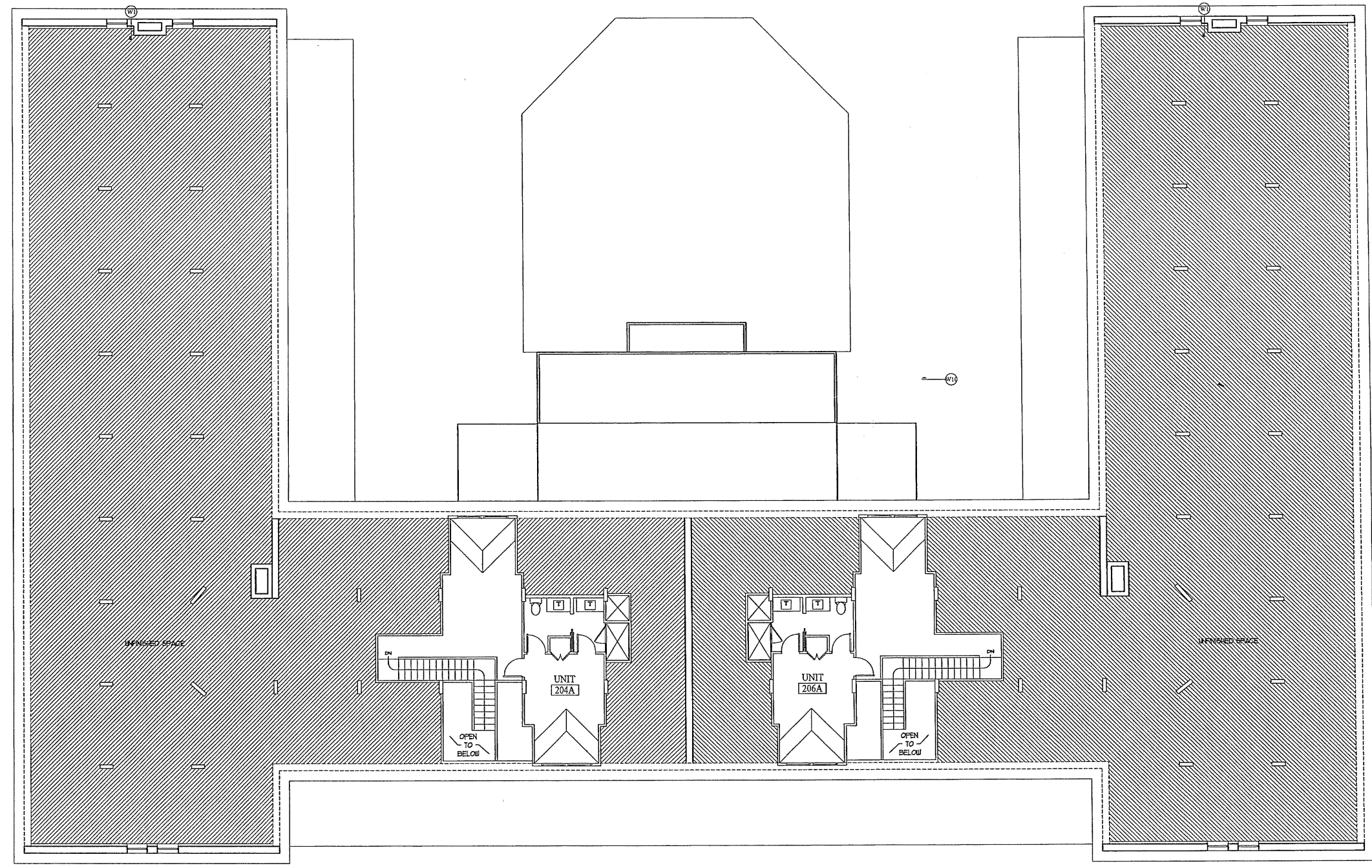
Architect:
ARCHITYPE
 architects
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

Project:
**THE INN AT
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 MCKINLEY COURT
 GREAT DIAMOND ISLAND, MAINE

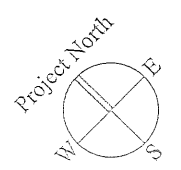
Revisions:
 Planning Board Amendment 12-15-11

Date: 12 January 2011
 Scale: 1/8" = 1'-0"
THIRD FLOOR PLAN

A1.03



 UNFINISHED ATTIC AREA CLOSED CELL FOAM CEILING INSULATION IN THIS AREA TO BE PAINTED WITH INTU-ESCENT PAINT



2-D-2

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
208 BATTERY STREET BURLINGTON, VERMONT 05401 USA
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MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
Planning Board Amendment 12-15-11

Date:
12 January 2011

Scale:
1/8" = 1'-0"

FIRST FLOOR PLAN

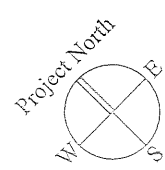
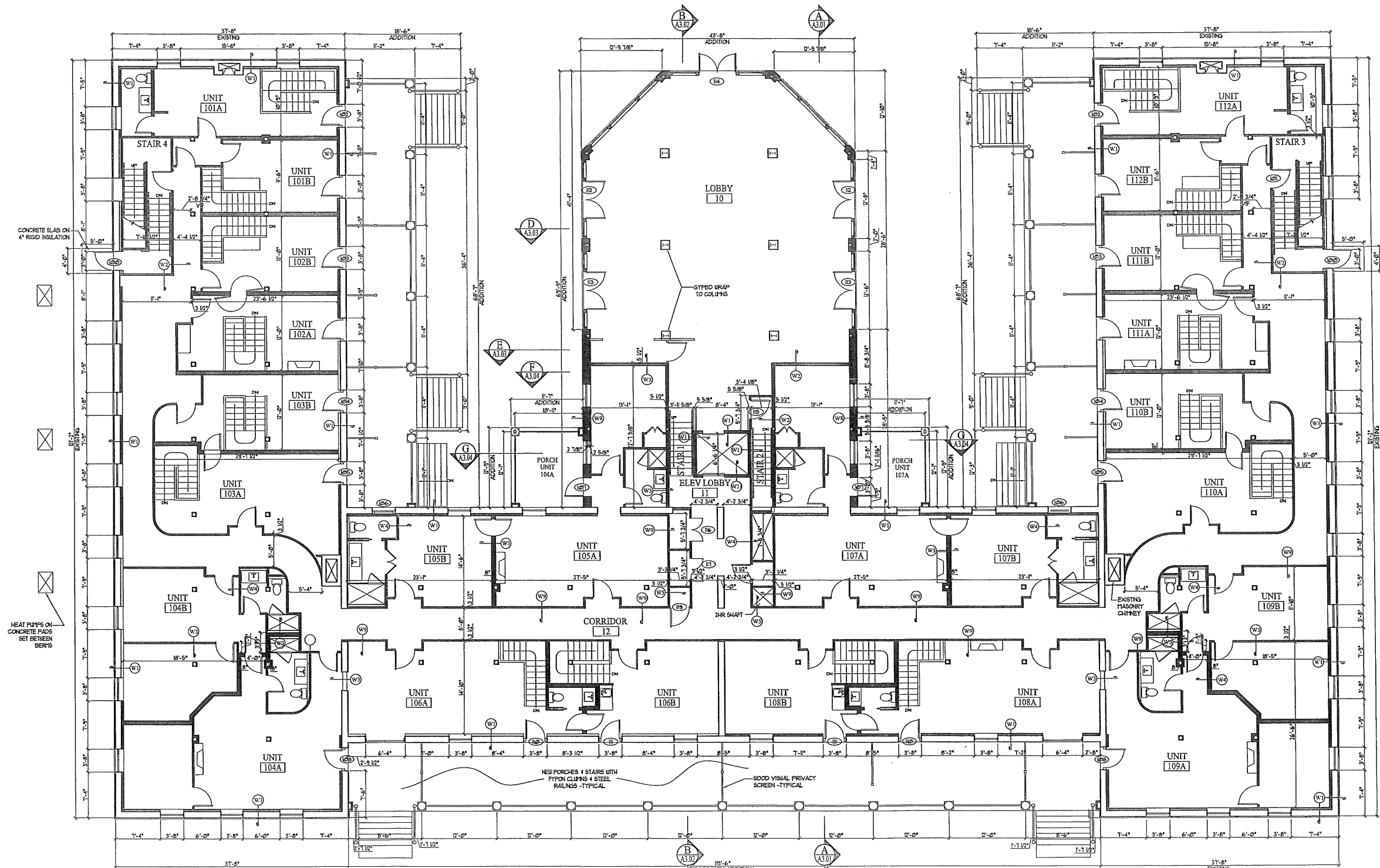
A1.01

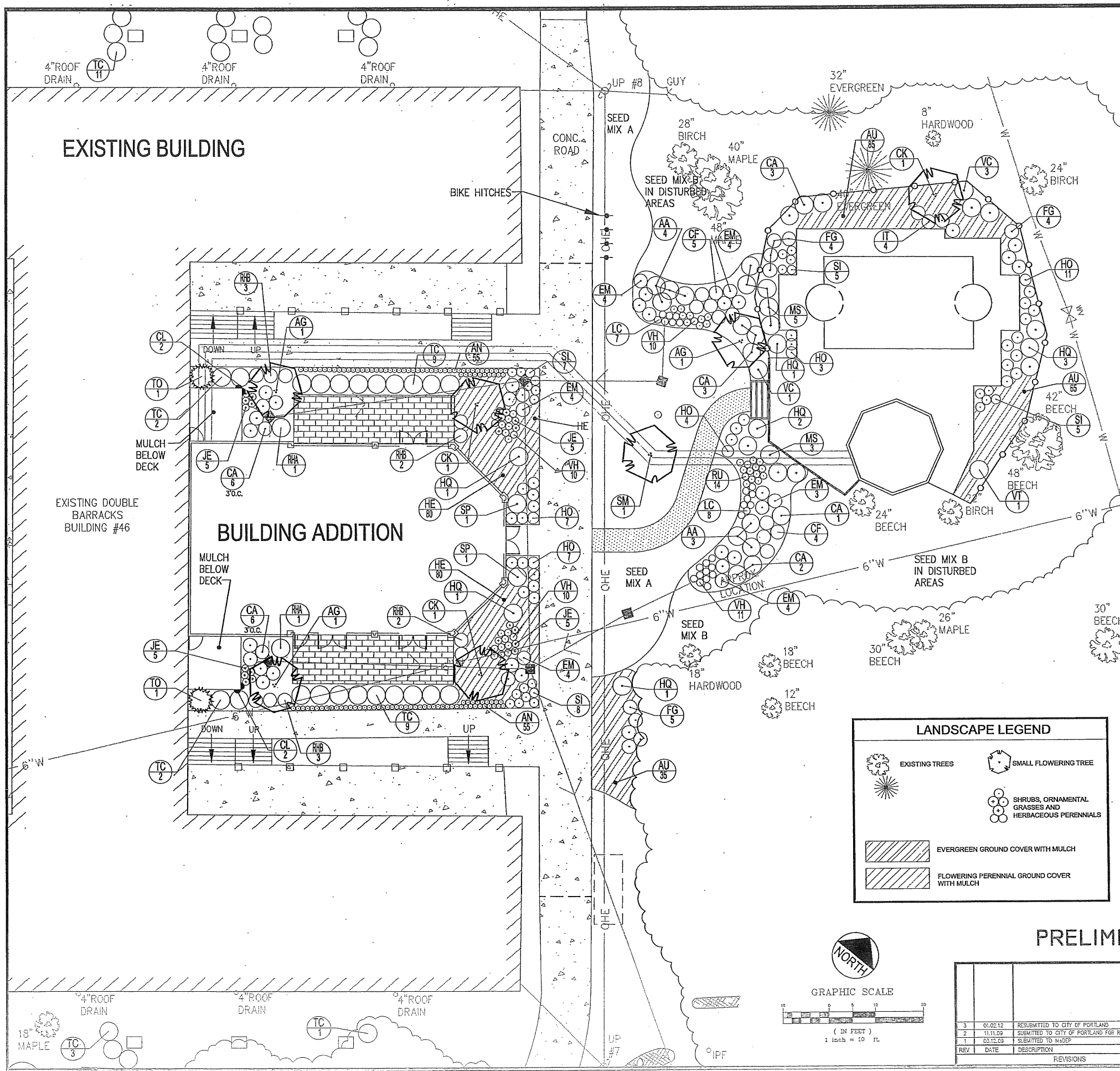
LEGEND:

BUILDING SECTION	
WALL SECTION	
SECTION DETAIL	
PLAN DETAIL	
WALL TYPE (SEE SHEET A4.02)	
FLOOR/CEILING TYPE (SEE SHEET A4.02)	
NEW WALL - STUD 4 GYP. BD.	
NEW MASONRY INFILL	
EXISTING WALL	

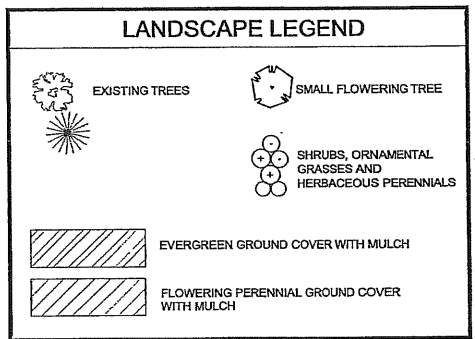
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- PORCHES REBUILT AND DETAILED ON SHEET A3.02.
- SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.
- WHERE EXISTING MASONRY IS REMOVED, REPAIR ALL CUTTING WITH BRICK AND JOINTING TO FINISH AS NECESSARY.





PLANT LIST						
KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	ROOT	SPACING	REMARKS
TREES						
AG	3	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	1 1/2- 2' cal.	B&B		2-3 trunked, tree form
CK	3	Cornus kousa Korean Dogwood	5-6' ht.	B&B		
SM	1	Magnolia soulangeana Saucer Magnolia	5-6' ht.	B&B		
SHRUBS & ORNAMENTAL GRASSES						
AA	7	Aronia arbutifolia 'Brilliantissima' Red Chokeberry	18-24" ht.	3 gal.	4' o.c.	
CA	21	Clethra alnifolia 'Compacta' Compact Sweet Pepperbush	18-24" ht.	3 gal.	4' o.c. or as noted	
FG	13	Fothergilla gardenii Dwarf Bottlebrush Bush	18-24" ht.	3 gal.	3' o.c.	
HQ	9	Hydrangea quercifolia 'Snow Queen' Oakleaf Hydrangea	18-24" ht.	3 gal.	4' o.c.	
IT	4	Itea virginica 'Little Henry' Sweetspire	15-18" ht.	3 gal.	3' o.c.	
MS	8	Miscanthus sinensis purpureus Flame Grass	full	3 gal.	4' o.c.	
RHA	2	Rhododendron 'America' Rhododendron, red	24-30" ht.	B&B		large leaf
RHB	10	Rhododendron 'Boule de Neige' Rhododendron, white	18-24" ht.	cont./B&B	4' o.c.	large leaf
SP	2	Syringa patula 'Miss Kim' Korean Lilac	2 1/2-3' ht.	cont./B&B		purple flower
TC	37	Taxus cuspidata 'Greenwave' Greenwave Yew	18-24" spr.	cont./B&B	4' o.c.	
TO	2	Thuja occidentalis 'Smaragd' Emerald Green Arborvitae	5-6' ht.			
VC	4	Viburnum cassinoides Withered Viburnum	24-30" ht.	cont./B&B	4' o.c.	
VT	1	Viburnum trilobum 'Alfredo' Alfredo American Cranberry Viburnum	24-30" ht.	B&B		
GROUNDCOVERS, VINES & HERBACEOUS PLANTS						
AN	110	Flowering Annuals (e.g., Pansies, Dianthus, Salvia)	full	4" pot	12" o.c.	
AU	185	Arctostaphylos uva-ursi Bearberry	full/ 10-12" spr.	1 gal.	2' o.c.	
CF	9	Osmunda cinnamomea Cinnamon Fern	full	1 gal.	3' o.c.	
CL	4	Clematis 'Jackmanii' Jackman Clematis, purple	3-runners	1 gal.		espaliere
EM	23	Eupatorium maculatum 'Gateway' Joe-Pye Weed	12-15" ht.	1 gal.	3' o.c.	
HE	160	Hemerocallis 'Patricia' & 'Mauna Loa' Daylily, yellow & orange mixed	full 3-4 ppp	1 gal.	2' o.c.	
HO	32	Hosta 'Francee' Francee Hosta	full	1 gal.	30" o.c.	
JE	20	Juncus effusus Soft Rush	full	2" plug	18" o.c.	
LC	15	Lobelia cardinalis Cardinal Flower	full	1 gal/ 6" pot	18" o.c.	red flower
RU	14	Rudbeckia fulgida 'Goldsturm' Brown-Eyed Susan	full	6" pot	18" o.c.	
SI	25	Iris siberica 'Caesar's Brother' Siberian Iris, purple	full 3-4 ppp	1 gal.	2' o.c.	
VH	41	Verbena hastata Blue Vervain	full	2" plug	18" o.c.	
MISCELLANEOUS						
Mulch		Shredded Bark Mulch	3" depth			
Seed Mix A		Lawn Grass				
Seed Mix B		Shade-tolerant, Low Maintenance Grass				

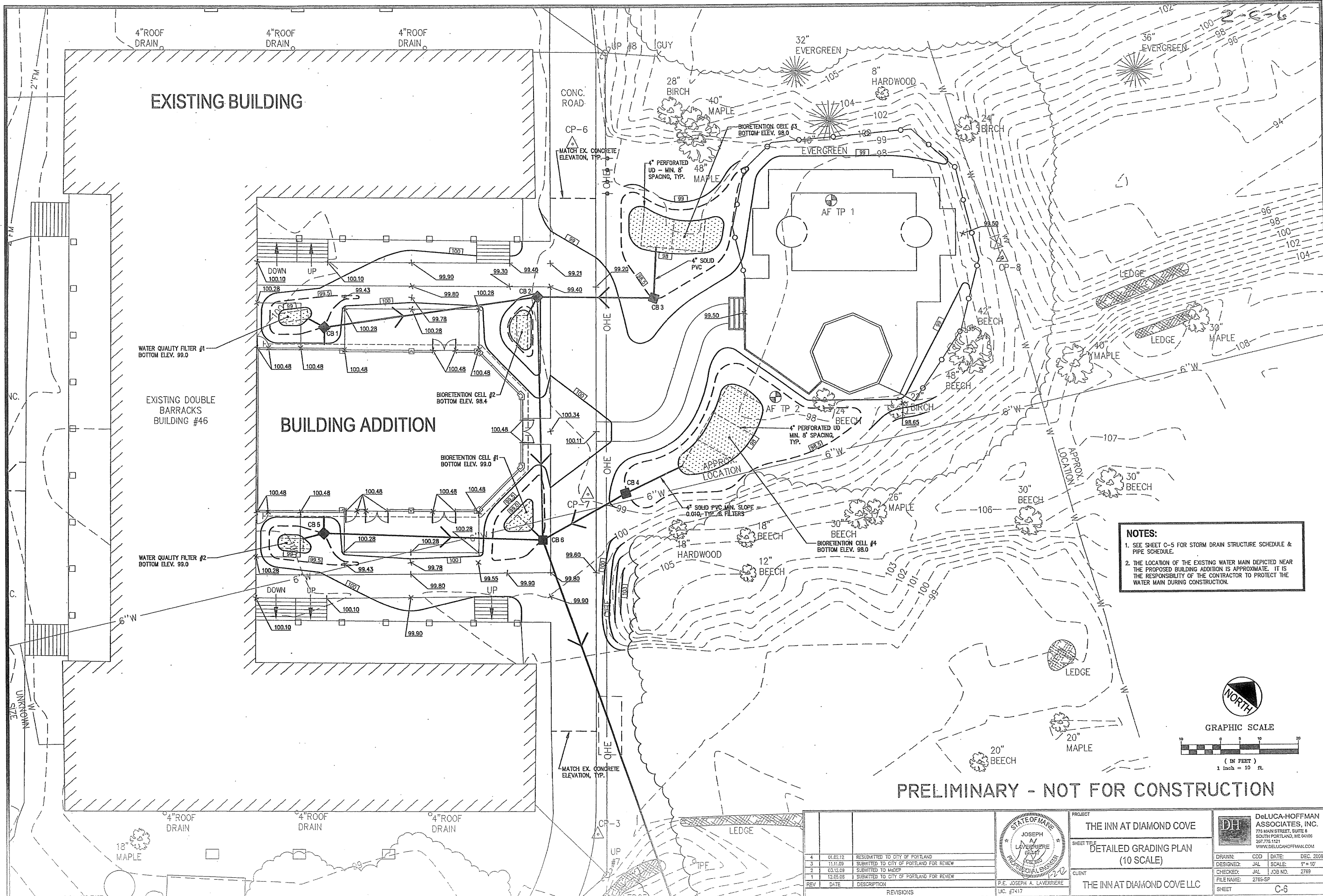


PRELIMINARY - NOT FOR CONSTRUCTION

		PROJECT THE INN AT DIAMOND COVE	DRAWN: DMB DATE: FEB. 2009 DESIGNED: SEB SCALE: 1" = 10' CHECKED: SEB JOB NO.: 2769 FILE NAME: 2769-SP SHEET: C-7
3 01.02.12 RESUBMITTED TO CITY OF PORTLAND 2 11.11.09 SUBMITTED TO CITY OF PORTLAND FOR REVIEW 1 03.12.09 SUBMITTED TO MA DEP	SHEET TITLE LANDSCAPE PLAN	CLIENT THE INN AT DIAMOND COVE LLC	

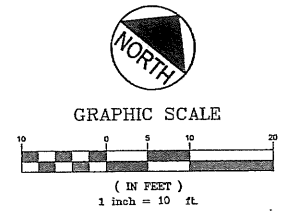
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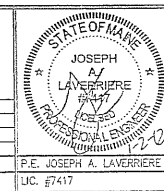
NOTES:

- SEE SHEET C-5 FOR STORM DRAIN STRUCTURE SCHEDULE & PIPE SCHEDULE.
- THE LOCATION OF THE EXISTING WATER MAIN DEPICTED NEAR THE PROPOSED BUILDING ADDITION IS APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT THE WATER MAIN DURING CONSTRUCTION.



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
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2	03.12.09	SUBMITTED TO WADSWORTH
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT
THE INN AT DIAMOND COVE

SHEET TITLE
**DETAILED GRADING PLAN
(10 SCALE)**

CLIENT
THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
770 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: 1" = 10'
CHECKED: JAL JOB NO. 2769
FILE NAME: 2765-SP
SHEET: C-6

2-C-5

STORM DRAIN STRUCTURE SCHEDULE				
STRUCTURE I.D.	RIM	SIZE	INV. IN / SIZE / FROM	INV. OUT / SIZE / TO
CB 1	99.5	15" NYLOPLAST	95.00 / 4" UD / BLDG. 96.50 / 4" UD / W.Q. FILTER 1	94.80 / 12" / CB 2
CB 2	98.9	15" NYLOPLAST	94.27 / 12" / CB 3 94.27 / 12" / CB 1 95.90 / 4" UD / BIO. RET. 2	94.17 / 12" / CB 6
CB 3	98.5	15" NYLOPLAST	95.00 / 4" UD / BIO. RET. 3	94.51 / 12" / CB 2
CB 4	98.5	15" NYLOPLAST	95.00 / 4" UD / BIO. RET. 4	94.80 / 12" / CB 3
CB 5	99.5	15" NYLOPLAST	95.00 / 4" UD / BLDG. 96.50 / 4" UD / W.Q. FILTER 2	94.80 / 12" / CB 6
CB 6	99.5	15" NYLOPLAST	93.58 / 12" / CB 2 94.40 / 12" / CB 4 94.27 / 12" / CB 5 96.50 / 4" UD / BIO. RET. 1	93.48 / 12" / OUTLET

STORM DRAIN PIPE SCHEDULE				
PIPE I.D.	PIPE MATERIAL	DIAMETER	LENGTH	SLOPE
SD 1	HDPE / PVC	12"	53'	0.0100
SD 2	HDPE / PVC	12"	24'	0.0100
SD 3	HDPE / PVC	12"	59'	0.0100
SD 4	HDPE / PVC	12"	20'	0.0100
SD 5	HDPE / PVC	12"	53'	0.0100
SD 6	HDPE / PVC	12"	108'	0.0137

NOTES:

- SEE SHEET C-6 FOR DETAILED GRADING NEAR THE BUILDING ADDITION.
- THE LOCATION OF THE EXISTING WATER MAIN DEPICTED NEAR THE PROPOSED BUILDING ADDITION IS APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT THE WATER MAIN DURING CONSTRUCTION.

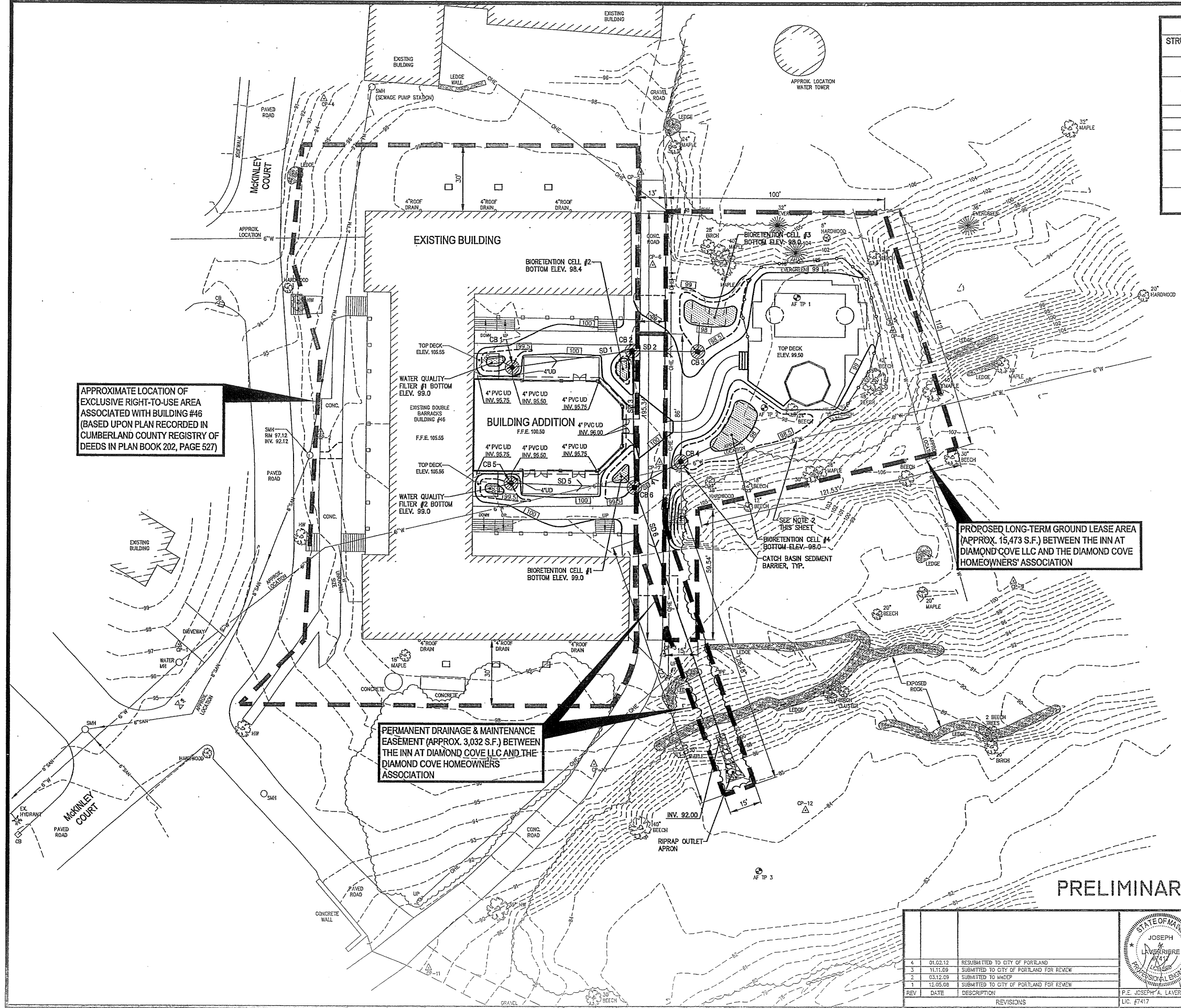
LEGEND

- CATCH BASIN SEDIMENT BARRIER
- RIPRAP
- SILTATION FENCE OR EROSION CONTROL MIX BERM SEDIMENT BARRIER
- SOIL FILTER

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

PRELIMINARY - NOT FOR CONSTRUCTION



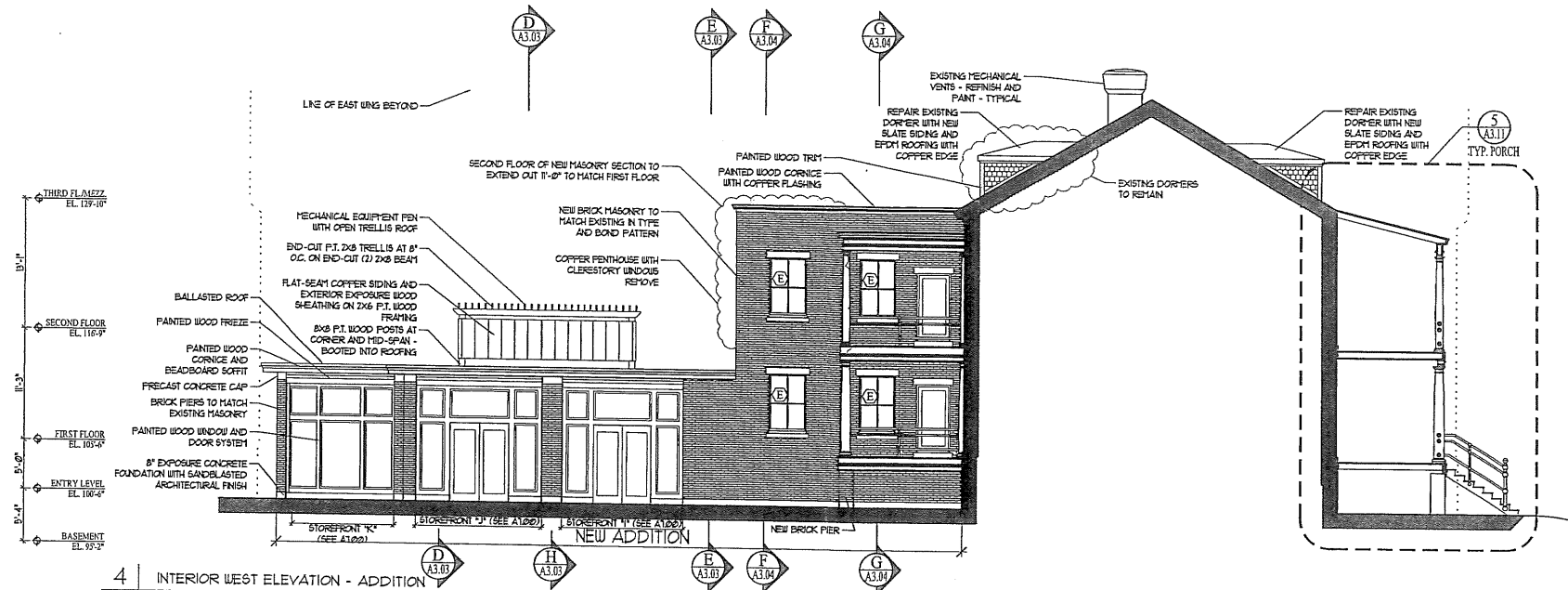
APPROXIMATE LOCATION OF EXCLUSIVE RIGHT-TO-USE AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527)

PERMANENT DRAINAGE & MAINTENANCE EASEMENT (APPROX. 3,032 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION

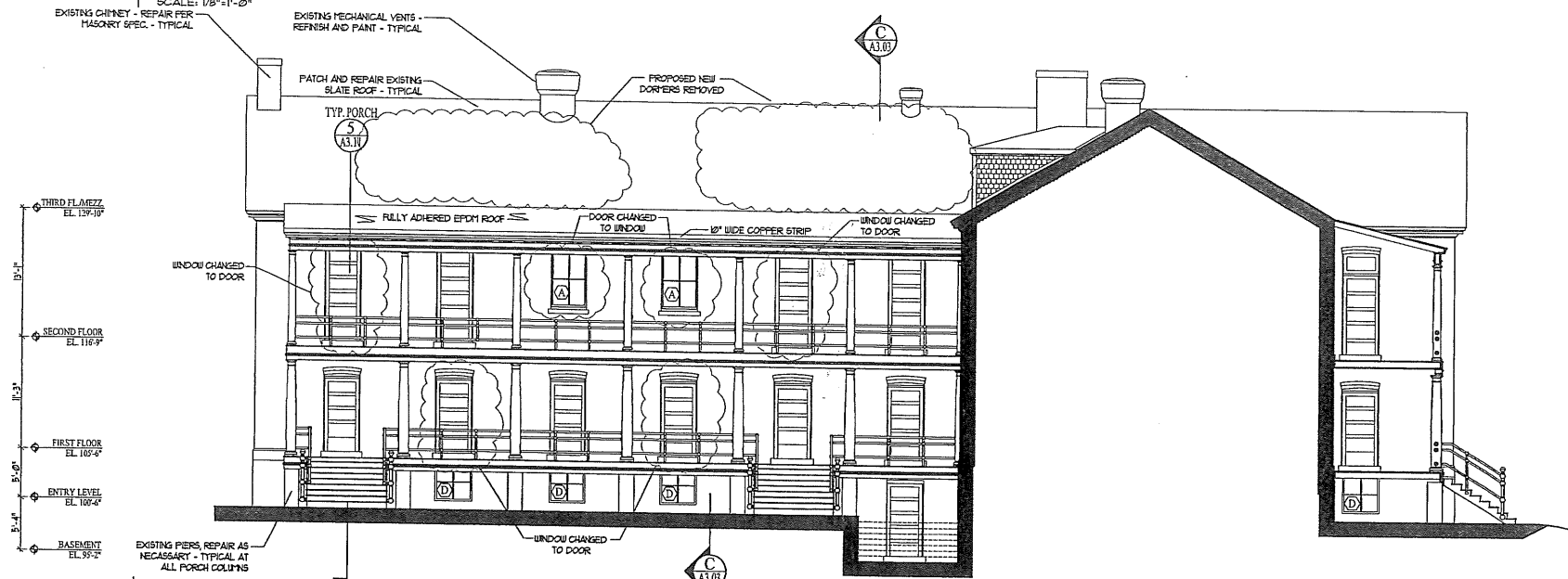
PROPOSED LONG-TERM GROUND LEASE AREA (APPROX. 15,473 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION

R:\1769 Diamond Cove\Cadd\dwg\Permit.dwg, C-5 GRADING OVERALL, 12/21/2011 3:43:18 PM, cwhinterm

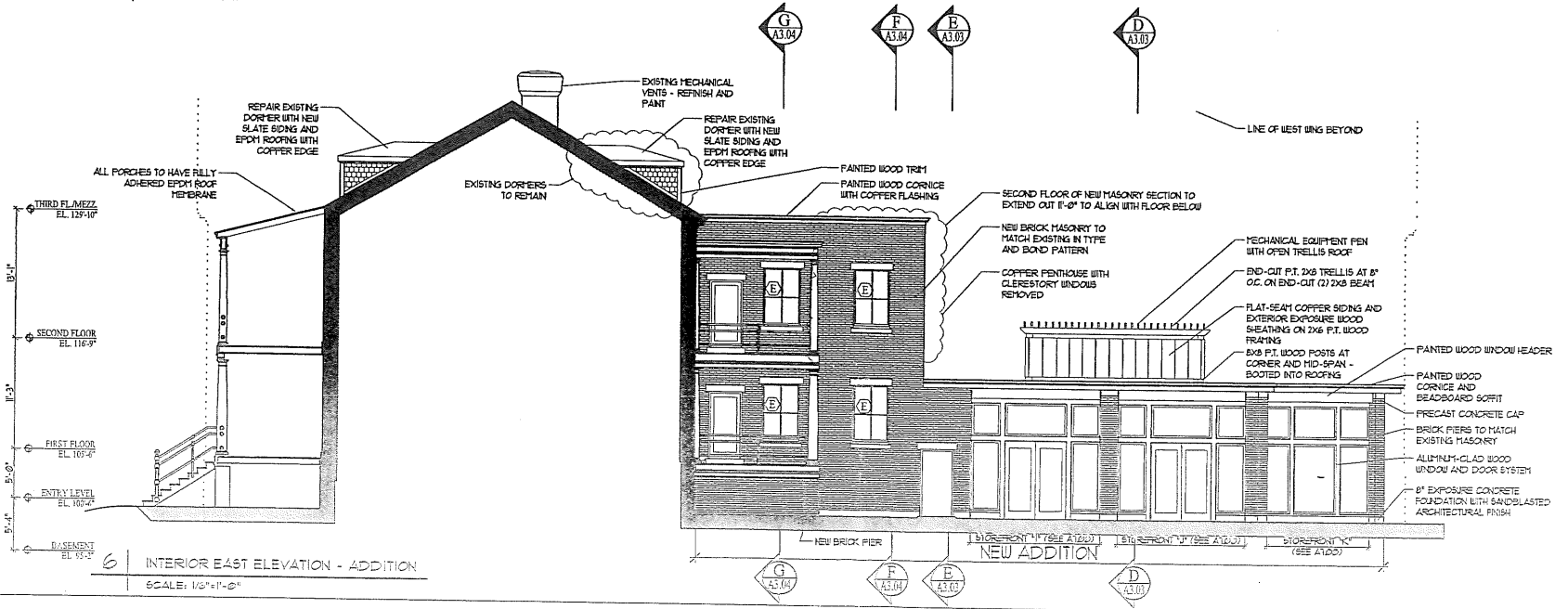
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<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>01.02.12</td> <td>RESUBMITTED TO CITY OF PORTLAND</td> </tr> <tr> <td>3</td> <td>11.11.09</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> <tr> <td>2</td> <td>03.12.09</td> <td>SUBMITTED TO WADSWORTH</td> </tr> <tr> <td>1</td> <td>12.05.08</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> </tbody> </table>		REV	DATE	DESCRIPTION	4	01.02.12	RESUBMITTED TO CITY OF PORTLAND	3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	2	03.12.09	SUBMITTED TO WADSWORTH	1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	<p>DATE: DEC. 2008</p> <p>SCALE: 1" = 20'</p> <p>JOB NO. 2769</p> <p>WWW.DELUCAHOFFMAN.COM</p>	
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4 INTERIOR WEST ELEVATION - ADDITION
SCALE: 1/8" = 1'-0"



5 INTERIOR WEST ELEVATION - EAST WING PORCH
SCALE: 1/8" = 1'-0"



6 INTERIOR EAST ELEVATION - ADDITION
SCALE: 1/8" = 1'-0"

LEGEND

BUILDING SECTION	(X/XXX)
WALL SECTION	(X/XXX)
SECTION DETAIL	(X/XXX)
PLAN DETAIL	(X/XXX)
WALL TYPE (SEE SHEET A4.01)	(WX)
FLOOR/CEILING TYPE (SEE SHEET A4.02)	(FX)

2-D-7

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
209 BATTERY STREET BURLINGTON, VERMONT 05401 USA
Phone 802.658.2775 BOO.227.1076
ARCHITECTURE | INTERIOR DESIGN | truexculins.com

Architect:
ARCHETYPE
Architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

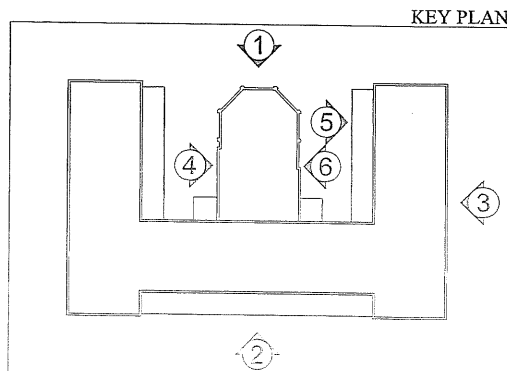
Project:
**THE INN AT
DIAMOND COVE,
LLC**
McKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
Planning Board Amendment 12-15-11

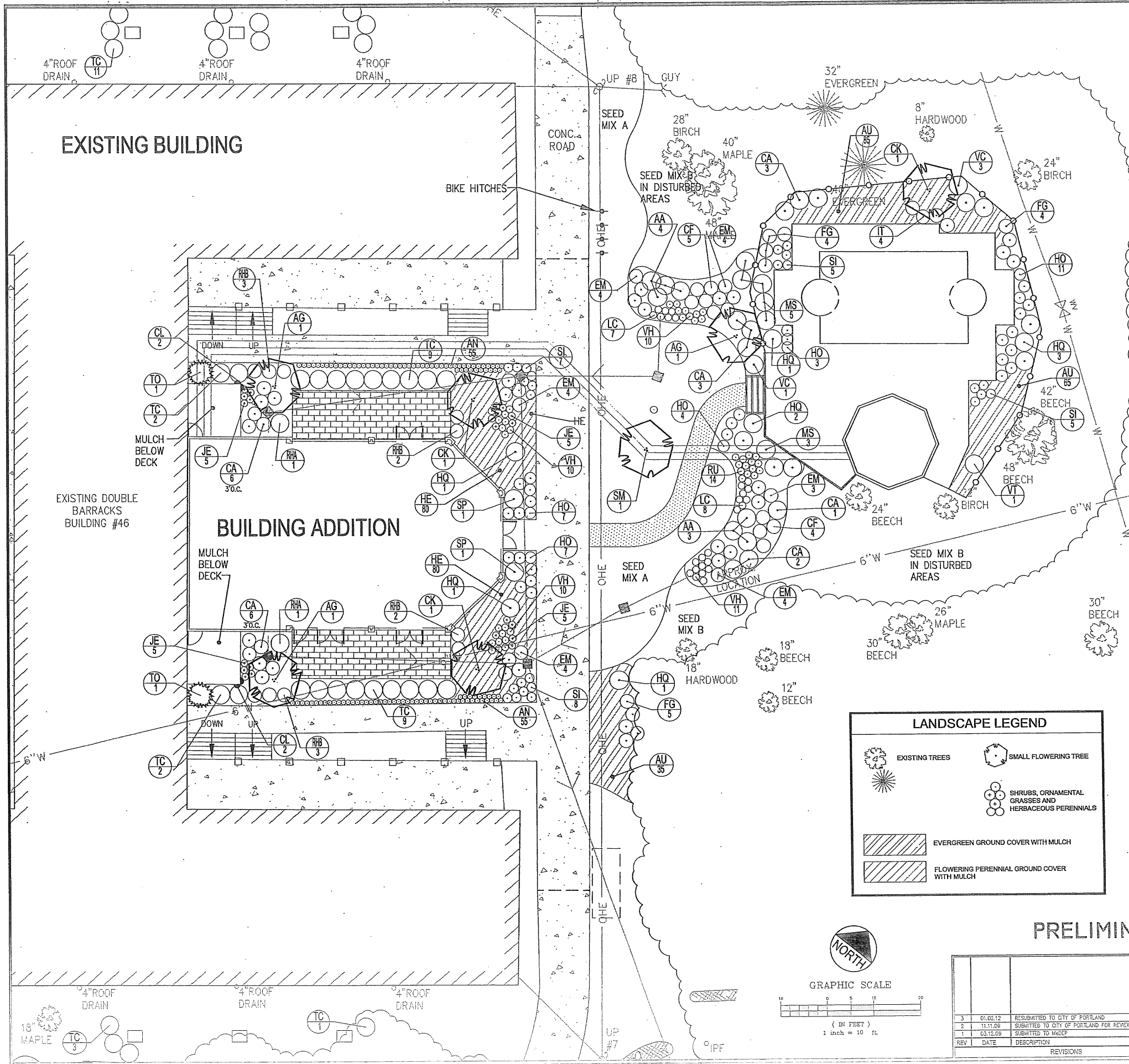
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Date:
12 January 2011

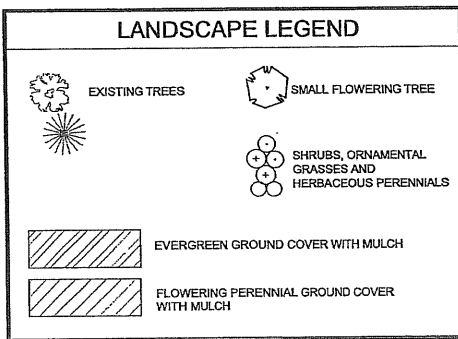
**BUILDING
ELEVATIONS**



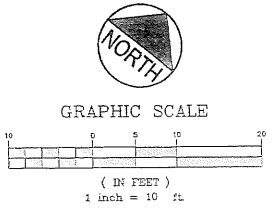
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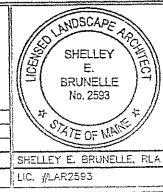
PLANT LIST						
KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	ROOT	SPACING	REMARKS
TREES						
AG	3	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	1 1/2- 2" cal.	B&B		2-3 trunked, tree form
CK	3	Cornus kousa Korean Dogwood	5-6' ht.	B&B		
SM	1	Magnolia soulangeana Saucer Magnolia	5-6' ht.	B&B		
SHRUBS & ORNAMENTAL GRASSES						
AA	7	Aronia arbutifolia 'Brilliantissima' Red Chokeberry	18-24" ht.	3 gal.	4' o.c.	
CA	21	Clethra alnifolia 'Compacta' Compact Sweet Pepperbush	18-24" ht.	3 gal.	4' o.c. or as noted	
FG	13	Fothergilla gardenii Dwarf Bottlebrush Bush	18-24" ht.	3 gal.	3' o.c.	
HQ	9	Hydrangea quercifolia 'Snow Queen' Oakleaf Hydrangea	18-24" ht.	3 gal.	4' o.c.	
IT	4	Itea virginica 'Little Henry' Sweetspire	15-18" ht.	3 gal.	3' o.c.	
MS	8	Miscanthus sinensis purpureoscens Flame Grass	full	3 gal.	4' o.c.	
RHA	2	Rhododendron 'America' Rhododendron, red	24-30" ht.	B&B		large leaf
RHB	10	Rhododendron 'Boule de Neige' Rhododendron, white	18-24" ht.	cont./B&B	4' o.c.	large leaf
SP	2	Syringa patula 'Miss Kim' Korean Lilac	2 1/2-3' ht.	cont./B&B		purple flower
TC	37	Taxus cuspidata 'Greenwave' Greenwave Yew	18-24" spr.	cont./B&B	4' o.c.	
TO	2	Thuja occidentalis 'Smaragd' Emerald Green Arborvitae	5-6' ht.			
VC	4	Viburnum cassinoides Withered Viburnum	24-30" ht.	cont./B&B	4' o.c.	
VT	1	Viburnum trilobum 'Alfredo' Alfredo American Cranberry Viburnum	24-30" ht.	B&B		
GROUNDCOVERS, VINES & HERBACEOUS PLANTS						
AN	110	Flowering Annuals (e.g., Pansies, Dianthus, Salvia)	full	4" pot	12" o.c.	
AU	185	Arcostaphylos uva-ursi Bearberry	full/ 10-12" spr.	1 gal.	2' o.c.	
CF	9	Osmunda cinnamomea Cinnamon Fern	full	1 gal.	3' o.c.	
CL	4	Clematis 'Jackmanii' Jackman Clematis, purple	3-runners	1 gal.		espallered
EM	23	Eupatorium maculatum 'Gateway' Joe-Pye Weed	12-15" ht.	1 gal.	3' o.c.	
HE	160	Hemerocallis 'Patricia' & 'Mauna Loa' Daylily, yellow & orange mixed	full 3-4 ppp	1 gal.	2' o.c.	
HO	32	Hosta 'Francee' Francee Hosta	full	1 gal.	30" o.c.	
JE	20	Juncus effusus Soft Rush	full	2" plug	18" o.c.	
LC	15	Lobelia cardinalis Cardinal Flower	full	1 gal/ 6" pot	18" o.c.	red flower
RU	14	Rudbeckia fulgida 'Goldsturm' Brown-Eyed Susan	full	6" pot	18" o.c.	
SI	25	Iris siberica 'Caesar's Brother' Siberian Iris, purple	full 3-4 ppp	1 gal.	2' o.c.	
VH	41	Verbena hastata Blue Vervain	full	2" plug	18" o.c.	
MISCELLANEOUS						
Mulch		Shredded Bark Mulch	3" depth			
Seed Mix A		Lawn Grass				
Seed Mix B		Shade-tolerant, Low Maintenance Grass				



PRELIMINARY - NOT FOR CONSTRUCTION



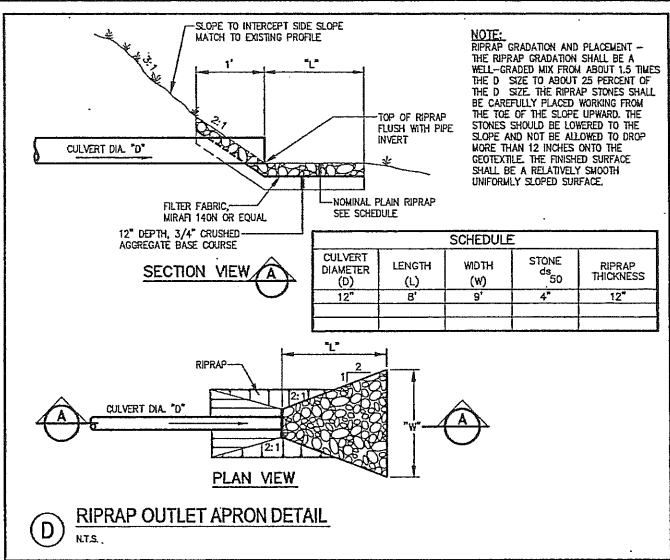
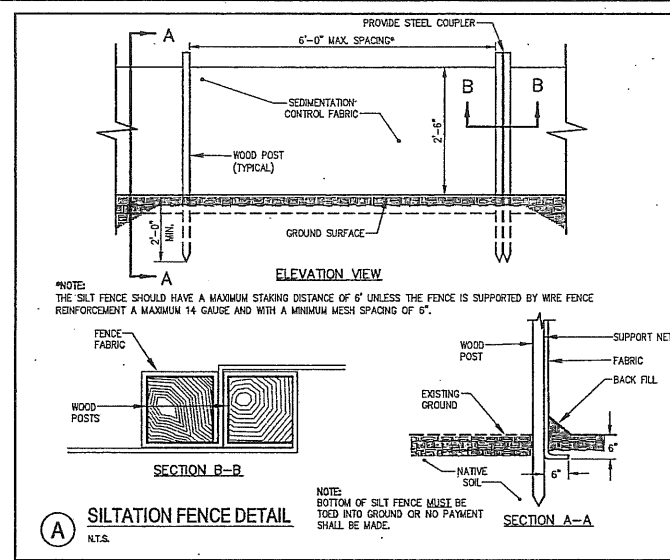
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2	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
1	03.12.09	SUBMITTED TO MADCP



PROJECT: THE INN AT DIAMOND COVE
SHEET TITLE: LANDSCAPE PLAN
CLIENT: THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 HAN STREET, SUITE 8
SOUTH PORTLAND, ME 04105
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: DMB DATE: FEB. 2009
DESIGNED: SEB SCALE: 1" = 10'
CHECKED: SEB JOB NO.: 2769
FILE NAME: 2769-SP
SHEET: C-7



EROSION CONTROL NARRATIVE

EROSION/SEDIMENTATION CONTROL DEVICES
The following erosion and sediment control devices will be implemented as part of the site development. These devices shall be installed as indicated on the plans or as described within this report. For further reference, see the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

- Siltation fence will be installed downgradient of disturbed areas to trap runoff-borne sediments until the site is revegetated. The silt fence shall be installed per the detail provided in the plan set and inspected immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made immediately by the Contractor if there are any signs of erosion or sedimentation below the fence line. Proper placement of stakes and fabric into the ground is critical to the fence's effectiveness. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence, the barrier shall be replaced with a stone check dam.
- Hay bales are intended to trap sediments and reduce runoff velocities. Installation details are provided within the plan set.
- Stow or hay mulch is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed on slopes of less than 10 percent shall be anchored by applying water; mulch placed on slopes steeper than 10 percent shall be covered with a fabric netting and anchored with staples in accordance with the manufacturer's recommendations. Slopes steeper than 3:1, which are to be revegetated, shall receive Coirax blankets by American Excelsior. Mulch application rates are provided in Appendix A of this report. Hay mulch shall be available on site at all times in order to provide immediate temporary stabilization when necessary.
- Stone sediment traps or SiltSacks as distributed by A. H. Harris Company, Portland, Maine, will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set on the erosion control detail sheets.
- Loam and seed is intended to serve as the primary permanent revegetative measure for all denuded areas not provided with other permanent erosion control measures, such as pavement or impervious area. Application rates are provided in Appendix A of this report.

TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES

The following are planned as temporary erosion/sedimentation control measures during construction:

- Siltation fence shall be installed along the downgradient side of the disturbed areas, and all fill sections. The siltation fence will remain in place and properly maintained until the site is acceptably revegetated.
- Hay bales will be installed at key locations to supplement the silt fence.
- Temporary stockpiles of grubbing and common excavation will be protected as follows:
 - Stockpiles shall be stabilized within 7 days by either temporarily seeding the stockpile with a hydrosed method containing an emulsified mulch tackifier or by covering the stockpile with mulch.
 - Siltation fence shall be installed along the downgradient edge of the stockpile.
 - Soil stockpile sideslopes shall not exceed 2:1.
- All denuded areas that have been rough graded and are not located within the building or pavement subbase areas shall receive mulch or erosion control mesh fabric within 7 days of initial disturbance.
- All soils disturbed between November 1 and April 15 will be covered with mulch within 15 days of disturbance, prior to any predicted storm event of the equivalent of 1/2" of rainfall in a 24-hour period, or prior to any work shutdown lasting more than 35 hours (including weekends and holidays). The mulch rate shall be double the normal rate. For work that is conducted between November 1 and April 15 of any calendar year, all denuded areas will be covered with hay mulch, applied at twice the normal application rate and anchored with a fabric netting. The time period for applying mulch shall be limited to 5 days for all areas or in advance of a predicted rainfall event, whichever is less.
- Silt fencing with minimum stake spacing of 6 feet shall be used, unless the fence is supported by wire fence reinforcement of minimum 14 gauge and with a maximum mesh spacing of 6 inches, in which case stakes may be spaced a maximum of 10 feet apart. The bottom of the fence should be properly anchored a minimum of 6" per the plan detail and backfilled. Any silt fence identified by the owner or reviewing agencies as not being properly installed during construction shall be immediately repaired in accordance with the installation details.
- Sediment traps will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set. The barriers shall be inspected after each rainfall event and repaired as necessary. Sediment shall be removed and the barrier restored to its original dimensions when the sediment has accumulated to 1/2 the design depth of the barrier. The barrier shall be removed when the tributary drainage area has been stabilized.
- Temporary erosion control measures shall be removed once the site has been stabilized to 90% growth or in areas where permanent erosion control measures have been installed.

PERMANENT EROSION CONTROL MEASURES

The following permanent erosion control measures have been designed as part of the Erosion/Sedimentation Control Plan:

- All areas disturbed during construction, but not subject to other restoration (sewing, riprap, etc.) will be loamed, lined, fertilized, mulched, and seeded. Fabric netting, anchored with staples, shall be placed over the mulch in areas where the finish grade slope is greater than 10 percent. All areas shall receive protection within 7 days. Native topsoil shall be stockpiled and reused for final restoration when it is of sufficient quality.
- Catch basins will be provided with sediment sumps and inlet hoods for all outlet pipes that are 18" in diameter and smaller.

TIMING AND SEQUENCE OF EROSION/SEDIMENTATION CONTROL MEASURES

The following construction sequence will be required to ensure the effectiveness of the erosion/sediment control measures is optimized.

- Install perimeter siltation fence as indicated on the plans.
- Clear work areas using caution not to overexpose the site.
- Perform earthwork operations to rough grade the site to subgrade.
- Complete installation of underground utilities.
- Install subbase and base gravels within the roadway and walkway areas.
- Install permanent impervious surface treatments as detailed in the plan set.
- Loam, lime, fertilizer, seed and mulch disturbed areas.
- Remove accumulated sediment from ahead of any silt barriers (as necessary).
- Once the site is stable and a 90% catch of vegetation has been obtained, remove all temporary erosion control measures.
- Touch up loam and seed.

Note: All denuded areas not subject to final paving, riprap or gravel shall be revegetated.

It will be necessary to schedule certain portions of the sitework to ensure erosion and sedimentation control measures are sequenced for optimum effectiveness.

The project will be constructed by a General Contractor under The Inn at Diamond Cove, LLC. The Contractor shall submit a schedule for the completion of the work which will satisfy the following criteria:

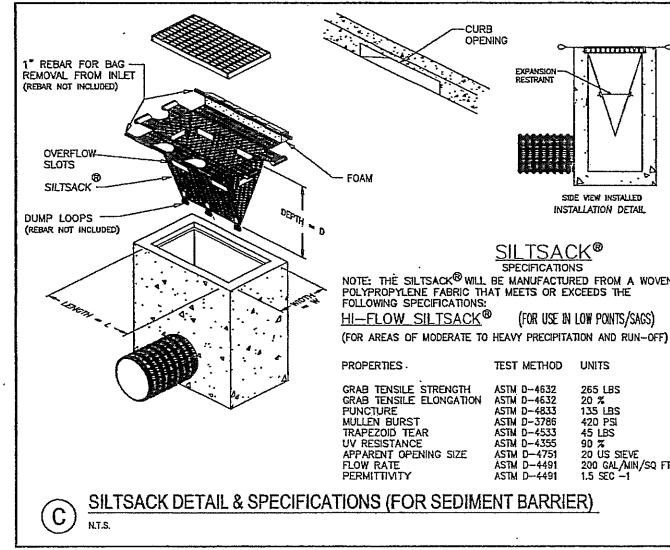
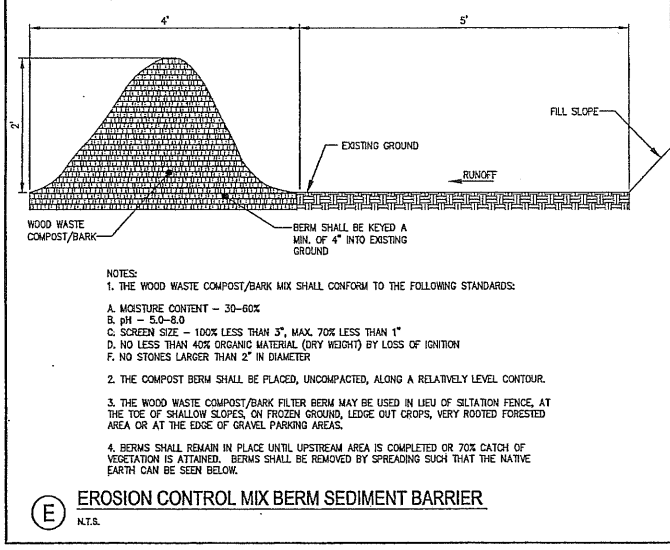
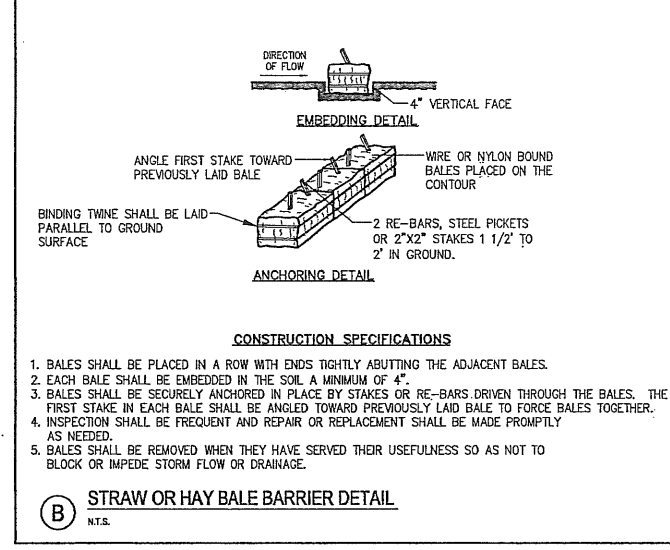
- The above construction sequence should generally be completed in the specified order; however, several items may be constructed simultaneously. Work must also be scheduled or phased to limit the extent of the exposed areas as specified below. The intent of this sequence is to provide for erosion control and to have structural measures such as silt fence and construction entrances in place before large areas of land are denuded.
- The work shall be conducted in sections which will:
 - Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 30 days.
 - Revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading; or temporarily stabilized within 15 days of initial disturbance of soil or within 7 days after completing the rough grading operations.
 - Incorporate planned inlets and drainage systems as early as possible into the construction phase. The swales shall be immediately lined or revegetated as soon as their installation is complete.

If the spring through fall construction schedule is not possible, and construction is planned between November 1 and April 15 of any calendar year, then the General Contractor shall submit a schedule which will satisfy the following criteria:

- Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 15 days.
- During the construction process, all disturbed areas and stockpiles shall be covered with mulch within 24 hours of final grading.
- Once final grade has been established, the contractor may choose to dormant seed the disturbed areas prior to placement of mulch and placement of fabric netting anchored with staples.
 - If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs. per 1,000 s.f. All areas seeded during the winter months will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 percent catch) shall be revegetated by replacing loam, seed and mulch.
 - If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
- The area of denuded non-stabilized construction shall be limited to the minimum area practicable. An area shall be considered to be denuded until the subbase gravel is installed in pavement areas, the base slab gravel is installed in building areas, or the areas of future loam and seed have been loamed, seeded, and mulched. The mulch rate shall be twice the rate specified in the seeding plan [15 lbs. per 1,000 s.f. x 2 = 30 lbs. per 1,000 s.f.].
- The schedule shall be subject to the approval of The Inn at Diamond Cove, LLC.

The Contractor must install any added measures which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

The Contractor shall note that no areas shall remain denuded for a period of over 15 days before it is temporarily stabilized. Temporary stabilization shall be the installation of gravel or mulching.



REV	DATE	DESCRIPTION	REVISIONS
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND	
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	
2	03.12.09	SUBMITTED TO M&BEP	
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	

PROVISIONS FOR MAINTENANCE OF THE EROSION/SEDIMENTATION CONTROL FEATURES
This project is subject to the requirements and conditions of a MeDEP Site Location Development Permit Amendment through delegated review by the City of Portland. This permit requires the General Contractor to prepare a list and designate by name, address and telephone number all individuals who will be responsible for implementation, inspection and maintenance of all erosion control measures identified within this report and as contained in the Grading and Drainage Plan of the contract drawings. Specific responsibilities of the Inspector(s) will include:

- Execution of the Contractor/Subcontractor Certification contained in Appendix B by any and all parties responsible for erosion control measures on the site.
 - Assuring and certifying the project's construction sequence is in conformance with the specified schedule of this report. A weekly certification stating compliance, any deviations, and corrective measures necessary to comply with the erosion control requirements of this report shall be prepared and signed by the Inspector(s).
 - In addition to the weekly certifications, the Inspector(s) shall maintain written reports recording construction activities on the site which include:
 - Dates when major grading activities occur in a particular area.
 - Dates when major construction activities cease in a particular area, either temporarily or permanently.
 - Inspection of the project work site on a weekly basis and after each significant rainfall event (0.5 inches or more within any consecutive 24-hour period) during construction until permanent erosion control measures have been properly installed and the site has been stabilized. Inspection of the project work site shall include:
 - Identification of proper erosion control measures installation in accordance with the erosion control detail sheet or as specified in this report.
 - Determine whether each erosion control measure is operating properly. If not, identify damage to the control device and determine remedial measures.
 - Identify areas which appear vulnerable to erosion and determine additional erosion control measures which should be used to improve conditions.
 - Inspected areas of recent seeding to determine percent catch of grass. A minimum catch of 90 percent is required prior to removal of erosion control measures.
 - Accumulated silt/soil should be removed when the depth of sediment reaches 50 percent of the barrier height. Accumulated silt/soil should be removed from behind silt fencing when the depth of the sediment reaches 6 inches.
 - If the inspection of the site indicates a change should be made to the erosion control plan, either to improve effectiveness or correct a site-specific deficiency, the Inspector shall immediately implement the corrective measure and notify the Owner of the change.
 - Once construction has been completed, long-term maintenance of the facilities will be the responsibility of The Inn at Diamond Cove, LLC. The catch basin sumps shall be inspected in April and October of each year. Sediment shall be removed when the depth of sediment reaches one-half the depth of the sump.
- All certifications, inspection forms, and written reports prepared by the Inspector(s) shall be filed with the Owner and the City of Portland Planning Department. All written inspection forms and written reports must be filed within one (1) week of the inspection date.

SEEDING PLAN LAWN AREAS

Project: The Inn at Diamond Cove
Site Location: Great Diamond Island, Portland, Maine

	Permanent Seeding	Temporary Seeding
X		

- Area to be seeded: 4f. 0.12 Acres, OR 5 M Sq. Ft.
- Instructions on preparation of soil: Prepare a good seed bed for planting method used.
- Apply lime as follows: #/acre, OR #/1000 sq. ft. or per soil test
- Fertilize with _____ pounds of _____ N-P-K/Mg. OR _____ pounds of 10-20-20 N-P-K/Mg. Sg. Fl. or per soil test
- Method of applying lime and fertilizer: Spread and work into the soil before seeding.
- Seed with the following mixture:
 - 35% Kentucky Bluegrass
 - 35% Creeping Red Fescue
 - 20% Chewings Fescue
 - 10% Perennial Ryegrass
- Mulching instructions: Apply at the rate of _____ tons per acre, OR 115 pounds per M. Sq. Ft.

Amount	Unit #, Tons, Etc.
138	#/1000 sq. ft.
- TOTAL LIME: _____
- TOTAL FERTILIZER: _____ #/1000 sq. ft.
- TOTAL SEED: _____ #/1000 sq. ft.
- TOTAL MULCH: _____ #/1000 sq. ft.
- TOTAL other materials, seeds, etc. _____
- REMARKS

Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.

Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 6.0.

Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.

Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.

All loam shall have compost or peat ad admixtures to raise the organic content to 6%.

SEEDING PLAN SHADY AREAS

Project: The Inn at Diamond Cove
Site Location: Great Diamond Island, Portland, Maine

	Permanent Seeding	Temporary Seeding
X		

- Area to be seeded: 4f. 0.07 Acres, OR 3 M Sq. Ft.
 - For use in shaded, semi-shaded, or woodland edge areas.
- Instructions on preparation of soil: Prepare a good seed bed for planting method used.
- Apply lime as follows: #/acre, OR #/1000 sq. ft. or per soil test
- Fertilize with _____ pounds of _____ N-P-K/Mg. OR _____ pounds of 10-20-20 N-P-K/Mg. Sg. Fl. or per soil test
- Method of applying lime and fertilizer: Spread and work into the soil before seeding.
- Seed with the following mixture:
 - 50% Creeping Red Fescue
 - 25% Chewings Fescue
 - 25% Perennial Ryegrass
- Mulching instructions: Apply at the rate of _____ tons per acre, OR 115 pounds per M. Sq. Ft.

Amount	Unit #, Tons, Etc.
138	#/1000 sq. ft.
- TOTAL LIME: _____
- TOTAL FERTILIZER: _____ #/1000 sq. ft.
- TOTAL SEED: _____ #/1000 sq. ft.
- TOTAL MULCH: _____ #/1000 sq. ft.
- TOTAL other materials, seeds, etc. _____
- REMARKS

Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.

Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 6.0.

Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.

Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.

All loam shall have compost or peat ad admixtures to raise the organic content to 6%.

PRELIMINARY - NOT FOR CONSTRUCTION

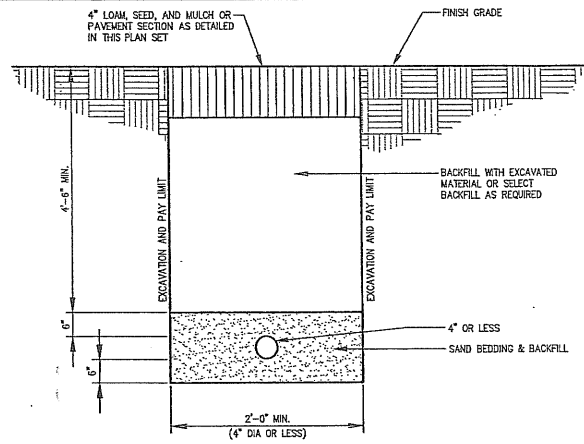
PROJECT: THE INN AT DIAMOND COVE
SHEET TITLE: EROSION CONTROL DETAILS & NARRATIVE
CLIENT: THE INN AT DIAMOND COVE LLC

DESIGNED: JAL SCALE: AS NOTED
CHECKED: JAL JOB NO. 2769
FILE NAME: 2769-DET
SHEET: C-8

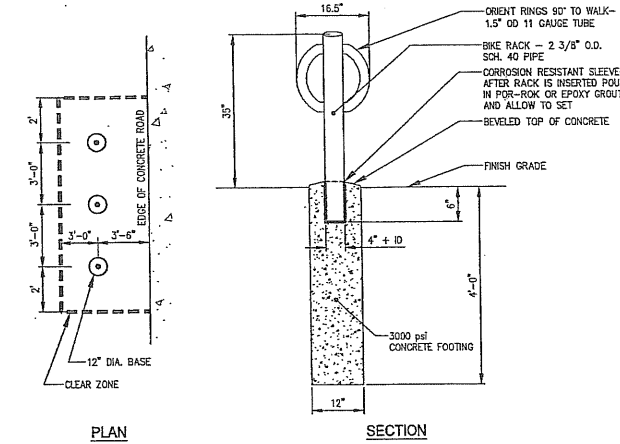
DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
201.776.1521
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2018
DESIGNED: JAL SCALE: AS NOTED
CHECKED: JAL JOB NO. 2769
FILE NAME: 2769-DET
SHEET: C-8

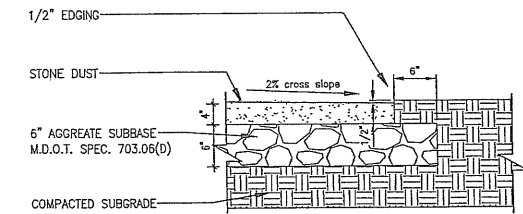
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TYPE OF PIPE	GRANULAR BASE MATERIAL	SPECIAL BACKFILL	SPECIAL BACKFILL COVER "A" (IN)	SELECT BACKFILL
CONCRETE	GRANULAR AASHTO M145-49 A-3 OR BETTER	GRANULAR AASHTO M145-49 A-3 OR BETTER	12"	GRANULAR AASHTO M145-49 A-3 OR BETTER
PVC	3/4" CRUSHED STONE	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
DUCTILE IRON	GRANULAR AASHTO M145-49 A-3 OR BETTER	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
UNDER-DRAINS	3/4" CRUSHED STONE	3/4" CRUSHED STONE	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
HDPE	3/4" CRUSHED STONE	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER



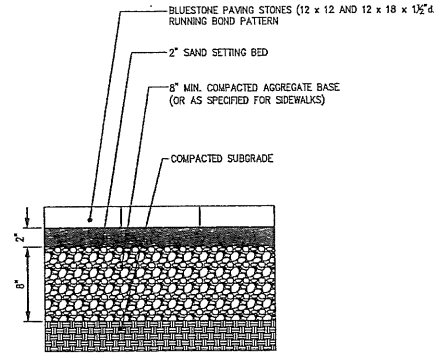
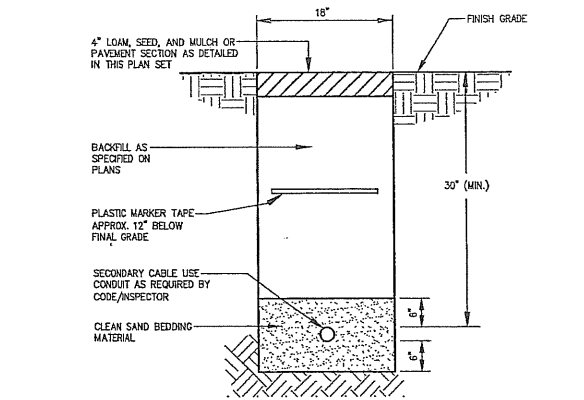
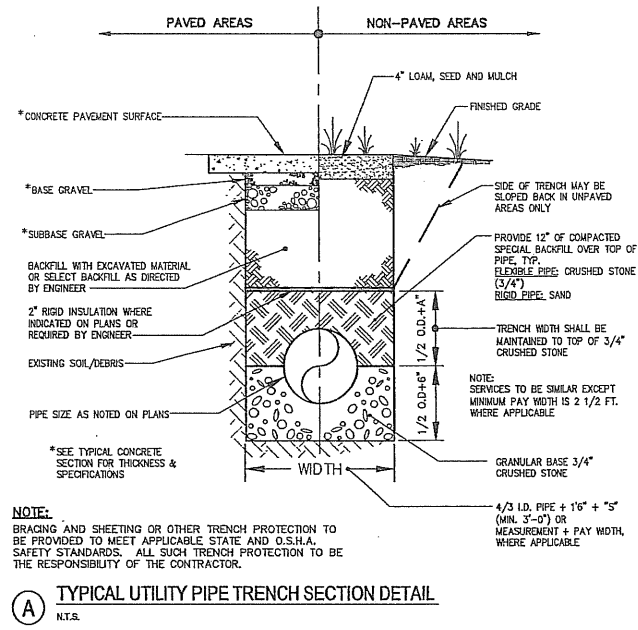
C UTILITY TRENCH DETAIL (PIPES SMALLER THAN 4")
N.T.S.



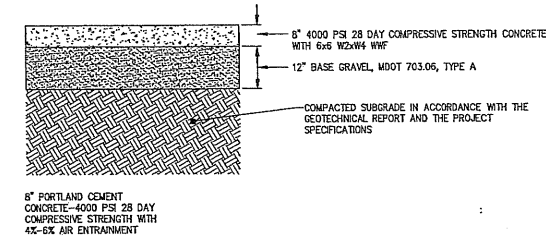
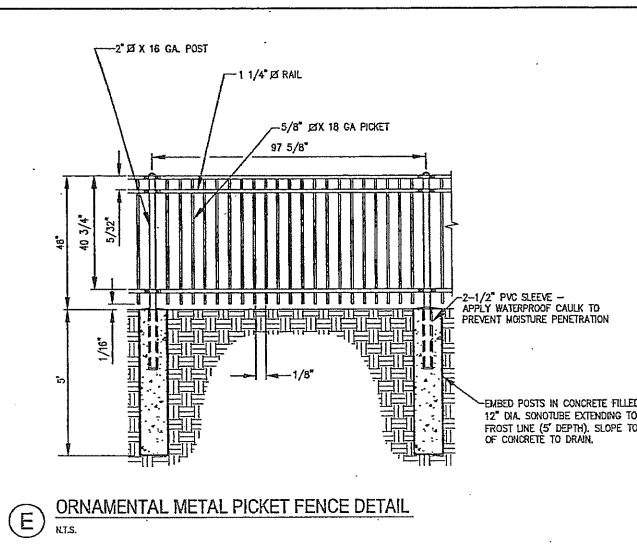
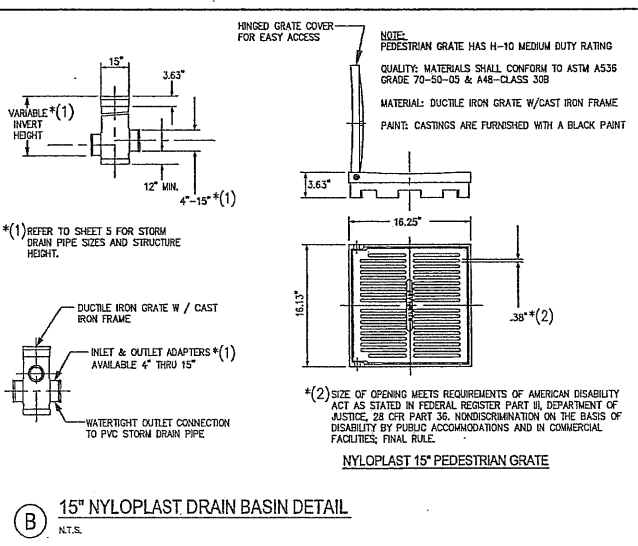
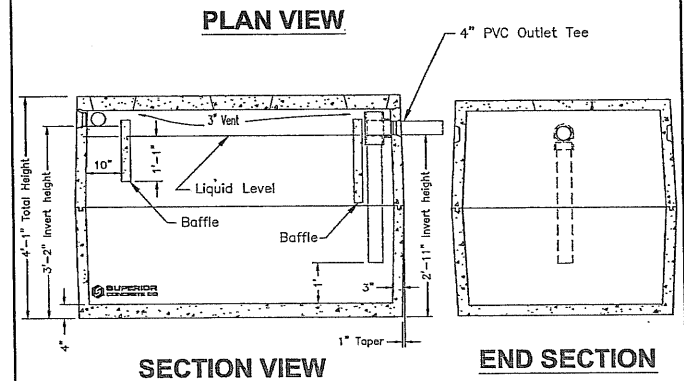
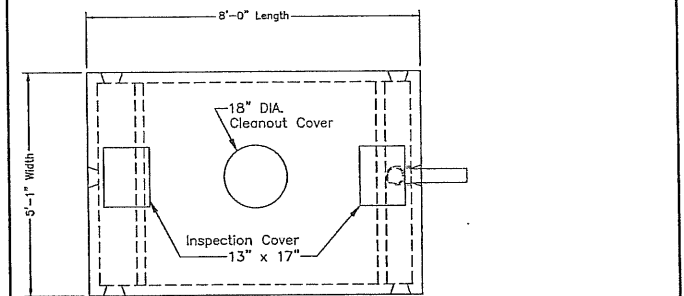
F BIKE HITCH MOUNTING DETAIL
N.T.S.



I STONE DUST WALKWAY DETAIL
N.T.S.



- NOTES:
- Concrete Compressive Strength 4,000 psi @ 28 Days, with Steel Reinforcement
 - Heavy Duty (HS-10) Septic Tanks Available.
 - Keyed Joint Sealed with Butyl Rubber.
 - 3 - 4" Plastic Pipe Seal Knockouts at Inlet & Outlet End
 - Manufactured by: Superior Concrete CO. Auburn, ME 207-784-9144

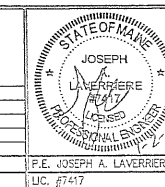


- NOTE:
- ALL MATERIALS SHALL CONFORM TO MDOT SPECIFICATIONS, LATEST REVISION. COMPACTION OF ALL MATERIALS TO BE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND THE GEOTECHNICAL REPORT.

R:\2769 Diamond Cove\Cadd\dwg\permit set\2769-DCT.dwg, C-9 SITE DETAILS, 12/21/2011, 3:44:50 PM, cwhiteman

PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
5	01.02.12	RESUBMITTED TO CITY OF PORTLAND
4	01.21.10	ADDED 750 GALLON GREASE TRAP DETAIL
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO MHD&P
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT: THE INN AT DIAMOND COVE

SHEET TITLE: SITE DETAILS

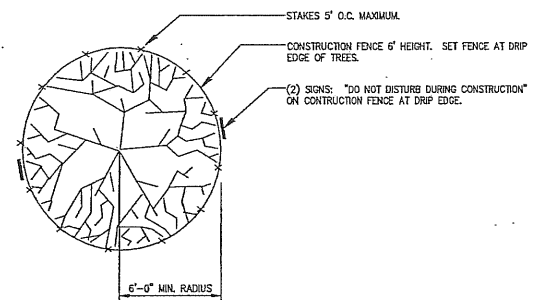
CUSTOMER: THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
776 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELOUCAHOFFMAN.COM

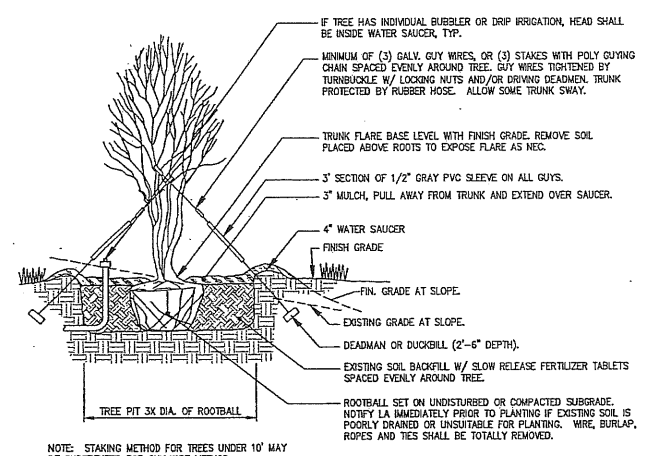
DRAWN: CDD DATE: DEC. 2010
DESIGNED: JAL SCALE: AS NOTED
CHECKED: JAL IJG NO. 2769
FILE NAME: 2769-DCT
SHEET: C-9

LANDSCAPE NOTES

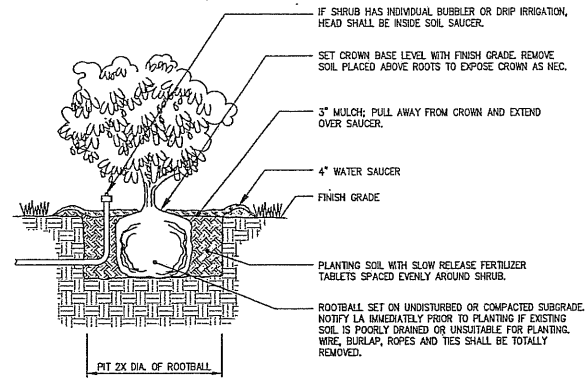
- IN AREAS OF NEW CONSTRUCTION OR RENOVATION WORK, EXISTING PLANT MATERIAL AND EXISTING GRASS NOT INDICATED TO REMAIN SHALL BE REMOVED. AREAS INDICATED TO BE SEEDED SHALL BE LOADED IN ACCORDANCE WITH APPLICABLE DETAILS AND RESEEDING. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- PLANTING OF TREES AND SHRUBS SHALL NOT OCCUR UNTIL ALL GRADING AND PAVING IS COMPLETED IN THE AREA.
- ALL PLANTS SHALL HAVE A NORMAL HABIT OF GROWTH FOR THE SPECIES AND SHALL BE SOUND, HEALTHY, FREE OF DISEASE AND INSECTS, AND FREE OF DEAD OR DYING BRANCHES, BRANCH TIPS OR BARK WOUNDS. THEY SHALL CONFORM TO THE MEASUREMENTS ON THE PLANT LIST AND SHALL CONFORM TO ANSI Z60.1 - NURSERY STOCK, LATEST REVISION.
- THE PLANTING PERIOD SHALL BE APRIL 15 TO NOVEMBER 1 AND SHALL ONLY BE PERFORMED WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE. THE SEEDING PERIODS SHALL BE IN THE SPRING (APRIL 15 TO JUNE 15) AND IN THE FALL (SEPTEMBER 15 TO OCTOBER 15).
- THE CONTRACTOR SHALL PROVIDE WATER FOR IRRIGATION IF NOT AVAILABLE ON SITE. ANTI-DISSICANT, WILT-PRUF, OR APPROVED EQUAL SHALL BE APPLIED AS NECESSARY TO PROTECT AGAINST EXCESSIVE MOISTURE LOSS FROM NEEDLES OR LEAVES.
- ALL PLANTS SHALL HAVE ALL ROOTBALL WRAPPING MATERIALS (BURLAP, WIRE, STRING, ROPS, POTS, ETC.) REMOVED AT THE TIME OF PLANTING. REMOVE SOIL PLACED ABOVE ROOTS TO EXPOSE TRUNK FLARE AS NECESSARY TO DETERMINE SETTING LEVEL AND PIT DEPTH. CIRCLING ROOTS OR ROOTS THAT WOULD LATER GIRDLE THE PLANT SHALL BE STRAIGHTENED OR CUT OR THE ROOT BALL SHALL BE CUT UTILIZING THE "BUTTERFLY METHOD".
- BACKFILL MIX FOR ALL PLANT MATERIAL, EXCEPT TREES, SHALL BE COMPOSED OF TWO PARTS EXISTING SOIL AMENDED WITH ONE PART COMPOST OR TOPSOIL, OR WITH ONE PART SANDY FILL IF HEAVY SOILS. TREE PITS SHALL BE BACKFILLED WITH EXISTING SOIL. PLANTING PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER AND TO THE SAME DEPTH OF THE PLANT ROOT BALL. BACKFILL OF PITS AT A TIME AND COMPACT. REFER TO FERTILIZER RATES AND INSTALL SLOW RELEASE FERTILIZER AFTER FIRST BACKFILL.
- ALL BACKFILL MIXES SHALL BE SUPPLEMENTED WITH SLOW RELEASE FERTILIZER TABLETS. TABLETS SHALL BE AGRIFORM 21 GRAM 20-10-5 TABLETS OR AN APPROVED EQUAL. APPLICATION RATE: PERENNIALS - 1 TABLET/PLANT, WOODY SHRUBS TO 2" - 2 TABLETS/PLANT, SHRUBS AND TREES 3" - 7" TO 4" - 4 TABLETS/PLANT AND TREES 8" - 4" AND ABOVE - 4 TABLETS/PLANT. AFTER PLANTS ARE INSTALLED, LIQUID FEED ALL PLANTS WITH ROOTS OR AN APPROVED EQUAL. MIX ACCORDING TO MANUFACTURER'S INSTRUCTIONS. APPLICATION RATE: PERENNIALS - 2 OZ/PLANT, WOODY SHRUBS TO 4" - 1.5 GAL/PLANT, TREES AND SHRUBS 4" - 10" - 3.0 GAL/PLANT AND TREES 10" AND ABOVE - 4.0 GAL/PLANT.
- SMALL MULTI-TRUNKED TREES MAY BE STAKED AS NECESSARY TO MAINTAIN VERTICAL POSITION. TREE STAKING MATERIAL SHALL BE REMOVED BY THE LANDSCAPE CONTRACTOR AFTER ONE GROWING SEASON.
- ALL PLANT BEDS AND WATERING RINGS SHALL BE FREE OF WEEDS OR GRASS PRIOR TO INSTALLATION OF MULCH AND SHALL BE MAINTAINED FREE OF WEEDS UNTIL FINAL ACCEPTANCE OF THE LANDSCAPING. IF VEGETATION EXISTS, OR GERMINATES IN THE COURSE OF WORK, TREAT WITH HERBICIDE. USE OF A PRE-EMERGENT HERBICIDE IS RECOMMENDED IN PLANT BEDS.
- ALL SHRUB PLANTINGS SHALL BE CONTAINED IN MULCHED BEDS. MULCH SHALL BE MEDIUM SHREDDED BARK, 3" DEPTH. ALL PLANTINGS NOT IN BEDS OR ISLANDS SHALL HAVE MULCHED WATER RINGS IN ACCORDANCE WITH THE PLANT INSTALLATION DETAILS.
- ALL PLANTS SHALL HAVE THEIR LOCATIONS STAKED AND APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER PRIOR TO PLANT INSTALLATION. ALL PLANTS SHALL BE ORIENTED FOR BEST APPEARANCE.
- PLANT SPECIES SUBSTITUTIONS WILL NOT BE ALLOWED UNLESS FIRST APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER. ANY CHANGE TO PLANT SPECIES, DUE TO LACK OF AVAILABILITY DURING CONSTRUCTION, SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER.
- ALL AREAS NOT IDENTIFIED WITH OTHER SURFACE TREATMENTS SHALL BE SEEDED AND STRAW MULCHED WITH SEED MIXES AS NOTED AND AS DESCRIBED IN THE SPECIFICATIONS. ON SLOPES GREATER THAN 3H:1V, INSTALL EROSION CONTROL FABRIC AS SPECIFIED.
 - PRIOR TO SEEDING, APPLY FERTILIZER AND LIME IN ACCORDANCE WITH SOIL TEST RECOMMENDATIONS.
 - SEED MIX A - LAWNS: 50% KENTUCKY BLUEGRASS, 30% CREEPING RED FESCUE, 20% CHEWING FESCUE, 10% PERENNIAL RYEGRASS. RATE: 5 LBS/1000 SF.
 - SEED MIX B - SHADE SEED MIX NEAR WOODLAND EDGE: 50% CREEPING RED FESCUE, 25% CHEWING FESCUE, 25% PERENNIAL RYEGRASS. RATE: 4 LBS/1000 SF. SHADER AREAS MAY BECOME PREDOMINATELY LEAF LITTER.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATIONS, SPECIES, SIZES, QUANTITY, OR CONDITION, SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY IF APPLICABLE) PRIOR TO INSTALLATION. ANY SCHEDULES OR LISTS ACCOMPANYING THE PLANS SHALL BE USED AS A GUIDE ONLY. IN THE CASE OF DISCREPANCIES BETWEEN PLANS AND SUCH SCHEDULES OR LISTS, THE WORK AS CALLED FOR ON THE PLANS SHALL TAKE PRECEDENCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAWN MAINTENANCE. MAINTENANCE SHALL COMMENCE AT THE TIME OF PLANTING AND CONTINUE UNTIL GRASS IS FULL AND ESTABLISHED. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, MOWING, RESEEDING, SEASONAL FERTILIZING, LAMING, APPLICATIONS OF BROADLEAF HERBICIDES, PESTICIDES AND/OR INSECTICIDES AS NECESSARY TO MAINTAIN A HEALTHY STAND OF GRASS. THE OWNER SHALL BECOME RESPONSIBLE FOR LAWN MAINTENANCE AFTER GRASS IS DEEMED ESTABLISHED BY THE ENGINEER/LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL MAINTAIN PLANT MATERIAL UNTIL COMPLETION OF THE PUNCH LIST ITEMS. FOLLOWING COMPLETION OF THE PUNCH LIST ITEMS, AND FINAL ACCEPTANCE OF LANDSCAPING, MAINTENANCE OF THE PLANT MATERIAL SHALL BECOME THE RESPONSIBILITY OF THE OWNER, OR ITS DESIGNATED REPRESENTATIVE.
- PLANT MAINTENANCE SHALL CONSIST OF PRUNING, WATERING, FERTILIZING, CULTIVATING, WEEDING, MULCHING, REMOVAL OF DEAD MATERIAL, PRUNING OF PERENNIALS, RESETTling PLANTS TO PROPER GRASSES AND UPRIGHT POSITION, REPAIRING, TIGHTENING AND REPLACING OF TREE STAKING MATERIALS, AND FURNISHING AND APPLYING SUCH CHEMICALS AS ARE NECESSARY TO KEEP PLANTINGS FREE OF INSECTS AND DISEASE, AND IN A HEALTHY GROWING CONDITION.
 - EACH TREE AND SHRUB SHALL BE PRUNED TO PRESERVE THE NATURAL CHARACTER OF THE PLANT. DEAD WOOD, SUCKERS, AND BROKEN AND BADLY BRUISED BRANCHES SHALL BE REMOVED. PRUNING FOR FORM SHALL BE DONE AFTER PLANTS HAVE BEEN INSPECTED AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT. PRUNING SHALL BE DONE WITH CLEAN, SHARP TOOLS. CUTS SHALL BE MADE FLUSH, LEAVING NO STUBS. NO TREE PAINT SHALL BE USED. ALL PLANT CLIPPINGS AND DEBRIS SHALL BE REMOVED FROM THE SITE.
 - ALLOW SHRUBS AND ORNAMENTAL GRASSES TO GROW TOGETHER TO FORM A NATURAL LOOKING PLANT MASS AND ALLOW EVERGREEN SHRUBS TO GROW TOGETHER TO FORM A SOLID GROUND COVER.
 - PERENNIAL PLANTINGS AMENABLE TO DIVISION MAY BE DIVIDED DURING TWO GROWING SEASONS TO FILL IN GAPS IN EXISTING PLANTINGS OR TO CREATE OR EXPAND PERENNIAL PLANTING IN THE FOCAL AREA.
 - AFTER ONE GROWING SEASON, THE SOIL SAUCERS SHALL BE SPREAD AWAY FROM THE TREE TRUNK AND REMULCHED.
 - TREE STAKING MATERIAL SHALL BE REMOVED BY THE LANDSCAPE CONTRACTOR AFTER ONE GROWING SEASON. TREE STAKING MATERIAL SHALL NOT REMAIN LONGER THAN TWO GROWING SEASONS AND SHALL BE REMOVED AS SOON AS THE ROOT SYSTEM BECOMES ESTABLISHED ENOUGH TO SUPPORT THE PLANT IN A VERTICAL POSITION DURING WINDY CONDITIONS.
- FERTILIZER AND LIME (PH ADJUSTMENT) APPLICATIONS FOR LAWNS AND PLANTED AREAS SHALL BE BASED ON RECOMMENDATIONS PROVIDED BY SOIL TESTING ADMINISTERED AT THE START OF CONSTRUCTION AND IN ACCORDANCE WITH CUSTOMARY SEASONAL MAINTENANCE PROCEDURES FOR THE REGION. ANNUAL SOIL TESTING OF REPRESENTATIVE PLANT BEDS AND LAWN AREAS SHALL BE PERFORMED BY THE OWNER OR ITS DESIGNATED REPRESENTATIVE TO DETERMINE FERTILIZATION AND PH ADJUSTMENTS NEEDED TO MAINTAIN THE SOIL PH REQUIRED BY THE TYPE OF PLANTING OR GRASSING.
- CHEMICALS SHALL BE REGISTERED AND APPROVED BY EPA, ACCEPTABLE TO AUTHORITIES HAVING JURISDICTION, AND OF TYPE RECOMMENDED BY MANUFACTURER FOR EACH SPECIFIC PROBLEM AND AS REQUIRED FOR PROJECT CONDITIONS AND APPLICATION. RESTRICTED CHEMICALS SHALL NOT BE USED UNLESS AUTHORIZED IN WRITING BY AUTHORITIES HAVING JURISDICTION.
- ALL NEW AND TRANSPLANTED PLANTS SHALL BE GUARANTEED FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION. THE OWNER AND ENGINEER/LANDSCAPE ARCHITECT, DEAD PLANTS AND PLANTS NOT IN A VIGOROUS, THRIVING CONDITION, AS DETERMINED BY THE ENGINEER/LANDSCAPE ARCHITECT DURING AND AT THE END OF THE GUARANTEE PERIOD, SHALL BE REPLACED WITHOUT COST TO THE OWNER, AS SOON AS WEATHER CONDITIONS PERMIT AND WITHIN THE SPECIFIED PLANTING PERIOD. REPLACEMENTS SHALL MATCH THE ORIGINAL PLANT SPECIES AND SIZE SPECIFIED. IF THE PLANT WAS TRANSPLANTED AND NO NEW PLANT OF THE SAME SPECIES WAS ORIGINALLY SPECIFIED, THEN THE REPLACEMENT SHALL MEET THE MINIMUM SIZE REQUIRED FOR A SIMILAR TYPE. UPON ACCEPTANCE OF THE REPLACEMENT MATERIAL, THE FULL GUARANTEE PERIOD SHALL COMMENCE FOR EACH PLANT REPLACED. THE CONTRACTOR SHALL REPAIR ANY DAMAGE INCURRED IN THE COURSE OF REPLACEMENT WORK AT NO COST TO THE OWNER.



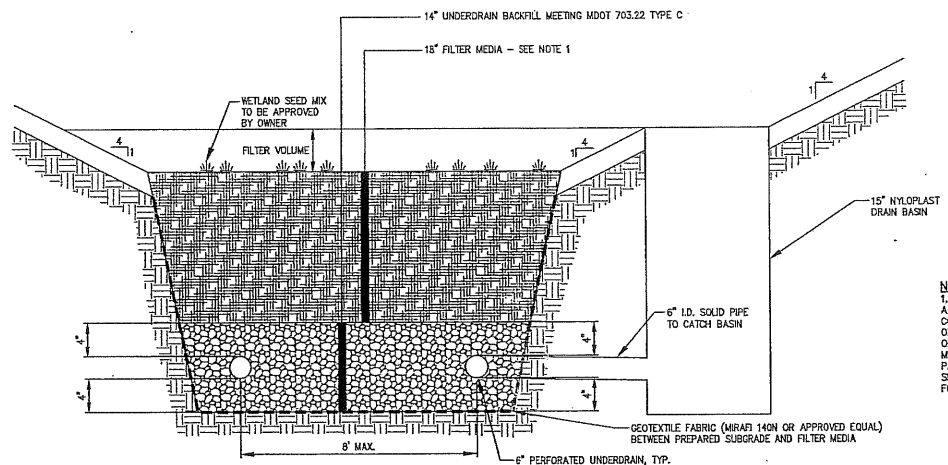
A TREE PROTECTION DETAIL
N.T.S.



D MULTI-TRUNKED TREE INSTALLATION DETAIL
N.T.S.



B SHRUB INSTALLATION DETAIL
N.T.S.



E TYPICAL SECTION FOR WATER QUALITY UNDERDRAINED SOIL FILTER
N.T.S.

UNDERDRAINED SOIL FILTERS AND BIORETENTION CELLS

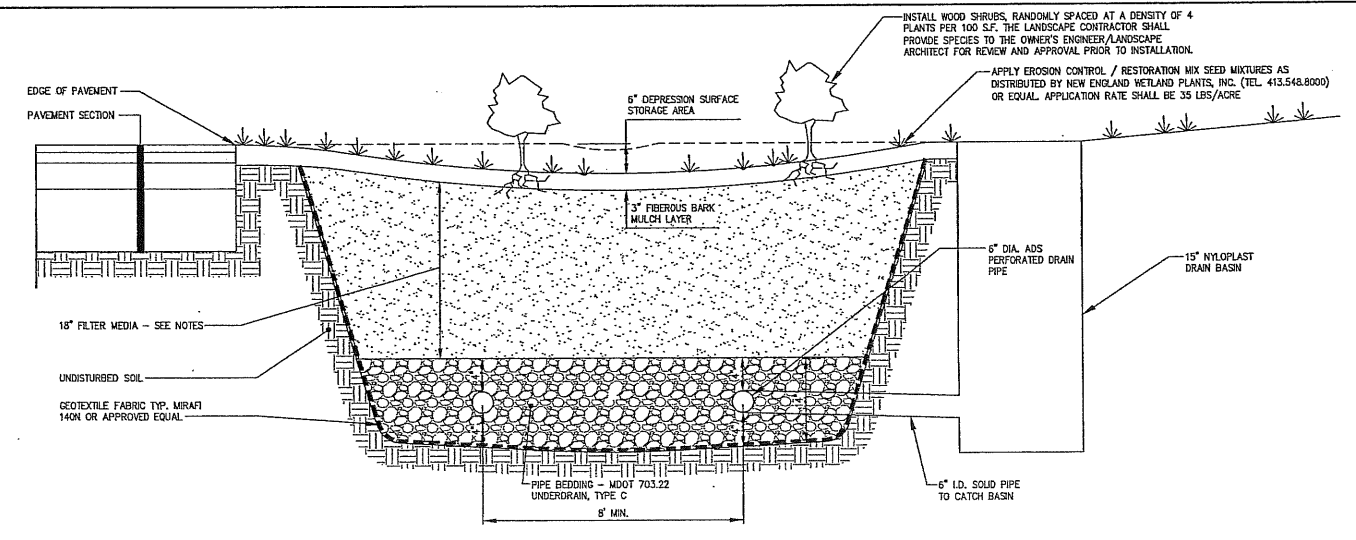
FILTER BED
SOIL FILTER MEDIA MUST CONSIST OF A SILTY SAND SOIL OR SOIL MIXTURE COMBINED WITH 20% TO 25% BY VOLUME OF A MODERATELY FINE SHREDDED BARK OR WOOD FIBER MULCH. THE RESULTING MIXTURE MUST HAVE NO LESS THAN 8% PASSING THE NO. 200 SIEVE. MAINE DOT SPEC. 703.01 IS AN ACCEPTABLE SAND FOR USE IN THE MIXTURE.

THIS SOIL MIXTURE SHALL BE A UNIFORM MIX, FREE OF STUMPS, ROOTS, OR OTHER SIMILAR OBJECTS LARGER THAN TWO INCHES. NO OTHER MATERIALS OR SUBSTANCES SHALL BE MIXED OR DUMPED WITHIN THE SOILS THAT MAY BE HARMFUL TO PLANT GROWTH, OR PROVE A HINDERANCE TO THE PLANTING OR MAINTENANCE OPERATIONS.

PIPE BEDDING AND TRANSITION ZONE
PIPE BEDDING: THE PERFORATED 6 INCH DIAMETER UNDERDRAIN PIPE(S) MUST BE BEDDED IN CRUSHED STONE MEETING THE MDOT SPECIFICATION 703.22 UNDERDRAIN TYPE C FOR UNDERDRAIN BACKFILL MATERIAL. THERE SHOULD BE AT LEAST 4 INCHES OF CRUSHED STONE BENEATH THE UNDERDRAIN PIPE AND 4 INCHES ABOVE. UNDERDRAIN PIPES MUST BE PLACED NO FURTHER THAN 8 FEET APART.

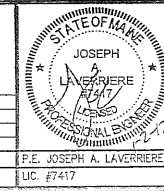
IN THE CONSTRUCTION SCHEDULE FOR THE PROJECT, THE PLACEMENT OF THE FILTER MEDIA MUST BE DELAYED UNTIL THE SITE HAS BEEN DETERMINED TO BE STABLE. BIO-RETENTION CELLS ARE EXTREMELY SUSCEPTIBLE TO SEDIMENT AND ANY EXCESS SEDIMENT FROM THE CONSTRUCTION PROCESS WILL SHORTEN THE LIFESPAN OF THE FILTER MEDIA AND RENDER THE FILTER INEFFECTIVE. THE FILTER MEDIA SHALL BE PLACED AFTER THE SITE IS FULLY STABILIZED AND AT THE DIRECTION OF THE DESIGN ENGINEER.

C TYPICAL CROSS-SECTION THROUGH BIO-RETENTION CELL
N.T.S.



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO MADOE
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT: THE INN AT DIAMOND COVE
SHEET TITLE: SITE DETAILS
CLIENT: THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.776.1124
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: AS NOTED
CHECKED: JAL JOB NO.: 2769
FILE NAME: 2769-DET
SHEET: C-10

NOTE TO REGISTRAR
 This Plan differs previously recorded plans for Diamond Cove Phase I Recorded in
 CCRD Plan book 194, page 53 and Plan Book 194, Page 188, and Plan Book 194,
 Page 36.

EXHIBIT I

NOTE:
 A CONDOMINIUM PLAT WILL BE FILED
 FOLLOWING FINAL SUBDIVISION
 APPROVAL.

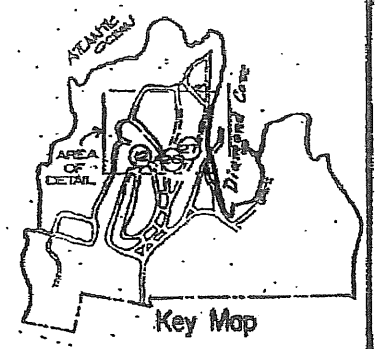
NOW OR FORMERLY
**MCKINLEY PARTNERS
 LIMITED PARTNERSHIP**
 CCRD 11199-257
DIAMOND COVE PHASE II
 CCRD PLAN BOOK 191, PP. 143 TO 143

Surveyor's Statement of Attention
 Survey & Geodetic Consultants, Inc., hereby states to McKinley Partners, exclusively
 that this plan conforms to:

1. To depict the front, side, and rear yards of Building 78 which was
 inadvertently omitted from a plan recorded at the Cumberland County
 Registry of Deeds in Plan Book 201 at Page 36 but is depicted on a plan
 recorded at the Cumberland County Registry of Deeds in Plan Book 198
 at Page 188. No easement is either created or extinguished by this plan.
2. To correct a scrivener's error in the "Surveyor's Statement of Attention"
 on a plan recorded in Cumberland County Registry of Deeds in Plan
 Book 201 Page 36. Said statement erroneously refers to a "Phase I-
 Second Amended Sheet 3 of 7 of the plans of Diamond Cove as being
 recorded in Plan Book 194 at Page 188. Said plan is recorded in Plan
 Book 194 at Page 188.

Timothy A. Poirer
 Timothy A. Poirer, P.E.
 Survey & Geodetic Consultants, Inc.
 Maine Professional Surveyor # 2294
 12 Westbrook Common - 2nd Floor
 Westbrook, Maine 04092
 207-856-0006

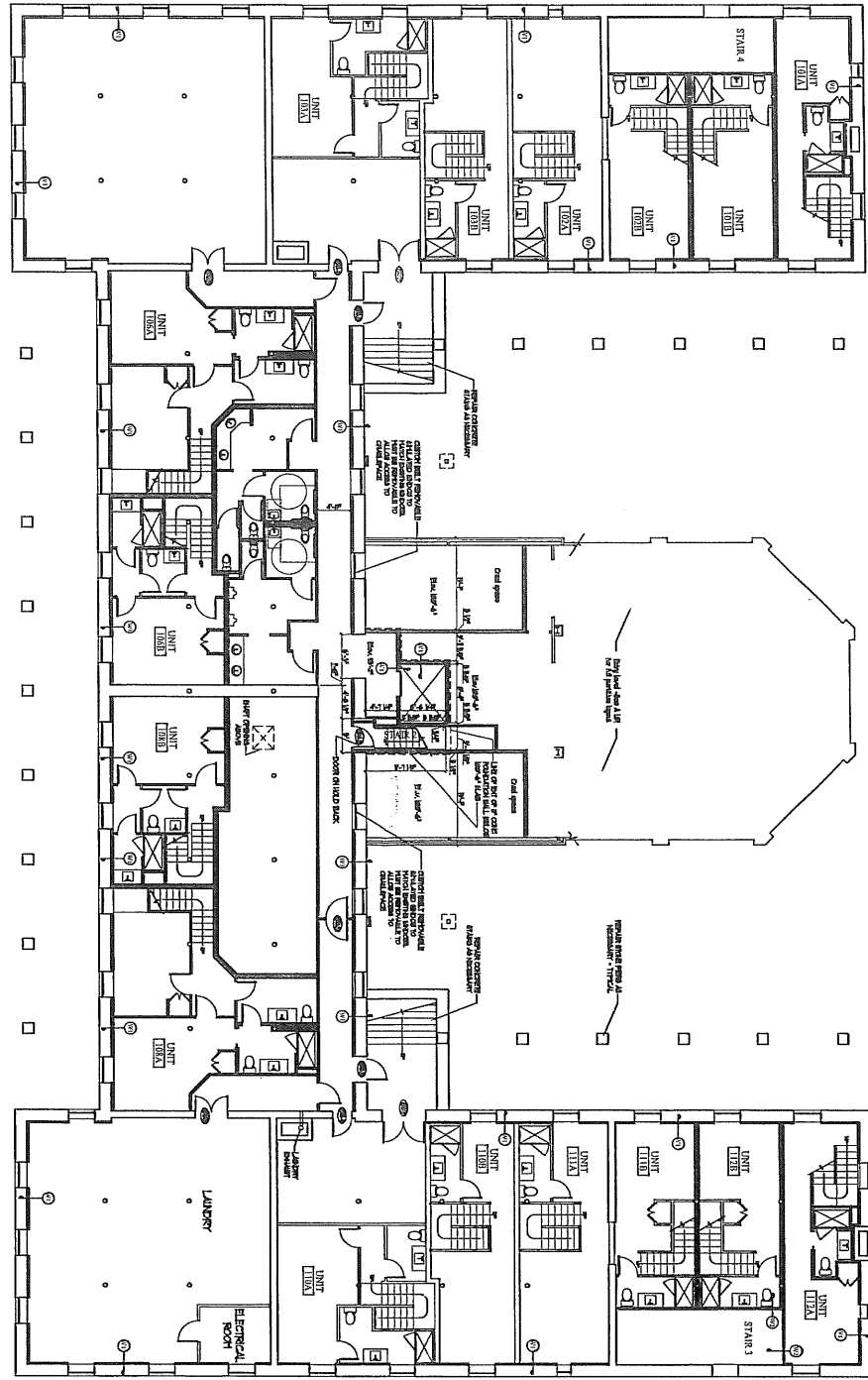
- General Notes:**
1. Please see plan book 181, Page 36, sheet 1 of 7 for additional notes, conditions, and legend.
 2. These lots are subject to an amended and restated general declaration of covenants and restrictions (CCRD
 1127-922) as amended by the final record and third supplement to amended and restated general declaration
 of covenants and restrictions recorded therein.



REGISTRY OF DEEDS:
 State of Maine, Cumberland Co.
 Registry of Deeds
 Recorded August 22, 2002
 at 3:14 P.M. in Book 191, Page 143
 Plan Book 191, Page 143

DATE	REVISIONS
02/05/01	JOB NO: LSC 1450 SAC LSC0277
02/05/01	FIELD SKI LSC 1450
02/05/01	DESK
FEET METERS	





A1.00

Date: 12 January 2011
 Scale: 1/8" = 1'-0"
BASEMENT FLOOR PLAN

Revision: PRICING KEY
 Issued for SFMO permit 2.22.11

Project: **THE INN AT DIAMOND COVE, LLC**
 McKinley Court
 Great Diamond Island, Maine

Architect: **ARCHETYPE architects**
 48 Union Wharf Portland, Maine 04101
 (207) 772-6922 Fax (207) 772-4656

Interior Designer: **trucullins**
 150 State Street Portland, ME 04101
 Phone 602.856.2775 Fax 602.856.1676

Prepare For: **The Inn at Diamond Cove, LLC.**
 PO BOX 3572
 PORTLAND, ME 04101

GENERAL NOTES:
 1. ALL WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2009 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC).
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

LEGEND:

	BUILDING SECTION
	WALL SECTION
	SECTION DETAIL
	PLAN DETAIL
	WALL TYPE (SEE SHEET A400)
	FLOOR CONSTRUCTION (SEE SHEET A400)
	NEW WALL - 8" CMU 1 1/2" GYP
	NEW MASONRY NTL
	EXISTING WALL

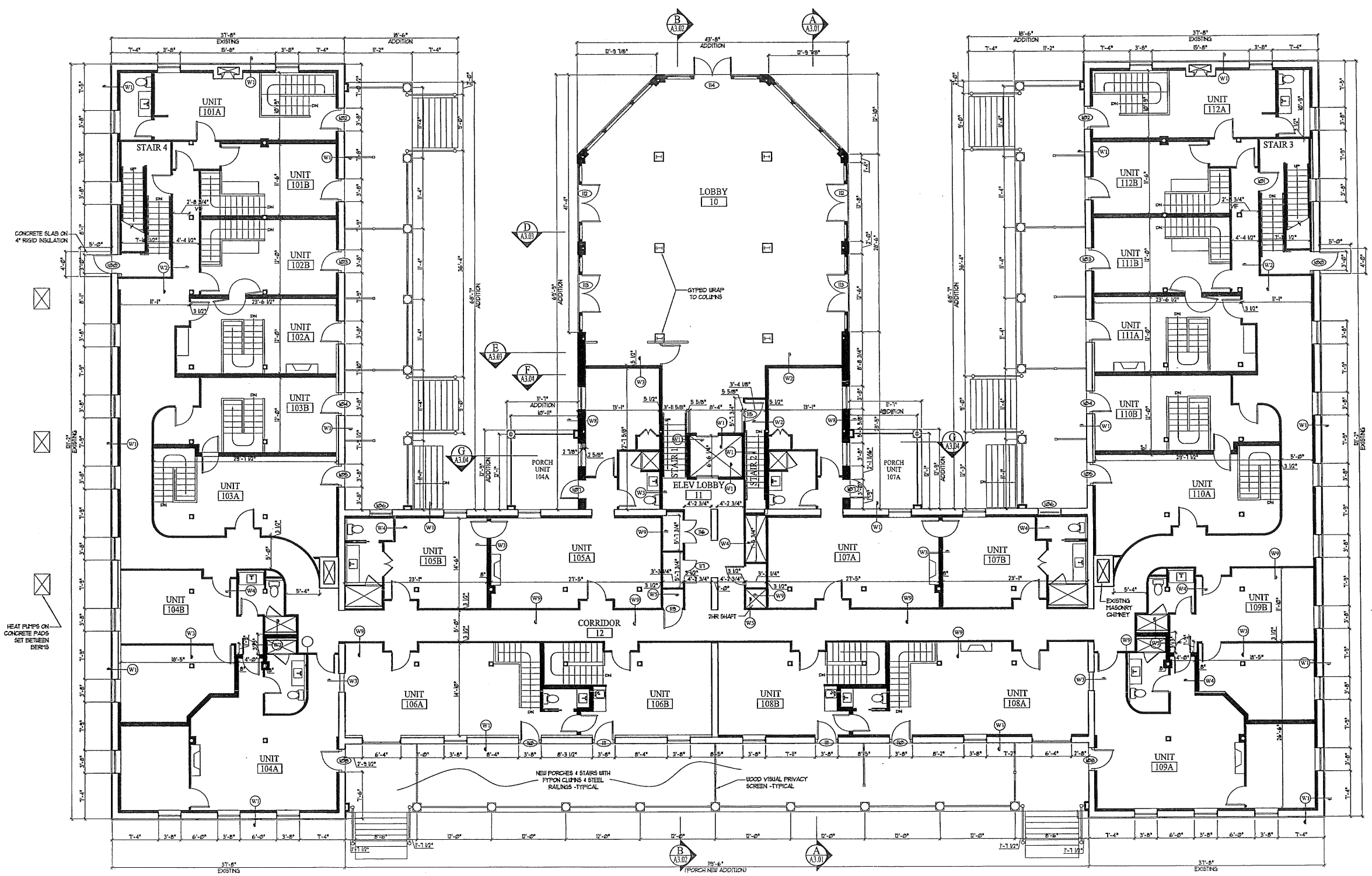
2-D-2

LEGEND:

BUILDING SECTION	
WALL SECTION	
SECTION DETAIL	
PLAN DETAIL	
WALL TYPE (SEE SHEET A4.01)	
FLOOR/CEILING TYPE (SEE SHEET A4.02)	
NEW WALL - STUD & GYP. BD.	
NEW MASONRY INFILL	
EXISTING WALL	

GENERAL NOTES:

- ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
- OFFSET STUDS WHERE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1 AND 2 LAYERS OF GYP BOARD. FINISHED GYP BOARD SHALL BE A CONTINUOUS PLANE.
- ALL DIMENSIONS ARE TO FACE OF ROUGH FRAMING, COLUMN CENTERLINES AND FACE OF MASONRY.
- SEE A4.00 FOR WALL TYPE ASSEMBLIES
- SEE A7.00 FOR DOOR/FINISH SCHEDULES
- SEE A6.00 FOR ENLARGED UNIT PLANS AND INTERIOR DETAILS.
- INFILL, REPAIR & REPOINT EXISTING MASONRY. TYPICAL ALL EXISTING MASONRY.
- PROVIDE WOOD BLOCKING AT ALL LOCATIONS OF CONNECTION OF NEW FRAMING TO EXISTING MASONRY.
- PATCH AND REPAIR WOOD FLOOR STRUCTURE AS INDICATED ON STRUCTURAL DRAWINGS AND AS NECESSARY.
- PORCHES REBUILT AND DETAILED ON SHEET A3.02.
- SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.
- WHERE EXISTING MASONRY IS REMOVED REPAIR ALL CUTTING WITH BRICK AND JOINTING TO FINISH AS NECESSARY.



Prepared For:
The Inn at Diamond Cove, LLC.
 PO BOX 3372
 PORTLAND, ME 04101

Interior Designer:
truexculins
 ARCHITECTS
 48 UNION WHARF, PORTLAND, MAINE 04101
 PH: 207.658.2775 FAX: 207.658.2776
 ARCHITECTURE | INTERIOR DESIGN | TRUEXCULINS.COM

Architect:
ARCHITECTURE
 ARCHITECTS
 48 UNION WHARF, PORTLAND, MAINE 04101
 (207) 775-0022 Fax (207) 772-4056

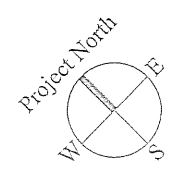
Project:
**THE INN AT
 DIAMOND COVE,
 LLC**
 MCKINLEY COURT
 GREAT DIAMOND ISLAND, MAINE

Revisions:
 Planning Board Amendment 12-15-11

Date:
 12 January 2011

Scale:
 1/8" = 1'-0"

FIRST FLOOR PLAN



A1.01

ATT 2-6-1

Appendix C 1



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

September 9, 2009

Diamond Cove Homeowners Assoc and The Inn at Diamond Cove, LLC
Attn: Aaron Bateman
P.O. Box 759
Saco, ME 04072

RE: **Final Permit:** Maine Waste Discharge License (WDL) Application #W006931-5C-F-R
Maine Pollutant Discharge Elimination System Permit #ME0023248

Dear Mssrs. Whelan and Bateman:

Enclosed please find a copy of your **final** MEPDES permit/Maine Waste Discharge License which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months. However, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-3901.

Sincerely,

Michael Demarest
Division of Water Quality Management
Bureau of Land and Water Quality

Enc. Final Permit

cc: Stuart Rose, DEP/SMRO
Mary Beth Richardson SMRO
Robert Whelan, President, DCHA
Aaron Bateman, Phoenix Mgmt.
Joseph Laverriere, P.E

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

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

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

PRESQUE ISLE
1235 CENTRAL DR., SKYWAY PK.
PRESQUE ISLE, ME 04769-2094
(207) 764-6477
FAX: (207) 764-1507

#W006931-5C-F-R

Amy Fitzpatrick, DMR

Gail Wipplehauser, DMR

Robert Laughlin, Casco Bay Island Development Association

Paul Gleason

Mary Cerullo, Asst. Director; Friends of Casco Bay

Philip Conkling, President; Island Institute

Ross A. Cudlitz, LSE, P.E.

Calcagni, Anthony

Jon Carman, JMC Wastewater Services



DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND COVE HOMEOWNERS ASSOC AND	)	MAINE POLLUTANT DISCHARGE
THE INN AT DIAMOND COVE, LLC	)	ELIMINATION SYSTEM PERMIT
PORTLAND, CUMBERLAND COUNTY, MAINE	)	AND
OVERBOARD DISCHARGE	)	WASTE DISCHARGE
MEPDES #ME0023248	)	LICENSE
#W006931-5C-F-R APPROVAL	)	TRANSFER AND RENEWAL

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, Section 1251, et seq., *Water pollution control*, 38 M.R.S.A. § 414-A and *Overboard discharges: licenses and abandonment*, 06-096 CMR 596 (last amended November 27, 2004), the Department of Environmental Protection (Department) has considered the application of the DIAMOND COVE HOMEOWNERS ASSOC (DCHA) and THE INN AT DIAMOND COVE, LLC (Inn) (collectively, applicants or permittees) with its supportive data, agency review comments, and the related material on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

- A. The applicants have submitted an application to the Department for the renewal and transfer of Waste Discharge License WDL #W006931-5C-E-R from McKinley Partners Ltd. Partnership and the DCHA to their names. The applicants also propose to modify the permit to reflect plans for the redevelopment of the "Barracks" into a condominium/hotel. The applicants propose to institute improvements to the wastewater collection infrastructure to reduce infiltration and inflow as part of the application.
- B. WDL #W006931-5C-E-R, issued to the McKinley Partners and the DCHA October 14, 2005, authorized the year-round overboard discharge (OBD) of a monthly average of no more than 35,000 gallons per day of secondary treated sanitary wastewater to the Atlantic Ocean at Casco Bay, Class SB. WDL #W006931-5C-E-R is due to expire on October 14, 2010.
- C. On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referred to as the MEPDES permit program and permit #ME0023248 (same as the NPDES permit) will be utilized as the primary reference number for the Diamond Cove wastewater treatment facility.

SUMMARY

- A. This permitting action is similar to the 10/14/2005 Permit action in that it is;
 - 1. Carrying forward the monthly-average discharge flow limitation of 35,000 gpd;
 - 2. Carrying forward the 30 mg/L monthly average, 45 mg/L weekly average and 50 mg/L daily maximum technology-based concentration limits for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
 - 3. Carrying forward the 8.8 lbs/day monthly average, 13 lbs/day weekly average and 15 lbs/day daily maximum technology-based mass limits for BOD₅ and TSS;
 - 4. Carrying forward the monthly average technology-based concentration limits for fecal coliform bacteria;
 - 5. Carrying forward the daily maximum technology-based concentration limitations for total residual chlorine (TRC) of 1.0 mg/L.

- D. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987. The redevelopment of the barracks and hospital are existing sources in that they were connected to the wastewater disposal system and approved for redevelopment as part of *Phase I* development in Department Site Location Order #L-013160-87/03-A-N on December 10, 1986.
- E. A publicly owned sewer line is not located on or abutting land owned or controlled by the applicants or is not available for the applicants' use.
- F. The discharge is not located within the boundaries of a sanitary district or sewer district.
- G. The Inn's Licensed Site Evaluator/Professional Engineer has determined that there is not a subsurface alternative for the Barracks, but has found there to be a feasible alternative for the Hospital, both of which have or will have changed owners since September 13, 2003, the effective date of *Waste discharge licenses* 38 M.R.S.A. §413.3.
- H. The proposed development will not cause exceedances of the 35,000 gpd monthly average volume limit.
- I. The discharge from the existing development is primarily domestic in both strength and character. The discharge from the rehabilitation of the "Barracks" will be domestic in strength and character.

ACTION

THEREFORE, the Department APPROVES the application of the DIAMOND COVE HOMEOWNERS ASSOC. AND THE INN AT DIAMOND COVE, LLC, transferring to their name WDL #W006931-5C-E-R and authorizing the year-round discharge of no more than 35,000 gallons per day (monthly average) of treated sanitary wastewater into CASCO BAY, Class SB, in PORTLAND Maine; subject to the following conditions and all applicable standards and regulations.

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.
4. The amount of effluent being discharged and the number of months the discharge occurs can not be increased in accordance with *Classification of Maine Waters*, 38 M.R.S.A. §464, sub-§4(A)(6).
5. Wastewater disposal is limited to the existing active development and that resulting from the redevelopment of the "Barracks" into a 46 bedroom commercial residential facility. Influent from the proposed pool and from the "Hospital" are specifically excluded from discharge through the existing OBD.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/31/2008

Date of application acceptance: 1/13/2009

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – OUTFALL #001

1. The permittees are authorized to discharge secondary treated wastewaters from Outfall #001 to Casco Bay, Class SB. Such discharges shall be limited and monitored by the permittees as specified below:

Effluent Characteristic Parameter	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average (5) as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow [50050J]	35,000 gpd	Report (gpd)	Report (gpd) [07]				Continuous [99/99]	Recorder [RC]
Biochemical Oxygen Demand (1) (BOD ₅) [00310J]	8.8 lbs./day [26]	13 lbs./day [26]	15 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
Total Suspended Solids (TSS) (1) [00530J]	8.8 lbs./day [26]	13 lbs./day [26]	15 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
Settleable Solids [00545J]	—	—	—	—	—	0.3 mL/L [25]	1/Month [01/30] (2)	Grab [GR]
Fecal Coliform Bacteria (3) [31633J]	—	—	—	15/100 ml [13]	—	50/100 ml [13]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine [50060J] (4)	—	—	—	—	—	1.0 mg/L [19]	5/Week [05/07]	Grab [GR]
pH (Std. Unit) [00400J]	—	—	—	—	—	6.0 - 9.0 SU [12]	1/Week [05/07]	Grab [GR]

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMR's)

Footnotes:

Sampling – All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. Sampling and analysis must be conducted in accordance with: a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

- Percent Removal – The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L.
- The monitoring frequency for SS has been revised from once weekly [01/07] to once monthly [01/30] to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.
- Fecal coliform bacteria – The limits and monitoring requirements are in effect on a seasonal basis, to be implemented no later than May 15 and be discontinued no earlier than September 30 of each year.
- Total Chlorine Residual (TRC) – TRC is required in any month the effluent is chlorinated.
- Weekly average flows that exceed 35,000 gpd will prompt the permittee(s) to implement provisions in the Wet Weather Management Plan (see Special Condition J).

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

An approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized, followed by a dechlorination system if the total residual chlorine (TRC) cannot be met by dissipation in the detention tank. At no time may the TRC in the effluent shall cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall be sufficient to leave a TRC concentration that will effectively reduce bacteria to levels below those specified in Special Condition A, "*Effluent Limitations and Monitoring Requirements.*"

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade II** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee(s) may engage the services of the contract operator.

E. UNAUTHORIZED DISCHARGES

The permittees are authorized to discharge only in accordance with the terms and conditions of this permit and only from the existing outfall. Discharges of wastewater from any other point source are not authorized under this permit, but must be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

This permit specifically excludes introduction of wastewater directly or indirectly from the redevelopment of the Hospital and the proposed Inn swimming pool. This permit authorizes the inclusion of wastewater resulting from the general practice of hotels and inns to have kitchen facilities to support a continental breakfast, and the proposed cabana to serve beverages and light snacks for their guests. This permit does not authorize the inclusion of wastewater from any non-domestic sources or activities such as restaurant facilities within the Inn or the pool.

F. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

SPECIAL CONDITIONS

G. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

**Maine Department of Environmental Protection
Bureau of Land and Water Quality
OBD Inspection Program
17 State House Station
Augusta, Maine 04333-0017**

H. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittees shall notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

1. The quality and quantity of wastewater introduced to the system; and
2. Any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

I. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

On or before March 8, 2014, prior to permit transfer or transfer of the property occupying the permitted overboard discharge system, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

The Department may not grant approval for a **permit transfer** if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Waste Water Disposal Rules administered by the Maine Department of Health and Human Services, Division of Environmental Health can be installed as a replacement system for the overboard discharge.

The Department may not grant approval for a **permit renewal** if the site evaluation concludes that a non-discharging wastewater disposal system can be installed as a replacement system for the overboard discharge and the Department has offered the permittees funding for the removal of the discharge.

J. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittees shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittees to achieve compliance with the conditions of this permit.

By December 31, 2009, the permittees shall establish a "Wet Weather Management Plan" as part of the O & M plan. This plan would direct the staff on how to operate the facility effectively during periods of high flow, including operating procedures for a range of intensities, solids handling procedures, and provide written operating and maintenance procedures during the events.

SPECIAL CONDITIONS

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittees shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittees shall submit the updated O&M Plan to their Department inspector for review and comment.

K. TREATMENT SYSTEM REPAIRS AND MAINTENANCE

Prior to habitation of the "Barracks" and final reconnection of the "Barracks" to the OBD, or by March 8, 2012, whichever occurs first, the permittees shall refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, permanently disconnect the "Hospital" from the sewer collection system and cap off that end of the sewer to exclude any inflow and infiltration from the Hospital leg of the sewer, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and 83E-B40-4, and replace/raise to grade the manhole casting adjacent to Unit #83E-260-26A [PCS Code 04599].

L. SEPTIC TANKS

1. Septic tanks and other treatment tanks shall be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. The permittees shall maintain logs of inspections/maintenance that records the date, notes on observations, repairs conducted etc. The logs shall be maintained on site at all times and made available to Department personnel upon request.
2. Tank contents should be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The licensee shall keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractor, pumping frequency and other relevant observations.

M. REOPENING OF PERMIT FOR MODIFICATIONS

If new site-specific information or any other pertinent information is gathered during the term of this permit, the Department may, at anytime and with notice to the permittees, modify this permit to:

- (a) include effluent limits necessary to control specific pollutants where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded.
- (b) impose or change monitoring requirements or limitations based on new information;
- (c) require elimination of the discharge when an alternative form of wastewater disposal is feasible. The Department will require termination of the discharge when grant funds are made available for elimination of the discharge.

N. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND MAINE WASTE DISCHARGE LICENSE
FACT SHEET**

Date: **June 9, 2009**
Revised: **September 1, 2009**

PERMIT NUMBER: **ME0023248**
LICENSE NUMBER: **W006931-5C-F-R**
NAME AND ADDRESS OF APPLICANTS

Diamond Cove Homeowners Association
c/o Phoenix Management Co.
Attn: Aaron Bateman
P.O. Box 759
Saco, Maine 04101
(207)712-3113
abateman@phoenixmanagementcompany.com

The Inn at Diamond Cove, LLC
c/o Phoenix Management Co.
Attn: Aaron Bateman
P.O. Box 759
Saco, Maine 04101
(207)712-3113
abateman@phoenixmanagementcompany.com

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:
Great Diamond Island
Portland, Maine 04109

RECEIVING WATER AND CLASSIFICATION: **Casco Bay, Class SB**

COGNIZANT OFFICIAL(S) AND TELEPHONE NUMBERS:

Diamond Cove Homeowners Association Attn: Robert Whelan Position: President Telephone: Email: bwhelan@whelanandcompany.com	The Inn at Diamond Cove, LLC c/o Phoenix Mgmt Co. Attn: Aaron Bateman P.O. Box 759, Saco, Maine 04101 Telephone: (207) 775-1121 Email: abateman@phoenixmanagementcompany.com
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1. APPLICATION SUMMARY:

- A. **Application** - The Diamond Cove Homeowners Assoc (DCHA) and The Inn at Diamond Cove, LLC (Inn) (collectively; the applicants or permittees) have submitted an application to the Department to transfer and modify WDL #W006931-5C-E-R, which was issued on October 14, 2005 and expires on October 14, 2010. The 10/14/2005 WDL authorized the year-round discharge of up to 35,000 gallons per day (as a monthly average) of secondary treated sanitary wastewater to Casco Bay, Class SB, in Portland, Maine (See Attachment A of this Fact Sheet for location map).
- B. **Source** - Wastewater is generated by Phase I development of Department Site Location Order #L-013160-87/03-A-N. This development, located on a 193.4-acre portion of Great Diamond Island, consists of 44 buildings. Of the buildings, 36 were to be converted to 134 housing units; five were to be commercial uses, and two for recreational uses. To date

SPECIAL CONDITIONS

all but four of the 36 buildings have been renovated: Housing units 83F-690-69 (Devine) and 83F-700-70 (Devine), the "Barracks" and the "Hospital."

2. MODIFICATIONS REQUESTED:

The applicants are requesting the permit be issued to reflect the full ownership by the previously licensed DCHA, and the inclusion of the wastewater resulting from the redevelopment by the Inn of the "Barracks" as previously authorized as part of *Phase I* development in Department Site Location Order #L-013160-87/03-A-N (Site Order) on December 10, 1986. Although the current proposal is for development as a hotel/condominium, and the Site Order is for a residential use, the wastewater is domestic-like in strength and character. The Department's Division of Water Quality Management (DWQM) is not the licensing authority determining the ultimate use of the structures beyond consistency with the 1986 Site Order.

3. PERMIT SUMMARY:

A. Regulatory - On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referred to as the MEPDES permit program and permit #ME0023248 (same as the NPDES permit application number) will be utilized as the primary reference number for the Diamond Cove wastewater treatment facility.

B. Terms and Conditions:

This permitting action is similar to the 10/14/2005 permit action in that it is;

1. Carrying forward the monthly-average discharge flow limitation of 35,000 gpd;
2. Carrying forward the 30 mg/L monthly average, 45 mg/L weekly average and 50 mg/L daily maximum technology-based concentration limits for BOD₅ and TSS;
3. Carrying forward the 8.8 lbs/day monthly average, 13 lbs/day weekly average and 15 lbs/day daily maximum technology-based mass limits for BOD₅ and TSS;
4. Carrying forward the monthly average technology based concentration limits for fecal coliform bacteria;
5. Carrying forward the monthly average and daily maximum technology-based concentration limitations for total residual chlorine (TRC) of 1.0 mg/L.
6. Carrying forward the minimum 85% BOD₅ and TSS removal requirement;
7. Carrying forward the 0.3 ml/L daily maximum technology-based limit for SS; and
8. Carrying forward the pH range limitation to 6.0 – 9.0 standard units.

This permitting action is dissimilar to the 10/14/2005 permit action in that it is;

1. Revising the monitoring frequency for SS from once weekly [01/07] to once monthly [01/30] to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.
2. Authorizing the introduction of wastewater to the OBD treatment system resulting from the redevelopment of the "Barracks" into a 46-bedroom hotel/condominium by The Inn at Diamond Cove, LLC (Inn). Both the "Barracks" and the "Hospital" were acquired by the City of Portland, and will now be deeded to The Inn at Diamond Cove, LLC per the Purchase and Sales Agreement dated May 4, 2007. *Waste discharge licenses* 38 M.R.S.A. §413.3 requires a Licensed Site Evaluator/Professional Engineer to conduct a site evaluation prior to transfer of a facility served by an OBD. The transferee must replace the OBD (using an alternative system) if there is a feasible

SPECIAL CONDITIONS

3. PERMIT SUMMARY (continued)

alternative. The Inns' LSE found no alternative to the use of the OBD by the "Barracks." Sufficient treatment capacity remains for connection of the "Barracks" to the existing OBD.

3. Specifically prohibiting wastewater (including inflow and/or infiltration) from the "Hospital" from inclusion in the wastewater influent to the existing OBD sand filter treatment system pursuant to *Waste discharge licenses* 38 M.R.S.A. §413.3. There is a feasible alternative to use of the existing OBD treatment. That capacity is not sufficient for use by the "Barracks." Additionally, the existing treatment works does not have sufficient treatment capacity to accept wastewater resulting from the future and subsequent redevelopment of the "Hospital."
4. Specifically prohibiting wastewater from the proposed swimming pool to the existing OBD sand filter treatment system pursuant to *Classification of Maine waters* 38 M.R.S.A. § 464.A.6. The 1986 Site Order did not authorize a second pool. Therefore, connection of the pool to the OBD, would constitute an additional source of discharge and is prohibited.
5. Requiring rehabilitation by the permittees of the remaining 1,340 linear feet of remaining non-rehabilitated wastewater conduit associated with this permit in addition to the other remedial measures proposed in the application prior to habitation of the "Barracks" or within 30 months of the effective date of this permit, whichever occurs first. Although the 35,455-gpd design flow (daily maximum) from the existing development, unrehabilitated Units 83F-690-69, 83F-700-70, and the proposed Inn exceeds the 35,000-gpd discharge volume limit as a daily maximum, it will not cause exceedances of the monthly average. However, the estimated numbers are sufficiently close to warrant additional measures to assure compliance with the discharge volume limit in inclement seasons.
6. Requiring the permittees to cap off the sewer connection to the hospital prior to habitation at the Inn or within 30 months of the effective date of this permit, whichever occurs first. The permittees have stated that the Hospital's roof is in disrepair and that leg of the sewer collection has been identified as a significant contributor of I/I.
7. Requiring monitoring of the discharge as a weekly average (record only). The intent of this provision is to give the permittees' treatment system operators crucial data to make treatment decisions, including implementation of a wet weather management plan to direct the staff on how to operate the facility effectively during periods of high flow. This would also give the Department additional data to make future licensing and monitoring decisions, including potential reinstatement of the original 40,000 gpd (weekly average) discharge volume limit. Should the Department observe a pattern of exceedances or near exceedances, it reserves the right (with notice to the permittees) to require additional monitoring or treatment conditions.
8. Requiring updates to the Operation and Maintenance Plan to include provisions for near capacity discharges. The update must include a Wet Weather Management Plan (WWMP). This plan would direct the staff on how to operate the facility effectively during periods of high flow, including operating procedures for a range of intensities, solids handling procedures, and provide written operating and maintenance procedures during period of high infiltration and inflow caused by storm or melt water events. Ideally, it should bring the DCHA and the businesses into the process, whether by establishing water use alerts, requiring the installation and use of water conserving fixtures, or implementing other water saving or discharge-reducing strategies.

C. History: The most current/relevant regulatory actions regarding the discharge from the facility include:

- ◇ December 10, 1986 –Maine Department of Environmental Protection (MDEP) Site Location Order #L-013160-87/03-A-N approved *Phase I* redevelopment of 193.4 acre Fort McKinley.

SPECIAL CONDITIONS

3. PERMIT SUMMARY (continued):

Of the 44 buildings slated for redevelopment, 34 were to be renovated as 134 housing units, five as commercial uses, two as recreational, and one as maintenance/public safety. Of the 34 buildings, only the “Barrack, the “Hospital,” Units 83F-690-69* and 83F-700-70* have not been rehabilitated to date.

- ◆ May 17, 1989 - The EPA issued NPDES permit #ME0023248 to McKinley Partners. The permit expired on May 17, 1994.
- ◆ June 2, 1994 – The Department issued Maine Waste Discharge License #W006931-5C-D-R for a ten-year term. The WDL authorized the discharge of up to 40,000 gpd (as a daily maximum) of secondary treated wastewater.
- ◆ October 14, 2005 – The Department issued Maine Waste Discharge License (WDL) #W006931-5C-D-R jointly to McKinley Partners and the DCHA for a five-year term. WDL #W006931-5C-D-R authorized the year-round discharge of no more than 35,000 gpd (monthly average) of secondary-treated wastewater to Casco Bay. The change recognized that extreme precipitation and snowmelt events were creating violations of the 40,000-gpd daily maximum discharge limit.
- ◆ January 12, 2009 – The Department accepted an application from the DCHA and the Inn.

D. Source description - Sanitary wastewaters are generated from the 193.4-acre residential facility comprised of 79 dwelling units (2 one-bedroom, 8 two-bedroom, 45 three-bedroom, 14 four-bedroom, 6 five-bedroom 3 six bedroom and 1 seven bedroom unit) a restaurant, a general store, two administrative/maintenance building and a 35-slip marina. The Island also hosts special tent events such as weddings throughout the summer. The sources of effluent and estimated discharge volumes have been revised since the last permit action in response to an actual count of the sources of wastewater. The previous sources were documented to be in error by the applicants and other interested parties. The updated sources appear to have been present at the previous licensing action. The permitted sources of effluent and estimated discharge volumes are as follows:

Owner	Unit I.D.	Bedroom Count	DEP Design	DEP Total Design Flow	Applicant's Count	Applicant's Design Flow	Total
1. F. Willis	83B-481-48B	1	120	120	1	90	180
2. C. Vanderweil	83B-482-48B	1	120	120	1	90	180
3. J. Roberts	83B-180-18	2	90	180	2	90	180
4. M. Murphy	83B-471-47B	2	90	180	2	90	180
5. D. Moran	83B-472-47B	2	90	180	2	90	180
6. F. Trenholm	83B-541-54B	2	90	180	2	90	180
7. B. Mason	83B-542-54B	2	90	180	2	90	180
8. J. Acconzo	83B-551-55B	2	90	180	2	90	180
9. L. Vardis	83B-552-55B	2	90	180	2	90	180
10. M. Teas	83E-200-20	2	90	180	2	90	180
11. A. Riley	83E-13-13A	3	90	270	3	90	270
12. D. Johnson	83E-132-13B	3	90	270	3	90	270
13. B. Robinson	83E-133-13C	3	90	270	3	90	270
14. J. Doyle	83E-134-13D	3	90	270	3	90	270
15. L. Estabrook	83E-135-13E	3	90	270	3	90	270
16. R. Blatty	83E-137-13G	3	90	270	3	90	270
17. T. Burris	83E-138-13H	3	90	270	2	90	180
18. E. Stein	83E-151-15A	3	90	270	3	90	270
19. M. Kane	83E-152-15B	3	90	270	3	90	270

SPECIAL CONDITIONS

Owner	Unit I.D.	Bedroom Count	DEP Design	DEP Total Design Flow	Applicant's Count	Applicant's Design Flow	Total
20. L. Shea	83E-153-15C	3	90	270	3	90	270
21. J. Tooker	83E-155-15E	3	90	270	3	90	270
22. L. Tracy	83E-157-15G	3	90	270	3	90	270
23. A. Finney	83E-161-16A	3	90	270	3	90	270
24. V. Smith	83E-162-16B	3	90	270	3	90	270
25. B. Young	83E-164-16D	3	90	270	3	90	270
26. L. Pergament	83E-165-16E	3	90	270	3	90	270
27. W. Anderson	83E-166-16F	3	90	270	3	90	270
28. R. Weinman	83E-167-16G	3	90	270	2	90	180
29. R. Cullen	83E-171-17A	3	90	270	3	90	270
30. J. Taggart	83E-172-17B	3	90	270	3	90	270
31. A. Davis	83E-173-17C	3	90	270	3	90	270
32. F. Boudreau	83E-174-17D	3	90	270	3	90	270
33. E. Wolak	83E-175-17E	3	90	270	3	90	270
34. D. Wolak	83E-176-17F	3	90	270	3	90	270
35. R. Cady	83E-177-17G	3	90	270	3	90	270
36. K. Wood	83E-178-17H	3	90	270	2	90	180
37. R. Taylor	83E-211-21A	3	90	270	3	90	270
38. R. Taylor	83E-212-21B	3	90	270	2	90	180
39. D. Clem	83E-220-22	3	90	270	3	90	270
40. D. Farrell	83E-231-23A	3	90	270	3	90	270
41. J. Amerling	83E-232-23B	3	90	270	2	90	180
42. V. Purpura	83E-241-24A	3	90	270	3	90	270
43. D. Faunce	83E-242-24B	3	90	270	3	90	270
44. C. Small	83E-251-25A	3	90	270	3	90	270
45. Eye Venture	83E-252-25B	3	90	270	3	90	270
46. J. Welton (Jail)	83E-270-27	3	90	270	3	90	270
47. D. Schwartz	83E-B780-78	3	90	270	3	90	270
48. D. Kenly	83F-301-30A	3	90	270	3	90	270
49. R. Frantz	83F-302-30B	3	90	270	3	90	270
50. F. Haley	83F-303-30C	3	90	270	3	90	270
51. J. Cox	83F-561-56A	3	90	270	3	90	270
52. Momborguette	83F-561-56B	3	90	270	2	90	180
53. W. Vackar	83F-561-56C	3	90	270	3	90	270
54. D. Devine*	83F-690-69	3	90	270	*3	*90	*270
55. D.Devine*	83F-700-70	3	90	270	*3	90	*270
56. D. Hale	83E-120-B12	4	90	360	3	90	270
57. O. Keithly	83E-136-13F	4	90	360	3	90	270
58. T. Lucke	83E-154-15D	4	90	360	2	90	180
59. G. Kennedy	83E-156-15F	4	90	360	3	90	270
60. VZV Research	83E-158-15H	4	90	360	3	90	270
61. J. Dumas	83E-163-16C	4	90	360	3	90	270
62. B.Perry	83E-168-16H	4	90	360	3	90	270
63. G. Lane	83E-260-26A	4	90	360	3	90	270
64. J. Bauer	83E-B61-6A	4	90	360	3	90	270
65. R. Pfaffmann	83E-B62-6B	4	90	360	3	90	270
66. K. Geitz	83E-B81-8A	4	90	360	4	90	360
67. D. MacKinnon	83E-B82-8B	4	90	360	4	90	360
68. H.Smith	83E-B91-9A	4	90	360	4	90	360
69. G. Altfield	83F-561-56D	4	90	360	3	90	270

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Owner	Unit I.D.	Bedroom Count	DEP Design	DEP Total Design Flow	Applicant's Count	Applicant's Design Flow	Total
70. M. Mills	83E-B11-1A	6	90	540	4	90	360
71. C. Freund	83E-B12-1B	5	90	450	4	90	360
72. R. Whelan	83E-B20-2	5	90	450	4	90	360
73. P. Guarino	83E-B30-3	5	90	450	2	90	180
74. J.Nash	83E-B40-4	5	90	450	4	90	360
75. L. Laucirica	83E-B51-5A	5	90	450	3	90	270
76. J. Mirachel	83E-B52-5B	5	90	450	3	90	270
77. J. Burge	83E-B92-9B	7	90	630	4	90	360
78. S. Bean	83E-B71-7A	6	90	540	3	90	270
79. H. Fitch	83E-B72-7B	6	90	540	4	90	360
Existing Residential Subtotal:		264	Total: 79	23,820	Bdms: 223	Total: 79	GPD:20,610

EXISTING COMMERCIAL USES

Commercial Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Quantity	Applicant's GPD/Unit	Applicant's Design Flow
Admin offices / Recreation: users.	40	10	400	2	240	480
Admin office / Recreation : employees	1	15	15	0	0	0
Marina / washer /shower			150	1	100	100
Marina employees	1	15	15	0	0	0
General Store -Deli seats	14	20	280	0	0	0
Commercial Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Quantity	Applicant's GPD/Unit	Applicant's Design Flow
Deli Employees	3	15	45			
General Store: employees	3	15	45	2	15	30
Restaurant : seats (2 meals/day)	161	20	3,220	161	20	3,220
Restaurant : employees	20	15	300	20	15	300
Tent Site: seats	100	20	2,000	150	7	1,050
Tent Site: employees	8	15	120	8	15	120
Commercial Subtotal			6,590			5,300
Existing Development Subtotal			30,410			25,910

PROPOSED COMMERCIAL / RESIDENTIAL

Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Applicant's	Applicant's	Total
				Count	Design Flow	
Inn (Hospital):bedrooms		(none)	(none)	(not connected)	(not connected)	0
Inn (Barracks): bedrooms	46	100	4,600	2 single bed	180	360
				10 two-bed	180	1,800
				8 three-bed	270	2,160
				Bedrooms subtotal:		4,320
Pool Area Food Service: seats	30	7	210	0	0	0
Inn: (Barracks & pool) employees		15	225		15	225
Allowable Inflow/Infiltration						3000
Pool discharge	0	0	0	0	0	0
Inn / Pool area subtotal			5,035			7,545
TOTAL Design Flow			35,445			33,455

* Design flow is reserved for still unrehabilitated housing units 83F-690-69 and 83F-700-70

E. Wastewater treatment - The effluent currently receives a secondary level of treatment. The raw sewage is collected from the existing development by a network of approximate 4,200 linear feet of new PVC and 1,900 feet of clay piping, all but 1,340 feet of which has been relined. The raw sewage is distributed between six 10,000-gallon settling tanks configured in two rows of three tanks.

SPECIAL CONDITIONS

Supernatant from the settling tanks is collected in a wet well and distributed amongst three 100-ft. by 115-ft. (11,500 sq. ft.) sand filter beds. The treated wastewater is collected in the underdrain system and conveyed to a disinfection system consisting of liquid sodium hypochlorite disinfection and two 1,000-gallon detention tanks. Dechlorination is accomplished through sodium bisulfate injection. The sanitary treated wastewater then travels through a V-notch weir-type flowmeter before being discharged to Casco Bay through an eight-inch diameter outfall pipe with diffuser. The outfall pipe extends approximately 250 feet from the shoreline to a point where there is approximately twelve vertical feet of water over the crown of the pipe at mean low water. The wastewater treatment facility is operated by a contractor operator. The treatment capacity for the installed sand filter system is 35,000 gpd. Although the cumulative design flows come to 35,445 gpd as a daily maximum, the Department's estimated discharge (design flow daily maximum) from all the existing development and the Inn is less than 35,000 as the design flows for the residential uses overlap flows attributed use of the commercial facilities. In particular, a substantial portion of the restaurant and tent event flows is or will be a result of business from the residential portion and proposed hotel. It is unlikely that the total flow from a hotel customer having breakfast at the hotel, attending a tent event at lunch, and eating at the restaurant at night and is going to use the 120-140 gpd allotted to him/her for the day, every day for a whole month.

4. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. § 414 A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., § 420 and Department rule 06-096 CMR Chapter 530, Surface Water Toxics Control Program, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected

5. RECEIVING WATER QUALITY STANDARDS

Maine Law, 38 M.R.S.A., Section 469, classifies Casco Bay at the point of discharge as Class SB waters. Maine Law, 38 M.R.S.A., Section 465-B(2) describes the classification standards for Class SB waters.

6. RECEIVING WATER CONDITIONS

The State of Maine, Department of Environmental Protection, 2008 Integrated Water Quality Monitoring and Assessment Report (305b) report published by the Department lists this waterbody (including Maine Department of Marine Resources Legal Notice Closed Area C-13) in a table entitled, "*Category 5B-1: Estuarine and Marine Waters Impaired only by Bacteria.*" As such, the subject receiving water is not attaining the standards of its classification. Portland Harbor has approximately 70 outfalls, 45 of which are UNTREATED combined sewer outfalls (CSOs). The 3-year average untreated yearly discharge from the harbor CSOs is 775 million gallons (MG). The three Portland treatment works contribute another 24 MGD. The performance of the Islands treatment works has resulted in consistent zero or near-zero bacterial levels with a geometric mean of 1.8 colonies per 100 ml.(n=20). The average actual discharge volume (monthly average) from the Diamond Cove facility is .016 MGD, less than half of the permitted volume and 52 % of the estimated design flow of the existing development. Therefore, this low-discharge facility, located on the outermost boundary of the impaired water, is not causing or contributing to the impairment of these waters. Because the applicants have maintained their system, under contract with a certified wastewater treatment plant maintenance contractor, and have passed 100 percent of the Department's annual OBD inspections, the Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this licensing action ensure that the discharge of secondary treated wastewater from the subject facility will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- A. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically-proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in Code of Maine Regulations Chapter 525, Section 3 unless the Department finds that alternate limits are appropriate.
1. The applicants have demonstrated that connection to a municipal sewerage system is not possible because one is not located on Diamond Island.
 2. The applicants have documented that the existing treatment constitutes BPT. The applicant's Licensed Site Evaluator/P.E. had previously determined that there is not a subsurface option for Phase I development because of insufficient area to install subsurface systems to serve the entire facility. Because the Barracks and Hospital have since changed hands, an additional site evaluation was conducted in 2008 and 2009 to look at alternatives to connection to the OBD. The Inn's LSE/PE determined that there is a subsurface option for the "Hospital," but not for the "Barracks." The LSE/PE also evaluated whether there were sufficient areas of suitable soil to site a subsurface wastewater disposal system proximate to the hospital or existing treatment works. The area proximate to the hospital contains a suitable area for the treatment of less than 2,000 gpd of wastewater; less than half that required to serve the future development of the "Barracks." The area proximate to the treatment works lacked any suitable soils. Therefore, pursuant to *Waste discharge licenses* 38 M.R.S.A. §413.3 the "Barracks" may continue to use the OBD after redevelopment, provided the discharge does not cause or contribute to exceedences of the 35,000 gpd (monthly average) discharge volume limit. The treatment works lacks sufficient capacity for wastewater from the future development of both the "Barracks" and the "Hospital." collectively.
 3. The existing treatment system is capable of meeting secondary treatment standards and is appropriate technology for the wastewater being discharged.
- B. Flow - The previous licensing action established a flow limitation of 35,000 gpd as a monthly average. This was revised downwards from a 40,000 gpd weekly average to better reflect the treatment capacity of the sand filters and allow for overages resulting from the absorption of water from unusually inclement months, significant stormwater and/or meltwater events into the sand filter beds. (A one-year frequency storm event, defined as 2.5 inches of precipitation in a 24-hour period is the equivalent of 60,000 gpd of water on the existing 34,500 sq. ft. of sand filter.)

The estimated volume of wastewater resulting from redevelopment of the "Barracks" into the Inn at Diamond Cove will utilize the wastewater treatment system's excess capacity. The calculations reserve 270 gpd for each of the unrelated undeveloped residential Units 83F-690-69 and 83F-700-70.

Because there is an I/I problem, in part because of unrefurbished clay tiles in the wastewater collection system and existing connections to the Hospital, this permit is requiring remediation to address the issue. Prior to habitation of the Inn at Diamond Cove, the permittees must disconnect the "Hospital" from the collection system and the collection system capped at the point of disconnection. Any remaining unrefurbished collection pipes must be successfully lined or replaced. The permittees must also complete their proposed improvements to the manholes.

The development of the Inn may include facilities for a continental breakfast and the poolside service of beverages and light snacks as is customary, but the siting of restaurant facilities on this lot is prohibited, as it is generally an additional separate commercial entity not authorized in MDEP Site Location Order #L-013160-87/03-A-N.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

Actual flow data supports Permit Conclusion H in that the average monthly flow of the existing development has been 11,863 gpd. The design flow for the existing active development is 29,870 gpd by Department calculations (excludes "Barracks," and undeveloped Units 83F-690-69 and 83F-700-70). The actual discharge represents 52% of the projected discharge (design flow).

C. Dilution Factors – Department rule *Surface Water Toxics Control Program*, 06-096 CMR, Chapter 530, §4(A)(2) states,

- (2) For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies.
 - (a) For discharges to the ocean such as at the current permit, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.
 - (b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.
 - (c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

In 2005, using a permitted flow of 35,000 gpd (monthly average), the location and configuration of the outfall structure, the Department calculated the following dilution factors:

Acute = 87:1 Chronic = 1,276:1 Harmonic Mean: 3,828:1⁽¹⁾

- D. Biochemical Oxygen Demand and Total Suspended Solids - The previous licensing established monthly and weekly average BOD₅ and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B) as defined in 40 CFR Part 133.102 and Department rule Chapter 525(3)(III). The maximum daily BOD₅ and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action. DMRs submitted to the Department by the applicant(s) for the period October 2005 to the present indicate the average BOD₅ discharged is less than 2 mg/L and the maximum BOD₅ has been less than 2 mg/L, well below the permitted 30 mg/L and 50 mg/L, respectively. The monthly average and daily maximum TSS values reported were 1.7 mg/L and 11 mg/L respectively, well below their respective limits of 30 mg/L and 50 mg/L.

Footnote:

- (1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication "*Technical Support Document for Water Quality-based Toxics Control*" (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

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7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Previous licensing actions established the monthly average, weekly average and daily maximum technology based mass limits for BOD₅ and TSS, based on the (monthly average) daily flow limitation of 0.035 MGD, the applicable BPT concentration limits and a conversion factor of 8.34 lbs/gallon. The limitations were calculated as follows:

Monthly average:	$(0.035 \text{ MGD})(8.34)(30 \text{ mg/L}) = 8.8 \text{ lbs/day}$
Weekly average:	$(0.035 \text{ MGD})(8.34)(45 \text{ mg/L}) = 13 \text{ lbs/day}$
Daily maximum:	$(0.035 \text{ MGD})(8.34)(50 \text{ mg/L}) = 15 \text{ lbs/day}$

The previous permitting action also establishing an 85% removal requirement for BOD₅ and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3), is being carried forward in this action.

Monitoring frequencies for BOD₅ and TSS of twice monthly are also being carried forward from the previous licensing action and are based on Department policy for facilities with a flow limitation of less than or equal to 0.035 MGD (gpd)

E. Settleable solids - The previous permit established a daily maximum BPT concentration limit of 0.3 ml/L. That limit is being carried forward with this action. Actual performance under the current permit has been <0.1 ml/L for the entire reporting period. Therefore, based on compliance history, the Department is reducing the monitoring frequency from once weekly (01/07) to once monthly (01/30) to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.

F. Fecal coliform bacteria - The previous licensing action established new water quality based limitations of 15 colonies/100 ml as a monthly average (geometric mean) and 50 colonies/100 ml. This permitting action is carrying forward said water quality based limitations to be consistent with the limits associated with the National Shellfish Sanitation Program. The performance of this treatment system has averaged less than 2 col/100ml.

G. Total residual chlorine (TRC) - Limits for TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. The previous licensing action established a daily maximum water quality technology based limits of 1.0 mg/L. The Department is carrying forward this requirement. End-of-pipe water quality based concentration thresholds were calculated as follows:

Parameter	Acute Criterion	Acute Dilution Factor	Daily Max. Threshold
Chlorine	0.013 mg/L	87:1	1.13 mg/L
Parameter	Chronic Criterion	Chronic Dilution Factor	Daily Max. Threshold
Chlorine	0.0075mg/L	1,276:1	9.65 mg/L

H. pH Range- The previous licensing action established an expanded pH range limitation of 6.0 –9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). The new limits are considered BPT and are being carried forward in this action.

I. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, Surface Water Toxics Control Program (toxics rule) sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. Department rule 06-096 CMR Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

38 M.R.S.A 530 § 2.A specifies the dischargers subject to the rule as, "all permitted dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria."

38 M.R.S.A 530 § 2.A sets forth the following exemption criteria for certain discharges from toxics testing as follows:

- (1) Discharges from individual discharge points permitted to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility;
- (2) Discharges from residential overboard discharge systems; or
- (3) Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.

The permittees' single-discharge facility is exempt from the requirements of 38 M.R.S.A 530 § 2.A (2) as it permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 (Department BPJ) and the wastewater has domestic-like characteristics. However, should there be a substantial change in the characteristics of the discharge in the future, the Department may reopen this permit pursuant to Special Condition M, Reopening of Permit for Modifications, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The overboard discharge treatment system has been inspected by the Department annually over the past five years. The treatment system was consistently found to comply with the inspection criteria. As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SB classification.

9. PUBLIC COMMENTS

Notification to abutting landowners and facility owners of this application was by certified mail on or about January 2, 2009. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

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10. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Michael Demarest
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone: (207) 287-3901 E-mail: michael.demarest@maine.gov

11. RESPONSE TO COMMENTS

1. The Friends of Casco Bay and Island Institute requested the permittees expand its assessment of subsurface alternatives for the "Barracks" to include the area of suitable soils for the Hospital. Their position is that the Inn has sufficient RTI to join both properties by virtue of utility easements to use the sewer to conduct wastewater to the treatment works. They assert that sewers could be laid in the right-of-way to conduct wastewater to the Hospital. Alternatively, the wastewater could be conducted through the existing sewer to the hospital or to an inground system proximate to the treatment works, and an equivalent volume of wastewater could be diverted from the sewer to the inground beds with apportioning valves.

The Inn's LSE/PE subsequently determined that insufficient area of suitable soils existed proximate to the Hospital to treat the 5,000-7,500 gpd of wastewater from the Inn at Diamond Cove.

The Inn's LSE/PE also determined that there were no suitable soils proximate to the treatment works for subsurface disposal.

Finally, the Inn may have sufficient RTI to use the sewer, but it would appear that their RTI to the "Barracks" and the "Hospital," is limited to the footprint of the buildings plus any additional RTI the DCHA may grant. Therefore, lacking the required grants, it would not appear that the DWQM has any authority to require removal even if alternatives existed on DCHA land.

2. The Friends of Casco Bay and Island Institute requested the Department reinstate the original 40,000 gpd weekly average discharge volume limit. They are concerned that the development will discharge more than the permitted limit on a regular basis while still meeting the monthly average.

This permit establishes a weekly average monitoring requirement for flow (35,000 gpd). This would give the treatment system operators important feedback to make treatment decisions. This would also give the Department additional data to make future licensing decisions.

3. The Friends of Casco Bay and Island Institute requested that the Department set a one or two year date certain for the sewer upgrades to be completed instead of the five year proposed completion date.

The Department believes a 30-month deadline could be met. Neither the DCHA nor the Inn has objected to the Department's proposed 30-month deadline.

4. The Friends of Casco Bay and Island Institute are concerned that the "Cabana" and the Inn eating facilities represent a new source of discharge outside what was previously approved in Phase I of the 1986 Site Order (within the DWQM's OBD "qualifying period").

SPECIAL CONDITIONS

The serving of a continental breakfast by the Inn at Diamond Cove and having some foods available for snacks appears to be well within the scope of the customary and usual services of an inn or hotel. The wastewater produced would be domestic in nature, and the intended consumers are the guests of the Inn at Diamond Cove. Therefore Department does not see this as creating a new source of effluent. The guests can cook, eat, drink in their room, or as part of a continental breakfast or poolside. They could conceivably order a meal from the existing restaurant, or walk thereto. Still, the quantity and constituent of the wastewater produced would be essentially the same quantity or constituency. If a restaurant were to open up in the hotel (including an expansion of the existing restaurant), or the poolside areas were opened up to serve non-guests (excluding the invited guests of registered hotel guests), then the DWQM would prohibit those services as additional source of effluent.

The DEP's Division of Water Quality Management does not interpret and enforce the number of "commercial" versus "residential" uses in the development. DWQM must make sure that the wastewater reflects that which was authorized in the 1987 Site Location Order in that it is domestic in both strength and constituents, is limited to the "estimated or actual discharge" and the treatment meets secondary standards as set forth in the permit.

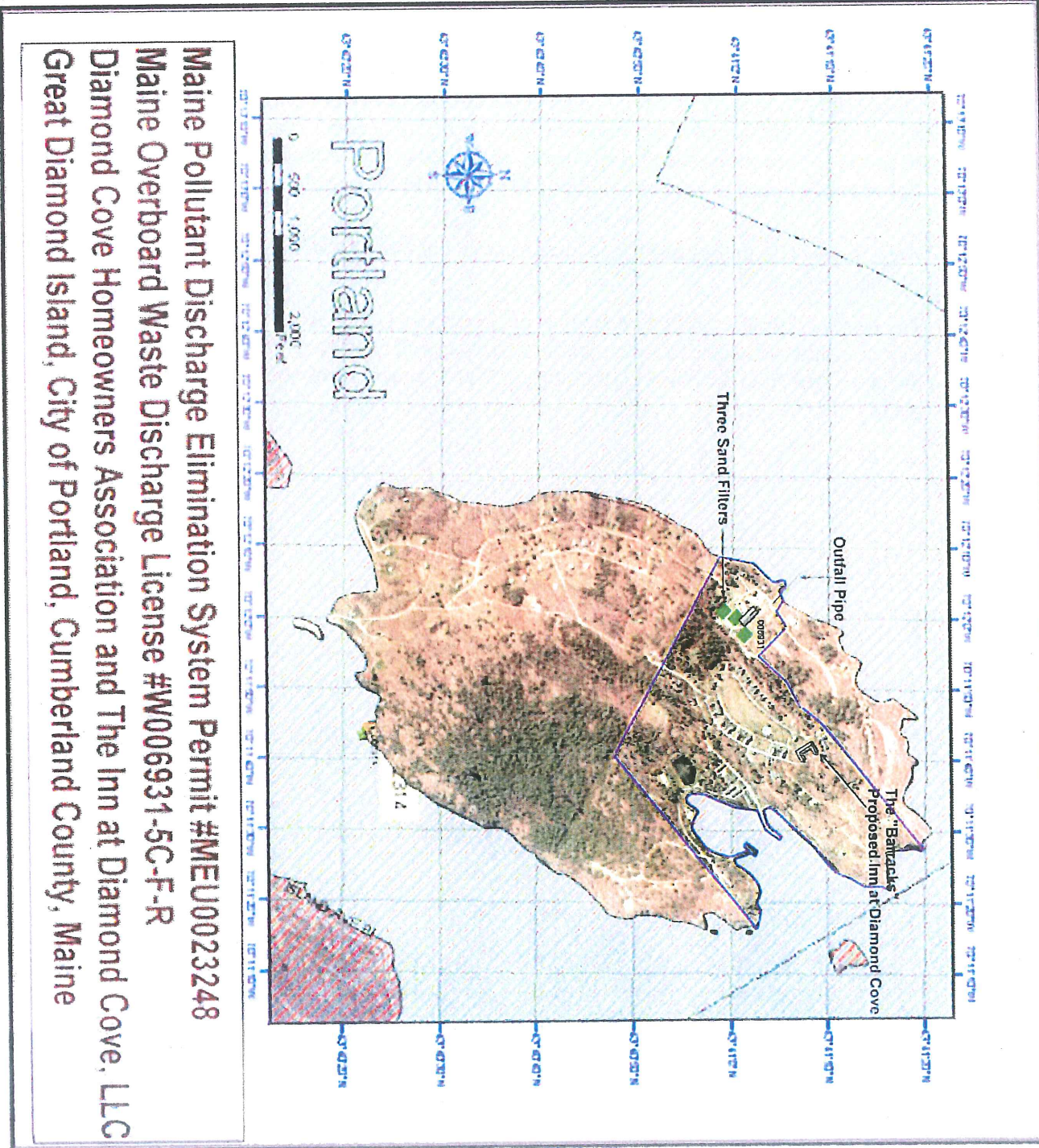
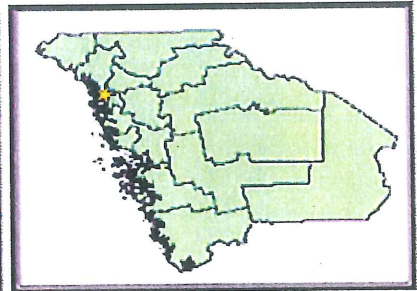
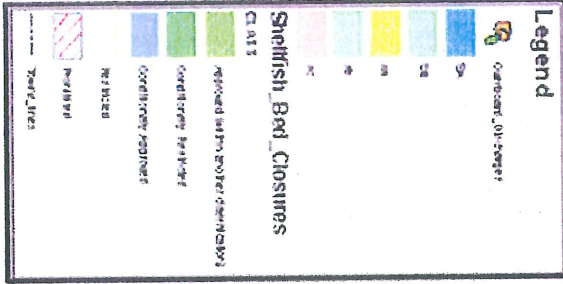
5. The Friends of Casco Bay and Island Institute point out that the O & M manual has not been updated since 2006.

The permit as issued establishes a deadline of December 31, 2009 requiring the permittees to perform an assessment and update to accommodate the new permit requirements and in anticipation of the increased flow from the Barracks, including a "Wet Weather Management Plan" as part of the O & M plan.

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Maine Pollutant Discharge Elimination System Permit #MEU0023248
Maine Overboard Waste Discharge License #W006931-5C-F-R
Diamond Cove Homeowners Association and The Inn at Diamond Cove, LLC
Great Diamond Island, City of Portland, Cumberland County, Maine

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
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A. GENERAL PROVISIONS

1. **General compliance.** All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. **Other materials.** Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- (a) They are not
 - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
 - (ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. **Duty to provide information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. **Reopener clause.** The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
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7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

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maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

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D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
- (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. Removed substances. Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. Connection to municipal sewer. (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
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Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.

ATT 2-F-1

Appendix F 1

STATE OF MAINE

Department of Environmental Protection



JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

September, 2009

The Inn at Diamond Cove, LLC
c/o Bateman Partners, LLC
Attn: David Bateman
PO Box 3572
Portland ME 04104

RE: Site Law Application, Portland, # L-13160-L3-AB-B

Dear Mr. Bateman:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit, please contact the project manager who handled your application, Marybeth Richardson. She can be reached at (207-822-6335) or at marybeth.richardson@maine.gov.

Sincerely,

James Cassida

James Cassida, Division Director
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: file

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST

BANGOR
106 HOGAN ROAD
BANGOR, ME 04401
(207-941-4570 FAX 207-941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-3143

WEB SITE: WWW.MAINE.GOV/DEP



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

THE INN AT DIAMOND COVE LLC) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
THE INN AT DIAMOND COVE) MINOR AMENDMENT
L-13160-L3-AB-B (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of THE INN AT DIAMOND COVE LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: History: In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 44 former military buildings into 134 residential units and commercial uses, and constructing a marina for use by Diamond Cove residents. The majority of the renovations and development was completed in the 1980's with the exception of two buildings, which are identified in the application as the Double Barracks (Building #46) and the Hospital (Building #19). In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. Numerous other Department Orders were issued for Diamond Cove which are not relevant to this amendment application. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.

B. Summary: The applicant proposes to renovate Building #46, (the Double Barracks), into a 20-unit hotel/condominium. Building #46 was approved in Board Order #L-13160-87/03-A-N for residential use. The units will consist of two 1-bedroom units, ten 2-bedroom units, and eight 3-bedroom units, for a total of 46 bedrooms. Fifteen employees will be needed to operate the hotel/condominium. In addition to renovating the existing building, the applicant proposes to construct a single-story building addition with a footprint area of approximately 2,881 square feet that will primarily house the new entrance lobby area, courtyard improvements with a cabana on a raised deck, and an in-ground swimming pool.

Building #46 is currently owned by the City of Portland. The applicant holds a purchase and sales agreement with the City for the purchase of the building. The proposed pool, deck and cabana structure will be located on open space/recreation area currently owned by the Diamond Cove Homeowners Association (DCHA). The applicant submitted a copy of a long-term ground lease for this area. Additionally, the applicant submitted a draft copy of a permanent construction, maintenance and drainage easement between the applicant and the DCHA for the closed stormwater drainage system and outfall associated with the proposed project.

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The proposed project is shown on a set of plans, the first of which is entitled "The Inn at Diamond Cove – Cover Sheet," prepared by DeLuca-Hoffman Associates, Inc., and dated December 2008, with a last revision date of March 12, 2009.

C. Current Use of Site: The double barracks is a three-story masonry building, currently vacant and in disrepair, with a footprint area of approximately 13,629 square feet. It is located across McKinley Court from the existing parade ground.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$8,562,000. The applicant submitted a letter from TD Banknorth, dated April 29, 2008 indicating that the bank is interested in discussing financing arrangements for the proposed project. Prior to the start of construction, the applicant must submit an updated estimate of project costs and evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of another form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land and Water Quality for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided evidence of final financial provisions are submitted as outlined above.

3. TECHNICAL ABILITY:

The applicant's principals have successfully developed and managed similar hotel/condominium developments. The applicant also retained the services of DeLuca-Hoffman Associates, Inc., a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

Noise generated from the proposed project is anticipated to be similar to other uses currently within Diamond Cove. The Inn's main entrance, lobby and recreational pool facility, which are expected to generate the highest noise levels, will be located at the rear of the building and away from surrounding existing uses.

The Department finds that the proposed project will result in a minor noise impact that will be consistent with the area.

5. SCENIC CHARACTER:

Building #46 is currently in various stages of dilapidation. The proposed renovation is designed to restore the original architectural and historic character of the building

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consistent with the intent of the original Board Order approving Diamond Cove. The site of the proposed project is essentially within the interior of Diamond Cove and is not significantly visible from areas outside the development.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. HISTORIC SITES:

Building #46 is part of the former Fort McKinley, which is included in the National Register of Historic Places maintained by the U. S. National Park Service. Proposed renovations to the building must be consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The applicant submitted a copy of the National Park Service's Part 2 approval of the renovation plans.

The Maine Historic Preservation Commission reviewed the proposed rehabilitation plan and stated that it is appropriately scaled and sited, and is compatible with the historic qualities of the Double Barracks and the surrounding Fort McKinley Historic District.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites either on or near the development site.

7. STORMWATER MANAGEMENT:

The proposed project includes approximately 6,534 square feet of new impervious area and 17,776 square feet of developed area. The project site drains to Casco Bay. The applicant submitted a stormwater management plan based on the basic, general, and flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two underdrained soil filters and four bio-retention cells.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

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(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed by, and revised in response to the comments of DWM. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, and the applicant's revisions, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standards: The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards, but recommended that a professional engineer be retained to inspect the installation of the underdrained soil filters and bio-retention cells. Inspections must consist of weekly site visits to inspect the subgrade preparation of the structures, embankment construction, pipe bedding placement, underdrain pipe installation, soil filter placement, overflow installation and soil filter stabilization. Within 30 days of completion of the structures, the applicant must submit to the BLWQ its engineer's certification that the structures were installed in accordance with the approved design.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, General Standards.

C. Flooding standard:

The applicant is not proposing a formal stormwater management system to detain stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. Instead, since the project site is located adjacent to Casco Bay, and the applicant will obtain a drainage easement with the DCHA, the applicant requested a waiver from the flooding standard pursuant to Department Rules, Chapter 500(4)(E)(2)(a), which allows a waiver when the project discharges to the ocean.

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DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard.

Based on the system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Flooding Standard for peak flow from the project site, and channel limits and runoff areas.

8. WATER SUPPLY:

When completed, the proposed project is anticipated to use 4,545 gallons of water per day. Water will be supplied by the Portland Water District. The applicant submitted a letter from the District, dated May 6, 2008, indicating that it will be capable of servicing this project.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

9. WASTEWATER DISPOSAL:

The redevelopment of the former Fort McKinley military base included the construction of an on-site wastewater collection and treatment system that includes a network of underground gravity sewer pipes, a number of septic tanks, and three sand filter beds. Treated wastewater is collected in an underdrain system and conveyed to a disinfection system. Treated sanitary wastewater flows through a weir before being discharged into Casco Bay. The existing wastewater facility is licensed to discharge a monthly average of up to 35,000 gallons per day.

Existing uses contributing to the wastewater collection and treatment system generate approximately 28,910 gallons of wastewater per day. Over the past several years, the DCHA has made efforts to eliminate excess inflow and infiltration within the existing collection system and made major repairs to the sand filter beds. With the authorization of the DCHA, the applicant intends to complete a list of repairs to the existing collection system in an effort to remove additional sources of inflow/infiltration. These repairs will be done during construction of the proposed project.

When completed, the proposed project is anticipated to discharge an additional 4,545 gallons of wastewater per day to DCHA's wastewater treatment facility. This project was reviewed by the Division of Water Quality Management (DWQM) of the BLWQ, which commented that the DCHA's wastewater treatment facility has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine. DWQM issued a final Maine Waste Discharge License (#W006931-5C-F-R), dated September 15, 2009. The kitchen and cabana of the proposed inn must not contain any equipment that would necessitate the use of a grease trap, and must be limited to serving only continental breakfasts and light snacks to guests of the inn.

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Based on DWQM's review and issuance of the Waste Discharge License, the Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

10. SOLID WASTE:

When completed, the proposed project is anticipated to generate 12 cubic yards of general solid waste per month during the peak season. All general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 200 cubic yards of stumps and grubblings. All stumps and grubblings generated will be processed on site, with the resulting material to be used as an erosion control measure, in compliance with Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 290 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at the Biofuels Limited facility in Lewiston and Grimm Industries in Topsham, both of which are currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

11. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards provided additional financial information is submitted as described in Finding 2.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

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- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided the applicant submits a certification of the stormwater management system as described in Finding 7B.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided the kitchen and cabana are limited in relation to food service as described in Finding 9.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of THE INN AT DIAMOND COVE LLC to renovate and expand the existing Double Barracks building at Diamond Cove, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Prior to the start of construction, the applicant shall submit an updated estimate of project costs and evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of another form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land and Water Quality for review and approval.
5. Prior to the start of construction, the applicant shall submit to the BLWQ copies of executed ground lease and drainage easements with the DCHA.
6. The applicant shall retain its design engineer or other qualified professional to inspect the installation of the underdrained soil filters and bio-retention cells. Inspections shall consist of weekly site visits to inspect the subgrade preparation of the structures, embankment construction, pipe bedding placement, underdrain pipe installation, soil

L-13160-L3-AB-B

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filter placement, overflow installation and soil filter stabilization. Within 30 days of completion of the structures, the applicant shall submit its engineer's report of inspections and certification that the structures were installed in accordance with the approved design.

7. The kitchen and cabana of the proposed inn shall not contain any equipment that would necessitate the use of a grease trap, and shall be limited to serving only continental breakfasts and light snacks to guests of the inn
8. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES
mr/113160abb/ats#69640

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Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL
IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.**

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

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STORMWATER MANAGEMENT LAW STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
- (6) Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.

L-13160-L3-AB-B

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- (7) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
- (8) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (9) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained

November 16, 2005

To: B. Bunker
HP

2-F-13



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

RECEIVED
OCT 13 2011
PLANNING DEPARTMENT

DEPARTMENT ORDER

IN THE MATTER OF

THE INN AT DIAMOND COVE LLC	) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
PERMIT EXTENSION	) MINOR REVISION
L-13160-L3-AF-M (Approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of THE INN AT DIAMOND COVE LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 44 former military buildings into 134 residential units and commercial uses, and constructing a marina for use by Diamond Cove residents. The majority of the renovations and development was completed in the 1980's with the exception of two buildings, which are identified in the application as the Double Barracks (Building #46) and the Hospital (Building #19). In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. In Department Order #L-13160-L3-AB-B, dated September 23, 2009, the Department approved the renovation and expansion of the existing Double Barracks building at Diamond Cove. Numerous other Department Orders were issued for Diamond Cove, which are not relevant to this minor revision application. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.

B. Summary: The applicant states that the start of construction was delayed due to a recent litigation resolved in July of this year. The applicant intends to begin construction in the spring of 2012; however, the applicant requests a two-year extension on the construction time frame associated with Standard Condition #6 of Department Order #L-13160-L3-AB-B.

C. Current Use of Site: The double barracks is a three-story masonry building, currently vacant and in disrepair, with a footprint area of approximately 13,629 square feet. It is located across McKinley Court from the existing parade ground.

2. FINDING:

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of THE INN AT DIAMOND COVE LLC for a two-year extension on the construction time frame associated with Standard Condition #6 of Department Order #L-13160-L3-AB-B, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

2-F-15

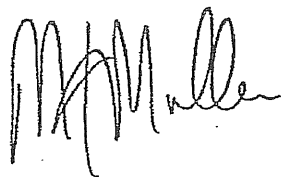
L-13160-L3-AF-M

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4. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



This permit is digitally signed by Michael Mullen on behalf of Acting Commissioner Patricia Aho. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date.
2011.10.12 08:23:01 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

jw/113160l3afm/ats73908

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 2 - DESCRIPTION OF REHABILITATION

ATT 2-6-1
RECEIVED
APR 10 2008
NATIONAL PARK SERVICE
TAX INCENTIVE PROGRAM

NPS Office Use Only
NRIS No:

NPS Office Use Only
Project No: 20580

Instructions: Read the instructions carefully before completing the applications. No certifications will be made unless a completed application form has been received. Type or print clearly in black ink. If additional space is needed, use continuation sheets or attach blank sheets. A copy of this form may be provided to the Internal Revenue Service. The decision by the National Park Service with respect to certification is made on the basis of the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings, and specifications), the application form shall take precedence.

1. Name of Property: Double Barracks (Building #46)
Address of Property: Street 18 McKinley Court
City Portland County Cumberland State ME Zip 04109

Listed individually in the National Register of Historic Places; give date of listing: _____
 Located in a Registered Historic District; specify: Ft. McKinley Historic District

Has a Part 1 Application (Evaluation of Significance) been submitted for this project? yes no
If yes, date Part 1 submitted: 8/2/07 Date of certification: 8/23/07 NPS Project Number: 20580

2. Data on building and rehabilitation project:
Date building constructed: 1910 Total number of housing units before rehabilitation: NA
Type of construction: Masonry bearing wall Number that are low-moderate income: NA
Use(s) before rehabilitation: vacant US Army barracks Total number of housing units after rehabilitation: 20 hotel condominiums
Proposed use(s) after rehabilitation: hotel condominiums Number that are low-moderate income: NA
Estimated cost of rehabilitation: 4.6M Floor area before rehabilitation: 41,382 SF
This application covers phase number 1 of 1 phases Floor area after rehabilitation: 44,183 SF
Project/phase start date (est.): 6/1/08 Completion date (est.): 6/1/09

3. Project contact:
Name Christine Beard/Tremont Preservation Services
Street 21 Market Street City Ipswich
State MA Zip 01938 Daytime Telephone Number 978-356-0322

4. Owner:
I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 U.S.C. 1001.
Name David Bateman Signature *David Bateman* Date 11/13/07
Organization The Inn at Diamond Cove LLC
Social Security or Taxpayer Identification Number 20-321-0238
Street 245 Commercial Street City Portland
State ME Zip 04101 Daytime Telephone Number 207-772-2992

NPS Office Use Only
The National Park Service has reviewed the "Historic Certification Application - Part 2" for the above-named property and has determined:
 that the rehabilitation described herein is consistent with the historic character of the property or the district in which it is located and that the project meets the Secretary of the Interior's "Standards for Rehabilitation." This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is completed.
 that the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's "Standards for Rehabilitation" if the attached conditions are met.
 that the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's "Standards for Rehabilitation." A copy of this form will be provided to the Internal Revenue Service.

Date 5/15/2008 National Park Service Authorized Signature *Jo Ellen Hawley* National Park Service Office Telephone No. 202-354-2026
 See Attachments Condition Sheet

2-6-2

Form 10-168f
New

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CONDITIONS SHEET
Historic Preservation Certification Application

Property name: Double Barracks (Building #46)

Project Number: 20580

Property address: 18 McKinley Court, Portland, ME

The rehabilitation of this property as described in the Historic Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

Repointing and Brick Replacement – Repointing mortar must match the color, texture, strength, joint width and joint profile of the existing historic masonry. Replacement brick must match the size, color and texture of the historic masonry. Repointing and brick samples should be reviewed and approved by the State Historic Preservation Office prior to proceeding with this work.

Slate Roof – Because the slate roof is such an important character-defining feature in the historic district, every attempt should be made to retain the slate on the primary roof elevations. Further investigation and additional estimates must be obtained to determine the feasibility of retaining the slate. The final roofing material must be reviewed and approved by the SHPO and NPS prior to proceeding with this work. If a substitute material is chosen, samples must be submitted for review and approval.

Porches – The proposed replacement columns must replicate the appearance of the historic columns and must have a painted finish. A sample replacement column must be reviewed and approved by the SHPO prior to installation.

Windows – The proposed replacement window will result in the loss of 2 ¼ inches of glazing area. An alternative treatment must be used to avoid this such as, cutting out the remaining frames to allow for an adequate match. Replacement windows must match the appearance, size, design, proportions and profiles of the existing windows. The window color should be either white or a light cream color consistent with the design of the building. Comparable fully dimensioned drawings in section and elevation including meeting rail and muntin profiles must be review and approved by the SHPO before proceeding with any window replacement.

New Addition – The trellises flanking the new addition must be deleted from the design.

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

5/15/2006
Date

[Signature]
National Park Service Signature

[Signature]
NPS / SHPO



RECEIVED 1-19-12

PORTLAND HARBOR HOTEL

Old Port District

Inn at Diamond Cove

Guest arrival and check-in process

The guest experience at the Inn at Diamond Cove will begin with the arrival at the Portland Harbor Hotel Valet parking area. The valet will take the guest car and luggage, and send the guest off to enjoy the Old Port until their designated Ferry departure time. If the guest flies into Portland, our town car will pick up the guest at the airport, store their luggage and send them off into town.

The valet attendant will park the car at the hotel parking on premise or at the adjacent parking lot located at the corner of Cross and Fore St. where the hotel holds a lease for an unlimited number of overflow parking spaces. The guest car will be kept at the hotel until the guest needs it again.


Guest luggage will be sent to Great Diamond Island via ferry by one of our valet staff ahead of the guest arrival to the Island. The bellman from the Inn at Diamond Cove will meet the ferry, retrieve the luggage and deliver it directly to the guest room before the guest arrives.

Guests will be directed to board the ferry anytime between 4:00 p.m. & 6:00 p.m and to get off at the pier in Diamond Cove. A Bellman from the Inn at Diamond Cove will meet them with the golf cart and escort them to the Inn.

Ferry tickets for guests' transportation will be purchased in advance in bulk and provided to our guests upon arrival at the Portland Harbor Hotel. The staff will have monthly ferry passes purchased by the Inn.

The golf cart used to shuttle our guests on the island will be parked at the Inn unless we are expecting guests to arrive on the ferry, at which time, the cart will be stationed at the Diamond Cove landing awaiting ferry arrival.

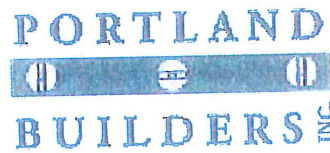
All guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove Landing, and will be specifically advised not to utilize any off-site facilities, including the southerly pier. The Inn at Diamond Cove will have posted in each guest unit on the premises, a written notice of the applicable ordinances, rules and regulations.


Gerard Kiladjian
General Manager



468 Fore Street, Portland, Maine 04101 • 207-775-9090

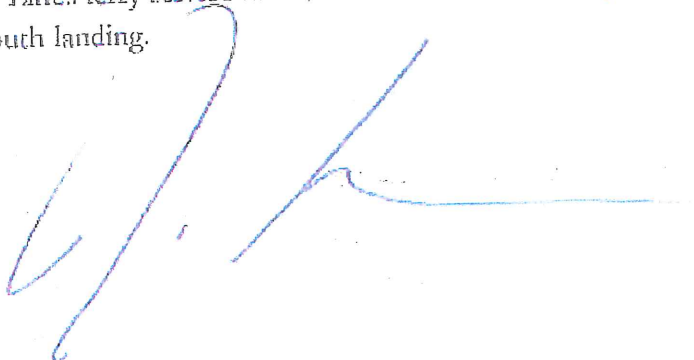
Fax: 207-775-9990 • Reservations: 888-798-9090 • www.portlandharborhotel.com



The Inn at Diamond Cove
Transportation Action Plan

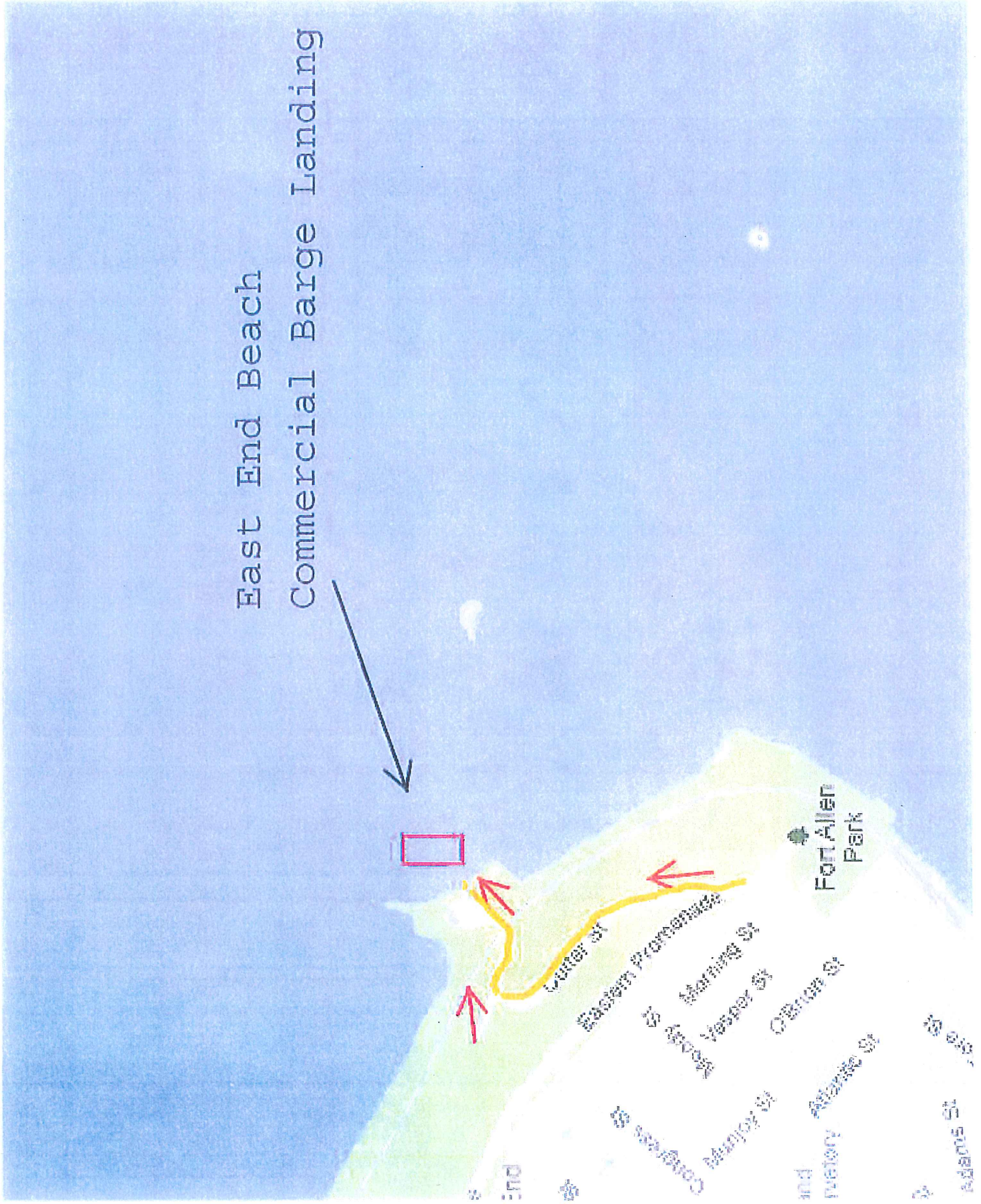
All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months.

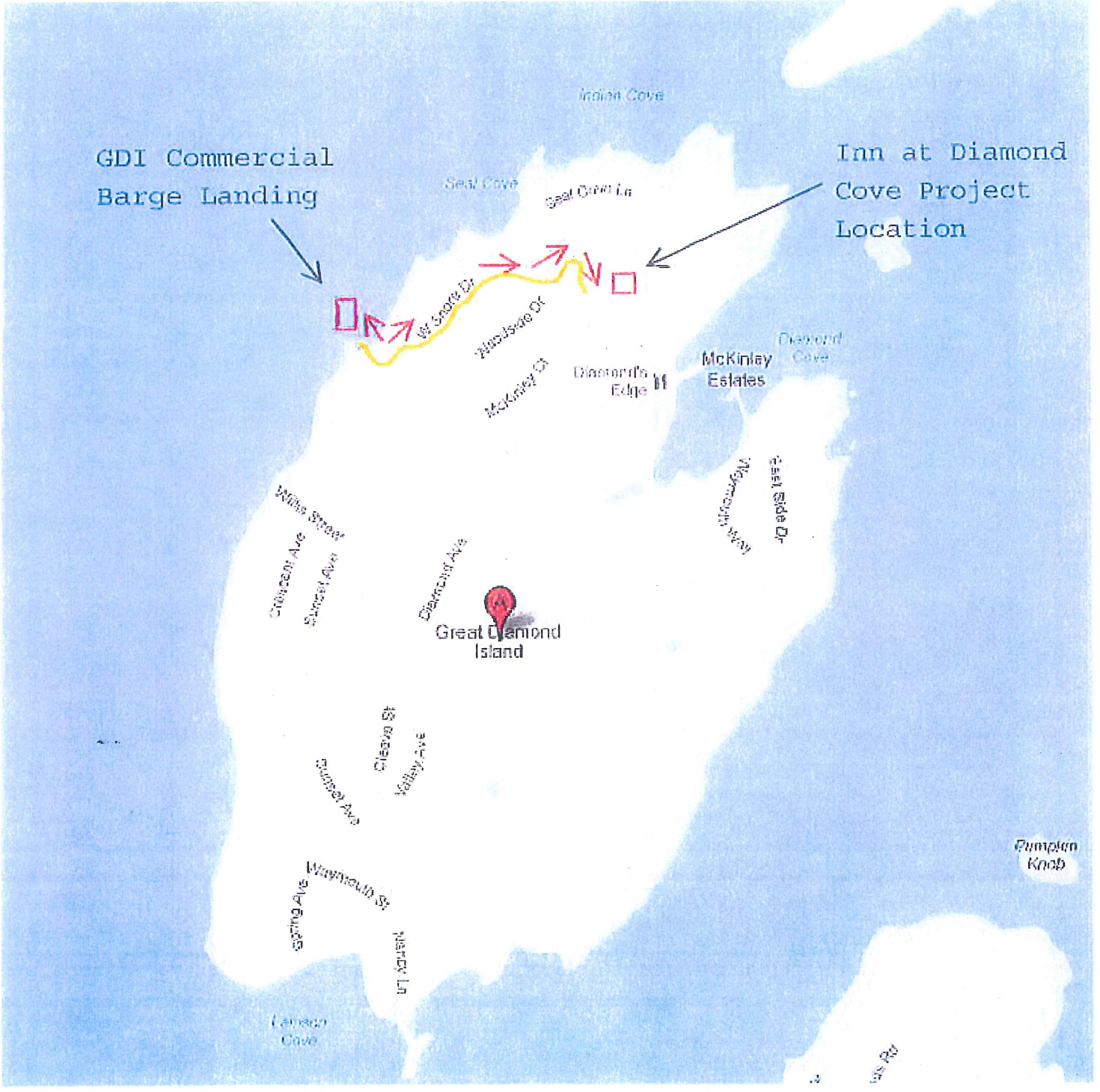
All subcontractors and laborers will be directed by contract an in the instructions to bidders to use the Casco Bay Lines ferry service to the Diamond Cove Landing. No one will be allowed to use the south landing.

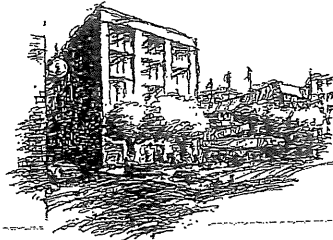


Joshua S. Cushman
President
Portland Builders, Inc.

East End Beach
Commercial Barge Landing







HARBOR PLAZA

1/19/10

The Inn at Great Diamond Island, LLC
 PO Box 3572
 Portland, ME 04104

Re: Double Barracks (Bldg. 46) Mainland Parking Analysis
 For the Proposed Condominium Hotel Guests

Gentlemen,

As per your request the following analysis is based on the current required parking spaces located at the Harbor Plaza parking garage, and the additional spaces required by this proposed project.

Existing On-Site Parking Spaces (@ The Harbor Plaza Garage)

- Parking Garage	198
- Surface Lot	20
Total Spaces	218

Current Parking Requirements

- MEMIC Building / 47,700 sq. ft / 400 sq ft. per Space	120
- Portland Harbor Hotel / 4 Rms. / Space @ 100 Rms.	25
- 470 Fore St. / 1 Space per 200 sq. ft. Over 2000 sq. ft.	1
2 nd & 3 rd Fl. Hotel 1 Space/ 4 Rms.	1
- 468 Fore St. (Annex) /	
Basement for Hotel Use	0
- 1 st Fl. Retail 1780 sq. ft. – None Required	0
- 2 nd Fl. Hotel Meeting Rm. – None Required	0
- 3 rd Fl. 2 – Hotel Rms. – None Required	0
(See 470 Fore St. Rm. Count)	
- 4 th Fl. Offices 1780 sq. ft. / 350 sq. ft. / per Space	5
Total Spaces Required	152

Summary of Existing Uses;

Total Spaces =	218
Total Spaces Required = (By current uses)	152
<hr/>	
Balance of Spaces Available	66

Utilizing the most restrictive use application (Residential Structures) a total of 44 spaces would be required for the Condominium Hotel use / 2 spaces for every unit plus 1 additional space for every 6 units. Therefore a surplus of 22 spaces will remain after the additional use is factored.

In Summary Harbor Plaza can accommodate the additional Condominium Hotel units and is pleased to do so at our current rate structure.

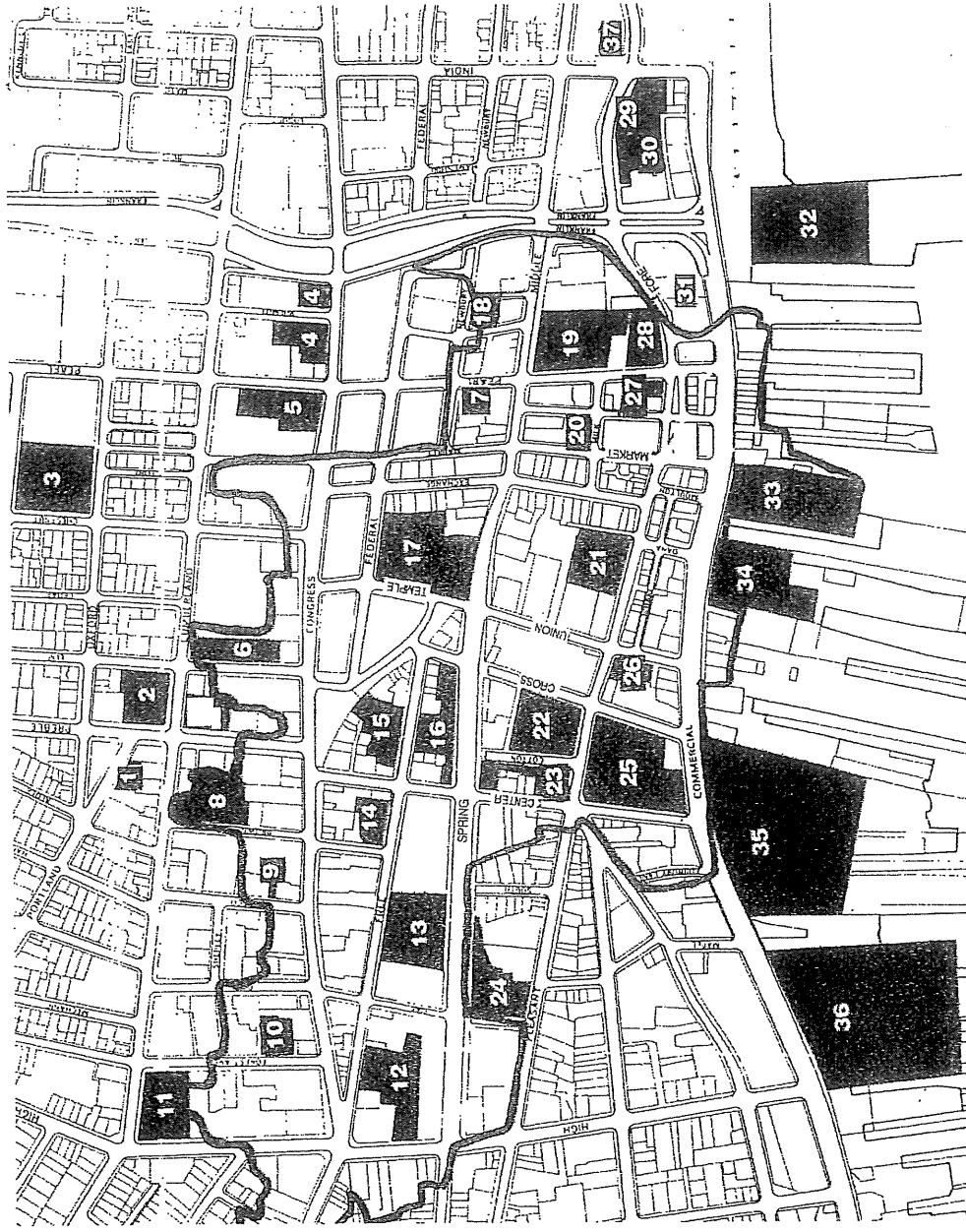
Should you require additional information do not hesitate to call.

Sincerely,


David Bateman

Downtown Parking Garages & Lots

- 1) Maria's Monthly Lot
- 2) Public Market Garage (both)
- 3) Chestnut St. Garage (monthly)
- 4) Top of the Old Port Lot (both)
- 5) Portland Press Herald Employee Lot
- 6) Elm St. Garage (both)
- 7) 66 Pearl St. Lot (monthly)
- 8) Monument Square Garage (both)
- 9) Casco St. / Oct. Corp. (restricted)
- 10) Venture Lot (monthly)
- 11) Gateway Garage (both)
- 12) Free St. Lot (daily / hourly)
- 13) Spring St. Garage (both)
- 14) JB Brown Lot (monthly / event)
- 15) One City Center Garage (both)
- 16) Midtown Lot (both)
- 17) Temple St. Garage (both)
- 18) Cumberland County Courthouse Garage (both)
- 19) Middle & Pearl (monthly)
- 20) Market St. Associates Lot (monthly)
- 21) Fore St. Garage (both)
- 22) Portland Square Lot (both)
- 23) Cotton & Center (monthly / event)
- 24) Bamico Lot & Garage (monthly / event)
- 25) Portland Square (monthly)
- 26) Harbor Plaza Garage (both)
- 27) Regency Lot (restricted)
- 28) Custom House Square Garage (both)
- 29) Casa/Omni Park Systems Lot (monthly)
- 30) Simba/Hale Lot (monthly)
- 31) East Brown Cow Lot - 75 Commercial St. (monthly)
- 32) Casco Bay Garage (both)
- 33) DiMillo's (restricted)
- 34) Fisherman's Wharf Lot (both)
- 35) Fish Pier Lot (monthly / daily)
- 36) Lion Ferry Lot (events)
- 37) Ocean Gateway Garage (both)





ATT 2-J-1

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

January 6, 2012

DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, ME 04106

Attn: Joseph A. Laverriere, P.E.
Re: The Inn at Diamond Cove, Great Diamond Island
Ability to Serve with PWD Water

Dear Mr. Laverriere:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on December 19, 2011. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Please note that this letter does not constitute approval of this project from the District. Please review this letter for any special conditions specified by the District and to determine the appropriate next steps to take to move your project through the submittal and approval process.

Existing Site Service

According to District records, the Diamond Cove Association is served through a private water service from the District's water main in Bay Avenue ROW. A 6-inch diameter water service line, located as shown on the attached water service card, provides water service to the Diamond Cove Association. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is an 8-inch diameter cast iron water main within Bay Avenue Right-of-Way and a public fire hydrant located 730 feet from the Diamond Cove Association connection.

The current data from the nearest public hydrant with flow test information is as follows:

Hydrant Location: Willis Street at Crescent Avenue
Hydrant Number: POD-HYD01694
Last Tested: 06/07/1995
Static Pressure: 97 PSI
Residual Pressure: Not Measured
Flow: 1,299 GPM

Public Fire Protection

You have not indicated whether this project will include the installation of new public hydrants to be accepted into the District water system. The decision to require new hydrants and to determine their



locations is solely that of the local fire authority. It is your responsibility to contact your local fire department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The ability to serve request indicates that the daily water usage is expected to be 4,545 gallons per day. The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of the proposed Inn at Diamond Cove at the point which the Diamond Cove Association is connected to the public system. The District cannot confirm the adequacy of the private piping owned by the Diamond Cove Association. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs


You have not indicated whether this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please also note that an increase in fire and/or domestic water usage to your site could impact existing domestic and fire protection systems connected to this service line. It is the responsibility of the owner to confirm that additional usage will not adversely impact existing fire protection systems. Should new fire protection service be required, please share these results with your sprinkler system designer so that they can design the fire protection systems to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact us to request a hydrant flow test and we will work with you to get more complete data. The District can only operate public hydrants; if private hydrants must be tested to determine flow conditions, PWD must be notified but a third party must be hired to perform any testing.

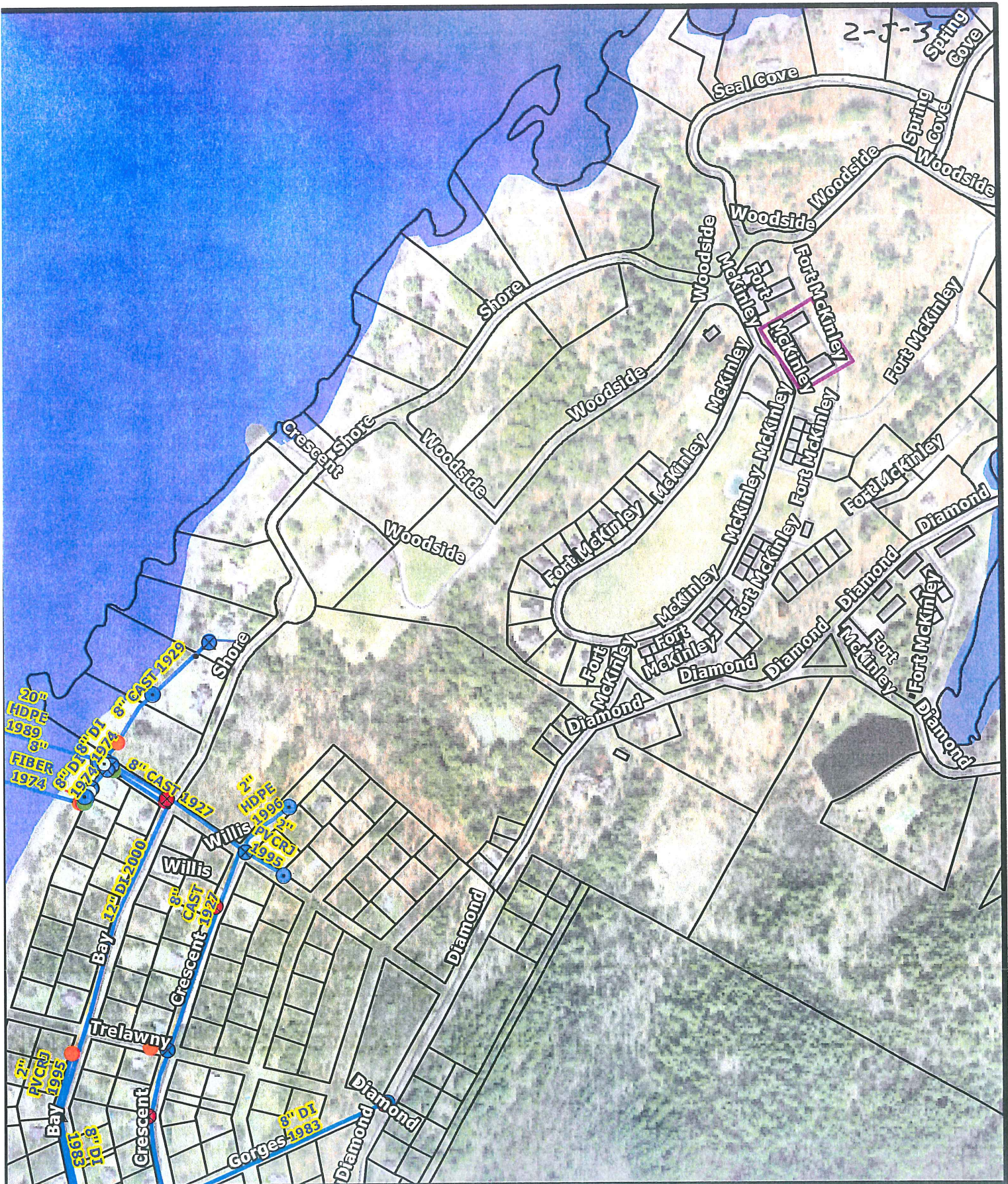
Conditions of Service

The District can confirm that the supply of domestic water to the Diamond Cove Association will be adequate to support the additional use from the proposed Inn; however, the District does not have the authority to approve the connection to privately owned infrastructure. Since this will be a private connection, an application and deposit will not be required. However, the development team must contact PWD during construction so that we can verify that proper cross connection containment measures have been taken, specifically the installation of an RPZ device within the inn.

The existing meter for the Diamond Cove Association is a 6-inch fire service meter with a maximum peak flow of 3,100 gallons per minute. Please let us know if a meter upgrade is required to accommodate the additional flow. Since there is one master meter for the entire association, individual billing from the District is not available.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer



2-J-3

Inn at Diamond Cove

Scale 0 100 200 400 600 Feet 1 inch = 400 feet



Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of its infrastructure.

GDI, Portland

Legend

- | | | | |
|----------------|--------------------|--------------------|-----------|
| ● Air Valve | ● Connection | ① Combined Service | ● Manhole |
| ● Blow Off | ● Attribute Change | ① Domestic Service | ● CSO |
| ● By Pass | ▲ Reducer | ① Fire Service | → Gravity |
| ● Distribution | ● Hydrant | ● Private Hydrants | → Force |
| ● Transmission | ● Hydrant Control | ⊗ Meter Pits | |

Drawn By: GJH

Prepared For:
DeLuca-Hoffman

Scale: As Noted

Date: 01/05/2012



PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

ATT K-1

SECTION 12

STORMWATER MANAGEMENT REPORT
(FLOODING AND GENERAL STANDARDS)

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND, PORTLAND, MAINE**

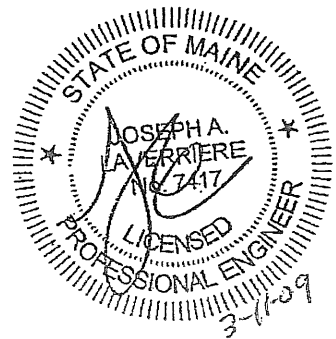
PREPARED FOR:

**THE INN AT DIAMOND COVE LLC
C/O BATEMAN PARTNERS LLC
P.O. BOX 3572
PORTLAND, MAINE 04104**

PREPARED BY:

**DELUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
(207) 775-1121**

MARCH 2009



SECTION 12

STORMWATER MANAGEMENT REPORT
(FLOODING & GENERAL STANDARDS)

12.0 Introduction

DeLuca-Hoffman Associates, Inc. (DHA) has prepared a stormwater management analysis for the proposed Inn at Diamond Cove. The Inn is part of a larger development on Great Diamond Island called Diamond Cove and was originally permitted with MeDEP on December 10, 1986. The work associated with this project will include the renovation and expansion of the existing "Double Barracks" or Building #46. As part of the permit process, the MeDEP Site Location of Development Permit will be revised to reflect these proposed changes to land use and topography.

The site improvements associated with the proposed project include the construction of patios, walkways, pool, pool deck, and access drive. As a result of these proposed site improvements and the building expansion, the total increase in impervious area is approximately 6,534 sq. ft.

DeLuca-Hoffman Associates, Inc. completed this stormwater management analysis to confirm that the planned development would not result in any significant impacts nor create potential degradation of water quality to locations downstream of the development site. The project site is not located within a lake watershed most at risk or an urban impaired stream.

12.1 Existing Site Conditions

The project area includes portions of the existing building, the building addition, proposed walkways, pool and deck area, and disturbed and undisturbed landscaped areas.

The overall site has relatively flat to moderate topography, with the exception of steeper slopes to the east and southeast of the existing building with grades approaching 2:1. Ground topography ranges throughout the entire site from about elevation 84 to 105 (assumed datum).

Soils on the site consist of Hydrologic Soil Group (HSG) C and D soil types as indicated by the Medium Intensity Soil Survey for Cumberland County, by the United States Department of Agriculture, dated August 1974.

According to the Medium Intensity Soil Survey, the development site consists of the following soil:

<u>Soil</u>	<u>Hydrologic Soil Group</u>
Hollis	C/D

12.2 Methods of Analysis-Stormwater Quantity

A hydrologic analysis was conducted based upon the methodology contained in the USDA Soil Conservation Service's Technical Releases Nos. 20 and 55 (SCS TR-20 and TR-55). For Cumberland County, Maine, a 24-hour SCS Type III storm distribution was used for the analysis using the following storm frequencies and rainfall amounts for Portland, Maine:

Storm Event	24-Hour Rainfall
2-Year Storm	3.00 Inches
10-Year Storm	4.70 Inches
25-Year Storm	5.50 Inches

Note: The proposed project is not required to provide peak discharge control for the postdevelopment condition because the site discharges to Casco Bay. Because of this, a predevelopment hydrologic analysis was not performed. The postdevelopment model was created to estimate peak discharge rates flowing offsite. This information was used to design a proper means of discharging site runoff that will not cause erosive flow velocities.

The HydroCAD computer program was used in the analysis. This program analyzes the critical points of the project watershed and uses SCS TR-20 methodology for evaluation of the anticipated conditions at these points. Drainage areas are defined with runoff curve numbers, times of concentration, and travel time data based on methods outlined in the USDA TR-55 manual. To assess storage and kinematic effects of runoff, the model uses reservoirs and pipes to imitate actual conditions. Specific hydrologic characteristics including travel times, storage capacity, and the effects of hydraulic head are considered for analysis with this program.

To model any watershed, the drainage system is represented by a system network consisting of three basic components:

- **Subcatchment:** A relatively homogenous area of land that drains into a single reach or pond. Each subcatchment generates a runoff hydrograph.
- **Reach:** A uniform stream, channel, or pipe that conveys water from one point to another reach or pond. The outflow of each reach is determined by a hydrograph routing calculation.
- **Pond:** A pond, swamp, dam, or other impoundment which fills with water from one or more sources and empties in a manner determined by a weir, culvert or other device(s) at its outlet. A pond may empty into a reach or into another pond. The outflow of each pond is also determined by a hydrograph routing calculation.

Land use, cover, delineation of watershed subcatchments, hydraulic flow paths and hydrologic soil types were obtained using the following data:

1. Portland, Maine USGS 7.5 minute Quadrangle Maps
2. Medium Intensity Soils Mapping by Cumberland County Soil Report
3. Onsite Topographic Survey with 1-foot contour intervals by DeLuca-Hoffman Associates, Inc.
4. Offsite USGS Topographic Survey with 5-foot contour intervals
5. Field Reconnaissance by DeLuca-Hoffman Associates, Inc.

12.3 Predevelopment Conditions

In its existing condition, the project area includes lawn areas, walkways, and undeveloped woods that drain to a depression located southwest of the existing building. The 2' deep depression which has an apparent outlet, stores runoff until it is infiltrated or evaporated.

12.4 Postdevelopment Conditions

In the postdevelopment condition, the project area includes the proposed improvements associated with the building addition and site improvements including exterior walkways, pool and deck area, and landscaping. Much of the existing walkway network will be maintained or reconstructed. The proposed development will result in a net increase of approximately 6,534 sq. ft. of impervious area.

Runoff from the proposed developed areas is routed through a series of water quality structures and conveyed in a closed storm drain system to a discharge point northwest of the project site. Once discharged, the treated stormwater flows overland to an existing drainage ditch that drains to Casco Bay. The entire overland drainage route between the project site and Casco Bay is owned by Diamond Cove Homeowners Association. A permanent drainage and maintenance easement will be provided from the Diamond Cove Homeowners Association accepting the stormwater discharge from this site across their land, including the use of the Diamond Cove Homeowners Association storm drain system.

These proposed site conditions are represented in the attached postdevelopment hydrologic model. The hydrologic model is based on multiple subcatchments contributing runoff to one point of analysis, located at the outlet of the proposed storm drain system. The postdevelopment watershed map is included in Attachment A.

The following table summarizes the peak flows and velocities at the point of analysis in the postdevelopment condition for each storm analyzed:

Postdevelopment Peak Flows to Point of Analysis 1			
Point of Analysis	Storm Event (Type III, 24-Hour)		
	2-Year	10-Year	25-Year
Peak Flow (cfs)	0.08	0.96	1.53
Peak Velocity (fps)	1.27	2.42	2.77

Despite the relatively low peak flow rates at the outlet of the proposed storm drain system, the flow velocities in the 10-year and 25-year design storm events are expected to be greater than the permissible velocity for Hollis Soils, which is 2.0 fps according to the Maine Erosion & Sediment Control BMP Manual. To slow the outlet flow velocity and prevent scour, a riprap channel and apron has been designed for the pipe outlet.

12.5 Stormwater Management – Water Quality Measures

As mentioned above, the proposed development activities will result in the net addition of approximately 6,534 sq. ft. of new impervious areas associated with the building addition, walkways, pool, and pool deck. The project has been designed and the study conducted in accordance with the Site Location of Development Act and Stormwater Law (Chapter 500) effective April 2007. Effective treatment of pollutants in stormwater will be provided by filtering the runoff through 2 underdrained soil filters and 4 underdrained bioretention cells located throughout the proposed developed area.

All six filter basins were designed to provide storage volumes equal to 1.0 inches times the subcatchment's impervious area plus 0.4 inch times the subcatchment's non-impervious area, in accordance with the MeDEP Stormwater Law. For all 6 filters, required storage volumes were calculated using all tributary areas. For bioretention cells 3 and 4, the required storage volumes account for runoff from undisturbed areas that are tributary to the filter.

Each proposed filter includes a 15" Nyloplast PVC catch basin at the design depth elevation to provide an emergency outlet. The basin will also provide an outlet for the underdrain, which will be capped within the basin with an orifice plate to ensure each filter draws down in 24-48 hours.

A summary of required and proposed design criteria for each filter is provided below. Stage-storage tables and drawdown calculations for each filter are attached as Attachment B.

Water Quality Filter 1		
	Required	Provided
Storage Volume	52 c.f.	54 c.f.
Maximum Storage Depth	18"	6"
Soil Filter Area	31 s.f.	32 s.f.

Water Quality Filter 2		
	Required	Provided
Storage Volume	52 c.f.	54 c.f.
Maximum Storage Depth	18"	6"
Soil Filter Area	31 s.f.	32 s.f.

Bioretention Cell 1		
	Required	Provided
Storage Volume	70 c.f.	80 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	42 s.f.	42 s.f.

Bioretention Cell 2		
	Required	Provided
Storage Volume	70 c.f.	70 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	42 s.f.	45 s.f.

Bioretention Cell 3		
	Required	Provided
Storage Volume	347 c.f.	347 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	208 s.f.	225 s.f.

Bioretention Cell 4		
	Required	Provided
Storage Volume	433 c.f.	486 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	259 s.f.	264 s.f.

Runoff from the rooftop of the proposed building addition will be collected in a roof drain system and piped to storage tanks in the basement of the building. The stored roof water will be used for irrigation of lawn and landscaped areas on site. This system is expected to act as a stormwater treatment measure for several reasons. First, the runoff will be stored in tanks, where pollutant-laden sediment is expected to settle out. Second, the water will be used to irrigate lawn and landscape areas, where it will infiltrate rather than concentrate and flow to Casco Bay. For these reasons, we did not account for any runoff from the proposed roof area in the postdevelopment hydrologic model, and we considered the roof as new impervious area receiving water quality treatment in the treatment percentage calculations presented below. The collection and storage of the roof runoff water for use as irrigation water was discussed with MeDEP and determined to be acceptable for meeting the requirements of Chapters 500/502.

In accordance with the Chapter 500 General Standard, stormwater runoff from at least 95% of the impervious area and 80% of the developed area must be treated for pollutants. The treatment percentages for the proposed development are summarized below. A detailed treatment calculation spreadsheet is provided in Attachment C.

Diamond Cove Postdevelopment				
	Total (sf)	Untreated (sf)	Treated (sf)	% Treated
New or Redeveloped Impervious Area	9,878	369	9,509	96%
New or Redeveloped Developed Area	17,776	1,244	16,532	93%

12.6 Conclusions

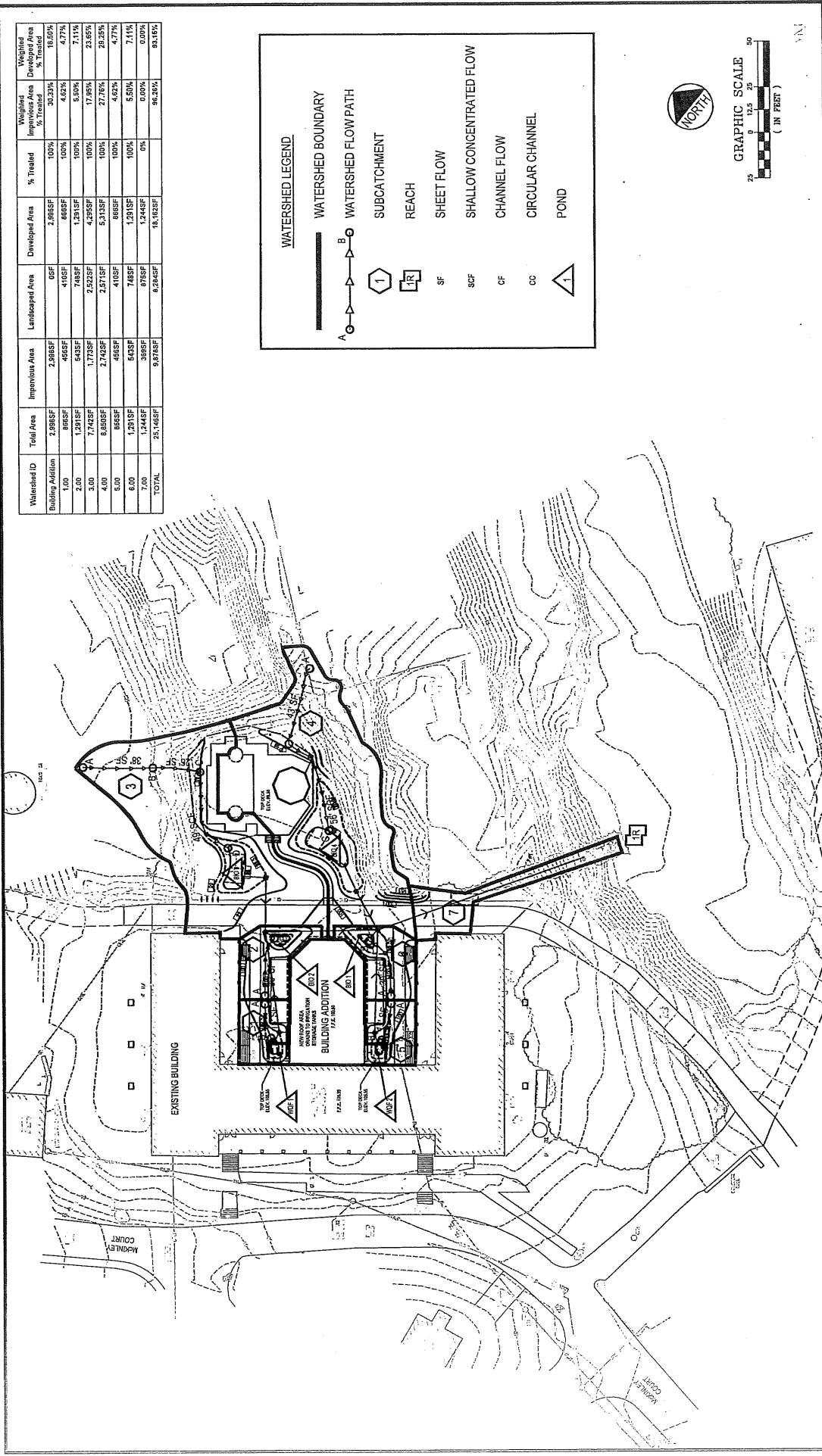
The Stormwater Management Plan for this project is designed to provide pollutant treatment for the smaller, more frequent runoff events and provide for the stabilized release of stormwater runoff generated from the larger runoff events. Based on this

study's findings, it is expected that runoff from the proposed improvements can be discharged with no adverse impacts to downstream properties or water bodies.

12.7 Attachments

- Attachment A – Postdevelopment Watershed Map
- Attachment B – Water Quality Filter and Bioretention Cell Sizing Calculations
- Attachment C – General Standard Calculation (Treatment Percentages)
- Attachment D – TR-20 Computations (HydroCAD)
- Attachment E – Inspection & Maintenance Manual for Stormwater Management System

K-80



Watershed ID	Total Area	Impervious Area	Landscaped Area	Developed Area	% Treated	Weighted Impervious Area %	Weighted Developed Area %
Building Addition	2,985SF	2,985SF	0CF	2,985SF	100%	30.33%	15.60%
1.00	808SF	466SF	410SF	666SF	100%	4.52%	4.77%
2.00	1,291SF	543SF	748SF	1,291SF	100%	5.59%	7.11%
3.00	7,742SF	1,775SF	2,522SF	4,295SF	100%	17.93%	23.85%
4.00	8,800SF	2,742SF	5,315SF	5,315SF	100%	27.78%	28.25%
5.00	868SF	455SF	410SF	666SF	100%	4.82%	4.77%
6.00	1,291SF	543SF	748SF	1,291SF	100%	5.59%	7.11%
7.00	1,244SF	385SF	675SF	1,244SF	0%	0.00%	0.00%
TOTAL	25,146SF	9,878SF	8,284SF	18,163SF	0%	36.26%	34.16%

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 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207.775.1121
 WWW.DELUCAHOFFMAN.COM

FIGURE **W-1**

**POSTDEVELOPMENT
WATERSHED PLAN**

DRAWN:	CDD	DATE:	02.13.09
DESIGNED:	SJB	SCALE:	1" = 50'
CHECKED:	SJB	JOB NO.:	2769
FILE NAME:	2769-WS-HED		

K-9

RECEIVED 1-19-12

**INSPECTION AND MAINTENANCE MANUAL
FOR STORMWATER MANAGEMENT AND
RELATED STORMWATER FACILITIES**

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND
PORTLAND, MAINE**

PREPARED FOR:

**THE INN AT DIAMOND COVE LLC
C/O BATEMAN PARTNERS LLC
P.O. BOX 3572
PORTLAND, MAINE 04104**

PREPARED BY:

**DELUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
(207) 775-1121**

**FEBRUARY 2009
REVISED JANUARY 2012**

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ATTACHMENTS

Attachment A - Sample Inspection Logs

Attachment B - Maintenance of Common Facilities or Property

Attachment C - Summary Checklist

I. **INTRODUCTION**

Relatively complex stormwater management facilities are commonly installed in development projects including institutional and educational facilities. The complexity and goals of these systems vary with the nature of the receiving water, as well as the type of development. Runoff from developed areas of the project contains a number of contaminants, especially those emanating from rooftops, paved or lawn areas. This runoff can contain a significant amount of non-point contaminants which can have an adverse impact on the receiving waters. Source control and the installation of wet ponds, infiltration galleries and water quality units, many times combined with vegetated buffer strips and other best management practices, can significantly reduce the non-point pollution discharge from the developed area. These measures are particularly important to projects in sensitive water bodies and of concern if impacts to groundwater are proposed.

The effectiveness of water quality management provisions and other components of the stormwater management system are dependent on their design, upkeep, and maintenance to assure they meet their intended function over an extended period of years. It is critical that the stormwater management facilities are inspected on a regularly scheduled basis, and that maintenance is performed on an as-needed basis. It must also be recognized that the effectiveness of these facilities, and their maintenance requirements, are related to the stormwater drainage facilities which collect and transport the flow to the ponds or treatment measures. Thus, maintenance should be directed to the total system, not just the pond.

The purpose of this document is to define in detail the inspection and maintenance requirements deemed necessary to assure that the stormwater management facilities function as intended on a long-term basis. Subsequent sections identify individual maintenance items, give a brief commentary on the function of and need for the item, a description of the work required, and a suggested frequency of accomplishment. While the suggested programs and schedules must be adapted to specific projects, the material presented should provide guidance for a successful long-term program.

A. **GUIDELINES OVERVIEW**

A summary of the individual components of stormwater management facilities has been prepared. The format used in the summary is as follows:

Preface: A general description of what function/benefit the element is intended to provide. This is a short summary and not intended to provide the design basis which can be found in other sources.

Inspection: This section provides the inspection requirements for the individual component.

Maintenance: This section provides general information on the routine maintenance requirements of this element.

Frequency: This section outlines the best judgment of the designer of the system as to the frequency of maintenance.

Comments: This section provides any particular comment on the site-specific features of this element. This is a summary only. The owner/operator should review the design drawings and documents carefully to understand the particular elements of the project. The end of this section should allow for the owner/operator to make notes on the specific program. This may include the selected maintenance procedure, cross-references to applicable design drawings, etc.

A list of the individual inspection/maintenance elements is provided in the table of contents. The guidelines are proposed for initial use with adjustments made as appropriate based upon specific project experience.

II. PROJECT OVERVIEW

Key permits issued on the project include:

- MeDEP Site Location of Development Amendment
- City of Portland Site Plan Review

The permit applications for the project will include the design information for the stormwater system.

A copy of the permits and Stormwater Management Report should be appended to this manual as Attachment B. The Owner/Operator of the stormwater management system should review these permits for a general description and background of the project, as well as any specific permit conditions or requirements of the project.

The Inn at Diamond Cove LLC has retained DeLuca-Hoffman Associates, Inc. to provide civil engineering services for The Inn at Diamond Cove project. DeLuca-Hoffman Associates, Inc. has prepared the design for the stormwater management facilities and may be contacted at:

DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
(207) 775-1121

It is recommended the preparer of the plan be contacted with any particular questions on the design intent or similar issues.

The applicable plans/design documents which apply to the project are:

1. Civil Site Plans/Permit Applications;
The Inn at Diamond Cove
Great Diamond Island, Portland, Maine
Prepared by DeLuca-Hoffman Associates, Inc.;
2. Erosion Control/Sedimentation Control Plan for The Inn at Diamond Cove Project;

3. Stormwater Management Report for The Inn at Diamond Cove Project;
 4. Maintenance of Common Facilities Plan for The Inn at Diamond Cove Project.
- A copy of these documents should be retained with this manual.

III. STANDARD INSPECTION/MAINTENANCE DESCRIPTIONS

The following narratives describe the inspection/maintenance descriptions for the Stormwater Management area. These Operation and Maintenance (O&M) procedures will complement scheduled routine maintenance of the pavement areas.

A. VEGETATION IN POND

Preface: Typically, ponds constructed for stormwater management will have an earthen bottom. Aquatic vegetation will often become established in such ponds. It will be more prevalent in ponds with silty soils and ponds with relatively impermeable liners and less prevalent in granular soils. This vegetation is beneficial as it assists in nutrient removal, provides wildlife habitat, and assists in side slope stability through its root structure.

Proper maintenance is important because, if the vegetation proliferates beyond acceptable levels, it can become a detriment to the pond function. Dying vegetation may also accumulate on the pond bottom where it will release nutrients back into the water, and may lower oxygen levels. If allowed to accumulate it will lessen pond volumes over time.

Inspection/Monitoring: The extent of aquatic vegetation associated with the retention pond should be monitored. A photographic record of growth may be useful.

Maintenance: Judgment must be used to determine a proper balance between desirable growth levels and excessive growth. This will be gained by experience. If excessive growth is observed it should be cut back and removed on an annual basis.

Removal of excessive growth should be accomplished in the late fall or early winter. When ice forms sufficiently to walk on, the vegetation extending above the ice level should be cut and removed from the pond. The material should be disposed of in accordance with applicable ordinances. The material can sometimes be composted, particularly if the municipality operates such a facility.

Frequency: Inspect and document aquatic vegetation growth and wildlife use annually in late summer or early fall at the end of the growing season. Cutting and removal of growth will depend on its density. Removal on a 1-to-3 year frequency will be typical.

Removal of Cutting: Cuttings of undesirable excessive vegetation should be removed from the pond areas and composted or otherwise disposed of.

Comments: The Owner desires to encourage and promulgate vegetation in the wetland. Removal and/or cutting of vegetation should be limited to the circumstances above and shall be done solely to maintain proper function of the overall stormwater management system.



VEGETATION PROVIDES WATER QUALITY TREATMENT AND AESTHETIC ENHANCEMENT OF THE POND

B. STORMWATER INLETS

Preface: The success of any stormwater facility relies on the ability to intercept stormwater runoff at the design locations. Stormwater inlets may include catch basins, open culverts, culverts with bar screens, and field inlets. Inlets exist throughout the system at the points of collection as well as at the outlet of many ponds. Bar racks are common on many inlet locations which intercept an open channel. This section is directed at maintenance of the actual inlet point. A later section addresses more substantive maintenance of the structures and conveyance facilities.

Inspection: The inspection of inlet points will need to be coordinated with other maintenance items. These include:

- roadway/parking lot maintenance areas
- building maintenance areas
- grounds maintenance

The key elements of the inspection are to assure the inlet entry point is clear of debris and will allow the intended water entry.

Maintenance: The key maintenance is the removal of any blockage which restricts the entry of stormwater to the inlet. The removed material should be taken out of the area of the inlet and placed where it will not reenter the runoff collection system. Snow should be removed from inlets in parking lots/roadway areas. Grass clippings and leaves should be bagged and removed particularly near the yard inlets near the building.

Frequency: All inlets should be inspected on a monthly basis, and after/during significant storm events. A campus walk is suitable for most inlets but off-road inlets and pond structures require more rigorous inspection.

Maintenance/Inspection Responsibility:

Maintenance Personnel: The maintenance personnel will perform the normal maintenance/inspections of the inlets and culvert crossings.

Comments: Maintenance of inlets is critical on this project.



POORLY STABILIZED INLET ALLOWS ENTRANCE OF DEBRIS AND REDUCED CAPACITY



STABILIZED INLETS REDUCE DEBRIS ACCUMULATION AND MAINTAIN DESIGN CAPACITY

C. TRIBUTARY DRAINAGE SYSTEM

Preface: Stormwater from the project area will be directed to a conveyance system which transports the flow to the retention pond or water quality filters. This conveyance system will be principally a piped drain system. Sediment which accumulates in the ponds is carried by the drainage system. Maintenance of this system can play a major role in the long-term maintenance costs and the effectiveness of the pond system and water quality filters.

Inspection: The tributary drainage system should be periodically inspected to assure that it is operating as intended, and that its carrying capacity has not been diminished by accumulations of debris and sediment or other hydraulic impediments. On piped systems the inlets must be inspected to ensure the rims are set at the proper elevation to optimize flow entry and are not clogged with leaves or other debris. (See prior section for inlet location data.) The inlet basins are normally equipped with sumps which will remove large sediment particles from the flow stream with hooded outlets.

The level of sediment in the sumps should be checked to assure their effectiveness. Pipelines connecting the inlets should be checked to determine if siltation is occurring. This will be most critical on drain lines laid at minimal slopes. This can usually be accomplished by a light-and-mirror procedure.

In some projects most of the stormwater is carried in open swales, channels, or ditches. These conveyance channels may be riprapped or vegetated, depending on the gradient and expected flow velocities. These facilities must be inspected to ensure debris or sedimentation does not reduce their carrying capacity. Excess vegetative growth must also be noted. The surface protection for the channels, either stone or vegetation, must be inspected to insure its integrity. Any areas subject to erosion should be noted.

Maintenance: Maintenance of the storm drainage system must assure that it continues to serve its design function on a long-term basis, and that its operation does not transport excessive sedimentation to any downstream detention pond, or the receiving waters. Elevations on the rim of catch basins should be adjusted as needed to assure optimal water entry. Depending on the frost susceptibility of the soil, the rims may become elevated over time causing flow to circumvent the inlet. When the sump in an inlet reaches half of the normal three-foot depth, the sediment should be removed. This will typically be every 1 to 3 years, depending on the tributary drainage area and the amount of sand utilized for winter ice control. Catch basin cleaning would normally be accomplished with vacuum trucks contracted as a maintenance service. The removed material must be disposed of at an approved site for such materials.

If sediment in the pipeline exceeds 20% of the diameter of the pipe, it should be removed. This may be accomplished by hydraulic flushing, or by mechanical means. If hydraulic flushing is used the downstream conditions should be analyzed. In general a sump or sediment trap should be used where it can be flushed into the detention pond, since it will reduce pond volume and hasten the time when it must be cleaned.

Vegetated ditches or swales should be mowed at least monthly during the growing season. Larger brush or trees must not be allowed to become established in the channel. Any vegetation cut in the ditch area should be removed from the site. Any areas where the vegetation fails will be subject to erosion and should be repaired and revegetated. Any riprap that becomes displaced should be replaced and chinked to assure its stability.

Frequency: The piped drainage system should be inspected on an annual basis. Adjustment of inlet rim elevations should be on an as-needed basis. Cleaning catch basin sumps and pipelines will depend on the rate of accumulation. Typically, catch basin sumps should be cleaned on a 1-to-3 year cycle. Pipeline cleaning schedules will be more variable. Open, vegetated swales should be mowed at least monthly during the growing season. Debris should be removed as required to maintain hydraulic capacity.

Maintenance/Inspection Responsibility:

Maintenance Personnel: The Inn at Diamond Cove Maintenance Personnel.

Special Services: The owner may elect to contract with an independent agent for cleaning of catch basins, sumps, and pipelines. Remedial source control measures may be performed by the owner or an outside service depending upon the nature of the particular situation.

Comments: Maintenance of inlets is critical on this project.

D. STORMWATER OUTLETS

Preface: The outlets of all closed storm drain systems are provided with some level of erosion control, which typically includes a riprap apron to dissipate energy from the concentrated discharge.

Inspection: Stormwater outlets should be inspected for movement of riprap materials to ensure the integrity of the structural measure is maintained. In addition, the interface between the riprap apron and vegetated channel or receiving area should also be inspected for any signs of erosion.

Maintenance: Repair riprap aprons if movement or loss of stone is discovered. In addition, the riprap material should be adjusted or extended if necessary to stabilize any areas of observed erosion within the receiving area.

Frequency: It is recommended stormwater outlets be inspected on an annual basis.

E. VEGETATED SWALES

Preface: Vegetated swales are often used to convey stormwater. Swales can be intended to be:

1. Mowed and maintained
2. Reverted to wetlands
3. Naturalized

Inspection: Swales should be inspected for erosion and sedimentation.

Maintenance: Eroded or silted channels need to be repaired when discovered. If erosion is a problem, the swale design should be examined. Likewise, if situation is a continued problem, the upgradient conditions should be reviewed.

Frequency: It is recommended vegetated swales be inspected quarterly until vegetation is established and a year after installation. Thereafter, if no problems have been noticed, the frequency can be decreased to once a year.

Design Guidelines: The vegetated swale should consider channel cover at the time of construction as well as several years after construction.

Design computations should state the assumed channel of vegetation and provide the basis for the Manning's or other roughness coefficient and for design.

F. WATER QUALITY FILTERS (UNDERDRAINED SOIL FILTER BASIN)

Preface: The grassed underdrain filter area is intended to provide stormwater quality measures for the site.

Biofilters (Rain Garden/Sand Filters): The biofilter is intended to capture and filter the runoff from most storm events. Historic rainfall events (generally over 2 inches in a 24-hour period) will flood the filter and flow through the overflow. After a hard rain, the biofilter will be surcharged and take 24 to 36 hours to drain.

Potential Signs of Failure or Restricted Performance: The evidence of failure or restricted performance would be stressed vegetation and extended drawdown periods for the filter.

Inspection: The biofilter should be inspected when normal landscape maintenance is performed and formally twice a year. Formal inspection should include checking the underdrain connection and orifice at the control manhole, inspecting the ground surface near the pipe or inlets to the filter to check for evidence of sediment, and inspection of bottom area for matting and unwanted vegetative litter.

Maintenance: Any sediment near the inlet pipes and undesirable leaf or vegetative litter should be removed from the filter. The vegetation should be maintained similar to other landscaping on the site and needed to remove invasive plants. Harvesting and pruning of excessive growth will need to be done occasionally. Fertilization is not recommended.

The mulch and surface of the filter should be raked with a deep tine twice a year. The top several inches of the filter soil shall be replaced with fresh material when water ponds on the surface of the bed for more than 72 hours. Aeration is recommended as a first step but if this is unsuccessful the filter may need to be reconstructed. The removed sediments should be disposed of in an acceptable manner. Filters with grass cover should be mowed no more than 2 times per growing season to maintain grass heights less than 12 inches. The filter material in the pond should be inspected to assure it is not blocked or restricted or that there is sediment to the extent that its flow characteristics may be altered.

G. SUMMARY CHECKLIST

The above described inspection and maintenance items have been summarized on a checklist in Attachment C.

IV. PROGRAM ADMINISTRATION

A. GENERAL

A reliable administrative structure must be established to assure implementation of the maintenance programs described in the foregoing section. Key factors that must be considered in establishing a responsive administrative structure include:

1. Administrative body must be responsible for long-term operation and maintenance of the facilities.
2. Administrative body must have the financial resources to accomplish the inspection and maintenance program over the life of the facility.
3. The administrative body must have a responsible administrator to manage the inspection and maintenance programs.
4. The administrative body must have the staff to accomplish the inspection and maintenance programs, or must have authority to contract for the required services.
5. The administrative body must have a management information system sufficient to file, retain, and retrieve all inspection and maintenance records associated with the inspection and maintenance programs.

If any of the above criteria cannot be met by the entity assigned inspection and maintenance responsibilities, it is likely that the system will fail to meet its water quality objectives at some point during its life. While each of the above criteria may be met by a variety of formats, it is critical to clearly establish the assigned administrative body in a responsible and sustainable manner.

B. RECORD KEEPING

Records of all inspections and maintenance work accomplished must be kept and maintained to document facility operations. These records should be filed and retained for a minimum 5-year time span. The filing system should be capable of ready retrieval of data for periodic reviews by appropriate regulatory bodies. Where possible, copies of such records should also be filed with the designated primary regulatory agency for their review for compliance with permit conditions. Typical inspection and maintenance record forms are attached hereto as Attachment A.

C. CONTRACT SERVICES

In some instances or at specific times, the Maintenance Personnel may not have the staff to conduct the required inspection and/or maintenance programs as outlined in this document. In such cases the work should be accomplished on a contractual basis with a firm or organization that has the staff and equipment to accomplish the required work.

The service contract for inspection and maintenance should be a formal, well written legal document which clearly defines the services to be provided, the contractual conditions that will apply, and detailed payment schedules. Liability insurance should be required in all contracts.

Undoubtedly each administrative body and its personnel will prepare the actual service contract and procurement procedures to fit the needs for the project.

D. COMPLIANCE

The Inn at Diamond Cove Stormwater BMP measures are subject to compliance with Chapter 32, Article III – Post Construction Stormwater Management of the City of Portland Code of Ordinance which includes annual inspection, maintenance, and reporting to the City of Portland's Department of Public Services (DPS) demonstrating compliance with the approved stormwater plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (b) *Maintenance and Repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.
- (c) *Annual Report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.
- (d) *Filing Fee.* The annual certification report shall include a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.
- (e) *Right of Entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

ATT L-1

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SECTION 14

EROSION AND SEDIMENTATION CONTROL REPORT
(BASIC STANDARDS)

THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND, PORTLAND, MAINE

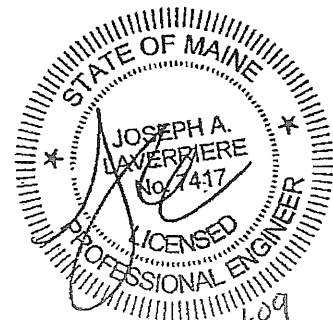
PREPARED FOR:

THE INN AT DIAMOND COVE LLC
C/O BATEMAN PARTNERS LLC
P.O. BOX 3572
PORTLAND, MAINE 04104

PREPARED BY:

DELUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
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(207) 775-1121

MARCH 2009



SECTION 14

EROSION SEDIMENT CONTROL REPORT
(BASIC STANDARDS)

14.0 INTRODUCTION

DeLuca-Hoffman Associates, Inc. (DHA) has prepared an Erosion and Sedimentation Control Report for a proposed hotel condominium on Great Diamond Island in Portland, Maine. The development is part of a larger existing development on Great Diamond Island that was originally permitted with MeDEP on December 10, 1986. The proposed hotel condominium was included with the original permit and is referred to as "The Double Barracks" (Building #46). The project will include the renovation of Building #46 and an addition to said building of approximately 2,881 square feet (sq. ft.). In addition to the improvements associated with the building, the development will also include new impervious area for patios, walkways, and a swimming pool and deck totaling 3,653 sq. ft. The project site is not located within a lake watershed most at risk or an urban impaired stream.

This study and section of the permit application presents the erosion and sediment control plan designed for the project. The erosion control plan will be contained in the contract documents for implementation by the Contractor who is awarded the bid for the project by the developer.

14.1 OVERVIEW OF SOIL EROSION AND SEDIMENT CONCERNS

The susceptibility of soils to erosion is indicated on a relative scale of "K" values over a range of 0.02 to 0.69. The higher values are indicative of the most erodible soils. The Cumberland County Soil and Water Conservation District's Medium Intensity Soils Map, contained in the Development Description section of this application, shows the types of soils within the project area. The soil type and respective K value in the 10"-20" depth is identified below:

Soil Type	Hydrologic Soils Group	Description	K Value
Hollis	C/D	Sandy Loam	0.32

Based on a review of the K values, the onsite soils in the area where construction is focused are only slightly susceptible to erosion after the cover material is stripped.

The primary emphases of the erosion/sediment control report for this project are as follows:

1. Development of a careful construction sequence.
2. Rapid vegetation of denuded areas to minimize the period of soil exposure.
3. Rapid stabilization of drainage paths, drainage ditches, channels and fill embankments to avoid rill and gully erosion.

- 4. The utilization of BMP measures (hay bales/silt fence, etc.) to capture sediment prior to discharge from the project area or into adjacent waterways.

14.2 DESCRIPTION OF PROPOSED EARTH MOVEMENT

Within the project area, the following is planned for the site:

- 1. Sawcutting and removal of concrete pavements;
- 2. Construction of an addition to the existing structure;
- 3. Construction of associated walkways, patios, and access drives;
- 4. Construction of a pool, pool deck, and cabana;
- 5. Utility service connections for sanitary sewer and water;
- 6. Installation of several water quality and bioretention filter areas for stormwater treatment; and
- 7. Stormdrain improvements throughout the project area including underground piping and structures.

These improvements will disturb approximately 0.42 acres of land.

14.3 EXISTING AND PROPOSED DRAINAGE FEATURES

In its existing condition, the project area includes lawn areas, walkways, and undeveloped woods that drain to a depression located southwest of the existing building. The 2' deep depression which has an apparent outlet, stores runoff until it is infiltrated or evaporated.

In the postdevelopment condition, the project area includes the proposed improvements associated with the building addition and site improvements including exterior walkways, pool and deck area, and landscaping. Much of the existing walkway network will be maintained or reconstructed. The proposed development will result in a net increase of approximately 6,534 sq. ft. of impervious area.

Runoff from the proposed developed areas is routed through a series of water quality structures and conveyed in a closed storm drain system to a discharge point northwest of the project site. Once discharged, the treated stormwater flows overland to an existing drainage ditch that drains to Casco Bay. The entire overland drainage route between the project site and Casco Bay is owned by Diamond Cove Homeowners Association. A permanent drainage and maintenance easement will be provided from the Diamond Cove Homeowners Association accepting the stormwater discharge from this site across their land, including the use of the Diamond Cove Homeowners Association storm drain system.

14.4 EROSION/SEDIMENTATION CONTROL DEVICES

The following erosion and sediment control devices will be implemented as part of the site development. These devices shall be installed as indicated on the plans or as described within this report. For further reference, see the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

1. Siltation fence will be installed downgradient of disturbed areas to trap runoff-borne sediments until the site is revegetated. The silt fence shall be installed per the detail provided in the plan set and inspected immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made immediately by the Contractor if there are any signs of erosion or sedimentation below the fence line. Proper placement of stakes and fabric into the ground is critical to the fence's effectiveness. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence, the barrier shall be replaced with a stone check dam.
2. Hay bales are intended to trap sediments and reduce runoff velocities. Installation details are provided within the plan set.
3. Straw or hay mulch is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed on slopes of less than 10 percent shall be anchored by applying water; mulch placed on slopes steeper than 10 percent shall be covered with a fabric netting and anchored with staples in accordance with the manufacturer's recommendations. Slopes steeper than 3:1, which are to be revegetated, shall receive Curlex blankets by American Excelsior. Mulch application rates are provided in Appendix A of this report. Hay mulch shall be available on site at all times in order to provide immediate temporary stabilization when necessary.
4. Stone sediment traps or SiltSacks® as distributed by A. H. Harris Company, Portland, Maine, will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set on the erosion control detail sheets.
5. Loam and seed is intended to serve as the primary permanent revegetative measure for all denuded areas not provided with other permanent erosion control measures, such as pavement or impervious area. Application rates are provided in Appendix A of this report.

14.5 TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES

The following are planned as temporary erosion/sedimentation control measures during construction:

1. Siltation fence shall be installed along the downgradient side of the disturbed areas, and all fill sections. The siltation fence will remain in place and properly maintained until the site is acceptably revegetated.
2. Hay bales will be installed at key locations to supplement the silt fence.
3. Temporary stockpiles of grubblings and common excavation will be protected as follows:
 - Stockpiles shall be stabilized within 7 days by either temporarily seeding the stockpile with a hydroseed method containing an emulsified mulch tackifier or by covering the stockpile with mulch.

- Siltation fence shall be installed along the downgradient edge of the stockpile.
 - Soil stockpile sideslopes shall not exceed 2:1.
4. All denuded areas that have been rough graded and are not located within the building or pavement subbase areas shall receive mulch or erosion control mesh fabric within 7 days of initial disturbance of soil.
 5. All soils disturbed between November 1 and April 15 will be covered with mulch within 15 days of disturbance, prior to any predicted storm event of the equivalent of 1/2" of rainfall in a 24-hour period, or prior to any work shutdown lasting more than 35 hours (including weekends and holidays). The mulch rate shall be double the normal rate.

For work that is conducted between November 1 and April 15 of any calendar year, all denuded areas will be covered with hay mulch, applied at twice the normal application rate and anchored with a fabric netting. The time period for applying mulch shall be limited to 5 days for all areas or immediately in advance of a predicted rainfall event, whichever is less.

6. Silt fencing with minimum stake spacing of 6 feet should be used, unless the fence is supported by wire fence reinforcement of minimum 14 gauge and with a maximum mesh spacing of 6 inches, in which case stakes may be spaced a maximum of 10 feet apart. The bottom of the fence should be properly anchored a minimum of 6" per the plan detail and backfilled. Any silt fence identified by the owner or reviewing agencies as not being properly installed during construction shall be immediately repaired in accordance with the installation details.
7. Sediment traps will be installed at each catch basin inlet to prevent silt from entering the stormdrain system. Installation details are provided in the plan set. The barriers shall be inspected after each rainfall event and repairs made as necessary. Sediment shall be removed and the barrier restored to its original dimensions when the sediment has accumulated to 1/2 the design depth of the barrier. The barrier shall be removed when the tributary drainage area has been stabilized.
8. Temporary erosion control measures shall be removed once the site has been stabilized to 90% growth or in areas where permanent erosion control measures have been installed.

14.6 PERMANENT EROSION CONTROL MEASURES

The following permanent erosion control measures have been designed as part of the Erosion/Sedimentation Control Plan:

1. All areas disturbed during construction, but not subject to other restoration (paving, riprap, etc.), will be loamed, limed, fertilized, mulched, and seeded. Fabric netting, anchored with staples, shall be placed over the mulch in areas where the finish grade slope is greater than 10 percent. All areas shall receive protection within 7 days. Native topsoil shall be stockpiled and reused for final restoration when it is of sufficient quality.

- 2. Catch basins will be provided with sediment sumps and inlet hoods for all outlet pipes that are 15" in diameter and smaller.

14.7 TIMING AND SEQUENCE OF EROSION/SEDIMENTATION CONTROL MEASURES

The following construction sequence will be required to ensure the effectiveness of the erosion/sediment control measures is optimized.

- 1. Install perimeter siltation fence as indicated on the plans.
- 2. Clear work area using caution not to overexpose the site.
- 3. Perform earthwork operations to rough grade the site to subgrade.
- 4. Complete installation of underground utilities.
- 5. Install subbase and base gravels within the roadway and walkway areas.
- 6. Install permanent impervious surface treatments as detailed in the plan set.
- 7. Loam, lime, fertilize, seed and mulch disturbed areas.
- 8. Remove accumulated sediment from ahead of any silt barriers (as necessary).
- 9. Once the site is stable and a 90% catch of vegetation has been obtained, remove all temporary erosion control measures.
- 10. Touch up loam and seed.

Note: All denuded areas not subject to final paving; riprap or gravel shall be revegetated.

It will be necessary to schedule certain portions of the sitework to ensure erosion and sedimentation control measures are sequenced for optimum effectiveness.

The project will be constructed by a General Contractor under The Inn at Diamond Cove, LLC. The Contractor shall submit a schedule for the completion of the work which will satisfy the following criteria:

- 1. The above construction sequence should generally be completed in the specified order; however, several items may be constructed simultaneously. Work must also be scheduled or phased to limit the extent of the exposed areas as specified below. The intent of this sequence is to provide for erosion control and to have structural measures such as silt fence and construction entrances in place before large areas of land are denuded.
- 2. The work shall be conducted in sections which will:
 - a. Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 30 days.

- b. Revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading; or temporarily stabilized within 15 days of initial disturbance of soil or within 7 days after completing the rough grading operations.
- c. Incorporate planned inlets and drainage systems as early as possible into the construction phase. The swales shall be immediately lined or revegetated as soon as their installation is complete.

If the spring through fall construction schedule is not possible, and construction is planned between November 1 and April 15 of any calendar year, then the General Contractor shall submit a schedule which will satisfy the following criteria:

1. Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 15 days.
2. During the construction process, all disturbed areas and stockpiles shall be covered with mulch within 24 hours of final grading.
3. Once final grade has been established, the contractor may choose to dormant seed the disturbed areas prior to placement of mulch and placement of fabric netting anchored with staples.
 - a. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs. per 1,000 s.f.
 All areas seeded during the winter months will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 percent catch) shall be revegetated by replacing loam, seed and mulch.
 - b. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
4. The area of denuded non-stabilized construction shall be limited to the minimum area practicable. An area shall be considered to be denuded until the subbase gravel is installed in pavement areas, the base slab gravel is installed in building areas, or the areas of future loam and seed have been loamed, seeded, and mulched. The mulch rate shall be twice the rate specified in the seeding plan [115 lbs. per 1,000 s.f. x 2 = 230 lbs. per 1,000 s.f.].
5. The schedule shall be subject to the approval of The Inn at Diamond Cove, LLC.

The Contractor must install any added measures which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

The Contractor shall note that no area shall remain denuded for a period of over 15 days before it is temporarily stabilized. Temporary stabilization shall be the installation of gravel or mulching.

14.8 PROVISIONS FOR MAINTENANCE OF THE EROSION/SEDIMENTATION CONTROL FEATURES

This project is subject to the requirements and conditions of a MeDEP Site Location of Development Permit Amendment through delegated review by the City of Portland. This permit requires the General Contractor to prepare a list and designate by name, address and telephone number all individuals who will be responsible for implementation, inspection and maintenance of all erosion control measures identified within this report and as contained in the Grading and Drainage Plan of the contract drawings. Specific responsibilities of the inspector(s) will include:

1. Execution of the Contractor/Subcontractor Certification contained in Appendix B by any and all parties responsible for erosion control measures on the site.
2. Assuring and certifying the project's construction sequence is in conformance with the specified schedule of this report. A weekly certification stating compliance, any deviations, and corrective measures necessary to comply with the erosion control requirements of this report shall be prepared and signed by the inspector(s).
3. In addition to the weekly certifications, the inspector(s) shall maintain written reports recording construction activities on the site which include:
 - Dates when major grading activities occur in a particular area.
 - Dates when major construction activities cease in a particular area, either temporarily or permanently.
 - Dates when an area is stabilized.
4. Inspection of the project work site on a weekly basis and after each significant rainfall event (0.5 inches or more within any consecutive 24-hour period) during construction until permanent erosion control measures have been properly installed and the site has been stabilized. Inspection of the project work site shall include:
 - Identification of proper erosion control measure installation in accordance with the erosion control detail sheet or as specified in this report.
 - Determine whether each erosion control measure is operating properly. If not, identify damage to the control device and determine remedial measures.
 - Identify areas which appear vulnerable to erosion and determine additional erosion control measures which should be used to improve conditions.
 - Inspect areas of recent seeding to determine percent catch of grass. A minimum catch of 90 percent is required prior to removal of erosion control measures.

Accumulated silt/sediment should be removed when the depth of sediment reaches 50 percent of the barrier height. Accumulated silt/sediment should be removed from behind silt fencing when the depth of the sediment reaches 6 inches.

5. If inspection of the site indicates a change should be made to the erosion control plan, either to improve effectiveness or correct a site-specific deficiency, the inspector shall immediately implement the corrective measure and notify the Owner of the change.

6. Once construction has been completed, long-term maintenance of the facilities will be the responsibility of The Inn at Diamond Cove, LLC. The catch basin sumps shall be inspected in April and October of each year. Sediment shall be removed when the depth of sediment reaches one-half the depth of the sump.

All certifications, inspection forms, and written reports prepared by the inspector(s) shall be filed with the Owner and the City of Portland Planning Department. All written inspection forms and written reports must be filed within one (1) week of the inspection date.

VII. APPENDICES

Appendix A – Seeding Plan

Appendix B – Sample EPA Certification and Inspection Forms

APPENDIX A

Seeding Plan

SEEDING PLAN
LAWN AREAS

Project The Inn at Diamond Cove

Site Location Great Diamond Island, Portland, Maine

X Permanent Seeding _____ Temporary Seeding

1. Area to be seeded: +/- 0.12 Acres, OR 5 M Sq. Ft.

2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.

3. Apply lime as follows: _____ #/acres, OR 138 #/M Sq. Ft. or per soil test

4. Fertilize with _____ pounds of - - N-P-K/ac. OR
20 pounds of 10 - 20 - 20 N-P-K/M Sq. Ft. or per soil test

5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.

6. Seed with the following mixture:

- 35% Kentucky Bluegrass
- 35% Creeping Red Fescue
- 20% Chewings Fescue
- 10% Perennial Ryegrass

7. Mulching instructions: Apply at the rate of _____ tons per acre. OR
115 pounds per M. Sq. Ft.

	<u>Amount</u>	<u>Unit #, Tons, Etc.</u>
8. TOTAL LIME.....	<u>138</u>	<u>#/1000 sq. ft.</u>
9. TOTAL FERTILIZER.....	<u>20</u>	<u>#/1000 sq. ft.</u>
10. TOTAL SEED.....	<u>5.0</u>	<u>#/1000 sq. ft.</u>
11. TOTAL MULCH.....	<u>115</u>	<u>#/1000 sq. ft.</u>
12. TOTAL other materials, seeds, etc.....	_____	

13. REMARKS

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.
- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 8.0.

- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat ad admixtures to raise the organic content to 8%.

SEEDING PLAN
SHADY AREAS

Project The Inn at Diamond Cove

Site Location Great Diamond Island, Portland, Maine

X Permanent Seeding _____ Temporary Seeding

1. Area to be seeded: +/- 0.07 Acres, OR 3 M Sq. Ft.

- For use in shaded, semi-shaded, or woodland edge areas.

2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.

3. Apply lime as follows: _____ #/acres, OR 138 #/M Sq. Ft. or per soil test

4. Fertilize with _____ pounds of - - N-P-K/ac. OR
20 pounds of 10 - 20 - 20 N-P-K/M Sq. Ft. or per soil test

5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.

6. Seed with the following mixture:

- 50% Creeping Red Fescue
- 25% Chewings Fescue
- 25% Perennial Ryegrass

7. Mulching instructions: Apply at the rate of _____ tons per acre. OR
115 pounds per M. Sq. Ft.

	Amount	Unit #, Tons, Etc.
8. TOTAL LIME.....	<u>138</u>	<u>#/1000 sq. ft.</u>
9. TOTAL FERTILIZER.....	<u>20</u>	<u>#/1000 sq. ft.</u>
10. TOTAL SEED.....	<u>4.0</u>	<u>#/1000 sq. ft.</u>
11. TOTAL MULCH.....	<u>115</u>	<u>#/1000 sq. ft.</u>
12. TOTAL other materials, seeds, etc.....	_____	_____

13. REMARKS

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.
- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for

pH and recommended fertilizer application rates between 5.5 and 8.0.

- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat admixture to raise the organic content to 8%.

to the Owner. pH should be

Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.

or and shall test to a minimum

to raise the organic content to

APPENDIX B

Sample Certification and Inspection Forms

STORMWATER POLLUTION PREVENTION PLAN
INSPECTION REPORT

PROJECT INFORMATION

Project Name: The Inn at Diamond Cove
Address: Great Diamond Island
 #46 McKinley Ct.
 Portland, Maine 04109

INSPECTOR INFORMATION

Inspector Name: _____
Firm: _____
Title: _____
Qualifications: _____

INSPECTION SUMMARY

Date of Inspection: _____

Major Observations: _____

THE FACILITY IS IN COMPLIANCE WITH THE STORMWATER POLLUTION
PREVENTION PLAN WITH THE FOLLOWING EXCEPTIONS:

ACTIONS NECESSARY TO BRING FACILITY INTO COMPLIANCE:

REQUIRED MODIFICATIONS TO STORMWATER POLLUTION PREVENTION PLAN (MUST BE IMPLEMENTED WITHIN 7 DAYS OF INSPECTION):

CERTIFICATION STATEMENT:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the systems, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature

Typed Name

Title

Date

A R C H I T E C T Y P E

January 3, 2011

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Double Barracks (Building 46) – Great Diamond Island water capacity and sprinkler system

Rick:


Please include with our application package for Development Review, on behalf of the Owner, this letter of explanation of and commitment to the provision of adequate water pressure for the full functioning of an automatic sprinkler system in accordance with Section 903.3.1.2 of the International Building Code, and meeting the requirements of NFPA 13R.

As mandated by the building code, the construction of this project as a "Hotel-Condominium" can only be permitted if it includes this sprinkler system, as dictated in IBC §506.1 and Table 503. Therefore, it can be expected by the Planning Board that this requirement will be met, even if not included as a condition on our Site Plan Approval.

As presently designed, there will be a sprinkler pump within the building. These pumps have been a proven means of providing adequate pressure to sprinkler systems in many projects with water pressure issues. The pump will be adequately sized to perform with the existing water pressures on site.

Thank you, and please do not hesitate to contact me to discuss this further.

Respectfully,


Kevin Gough
Archetype Architects

SECTION 18

SOLID WASTE

18.0 Overview

The solid waste associated with the renovation and construction of the Inn has been summarized in this section. This section discusses the anticipated solid waste generation and identifies the responsibility for collection, transport, and disposition of this waste.

18.1 Special or Hazardous Wastes on the Site

There are no known special or hazardous wastes associated with the site.

18.2 Construction Debris

The Inn at Diamond Cove will be built to achieve a LEED rating by the USGBC. As part of this rating, the applicant will retain a General Contractor that will be required to supply several roll off dumpsters to handle different types of waste materials for recycling and disposal. The General Contractor for the project will be required to enter into a contract with a licensed solid waste disposal firm for the hauling of all construction and demolition debris related to the project. Mixed construction material waste will be transported to a facility licensed by the MeDEP to accept mixed construction debris. Separate wood debris may be transported to the Biofuels limited facility in Lewiston, Maine. Separated metal/ferrous material shall be transported to Grimm Industries in Topsham.

Land clearing will include cutting of trees and stump removal. The General Contractor will be required to have the trees chipped or removed for pulp and to grind stumps, brush and trees onsite and use the grindings or chipped material for erosion control mix. The volume of stumps, grubblings, and chipped vegetation that will be generated by the project has been estimated at 200 cubic yards (refer to Attachment A). The general contractor will be required to file appropriate forms with the Maine Forestry Department.

Approximately 145 cubic yards of construction debris (after recycling) will be generated from the construction of the proposed inn.

Concrete and bituminous concrete will either be processed onsite or hauled to an approved recycling facility such as Commercial Recycling in Scarborough, Maine.

18.3 Grit/Sediment Removal

The applicant will enter into a maintenance contract for grit/sediment removal. It is anticipated that catch basin grit/sediments will be removed from the structures and disposed of by the Contractor at a licensed facility.

18.4 Operational Waste Generated

Once the Inn at Diamond Cove is constructed and placed into service, all operational solid waste will be collected at a central location within the Inn. All collected waste is hauled to a central repository on the island by the Diamond Cove Homeowner's Association. The City of Portland collects the refuse from the central repository and hauls it off site for disposal at Eco-Maine.

18.5 Attachments

Attachment A – Computations estimating the volumes of solid waste to be generated and recycled by this project.

SOLID WASTE CALCULATIONS

1. Stumps/Grubbings

The site work will require some clearing of about 0.5 acres of forest.

Assume 400 cy per acre for forests.

$$0.5 \text{ acres of forest at } 400 \text{ cy/acre} = 200 \text{ cy}$$

2. Construction Debris Generated by the Proposed Project

A. Building Renovation

Assume 12 c.y./1,500 s.f. of finished space – $34,000 \times 12/1,500 = 272 \text{ c.y.}$

If 50% is recycled and transported to the facilities listed above, about 136 c.y. of mixed material would go to a licensed facility for disposal.

B. Building Expansion

Assume 10 c.y./1,500 s.f. of finished space – $2,740 \times 10/1,500 = 18 \text{ c.y.}$

If 50% is recycled and transported to the facilities listed above, about 9 c.y. of mixed material would go to a licensed facility for disposal.

3. Operational Waste

Based upon similar hotel facilities owned and operated by the applicant, a 100-room hotel with restaurant facility typically generates 3 tons (60 c.y.) of operational waste on a monthly basis. Therefore, on a per-room basis, the anticipated operational waste volume is 0.03 tons (0.6 c.y.) per month.

The proposed 20-unit inn is anticipated to generate 0.6 tons (12 c.y.) of operational waste on a monthly basis during the peak season (June through September).

*The Inn at Diamond Cove
P. O. Box 3572
Portland, ME 04104*

December 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

Re: The Inn at Diamond Cove

To Whom It May Concern;

The following information is supplied to demonstrate the financial and technical capability of the developer to undertake the proposed project.

The Inn at Diamond Cove, LLC is the developer of the proposed project. Bateman Partners, LLC is a member of The Inn at Diamond Cove, LLC, and will provide development consulting services throughout the permitting, design, and construction phases of this project.

Attached please find the following information;

- Resume for Bateman Partners, LLC
- Financial Capacity Letter issued by Katahdin Trust Company
- Estimated Project Cost/Source of Funds

The proposed project consists of a 22 unit Hotel Condominium. The Inn at Diamond Cove, LLC will purchase all of the Hotel Condominium units initially, with ongoing day-to-day operations management provided by Hart Hotels.

Both construction and permanent financing is anticipated to be provided by Katahdin Trust Company.

Should you require additional information, do not hesitate to call.

Sincerely,



David Bateman
Member
The Inn at Diamond Cove, LLC

Bateman Partners, LLC was created specifically to develop and manage real estate, which the principals have done since 1979. The principals have developed projects in southern Maine in excess of \$100 million dollars from 1979 through 2011. Many of these projects Bateman Partners, LLC and / or its principals still own and / or manage.

The Principals of Bateman Partners, LLC initially developed both elderly and family subsidized housing in conjunction with the New Hampshire and Maine state housing authorities. The focus of development eventually spread to market rate housing and commercial office buildings as the city of Portland grew throughout the 1980's. Recreational developments included the Falmouth Country Club and its adjacent residential subdivision, as well as Diamond Cove, a 193-acre island resort community.

Most recently Bateman Partners, LLC has acted as both the development consultant and partners in the Tidewater Farm and Village project in Falmouth Maine. This project consists of 85 acres of land which was rezoned to allow the construction of 50 single family homes, 22 residential condominiums, 65,000 sq' of commercial office space and a 75 room Inn. At this point in time this development is 75% built out, with another 1 year left in construction. The Principals of Bateman Partners are David Bateman, Nathan Bateman, and Aaron Bateman.

David Bateman is the president of Bateman Partners, LLC. Mr. Bateman is a trained architect with extensive experience in the field of design and construction. Mr. Bateman is responsible for all day-to-day management of the Bateman Partners, LLC entities and their assets

Mr. Bateman has extensive experience in the following specific areas:

- Feasibility and market analysis
- Project design and master planning
- Local, State and federal approvals and permitting
- Project financing
- Equity syndication
- Contract negotiation
- Construction supervision and estimating
- Project management
- Sales and Marketing

Since 1979 Mr. Bateman has been responsible for the acquisition, development, and management of real estate projects with a combined development cost in excess of \$100 million dollars.

Mr. Bateman's personal goal has been to provide Maine with innovative projects, which improve the quality of life for its residents. Whether it be pioneering the concept of "scattered site" family housing, (a method which blends subsidized housing into existing

neighborhoods), creating Maine's first elderly congregate care facility, or through traditional commercial and resort developments, the basic commitment to quality of life has never been compromised.

Nathan Bateman is the Vice President of Bateman Partners, LLC. Nathan holds a bachelors degree with a focus of Finance and Entrepreneurial studies from Babson College. Nathans responsibilities include all the day-to-day management of the Bateman Partners, LLC entities and their assets. Nathan's responsibilities also include creating feasibility studies for potential projects, obtaining local and state approvals, securing financing and overall project management.

Nathan is also the vice president and co owner of both Phoenix Management and Phoenix Property Services located in Saco, Maine.

Aaron Bateman is the Treasurer of Bateman Partners, LLC. Aaron holds a bachelors degree with a focus in Finance from Babson College. Aaron's role at Bateman Partners is that of Asset management and financial planning.

Aaron is also the President and co owner of Phoenix Management and Phoenix Property Services located in Saco, Maine. Aaron has grown both of these companies over the last 10 years from an employee base of 3 to a staff of 40 employees that manages over 800 units of housing, 120,000 SF of commercial buildings and multiple home owner and condo associates. www.phoenixmanagementcompany.com

REAL ESTATE PROJECTS DEVELOPED BY DAVID BATEMAN AND BATEMAN PARTNERS, LLC

Subsidized and Market Rate Housing Projects	Development Costs
- Summer Street / 32 units of elderly and family housing Located in Biddeford, Maine	1.40 M
- Presidential Housing / 45 units of elderly housing Located in Biddeford, Maine	2.00 M
- Central Block / 24 units of elderly housing Located in Farmington, New Hampshire	1.10 M
- Bay View Apartments / 71 unit market rate rental complex Portland, Maine	2.40 M
- Bethel Housing / 20 units of elderly housing Located in Bethel, Maine	.98 M
- Pleasant Street / 45 units of elderly and family housing Located in Saco, Maine	2.40 M
- Lincoln Street / 21 units of scattered site family housing Located in Saco, Maine	1.60 M
- Pierson Lane / 68 units of scattered site family housing Located in Biddeford, Maine	4.90 M
- Front Street / 36 units of elderly housing Located in Sanford, Maine	1.90 M
- Falls I / 61 units of family housing Located in Saco, Maine (moderate income)	3.40 M
- Cummings Mill / 48 Luxury Apartments Located in the historic Cummings Mill, South Berwick, Maine	5.60 M

- Forest Green Associates, L.P. / 40 units of family housing Located in Biddeford, ME	4.60 M
- York Manor Associates, L.P. / 45 units of elderly housing Located in Biddeford, ME	3.20 M
	35.48M

Commercial, Subdivisions and Master Plan Projects

- Marineast Complex / 87 market rate rental town homes 10,000 sq'. Commercial building South Portland, Maine	6.00 M
- Safford House / historic rehabilitation 9,000 sq'. commercial office building Portland, Maine	.83 M
- Harbor Plaza / 60,000 sq'. commercial office building and 200 car parking facility Portland, Maine	7.50 M
- Lowell St. Medical Building / 30,000 sq'. medical building with offices and ambulatory clinic facility Portland, Maine	1.80 M
- Ocean View Retirement Complex / 70 unit congregate care facility Falmouth, Maine (Phase I)	4.50 M
- Falmouth Country Club / 18 hole championship golf course and related private club facilities Falmouth, Maine	4.73 M
- Falmouth on the Green Subdivision / 122 lot residential subdivision encompassing 450 acres, which surround the Falmouth Country Club Falmouth, Maine	5.70 M
- Diamond Cove McKinley Estates / 197 acre resort development Located on Great Diamond Island Portland, Maine	16.00 M
- Portland Harbor Hotel / 100 room boutique Hotel located in the "Old Port" Commercial Area of Portland, Maine	13.00 M
- OHM Properties, LLC 6,000 sq' medical office building Located in Falmouth, ME	1.50 M
- 468 Fore Street / 16,000 sq' of office, retail and hotel facility. This facility supports the existing Portland Harbor Hotel Located in Portland, ME	5.70 M
- 74 County Road, LLC / 10,336sq' medical office building for Mercy Hospital Located in Gorham, ME	2.80 M
- Tidewater LLC / 50 Lot Single Family Home Subdivision Located in Falmouth, ME	8.00 M
- Tidewater Village / Road and Utility upgrades to support 4 Commercial building pad sites in Falmouth, ME	2.00 M
- Clearwater II, LLC / 20,000 sq' Mixed use building consisting of 7 residential condos and 5 commercial / medical condos	5.00 M
- 385 Route One, LLC / 10,500 sq' Medical office building for Mercy Hospital Located in Yarmouth, ME	3.00 M
	88.06 M

Projects Currently Under Development / Construction

- Tidewater Farm / 40 unit elderly housing project Located in Falmouth, ME	8.00 M
- The Inn at Diamond Cove / 22 unit Condo Hotel Located on Great Diamond Island, Portland ME	9.50 M
- Sullivan School / 34 units of family housing Located in Berwick, ME	4.60 M
- Village Green Cumberland / 58 unit single family home subdivision Located in Cumberland, ME	6.50 M
- Drowne School Associates, L.P. / 38 Unit elderly housing Located in Cumberland, ME	4.50 M
	35.80 M



December 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

Re: The Inn at Diamond Cove, LLC

To Whom It May Concern:

Katahdin Trust Company has met with David Bateman and has reviewed the available detail of the proposed development on Great Diamond Island, Portland, Maine which involves the historically qualified rehabilitation of the Double Barracks building and associated grounds. We have encouraged Mr. Bateman to submit a full application to us for construction and take-out financing as a preliminary step to issuing a final commitment for funding for this notable Project. We fully understand that the Project has not yet completed its permitting, but we are very interested in providing the financing. Our interest is driven not only by the demonstrated marketability of the final product, but also the track record of the principals involved in it. We perceive The Inn At Diamond Cove, LLC to have a very strong financial and technical capability to deliver a highly successful project to the market place.

We would be happy to update our interest at any point in the process, at your request.

Sincerely;

A handwritten signature in black ink, appearing to read 'Aaron Cannan', is written over a horizontal line.

Aaron Cannan
Vice President

Cc: Pete St. John, Sr. Vice President
The Inn At Diamond Cove, LLC

The Inn at Diamond Cove**Estimated Project Cost** 12/1/2011

— Land Acquisition	\$	-
— Land Use Approvals	\$	76,260
— Legal	\$	331,930
— Permits & Fees	\$	28,157
— Architectural & Engineering	\$	255,519
— Construction Cost	\$	6,549,273
— Furnishings	\$	797,242
— Interior Design	\$	122,341
— General & Admin	\$	239,027
— Financing	\$	206,405
— Major Equip.	\$	200,000
— Operating Inventory	\$	70,000
— Communication Systems	\$	216,000
— Pre-Opening & Working Capital	\$	150,000
— Soft Cost Contingency	\$	150,000
<i>Total Project Cost</i>	\$	<i>9,392,154</i>

Sources;

— 1st Mortgage Loan (Permanent)	\$	5,290,000
— Partnership Equity (Cash Contribution)	\$	4,102,154
<i>Total Sources</i>	\$	<i>9,392,154</i>

ATT 31

January 18, 2012

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIARICAS
TIMOTHY P. BENOIT
J. GORDON SCANNELL, JR.
FRED W. BOPP III
MARK P. SNOW
WILLIAM J. SHEILS
DAVID B. McCONNELL
PAUL D. PIETROPAOLI
HOPE CREAL JACOBSEN
RANDY J. CRESWELL
JULIANNE C. RAY
DAWN M. HARMON
CHRISTOPHER M. DARGIE
ANTHONY J. MANHART
STEPHANIE A. WILLIAMS
PETER J. McDONELL
KEITH J. DUNLAP
SARA N. MOPPIN
JEFFREY A. COHEN
SHAWN K. LEYDEN
JOSEPH G. TALBOT
LAUREN B. WELIVER

OF COUNSEL
DOUGLAS S. CARR

JOHN A. CIRALDO
1956 - 2010

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

Re: The Inn at Diamond Cove

Dear Board Members:

I understand that the Inn at Diamond Cove application for site plan review will be discussed at a Portland Planning Board Workshop on Tuesday, January 24, 2012. As you know, this Firm represents Diamond Island Association ("DIA") with regard to this proposed development. To reiterate our prior comments, DIA has not voted to oppose the Inn at Diamond Cove's application. However, it does want to ensure that whatever is approved, constructed and operated is consistent with City and State approvals and with City of Portland zoning. In particular, the applicant's recent statements regarding transportation and solid waste have caused DIA and its members to become concerned.

Transportation. While the letter of January 3, 2012 from Architect Kevin Gough of Archetype PA addresses the development review standards contained in Sec. 14-145.16 of the IR-3 Island Residential Zone Ordinance, there are further restrictions placed upon this particular parcel for this particular project as the result of the Portland City Council's Conditional Rezoning Order of September 3, 2008 ("Rezoning Order"), which is Appendix A-1 to Mr. Gough's letter. Therefore, not only must the applicant's transportation proposals meet the development review transportation standard in Sec. 14-145.16(a), but they also must meet the requirements of Section 5 ("Transportation Services") of the Rezoning Order. For example, while the general standard in Sec. 14-145.16(a) states that:

The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

that

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project.

and that:

The development shall not have a substantial adverse impact on the capacity of existing island docking facilities.

Sec. 5 of the Rezoning Order has specific requirements for all of these types of transportation. It provides:

Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

DIA is concerned the applicant's statement that "the Diamond Cove ferry terminal of the Casco Bay Lines will be used" could be misinterpreted, since Casco Bay Lines serves both the northerly Diamond Cove pier and the southerly Great Diamond Island pier.

Therefore, DIA asks for conditions of approval with regard to transportation to ensure that references to "the Diamond Cove landing" or to "the Diamond Cove ferry landing" mean the northerly Diamond Cove pier. Perhaps it might be identified as: the landing depicted to the right of the legend "Diamond Cove" on a map entitled "Plan of Diamond Cove Phase I – Third

Amended Sheet 3” dated February 5, 2001 and recorded in the Cumberland County Registry of Deeds in Plan Book 202, Page 527.

In this way, the applicant, Diamond Cove Homeowners Association (“DCHA”), DIA and the City of Portland all will be aware that consistent with the Rezoning Order, travel to and from the island by the Owner/Manager, its guests, tenants, invitees and employees will be to and from the Diamond Cove landing on the north part of the Island, and that the pier at the south end of the Island may only be used in the event of an emergency. Similarly, we would ask that the Great Diamond Island commercial barge landing be defined to be that barge landing area within the property of the DCHA. Much effort by DIA, the City and others has gone into keeping the Diamond Cove project and its pedestrian and vehicular traffic within the Ft. McKinley project in order to limit the impact of this development upon the traditional village on the south part of Great Diamond Island. DIA therefore asks that the Planning Board carefully impose conditions of approval that ensure the proposed development remains within the Ft. McKinley site, with travel off the project site being limited to events of an emergency consistent with the September 2008 City Council Order.

Parking and Travel Plan. Related to the transportation concern is matter of the parking and travel plan for guests contained in Appendix I to the Gough letter -- the “Portland Harbor Hotel Inn at Diamond Cove Guest arrival and check-in process” – which states in the third and fourth paragraphs that:

Guest luggage will be send to Great Diamond Island via ferry by one of our valet staff ahead of the guest arrival to the Island. The bellman from the Inn at Diamond Cove will meet the ferry, retrieve the luggage and deliver it directly to the guest room before the guest arrives.

Guests will be directed to board the ferry anytime between 4:00 p.m. & 6:00 p.m. and to get off at the pier in Diamond Cove. A Bellman from the Inn at Diamond Cove will meet them with the golf cart and escort them to the Inn.

We understand that this is intended to demonstrate the type of instruction that would be issued for operation of the Inn at Diamond Cove if the site plan application is approved. However, our concern here is similar to the first in that we ask the Planning Board to require the Inn at Diamond Cove’s policies to reflect that travel to and from the Island by guests will be through the Diamond Cove pier at the northerly part of the Island as shown on said plan.

Solid Waste. Finally, solid waste is another matter that could benefit from greater definition and from the imposition of conditions by the Planning Board. Mr. Gough’s letter indicates simply that “All solid waste will be held within the building in a trash room and would be picked up and removed in accordance with the Diamond Cove Homeowners Association, of which this project would be a member. The project would pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.” However, both the Rezoning Order and the Maine Department of Environmental Protection’s (“DEP”) Site Location of

Development Order are much more specific than this general statement. Section 3 ("Disposal of Solid Waste") of the Rezoning Order states:

All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

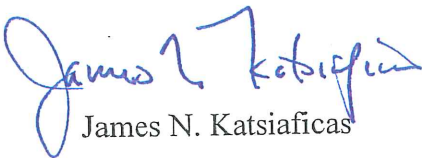
There is no municipally-operated island solid waste disposal facility, and the lot owned by DIA and leased by the City of Portland for temporary storage of solid waste generated by the southerly part of the island until it is shipped to the mainland for disposal is not available to the Inn at Diamond Cove. The September 2009 Site Location of Development Order issued by DEP for the Inn at Diamond Cove specifically provides as to solid waste:

When completed, the proposed project is anticipated to generate 12 cubic yards of general solid waste per month during the peak season. All general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

A condition of approval requiring the applicant to manage, store and dispose of solid waste in accordance with the Rezoning Order and with the September 2009 DEP Permit L-13160-L3-AB-B would help ensure the applicant's solid waste management for the proposed facility is lawful.

Thank you for your consideration of DIA's concerns.

Sincerely,



James N. Katsiaticas

JNK:pal

cc: Richard Knowland, Senior Planner, City of Portland
Diamond Island Association

From: Donna Schwartz <dlshrs@maine.rr.com>
To: Rick Knowland <rwk@portlandmaine.gov>
Date: Thursday, January 12, 2012
Subject: inn @diamond cove, great diamond island

dear rick,

please know that as a resident of diamond cove i am still very much in favor of the inn and have been from the inception years ago!
let us hope that no more obstacles get in the way of the resurrection of this lovely, historic property and the much needed & long awaited developement of the inn!

thank you!
sincerely,
donna schwartz
the schoolhouse @diamond cove

From: Irene Maas <imaas@myfairpoint.net>
To: <rwk@portlandmaine.gov>
Date: Thursday, January 12, 2012
Subject: Inn At Diamond Cove

My husband and I are full time residence at Diamond Cove. We continue to support the development of the Inn. We believe the developers continue to cooperate and consider the needs of the majority.
Sincerely Irene M. Maas

Rick Knowland - Inn at Diamond Cove

From: "jkenly007@aol.com" <jkenly007@aol.com>
To: <rwk@portlandmaine.gov>
Date: 1/13/2012 4:38 PM
Subject: Inn at Diamond Cove

We have been waiting a long time for the Inn. Hope to see it progressing when we return in the spring.
Plans look great. Thanks, Dave and Jackie Kenly 30a
Sent from my Verizon Wireless Phone

*John
No residential*

*DAVE
Screen take off public Section cover
group trip
DEP approval letter
to 10:00 staff
review m+*



**Memorandum
Department of Planning and Urban Development
Planning Division**

To: Chair Hall and Members of the Portland Planning Board
From: Richard Knowland, Senior Planner
Date: January 26, 2010
Re: The Inn at Diamond Cove, Great Diamond Island

A workshop has been scheduled to consider a proposal by The Inn at Diamond Cove, LLC. for a proposed 20 unit residential hotel condominium (hotelminium) on Great Diamond Island. This proposal would renovate the existing Double Barracks building within the parade ground of the Fort McKinley complex on Great Diamond Island. The Double Barracks building is the largest brick building not renovated within the Fort McKinley complex.

The Board held an initial workshop on this proposal on January 27, 2009. Since that time the applicant has received all necessary approvals from the Maine DEP related to a waste discharge license for the existing overboard wastewater discharge and a site location permit for various site changes associated with the condominium development.

The proposal is subject to site plan and subdivision review.

A vicinity map is shown on Attachment 1-A. An outline of commonly asked questions about Diamond Cove and IR-3 zoning is shown on Attachment 1-B.

Site plans and building elevations are shown on Attachments 2-C and 2-D.

Notices were sent to all property owners on Great Diamond Island.

The applicant is represented by Archetype (architect), DeLucca-Hoffman (engineer) and Ronald Ward (attorney).

I. FINDINGS

Zoning: IR-3 conditional use zone
Use: Residential hotel condominiums (hotelminiums)
Number of units: 20 with ~~with~~ 16 lock-out units
two 1 bedroom units; ten 2 bedroom units; eight 3 bedroom units

Building footprint: existing13,629 sq. ft.
proposed.....16,510 sq. ft.
Building floor area: existing building.....51,164 sq. ft. plus addition
(2,881 sq. ft.)
cabana building.....3,100 sq. ft.
Total site disturbance: 34,848 sq. ft.

The swimming pool, cabana and surrounding open space area (approx. 15,473 sq. ft.) though owned by the Diamond Cove Homeowners Assoc. will be leased by The Inn at Diamond Cove LLC.

II. DEVELOPMENT APPROVALS RECEIVED TO DATE

City of Portland Historic Preservation Board: Approval letter dated Nov. 6, 2009 with condition. See Attachment 1-G.

Maine Department of Environmental Protection: Approval letter dated Sept. 9, 2009 (with conditions) for a Maine Pollutant Discharge Elimination System Permit and Waste Discharge License involving a transfer and renewal of the license. This approval addresses sanitary waste and overboard discharge related issues. See Attachment 2-E.

Maine Department of Environmental Protection: Approval letter dated Sept 2009 under the Site Location of Development Act involving revisions to the site plan. See Attachment 2-F.

II. CONDITIONAL ZONING AMENDMENT

After Planning Board review, the City Council on September 15, 2008 enacted an amendment to the IR-3 conditional zoning for the Diamond Cove property to allow the proposed residential hotel condominium use for the Double Barracks building and the Hospital building. The Hospital building is a future project and is not part of this application.

The complete text of the enacted amendments is shown on Attachment 1-C. The amendments established a definition for the residential hotel condominium use (hotelminiums) and allowed up to 20 condominium units with up to 16 lock-out units in the Double Barracks building. The text also referenced a swimming pool and cabana services building to the rear of the Double Barracks building as depicted on the site plan.

Other Provisions

- (3) Disposal of Solid Waste: Applicant is responsible for disposing of solid waste associated with this use privately on the mainland or if in the opinion of the city, it would not create an unreasonable burden, at a municipal island solid waste disposal facility.
- (4) Fire Protection: Buildings shall be fully sprinkled and a central fire alarm system shall be installed.
- (5) Transportation Services: Ferry service for the project is intended to be from and between the Portland Waterfront and the Diamond Cove Pier. The owner/manager shall not provide motorized ground transportation off the Ft. McKinley Project site. Guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the southerly pier except in the event of an emergency. All such transportation shall conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The owner/manager shall conspicuously post, and keep posted in each hotel minimum units at the premises, a written notice of the applicable ordinances, rules and regulations.
- (6) Sanitary Waste: No site plan or subdivision application shall be approved by the city unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

With submission of the applicable DEP approvals this requirement has now been met.

III. PROPOSED DEVELOPMENT

The proposed development involves the renovation and conversion of the Double Barracks building into residential hotel condominiums. The applicant is not pursuing redevelopment of the hospital building at this time. Site plans and building elevations are shown on Attachments 2-C and 2-D. The specific elements of the development proposal include the following:

- Renovation and conversion of the Double Barracks building into residential hotel condominiums.

- A 2,881 sq. ft. addition is proposed to the rear of the building. It will apparently function as a dining/meeting room. An earlier plan indicated a dining room/reception area for 14 tables serving about 56 people. Other building additions include an elevator and a new porch. Patios are proposed on both sides of the addition.
- A swimming pool and a cabana building (food service, bar) are proposed to the rear of the building. A deck is shown adjacent to the pool and and cabana area.
- A series of small bioretention cells are proposed between the building addition and the swimming pool to treat stormwater. A new storm drain line is proposed that will outlet to an existing drainage swale.
- A parking space for a shuttle vehicle (6 ft. by 15 ft.) is shown along the rear driveway behind the Double Barracks building.

IV. SITE PLAN ISSUES

Wastewater Treatment and Capacity

Condition 6 of the conditional zoning states: “No site plan or subdivision application shall be approved by the City unless documentation of Maine DEP approval of the sanitary waste system serving the premises is provided.”

This condition has been addressed with Maine DEP approval of a Maine Pollutant Discharge Elimination System Permit and Waste Discharge License. See Attachment 2-E.

By way of background, the original Diamond Cove wastewater treatment system approved by the DEP in 1986 was designed to accommodate 134 condominium units and 5 commercial uses. As the development was scaled back, the number of sand filter treatment fields was correspondingly reduced.

By 2000, a third sand filter was installed accommodating what was believed to be a total build-out of only 77 condominium units and providing for increased wastewater flows from the Diamond Cove restaurant. The wastewater treatment system is licensed by the DEP to accept and treat 35,000 gallons of waste per day based on a monthly average. The sand filter treatment system has an outfall pipe in Casco Bay. In September 2003, the DEP formally banned new overboard discharges. The existing sand filter treatment system may be maintained but the amount of wastewater flow into Casco Bay may not be increased above the license restrictions.

The developer submitted an application to the Maine DEP on December 31, 2008 to modify the existing wastewater discharge license to accommodate the additional wastewater flows for this project. After reviewing the application the Maine DEP has

determined the project in combination with the remaining Diamond Cove development will not exceed the license limits of 35,000 gallons per day based on a monthly-daily average. According to the DEP, existing uses contributing to the waste collection and treatment system generate approximately 28,910 gallons of waste per day. The proposed project is anticipated to discharge an additional 4,545 gallons of wastewater per day which will result in a daily flow waste under the daily average cap of 35,000 gallons.

A key factor in remaining below the license limits is controlling groundwater infiltration into the sewer pipes. Groundwater that migrates into the sewer pipes reduces the capacity of the treatment system. Infiltration has been a long standing issue at Diamond Cove and the property owner has made incremental improvements over the years in an attempt to address this problem. The DEP approval is “requiring rehabilitation of the remaining 1,340 linear feet of non-rehabilitated wastewater conduit associated with this Permit in addition to the other remedial measures proposed in the application...”

Other DEP requirements/conditions of interest include:

- Prohibiting wastewater (including inflow and/or infiltration) from the Hospital from inclusion in the wastewater influent to the existing over board discharge sand filter treatment system. Prior to habitation of the Inn the sewer connection to the Hospital must be capped.
- Prohibiting wastewater from the proposed swimming pool to the existing over board discharge sand filter system.
- Requiring updates to the Operation and Maintenance Plan to include provisions for near capacity discharges.

As part of the Site Location review, the DEP is requiring that “the kitchen and cabana of the proposed inn shall not contain any equipment that would necessitate the use of a grease trap, and shall be limited to serving only continental breakfasts and light snacks to guests of the inn.” This effectively means there will be no restaurant at the inn. This restriction is intended to address the concern that a second restaurant at Diamond Cove would increase the waste flow above the discharge license requirements.

Transportation

The revised conditional zoning provisions are very specific in prohibiting motorized ground transportation off the Fort McKinley site to the southerly pier. The intent is that owners and visitors of the units will use the Diamond Cove pier for all water transportation needs and not use the southerly pier. As the Board is aware the transportation issues on Great Diamond Island (motor vehicles, golf carts, common motor vehicles) have been complex and contentious. We have requested that the applicant submit in writing how they will be implementing the transportation condition requirements.

The plan indicates that a designated space for shuttle vehicle (6 ft by 15 ft) will located adjacent to the rear driveway.

A two bike storage rack per sec. 14-526(a)(i)(c) is shown on the plan to the rear of the Double Barracks.

Tom Errico, Traffic Engineer Consultant, has reviewed the plan and indicates “the applicant should provide detailed information on parking usage at the Portland Harbor Hotel for guests of the proposed Inn. This should include not only actual excess parking supply during the peak summer months, but also conformity with site plan requirements for the Portland Harbor Hotel.”

In response a letter has been submitted by David Bateman (dated Jan. 19, 2009) regarding mainland parking supply at the Harbor Plaza/Portland Harbor Hotel. The letter states the Harbor Plaza Garage includes 198 spaces within the parking garage and 22 surface spaces. “Current parking requirements” for existing uses on the site (MEMIC building, Portland Harbor Hotel, etc.) are calculated as 152 spaces leaving a balance of 66 spaces. Utilizing the most restrictive application (residential uses) a total of 44 spaces would be required for the condominium hotel; use/ 2 spaces for every unit plus 1 additional space for every 6 units. The letter concludes a surplus of 22 spaces will remain after the additional use is factored. Staff will review project files regarding parking requirements for other projects using the parking garage to confirm this apparent surplus.

Stormwater

The site plan indicates that a series of 4 small bio-retention basins are proposed adjacent to the roadway between the Double Barracks building and the swimming pool. The basins are intended to address stormwater quality issues required by the Maine DEP. This requirement is being triggered by the 7,620 sq. ft. of additional impervious surface areas associated with the building addition, walkways, pool and pool deck. A cross section of the proposed bio-retention basin is shown on Attachment 2-C-10. The bio-retention system replaces a plunge pool that would have required significant vegetation clearance shown on the original site plan.

Stormwater from the bio-retention basins flows into 6 catch basins and is then conveyed into a new stormdrain line that runs along the driveway before diverting to an existing drainage swale within designated common open space. The outlet of the stormdrain includes a riprap apron. See Attachment 2-C-8 for construction detail.

A note on the plan indicates that a portion of the storm drain line and outlet are located on a “permanent drainage and maintenance easement (approx. 3,032 s.f) between The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association”. An executed copy of this agreement should be submitted for review and approval.

Fire

The conditional zoning requires that the Double Barracks be fully sprinkled and have a central fire alarm system.

We have requested further information on the size of the waterlines including the size of the waterline feeding the sprinkler system and associated water flow and water pressure data to assure that water supply will be adequate for the sprinkler system. To the best of our knowledge the Double Barracks building will be the first building at Diamond Cove to have a sprinkler system.

A letter from Archetype indicates there are two options for addressing the installation of a fully operable sprinkler system. See Attachment 2-L. The first option would be to increase the water pressure in the existing water system by closing the loop of the water lines, which currently dead-end downstream from Building 46. The letter indicates this modification “would increase the pressure adequately to supply the sprinkler system”.

The second option would be to install a sprinkler pump within the building to provide an adequate flow of water in the event the sprinklers are activated for a fire.

Capt. Keith Gautreau of the Fire Dept. has reviewed the Archetype letter and indicates a fire pump for the sprinkler system would be a good alternative solution if the water line is not extended. In the event there is not a specific resolution of this issue with supporting documentation submitted prior to the public hearing this will need to be a condition of approval.

The nearest hydrant is about 200 feet from the Double Barracks which is acceptable.

The driveway behind the Double Barracks is about 13 feet wide. Comments from Captain Gautreau indicate the driveway should be a minimum of 16 feet wide for fire access.

Building Elevations

Building elevations are shown on Attachment 2-D. Since Fort McKinley is located in a historic district, the project is subject to review by the Portland Historic Preservation Board. On September 16, 2009, the Historic Preservation Board voted to approve a Certificate of Appropriateness (with conditions) for the comprehensive rehabilitation of the exterior alterations, building addition and site changes. See Attachment 1-G. The plans have also been reviewed and approved (with conditions) by the US Dept. of the Interior National Park Service for compliance with the guidelines for rehabilitation to historic properties. See Attachment 2-G.

The Double Barracks building is the largest brick building not renovated in the Fort McKinley complex and is currently in a very deteriorated condition. The proposal preserves the character defining features of the building with very limited changes to the exterior. The proposed building addition has a brick exterior and is located on the

northerly or rear side of the building. Small dormers are proposed on the northerly side of the building. The slate roof will apparently be retained in all 4 sides of the building.

A building elevation of the cabana building has been submitted. The cabana is an octangular shaped building sheathed in wood shakes.

Landscaping

A landscaping plan has been submitted. See Attachment 2-C-7. 120 shrubs and ornamental grasses are proposed adjacent to the building addition and the swimming pool area. Groundcover material including vines and herbaceous plants. Three Autumn Brilliance Serviceberry (1 1/2-2 in. caliper), three Korean Dogwood (5 to 6 ft high) and one Saucer Magnolia (5 to 6 ft high) are proposed.

Vegetation will be disturbed for the construction of the swimming pool. A tree protection plan should be submitted.

Comments from the City Arborist will be available for the public hearing.

Financial Capacity

An updated financial capacity letter should be submitted.

IR-3 Development Standards

Applicant should provide a written response to the IR-3 development standards (sec. 14-156.16). Although there is some overlap with site plan standards this section states “no development shall occur nor shall any use be established unless the planning board finds that the final development plan is in compliance with the following [IR-3] development standards”.

Subdivision Plan

A subdivision recording plat will need to be submitted meeting the requirements of the Subdivision Ordinance. A recording plat was submitted on Thursday but staff has not had the opportunity to review it. See Attachment 2-M.

Written Public

Over the past year (plus) we have received a large number of written comments on this project. Attachment C includes the most recent comments received. For the public hearing we will gather together all of the comments for the Board to review.

Attachments

- 1-A Vicinity Maps
- 1-B Commonly Asked Questions on Diamond Cove
- 1-C Revised Conditional Zoning Amendments, enacted September 15, 2009
- 1-D Comments of Tom Errico, Traffic Review Consultant (December 23, 2009)
- 1-E Comments of David Margolis-Pineo, City Engineer (December 23, 2009)
- 1-F Comments of Keith Gautreau, Fire Captain (January 21, 2010)
- 1-G Approval Letter from Historic Preservation Board (November 6, 2009)

Applicant Submission

- 2-A Introductory Cover Letter and Related Exhibits for January 27, 2009 Planning Board Workshop
- 2-B Introductory Cover Letter for January 26, 2010 Planning Board Workshop
- 2-C Site Plan
- 2-D Building Elevation
- 2-E Maine DEP Maine Pollutant Elimination System Permit and Waste Discharge License (September, 2009)
- 2-F Maine DEP Site Location Permit (September, 2009)
- 2-G US National Park Service Historic Preservation Certification (May 15, 2008)
- 2-H Parking Related Information
- 2-I Portland Water District Letter (May 6, 2008)
- 2-J Stormwater Mangement Report
- 2-K Erosion and Sedimentation Report
- 2-L Water Capacity and Sprinkler System Info.
- 2-M Recording Plat
- 2-N Second Amendment to Amended and Restated General Declaration of Covenants and Restrictions (on file in Planning Office)
- 2-O Property Deed (on file in Planning Office)

- 3 Written Public Comment

PBR1

Rick Knowland - The Inn At Diamond Cove - Site Plan Approval Condition 3

From: "Joe Laverriere" <joe@delucahoffman.com>
To: "Chris Pirone" <cpp@portlandmaine.gov>
Date: 2/26/2013 9:49 AM
Subject: The Inn At Diamond Cove - Site Plan Approval Condition 3
CC: "Rick Knowland" <RWK@portlandmaine.gov>, "Ronald N. Ward" <RWard@dwmlaw....>

Capt. Pirone-

As a follow-up to our telephone discussion yesterday afternoon, it is my understanding that you are indeed satisfied with the site plan improvements, including water main system improvements depicted on Sheet C-11, as meeting condition 3 of the site plan and subdivision approval. Furthermore, it is my understanding that you were seeking to ensure that the water main improvements as shown on Sheet C-11 will be completed as part of the Inn at Diamond Cove. Since this plan (Sheet C-11) was included within the final plan submission to the City on April 19, 2012, the improvements become a part of the Planning Board approval for the project and thus are required to be implemented as part of the project.

Once the water system improvements are implemented, a fire flow of hydrant H15 (hydrant closest to Inn) will be performed to document the resulted increase in fire flow. The results of this subsequent fire flow will be reviewed with the City of Portland Planning Department and Fire Department to document conformance of the water system improvements to meet the 590 gpm flow rate at 20 psi residual for hydrant H15. The water system improvements and subsequent fire flow test will be performed for review and approval by the City prior to occupancy of the Inn at Diamond Cove.

During our telephone conversation yesterday, you also requested that the building architect contact you to verify the design intent of the building sprinkler system and conformance with NFPA 1. I have forwarded your request to the project architect (Archetype PA) and they should be in contact with you in the near future.

The developer is in the process of moving toward a closing, so important that Portland Planning know that PFD signed off on the Plan Condition. If you could send your affirmation of that and copy Rick Knowland at City Hall, I believe all parties will be satisfied that the terms of the relevant Condition have been met. Please let me know if PFD needs anything further from me or the developer with respect to the site improvements or permitting of the Inn at Diamond Cove.

Thanks,

Joseph A. Laverriere, P.E.
Senior Engineer
DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
T: 207.775.1121, Ext. 133
F: 207.879.0896

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PLANNING BOARD REPORT PORTLAND, MAINE

**Diamond Cove Conditional Zoning Amendment
Great Diamond Island
#2012-411
The Inn at Diamond Cove, LLC., Applicant.**

Submitted to: Portland Planning Board:
Public Hearing Date: February 14, 2012

Prepared by: Richard Knowland, Senior
Planner
Date: February 9, 2012
Planning Board Report #6-12

I. Introduction

A public hearing has been scheduled to consider amendments to the existing Diamond Cove conditional zoning on Great Diamond Island. The Inn at Diamond Cove, LLC. has requested some revisions to the conditional zoning provisions related to an increase in the number of hotelminium units.

In 2008 the City approved an amendment to the Diamond Cove conditional zoning provisions allowing the conversion of the Double Barracks building into a residential hotel condominium or hotelminium use. At the Board's January 24, 2012 workshop for the hotelminium site plan, the Applicant indicated the number of hotelminium units needed to be increased from 20 to 22 units for marketing reasons. Subsequently an amendment application filed on January 26th, reflected 22 units but also a request to increase the number of lock-out units from 16 to 22. The number of total bedrooms remains unchanged from the original proposal (46) according to the applicant.

The Board is requested to make a recommendation to the City Council to amend the 2008 hotelminium conditional zoning amendments reflecting an increase in the number of hotelminium units and lock-out units. Site plan/subdivision review of the Double Barracks will be deferred until the City Council makes a decision on the zoning amendment.

The proposed conditional zoning amendment is shown on Attachment 1-A. The zone change application and an explanation of the need for the revision are shown on Attachments 2-A and 2-B.

While the proposed amendment is minor and does not change the physical appearance of the development, today's report incorporates information from the 2008 Planning Staff Report which served as the basis for the Planning Board recommendation and subsequent City Council approval of the hotelminium amendments.

Please refer to the attached Staff Memo which was prepared for the January 24, 2012 workshop on the Diamond Cove hotelminium site plan. The memo includes exhibits/submissions regarding background information on Diamond Cove; island maps; site plans; DEP permits; and other background information. On page 12 of that report is an index of these materials. The index is also featured as Attachment 1-B in today's report.

285 notices were sent to property owners on Great Diamond Island as well as a Legal Notice which ran in the Portland Press Herald on January 30th and February 6th.

II. Proposed Conditional Zoning Hotelminium Amendment

Proposed changes to the 2008 conditional zoning amendments are limited to increasing the number of hotelminium units in the Double Barracks from 20 to 22 and the number of lock-out units from 16 to 22. The number of hotelminium units for the Hospital remains unchanged.

The changes are internal only and will not affect the exterior appearance of the building nor the total number of bedrooms originally planned (46).

The specific revisions are in paragraph 2 of the zoning text and shown below:

The Double Barracks may include up to a maximum of twenty-two (22) hotelminium units [with the maximum of lock out units, included as part of the twenty-two hotelminiums and not separate units, not to exceed twenty-two sixteen (22+16)] and the Hospital may include up to a maximum number of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)].

III. Background of 2008 Conditional Zoning Amendment

In 2008 the IR-3 conditional zoning for Diamond Cove was amended by the City Council (after recommendation by the Planning Board) to accommodate a request by The Inn at Diamond, LLC to convert the existing Double Barracks and Hospital buildings into residential hotel condominium units (hotelminiums).

The 2008 conditional zoning amendment was viewed as the last best chance to renovate these buildings. The Applicant observed that "both buildings are substantially deteriorated and a collapse of either would not be unexpected". Given the poor condition of the buildings, residential uses have not proven financially feasible. Consequently these buildings are the last significant brick buildings within the historic Fort McKinley complex not renovated. They are also the largest brick buildings in the complex. Renovation of the Fort McKinley buildings was initiated 20-plus years ago.

The City of Portland acquired these two buildings in 2004 for non-payment of property taxes. The City solicited requests for proposals from developers in the past but attracted little interest given the deteriorated conditions of the buildings particularly the Double Barracks. In 2007, the City entered into an option agreement with the applicant to purchase the Double Barracks and Hospital.

IV. Key Elements of 2008 Conditional Zoning Amendment

The 2008 conditional zoning amendment [entitled “Supplemental Conditions and Restrictions Buildings 46 (“Double Barracks”) and 19 (“Hospital”)] was intended to facilitate the conversion of the Double Barracks and Hospital buildings into a hotelminium. The most significant text changes in terms of development and use involve the following: (1) referencing a residential hotel condominium (hotelminium) as a permitted use, including a definition of the use; (2) use of dedicated open space for a swimming pool and bar/service building; and (3) referencing construction of the bar/service building. Other sections of the conditional zoning text addressed disposal of solid waste; fire protection; transportation services and disposal of sanitary waste.

A discussion of the hotelminium use is provided below as background to the 2012 amendment.

Creation of Hotelminium Use

The 2008 amendment incorporated a new term for a residential hotel condominium (hotelminium) use for the Double Barracks and the Hospital since a residential hotel condominium was not a recognized use in the zoning ordinance. In preliminary discussions the Applicant described the use as an inn. However, as each unit will have kitchen facilities this was deemed inconsistent with the zoning definition of an inn. See excerpt of the inn definition from sec-14-47 below:

Inn: “A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten (10) but no more than fifty (50) rooms. Guest rooms shall not contain separate kitchen facilities...”

The applicant indicated “this project proposes individual, residential condominium units, each of which will have its own separate kitchen facilities, together with limited common amenities.” The condominium units will apparently be sold to investors and the individual units rented for public use similar to a hotel or inn room. There is a management entity that will be coordinating this function including providing a van service, security and maintaining the exterior of the building.

The 2008 amendment created a new term “hotelminium” to address this issue.

“Hotelminium” is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The hotelminium may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented

through a “lock out” system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor.

V. Land Use Policy

The 2008 review of the hotelminium amendments included a discussion of land use policy. This narrative is provided as background information since the amendment (although minor) represents a change in the IR-3 conditional zoning for Diamond Cove.

The primary policy document for the islands is **Portland Islands Land Use and Zoning Study**, which was adopted by the City Council (1985) as an element of the City Comprehensive Plan. It was the first comprehensive land use and zoning plan for the islands. The original Diamond Cove conditional zoning was enacted pursuant to this plan. The renovation of the existing Fort McKinley buildings within Diamond Cove was anticipated and was provided for in the approved conditional zone.

The summary and goal statement of the island comprehensive plan is expressed below:

The islands are different from the mainland in terms of the natural features, their resource value, the public services available (or possible), the people who reside and work there. The City’s land use policies and regulations should reflect this essential difference.

The overall land use goal is to balance future growth and development on the islands to preserve those essential natural, physical, and social factors that contribute to the islands unique value and character.

The purpose of the IR-3 Island Residential Zone as expressed in the comprehensive plan is shown below:

The purpose of the IR-3 would be to allow for planned unit development in a manner compatible with both the natural and built environment. Parcels should not be rezoned to IR-3 unless an applicant can demonstrate that a development plan for the site can meet a series of detailed location and performance standards and is part of a contract or conditional rezoning. These standards would provide guidance to the City on whether a specific site would be appropriate for an IR-3 rezoning.

The comprehensive plan discussion for the IR-3 Contract-Conditional Zoning is shown below:

All IR-3 rezoning should be subject to contract or conditional zoning. Contract zoning is critical to the IR-3 rezoning process in that if a development plan for a proposed rezoning met the IR-3 review standards, the City would require that the zone change be subject to certain conditions through contract zoning that would insure that the final development for the site was in conformity with the land use policies represented in the IR-3 standards. This zoning tool can insure that the representations and assertions of a particular zone change application and

development plan that served as the basis for granting the rezoning, are formally carried out in the context in which it was approved. Given the sensitive environmental issues and development constraints on the islands, it is not in the interest of the City to approve an IR-3 without appropriate assurances that the ultimate development for the site appropriately addresses such development constraints.

The purpose section of the IR-3 Zone (zoning text sec. 14-145.13) is shown below.

The purpose of the IR-3 island residential zone is to allow for a planned unit development in a manner compatible with both the natural and built environment, which provides for adequate circulation and waterfront access, adequate water supply for private use and fire protection, and safe and clean disposal of solid and septic wastes.

The above paragraph also includes sec. 14-145.13(e), which states:

- (e) The development plan should have the capability of meeting the development review standards of sec. 14-145.16.

Although Diamond Cove is an existing IR-3 conditional zone and the hotelminimum proposal represented an amendment to the conditional zone text, the hotelminimum proposal needed to demonstrate the “capability” of meeting these standards.

Note the Board determined in its 2008 review the hotelminimum proposal did demonstrate the “capability” of meeting these standards. A discussion of these standards is provided for background information. A more detailed review of these standards will take place during site plan review since the applicant at the zone change stage need only demonstrate the capability of addressing these standards.

A response to the development standards of sec. 14-156.16 is shown below. The Applicant’s response to these standards is shown starting on Attachment 2-AA-2 of the 1-24-12 Planning Staff Workshop Memo.

Transportation: The transportation standard states in part that “development shall be designed with a pedestrian orientation to minimize the use and dependency on private motor vehicles”. The original 1985 conditional zoning (and subsequent amendments including the 2008 amendments), placed restrictions on the use of motor vehicles which is consistent with this standard. Private motor vehicles are in fact banned from Diamond Cove. As the Board is aware, the transportation issues on Great Diamond Island (motor vehicles golf carts, common motor vehicles) have been complex and contentious. The 2008 amendments are very specific in prohibiting motorized ground transportation off the Fort McKinley site to the southerly pier. The intent is that owners and visitors of the units will use the Diamond Cove pier for all water transportation needs and not use the southerly pier. See conditional zoning transportation requirement Attachment 1-A.

Solid Waste: The applicant indicates all solid waste will be held within the building in a trash room and will be picked and removed in accordance with the Diamond Cove

Homeowners Association. Solid waste will be taken off the island in accordance with “present practices” or off the island via the Diamond Cove pier by a private contractor. The present practices for Diamond Cove involve the City taking solid waste off the island. We have requested comments from Public Services whether they are in a position to serve the hotelminium project.

Sanitary Waste: This standard has been addressed with Maine DEP approval of a Maine Discharge Elimination System Permit and Waste Discharge License for this project. A copy of the permit is shown on Attachment 2-E of the 1-24-12 Planning Staff Workshop Memo. Sanitary waste will be processed through an existing sand filter treatment system that has an outfall pipe in Casco Bay. The sand filter system serves the entire Fort McKinley complex and is licensed not to exceed 35,000 gallons per day based on a monthly-daily average.

Water: A letter from the Portland Water District indicates “there should be adequate pressure and volume of water to serve the domestic needs of the proposed Inn at Diamond Cove at the point which Diamond Cove is connected to the public system”. See Attachment 2-J of 1-24-12 Planning Staff Workshop Memo.

Shoreland Area: The project area is outside of a shoreland zone.

Environmentally Sensitive Areas: The focus of the development is the renovation of the Double Barracks which is an integral part of the Fort McKinley development and the primary feature of this site, historically and visually. Site disturbance is limited to the rear of the building where an inground pool, deck and gazebo will be constructed which will not impact any significant scenic vista.

The significant environmental areas cited in this standard have been conserved elsewhere within the IR-3.

Recreation and Open Space Area: The Diamond Cove open space is functionally integrated into the entire development plan. A swimming pool and gazebo (food/beverage) are proposed behind the Double Barracks. This land is owned in common by the DCHA but will be leased by The Inn at Diamond Cove. Given the size and location of this open space it is unlikely this loss of land (as common area) will adversely affect open space resources within Diamond Cove

Financial and Technical Capability: Two letters have been submitted by Katahdin Trust Company in support of the applicant’s financial capability. The submission includes an estimated project cost of \$9,392,154. Sources of funding include a first mortgage loan (permanent) of \$5,290,000 and partnership equity (cash) of \$4,102,154. Technical capacity information has also been submitted. See Attachment 2-C of today’s report and Attachment 2-O of the 1-24-12 Planning Staff Workshop Memo.

Environmental Impact Analysis: The project involves renovation of an existing building with very limited site disturbance except in the immediate vicinity of the site. The significant features cited in the above standard has been preserved on other locations of Diamond Cove. It is unlikely that the disturbed are would be rated as significant in

terms of its natural features. The amount of vegetation likely to be disturbed within the footprint of the swimming pool/service building area is minimal in the context of the total open space and vegetation preserved within the Diamond Cove development.

Staff has re-read an environmental assessment study filed with the original zone change application. The hotelminium seems consistent with the impacts associated with the original Diamond Cove development except for a few trees that may be taken down for the swimming pool.

Development Phasing: The renovation of the Double Barracks will be completed without phasing. The Hospital is not part of the current development application and will be renovated at an unspecified date in the future.

Emergency Services: As part of the conditional zoning amendment the applicant is required to install a sprinkler system and a central alarm system for the entire building.

VI. Motions for the Board to Consider

On the basis of plans and information submitted by the applicant and the information contained in Planning Report #6-12, and testimony presented as the Planning Board public hearing, the Board finds:

1. The proposed amendments to the Diamond Cove conditional zone text (Attachment 1-A) (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approval of the proposed text amendments zoning to the City Council
2. The Planning Board also (recommends or does not recommend) approval to the City Council revisions to the 2008 Diamond Cove conditional zoning text (Attachment 1-A)

*Hell, Morrison, Lewis,
Silk, Dean*

Attachments

1 Staff Comments/Submissions

- 1-A Proposed Diamond Cove Conditional Zoning Amendment Revisions for Hotelminiums (Supplemental Conditions and Restrictions)
- 1-B Index of Exhibits from Planning Staff Workshop Memo (January 24, 2012)
- 1-C Planning Staff Workshop Memo (January 24, 2012)

2 Applicant Submissions

- 2-A Application for IR-3 Diamond Cove Conditional Zoning Amendment (January 26, 2012)
- 2-B Background Information on Zone Amendment Request by Ronald Ward (January 20, 2012)
- 2-C Financial and Technical Capacity Information

3 Written Public Comments

ATT 1-A-1

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
DIAMOND COVE, GREAT DIAMOND ISLAND
PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
BUILDINGS 46 (“DOUBLE BARRACKS”) AND 19 (“HOSPITAL”)
FT. MCKINLEY, PORTLAND, MAINE
FEBRUARY 22, 2012**

The following supplemental conditions and restrictions are imposed by the City of Portland (the “City”) on that portion of the Ft. McKinley project (“Project”) commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 (“Premises”), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC (“IDC”) ¹, and consented to by the Diamond Cove Homeowners Association (“DCHA”):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, inter alia, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the “Existing Conditions and Restrictions”).

2. Supplemental Conditions and Restrictions. Notwithstanding the terms of the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 (“Hospital”) and Building 46 (“Double Barracks”), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and

¹ For purposes of this Supplemental Conditions and Restrictions document, “Owner/Manager” referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, there heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as “hotelminiums” and a supporting pool/services area on the Open Space. “Hotelminium” is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services² which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a “lock out” system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of twenty-two (22) hotelminium units [with the maximum number of lock out units, included as part of the twenty-two (22) hotelminiums and not separate units, not to exceed ~~twenty-twosixteen (22+6)~~] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a “lot” within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the “Dedicated Open Space Plan” attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City’s opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the

² For purposes of this Supplemental Conditions and Restrictions document, “reasonable and customary on-site hotel services” shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

Index of Exhibits from Jan. 24, 2012 Planning Staff Workshop Memo

Attachments

City Staff Submissions

- 1-A Vicinity Maps
- 1-B Commonly Asked Questions on Diamond Cove and Original 1985 Conditional Zone
- 1-C Revised Conditional Zoning Amendments, enacted September 15, 2008
- 1-D Comments of Tom Errico, Traffic Review Consultant (December 23, 2009)
- 1-E Comments of David Senus, Development Review Engineer (January 17, 2012)
- 1-F Comments of Chris Pirone, Fire Captain (January 16, 2012)
- 1-G Approval Letter from Historic Preservation Board (November 6, 2009)

Applicant Submissions

- 2-AA Introductory Cover Letter and Related Material for January 24, 2012 Planning Board Workshop
- 2-A Introductory Cover Letter and Related Exhibits for January 27, 2009 Planning Board Workshop
- 2-B Introductory Cover Letter for January 26, 2010 Planning Board Workshop
- 2-C Site Plan and Subdivision Recording Plat
- 2-D Building Elevations
- 2-E Maine DEP Maine Pollutant Elimination System Permit and Waste Discharge License (September, 2009)
- 2-F Maine DEP Site Location Permit (September, 2009)
- 2-G US National Park Service Historic Preservation Certification (May 15, 2008)
- 2-H Transportation
- 2-I Parking Related Information
- 2-J Portland Water District Letter (January 6, 2012)
- 2-K Stormwater Mangement Report
- 2-L Erosion and Sedimentation Report
- 2-M Sprinkler System Info.
- 2-N Solid Waste
- 2-O Financial and Technical Capacity
- 2-P Second Amendment to Amended and Restated General Declaration of Covenants and Restrictions (on file in Planning Office)
- 2-Q Property Deed (on file in Planning Office)

3 Written Public Comment

A R C H E T Y P E ATT 2-A-1

January 25, 2012

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island; Zoning Text Amendment

Rick:

On behalf of the Inn at Diamond Cove LLC, I am providing below a proposal for a text amendment to the IR-3 Conditional Zoning language, associated with the redevelopment of the Double Barracks Building 46 on the Fort McKinley site of Great Diamond Island.

The proposed text change is as follows:

1. Supplemental Conditions and Restrictions... The Double Barracks may include up to a maximum of ~~twenty (20)~~ twenty-two (22) hotelminium units [with the maximum number of lock out units, included as part of the twenty hotelminiums and not separate units, not to exceed ~~sixteen (16)~~ twenty-two (22) and the Hospital...

If you have any questions or concerns with this application, please let me know and I will address them immediately.

Thank you,



Kevin Gough, Architect
Archetype PA
Portland, ME

PROJECT ADDRESS: Building 46, Double Barracks - Great Diamond Island

CHART/BLOCK/LOT: 83E/F/460

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Change of number of hotel units within building footprint.

Hotelminium

CONTACT INFORMATION:

	<p>Applicant's Contact for electronic plans Name: Kevin Gough e-mail Address Gough@archetypepa.cm work # (207) 772-6022</p>
<p>Applicant – must be owner, Lessee or Buyer Name: The Inn @ Diamond Cove, LLC Business Name, if applicable: Address: PO Box 3572 City/State: Portland, ME Zip Code: 04104</p>	<p>Applicant Contact Information Work # (207) 772-2992 Home# Cell # Fax# e-mail: nathan@batemanpartnersllc.com</p>
<p>Owner – (if different from Applicant) Name: Address: City/State : Zip Code:</p>	<p>Owner Contact Information Work # Home# Cell # Fax# e-mail:</p>
<p>Agent/ Representative David Lloyd Name: Archetype Address: 48 Union Wharf City/State: Portland, ME Zip Code: 04101</p>	<p>Agent/Representative Contact information Work # (207) 772-6022 Cell # (207) 831-8327 e-mail: lloyd@archetypepa.com</p>
<p>Billing Information Name: The Inn @ Diamond Cove, LLC Address: PO Box 3572 City/State: Portland, ME Zip Code: 04101</p>	<p>Billing Information Work # (207) 772-2992 Cell # Fax# e-mail: nathan@batemanpartnersllc.com</p>
<p>Engineer Joseph Laverriere Name: DeLuca Hoffman Address: 778 Main Street, Suite 8 City/State :S. Portland, ME Zip Code: 04106</p>	<p>Engineer Contact Information Work # (207) 775-1121 Cell # Fax#(207) 879-0896 e-mail: joe@delucahoffman.com</p>

Surveyor John Swan Name: Owen Haskell Address: 390 U.S. Route 1 - Unit 10 City/State: Falmouth, ME Zip Code: 04105	Surveyor Contact Information Work # (207) 774-0424 Cell # Fax#(207) 774-0511 e-mail: jswan@owenhaskell.com
Architect Kevin Gough Name: Archetype Address: 48 Union Wharf City/State: Portland, ME Zip Code: 04101	Architect Contact Information Work # (207) 772-6022 Cell # (207) 831-8627 Fax# e-mail: gough@archetypepa.com
Attorney Ron Ward Name: Drummond Woodsum Address: 84 Marginal Way City/State: Portland, ME Zip Code: 04101	Attorney Contact Information Work # (207) 772-194 Cell # Fax# e-mail: rnward@dwmlaw.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Option to purchase with the City of Portland

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

Abandoned army barracks, vacant.

Current Zoning Designation(s):

IR-3 Conditional Zone

Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

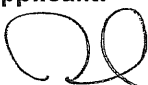
Hotelminium

Site Plan: On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone)	Fees Paid (office use) ___	The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment x \$2,000.00 (to Section 14- <u>49</u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example) and language to be added is depicted as underline (example) .	___	
Combination Zoning Text Amendment and Zoning Map Amendment ___ \$3,000.00	___	
Conditional or Contract Zone ___ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)	___	

Signature of Applicant: 	Date: 1-26-12
---	-------------------------

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

DrummondWoodsum

Ronald N. Ward

rnward@dwmlaw.com

84 Marginal Way, Suite 600
Portland, ME 04101-2480

(207) 772-1944
ATTN: 13-1
(207) 772-3627 Fax
(800) 727-1941

Admitted in ME only
www.dwmlaw.com

RECEIVED

JAN 20 2012

City of Portland
Planning Division

January 20, 2012

HAND DELIVERED AND SENT BY EMAIL

Richard W. Knowland, Planner (RWK@portlandmaine.gov)
City of Portland Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Inn At Diamond Cove – Planning Board Workshop
January 24, 2012

Dear Rick:

The following letter is intended to summarize our telephone conferences from yesterday relating to the variation in the number of condominium units contained at the proposed development.

For review purposes, the Project commenced with its application to the Portland City Council for amendment to the pre-existing IR-3 Conditional Zoning text. On September 15, 2008, the Portland City Council issued its Order, amending the relevant text to allow a 20-unit condominium project. The application by the developer was actually submitted as a project containing 20-22 units, but the plan exhibited at that time contained 20 units, including 3-bedroom units, with a total of 46 bedrooms.

Thereafter, the planning for the Project continued and we appeared before the Planning Board in a workshop on January 27, 2009. The plan at that time remained essentially unchanged, although more detailed.

After that initial workshop session, and also after significant additional review and planning, litigation was initiated against the City and the Developer. That litigation was recently successfully resolved in favor of the City and the Developer.

In the evaluation of the change in the marketplace over the course of the litigation, the development team concluded that the 3-bedroom units originally proposed were not consistent with the current marketplace. Accordingly, the 3-bedroom units were revised into 2-bedroom units, such that the total number of units went back to the 22 (with 46

Daniel Amory*
David J. Backer*
S. Campbell Badger*
Jerrold A. Crouter*
George T. Dilworth*
Jessica M. Emmons**
Peter C. Felmy*
Erin R. Feltes†
Anthony T. Fratianne*
Sara S. Hellstedt*
Eric R. Herlan**
Melissa A. Hewey**
Michael E. High*
David M. Kallin*
John S. Kaminski*
Edward J. Kelleher*
Jeanne M. Kincaid**
Peter D. Klein*
Rodney A. Lake*
Benjamin E. Marcus*
Elek A. Miller*
Mona T. Movafaghit
Michael J. Murray*
Robert P. Nadeau*
Daina J. Nathanson**
Kimberly A. Pacelli*
Jeffrey T. Piampiano*
William L. Plouffe*
Aaron M. Pratt**
Harry R. Pringle*
Daniel J. Rose**
George Royle V*
Gregory W. Sample*
David S. Sherman, Jr.*
Richard A. Shinay*
Christina R. Simpson†
Kaighn Smith, Jr.*
Bruce W. Smith*
Richard A. Spencer**
Christopher G. Stevenson*
E. William Stockmeyer**
Amy K. Tchao**
Joanna B. Tourangeau†
M. Thomas Trenholm*
Matthew H. Upton†
Gary D. Vogel*
Ronald N. Ward*
Brian D. Willing*
Gerald M. Zelint

Consultants

Ann S. Chapman
Policy & Labor Relations

Roger P. Kelley
Labor Relations &
Conflict Management

Michael J. Opuda Ph.D.
Special Education

Of Counsel

Joseph L. Delafield III*
Robert L. Gips*
Donald A. Kopp*
Hugh G. E. MacMahon*
Harold E. Woodsum, Jr.*

* Admitted In Maine

† Admitted In New Hampshire

January 20, 2012

Page 2

bedrooms) referenced at the start of the review process. The change in the number of units has no bearing upon the building footprint or envelope or any of the support systems or public improvements. The Project has always been envisioned as containing 46 bedrooms, and is the number approved by the Maine Department of Environmental Protection in its permits for the Project. The "change" in the Project is entirely internal configuration of the units.

The change in the number of units was not picked up as inconsistent with the original City Council Order until very recently. While the change is technical in nature, we agree that Order should be amended to recognize the current 22 units actually being proposed. Accordingly, we would suggest that Tuesday's workshop go forward on the basis of the 22-unit plan submitted, with the recognition that it will be our obligation to achieve an Amended Order before coming back for final approval. We perceive this to be technical, but what is envisioned by City ordinances.

We look forward to meeting with you on Tuesday and presenting the final design of our Project, which has been in process since 2007.

Sincerely,



Ronald N. Ward

RNW:kjl

cc: Portland Planning Board
Danielle West-Chuta (DWCHUTA@portlandmaine.gov)
Alex Q. Jaegerman (AQJ@portlandmaine.gov)
Inn At Diamond Cove (Attention: David H. Bateman)

*The Inn at Diamond Cove
P. O. Box 3572
Portland, ME 04104*

RECEIVED

JAN 20 2012

City of Portland
Planning Division

January 20, 2012

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04104

Re: The Inn at Diamond Cove
Additional Information

To Whom It May Concern;

The following information is intended to supplement the materials submitted 12/20/2011 regarding Financial Capacity specifically relating to the Development Partners.

The Inn at Diamond Cove is being developed by the same partners who developed the Portland Harbor Hotel. Since its opening in July 2002 this property continues to be accepted as the leading hotel in Portland. The partners as a group are comprised of three seasoned hotel executives, and two experienced local developers.

The Inn at Diamond Cove is being developed as a specific hospitality product, referred to as a "condominium hotel." The partners have experience in the development, sales, and management of this product (in addition to both franchised and non-franchised hotel venues across the country).

The estimated project cost is \$9,392,154 of which the partnership is investing over \$4,000,000 in equity capital (43.6% of total cost). Additionally, the partnership is purchasing 100% of the condominiums.

A list of project consultants is attached.

The partnership is currently working with Katahdin Trust Company to provide both construction and take-out financing as outlined in their letters of 12/20/2011 and 1/20/2012.

2-C-2

Should you require additional information, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bateman", with a long horizontal flourish extending to the right.

David Bateman
Managing Member
The Inn at Diamond Cove, LLC
(207) 772-2992

*The Inn at Diamond Cove
22 Condominiums
(44 Rooms & Suites)
Project Team*

Developer

The Inn at Diamond Cove, LLC

Development Consultant
Hotel Management
General Contractor

Bateman Partners, LLC
Hart Hotels, Inc.
Portland Builders

Design Team

Architect
Interior Design

Archetype, PA
Truex Cullins/Partners

Engineering

Civil
Structural
Mechanical

DeLuca-Hoffman Associates, Inc.
Structural Design Consulting, Inc.
Mechanical Systems

Legal

Drummond Woodsum

Accounting

Baker, Newman, Noyes

Market Analysis

Pinnacle Advisory Group

Historic Preservation

Tremont Preservation Services



January 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland ME 04101

To Whom It May Concern;

Katahdin Trust Company has met with David Bateman several times and has reviewed the available detail of the proposed development on Great Diamond Island, Portland, ME, which involves the historically qualified rehabilitation of the Double Barracks building and associated grounds. Mr. Bateman has submitted project and construction budgets to us for our review. The total project budget is approximately \$9,300,000. Within this figure is an approximate construction budget of \$6,500,000 and Katahdin Trust is prepared to meet financing needs beyond the substantial owner equity investment, subject to review of the final permitting and overall package.

Our credit review will not include review of a sales program as 3rd party sales of condo units are not immediately contemplated in the business plan of Mr. Bateman.

We fully understand that the Project has not yet completed its permitting, but we remain interested in providing the financing. Our interest is driven not only by the perceived marketability of the final product, but also the track record of the principals involved in it. We perceive The Inn at Diamond Cove, LLC to have a strong financial and technical capability to deliver a highly successful project to the marketplace.

We would be happy to update our interest at any point in the process, at your request.

Sincerely

Aaron Cannan
Vice President

Pete St. John
Sr. Vice President

15 Pleasant Hill Road • PO Box 1689 • Scarborough, ME 04074 • Telephone (207) 510-7017 (866) 441-5197 • Fax (207) 883-1205

February 7, 2012

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

PHILIP C. HUNT

JOHN S. UPTON

PEGGY L. McGEHEE

MELISSA HANLEY MURPHY

JOHN A. HOBSON

JAMES N. KATSIARICAS

TIMOTHY P. BENOIT

J. GORDON SCANNELL, JR.

FRED W. BOPP III

MARK P. SNOW

WILLIAM J. SHEILS

DAVID B. McCONNELL

PAUL D. PIETROPAOLI

HOPE CREAL JACOBSEN

RANDY J. CRESWELL

JULIANNE C. RAY

DAWN M. HARMON

CHRISTOPHER M. DARGIE

ANTHONY J. MANHART

STEPHANIE A. WILLIAMS

PETER J. McDONELL

KEITH J. DUNLAP

SARA N. MOPPIN

JEFFREY A. COHEN

SHAWN K. LEYDEN

JOSEPH G. TALBOT

LAUREN B. WELIVER

OF COUNSEL

DOUGLAS S. CARR

JOHN A. GIRALDO
1956 - 2010

Re: The Inn at Diamond Cove

Dear Board Members:

This Firm represents Diamond Island Association (“DIA”) with regard to the proposed “The Inn at Diamond Cove” development. As we have stated previously, DIA has not voted to oppose the Inn at Diamond Cove’s application. However, it seeks to ensure that whatever is approved, constructed and operated is consistent with City and State approvals and with City of Portland zoning. In this regard, the application’s statements regarding transportation and solid waste continue to concern DIA and its members.

At the January 24, 2012 Workshop on this application, DIA raised these concerns to the Planning Board. After the conclusion of that Workshop, I spoke with applicant’s counsel, Ronald Ward, Esq., and told him at that time that my client, DIA, had authorized me to work with him to “fine tune” the application materials language to resolve DIA’s transportation and solid waste concerns. He said that he would have to check with his client. On Monday, January 26, 2012, I sent him an email reiterating that offer (copy enclosed). To date, I have received no response from Attorney Ward.

Therefore, I am sending this letter on behalf of DIA in advance of the February 14, 2012 public hearing on this application to request that the Planning Board take two actions with regard to this application.

By now, the Planning Board is well acquainted with the history of the cottage community on the southern part of Great Diamond Island that has existed and been represented by DIA since the 1880s. The Board also is well acquainted with the Diamond Cove development on the northern part of Great Diamond Island that began in the 1980s. The Board has seen that in the zoning, planning and land use approvals for the Diamond Cove development, the Portland City Council, the Portland Planning Board and the Maine Department of Environmental Protection attempted to keep these developments separate, with the southern part of Great Diamond Island using the southerly pier for access and the Diamond Cove development using the Diamond Cove Pier for access. However, despite what we believe were clear permits, conditions and agreements, Diamond Cove owners, occupants, guests, contractors and employees and

Diamond Cove supplies have used the southerly pier for other than emergency access. Since the mid-1980s, the relationship between DIA members and Diamond Cove owners and residents has been acrimonious at times, and DIA members have experienced great difficulty in persuading City and State officials to enforce those permits, conditions and agreements, with ambiguities and differences in responsibilities having been cited as reasons not to do so.

Therefore, DIA asks the Planning Board to help ensure that the permits it issues and the conditions it attaches to this new development are clear, unambiguous and consistent with other permits and approvals for this development – so that the planning approvals for The Inn at Diamond Cove will not also become a source of controversy in the future. The Planning Board can do so by taking these two actions:

1. Adopting a definition of the term “Diamond Cove Pier” in the findings of fact that the Planning Board will issue as part of its written decision, and by stating that references in the application materials to “the Diamond Cove landing of the Casco Bay Lines” or to “the Diamond Cove ferry landing” or to “the pier in Diamond Cove” (all terms used at various times by the applicant in its application) or similar terms mean the “Diamond Cove Pier.” The City Council used the term “Diamond Cove Pier” in the IR-3 Conditional Zoning Amendment it adopted on September 3, 2008, and so it makes sense to use this term consistently in referring to the pier. Because this application is for an amendment to an approved subdivision plan, the Planning Board’s definition could tie the term “Diamond Cove Pier” to its depiction on a subdivision plan that is recorded or is to be recorded. For example, the Planning Board’s definition might be “the pier depicted to the right of the legend ‘Diamond Cove’ on a map entitled ‘Plan of Diamond Cove Phase I – Third Amended Sheet 3’ dated February 5, 2001 and recorded in the Cumberland County Registry of Deeds in Plan Book 202, Page 527” (an example of a recorded plan showing the Diamond Island Pier).

2. Attaching a condition of approval that the applicant will store, dispose of and handle solid waste in accordance with the Maine Department of Environmental Protection’s September 2009 Site Location of Development Act Minor Amendment Order (the “DEP Order”) for the Inn at Diamond Cove.

The need for this is shown by what happened at the Workshop.

The IR-3 Conditional Zoning Amendment states in Section 3 (“Disposal of Solid Waste”):

All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City’s opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

The DEP Order in Section 10 states:

All general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine,

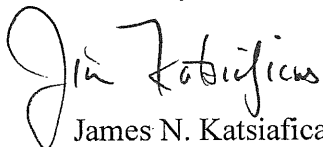
In other words, both the City IR-3 Conditional Zoning Amendment and the DEP Order require solid waste generated by The Inn at Diamond Cove to be collected and stored within the Inn, and the DEP Order requires the solid waste to be “transported by barge or otherwise **from Diamond Cove property to the mainland** for disposal at Ecomaine.” The DEP Order does not allow temporary storage or transportation of solid waste on the southern part of the Island.

Archetype’s January 3, 2012 Site Plan Application letter with regard to solid waste recited only the first half of the above: “All solid waste will be held within the building in a trash room and will be picked up and removed in accordance with the Diamond Cove Homeowner’s Association, of which this project will be a member.” It is unknown whether solid waste removal in accordance with DCHA complies with the DEP Order’s requirement that solid waste be “transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine.” Because Archetype’s letter could be read to contemplate using solid waste temporary storage and transportation over the southern part of the Island, DIA asked for a special condition of approval imposing the DEP Order’s solid waste provisions. Attorney Ward responded that it was unnecessary because the applicant had to comply with the DEP order.

However, in summarizing the dispute between DIA and the applicant on solid waste generated by the development, the January 24, 2012 Planning Department Memorandum to the Planning Board reads, “The Diamond Island Association indicates waste associated with the hotelminium project should be transported off the island from the Diamond Cove side of the island and not cross the southerly end of the island.” While DIA did make the statement, DIA did not invent the requirement that solid waste be transported from Diamond Cove property – **it is clearly stated in the DEP Order and is omitted from Archetype’s description of the development’s solid waste plan.** This is a perfect example of how for the past 25 years clear permit requirements have become “ambiguities” that have led to conflict among these parties and have caused a lack of enforcement. The Planning Board can help prevent this from happening with regard to this new development by attaching the condition of approval requested by DIA.

Thank you for your consideration.

Sincerely,


James N. Katsiaticas

JNK:pal

cc: Richard Knowland, Senior Planner, City of Portland
Diamond Island Association

James N. Katsiaficas

From: James N. Katsiaficas
Sent: Monday, January 30, 2012 5:25 PM
To: rnward@dwmlaw.com
Cc: RWK@portlandmaine.gov; Nmgleason@aol.com; jmsgdi@myfairpoint.net
Subject: Inn at Diamond Cove Application

Hi Ron:

I'm following up on our brief conversation at the end of last week's Planning Board workshop on the Inn at Diamond Cove application.

As I noted at that time, my client, the Diamond Island Association, has authorized me to work with you to "fine tune" the application materials language to help insure that the terminology and provisions for transportation and solid waste are consistent internally and consistent with other approvals so as to avoid any potential future issues and misunderstandings. Please let me know if that is acceptable to your client.

For example, with regard to transportation, we could agree on a definition of "Diamond Cove Pier" that refers to a recorded subdivision plan and then the Applicant and the Board could use that term consistently.

With regard to solid waste, we could agree to a Planning Board condition of approval, or a statement in your application to the Planning Board which would be restated in the Board's findings, that the applicant will store, dispose of and handle solid waste in accordance with the September 2009 Site Location of Development Act Minor Amendment for the Inn at Diamond Cove.

Reaching agreement on these two matters now would allow the Applicant to make the appropriate submittals in advance of the Feb. 14 2012 Planning Board hearing that would avoid our having to again bring these matters to the Board.

Thank you.

Jim

JAMES N. KATSIAFICAS
ATTORNEY

PERKINS THOMPSON

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February 21, 2012

Portland City Council
City of Portland
389 Congress Street
Portland, ME 04101

RE: The Inn At Diamond Cove

Dear Mayor Brennan and City Councilors:

I represent the owner/developer, The Inn At Diamond Cove, LLC, a Maine limited liability company ("IDC"). Bateman Partners, LLC, a Maine limited liability company, is its Managing Member. I write to express IDC's support for the Amended Order proposed by the Portland Planning Board at its hearing on February 14, 2012 and forwarded on to you by the Planning Department.

This notable effort to restore the Double Barracks at Ft. McKinley to a productive use and to preserve its nationally significant historic features commenced in 2007 with the original contract between the City and IDC. Since then, the project has been subjected to multiple workshops and public hearings, including several at City Council and the Planning Board, and was also subjected to litigation by an opposition group. Along the way, the necessary permits for this development have been secured from MDEP and the National Park Service. The litigation was resolved completely in favor of the City and IDC. What's left is final City Site Plan/Subdivision Approval.

Diamond Island Association has participated throughout the process and was instrumental in creating the Amended text, referenced in its letter to you dated February 17, 2012. We'd have suggested that the text be modified somewhat differently, but are in total agreement with the intent expressed. Simply stated, this project will abide by all conditions in all valid Orders, whether in the Amended Zoning text, or otherwise. Most importantly, it's time to send this project forward to its final approval and to the realization of the significant benefits it offers to all parties.

Our request, therefore, is that the Planning Board's proposed Amended Order be promptly adopted on by the Council on February 22nd, thereby allowing us to return to

Daniel Amory*
David J. Backer*
S. Campbell Badger*
Jerrol A. Crouter*
George T. Dilworth*
Jessica M. Emmons*†
Peter C. Felmy*
Erin R. Feltest
Anthony T. Fratianna*
Sara S. Heilstedt*
Eric R. Herlan*†
Melissa A. Hewey*†
Michael E. High*
David M. Kallin*
John S. Kaminski*
Edward J. Kelleher*
Jeanne M. Kincaid*†
Peter D. Klein*
Rodney A. Lake*
Benjamin E. Marcus*
Elak A. Miller*
Mona T. Movafaghit
Michael J. Murray*
Robert P. Nadeau*
Daina J. Nathanson*†
Kimberly A. Pacelli*
Jeffrey T. Piampiano*
William L. Plouffe*
Aaron M. Pratt*†
Harry R. Pringle*
Daniel J. Rosa*†
George Royle V*
Gregory W. Sample*
David S. Sherman, Jr.*
Richard A. Shinay*
Christina R. Simpsonsont
Kaighn Smith, Jr.*
Bruce W. Smith*
Richard A. Spencer*†
Christopher G. Stevenson*
E. William Stockmeyer*†
Amy K. Tchao*†
Joanna B. Tourangeau*†
M. Thomas Trenholm*
Matthew H. Upton†
Gary D. Vogel*
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Ann S. Chapman
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Special Education

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Joseph L. Delafield III*
Robert L. Gips*
Donald A. Kopp*
Hugh G. E. MacMahon*
Harold E. Woodsum, Jr.*

* Admitted in Maine

† Admitted in New Hampshire

Portland City Council
February 21, 2012
Page 2

the Planning Board for that final approval. We'll be in Chambers on the 22nd to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Ward", written in a cursive style.

Ronald N. Ward

RNW:szs

cc: Richard Knowland, Senior Planner, City of Portland
James N. Katsiaficas, Esq.
Peggy L. McGehee, Esq.
The Inn At Diamond Cove (Attention: David H. Bateman)

February 17, 2012

Portland City Council
City of Portland
389 Congress Street
Portland, ME 04101

Re: The Inn at Diamond Cove

Dear Mayor Brennan and City Councilors:

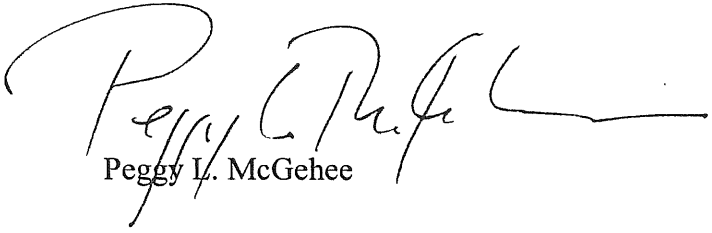
This Firm represents Diamond Island Association ("DIA") with regard to the proposed "The Inn at Diamond Cove" development.

DIA supports the Portland Planning Board's recommendation to the City Council for Amendment to the IR-3 Conditional Zoning Order. The Planning Board's recommended language corrects the problem DIA found with the language originally proposed by City Planning Staff, and helpfully clarifies the language in the Order. DIA therefore respectfully asks that the City Council adopt the Amendment to the IR-3 Conditional Zoning Order as recommended by the Planning Board.

Thank you for your consideration.

Sincerely,


James N. Katsifias


Peggy L. McGehee

PHILIP C. HUNT

JOHN S. UPTON

PEGGY L. McGEHEE

MELISSA HANLEY MURPHY

JOHN A. HOBSON

JAMES N. KATSIKAS

TIMOTHY P. BENOIT

J. GORDON SCANNELL, JR.

FRED W. BOPP III

MARK P. SNOW

WILLIAM J. SHELS

DAVID B. McCONNELL

PAUL D. PIETROPAOLI

HOPE CREAL JACOBSEN

RANDY J. CRESWELL

JULIANNE C. RAY

DAWN M. HARMON

CHRISTOPHER M. DARGIE

ANTHONY J. MANHART

STEPHANIE A. WILLIAMS

PETER J. McDONELL

KEITH J. DUNLAP

SARA N. MOPPIN

JEFFREY A. COHEN

SHAWN K. LEYDEN

JOSEPH G. TALBOT

LAUREN B. WELIVER

OF COUNSEL

DOUGLAS S. CARR

JOHN A. CIRALDO
1956 - 2010

JNK:pal

cc: Richard Knowland, Senior Planner, City of Portland
Ronald Ward, Esq., Drummond Woodsum
Diamond Island Association

From: Donna Schwartz <dlshrs@maine.rr.com>
To: Rick Knowland <rwk@portlandmaine.gov>
Date: Friday, February 17, 2012
Subject: inn @diamond cove

dear rick,

please know i have been emailing you for years now regarding the development of the inn @dc - although i will not be attending the upcoming meeting please further know that i am in full support of whatever the developer wishes/needs to do in order to get this project finally started and completed!

hoping that the planning board provides david bateman with all the support he needs to proceed full speed ahead w/this much delayed, long awaited project!

most sincerely,
donna schwartz
the schoolhouse@dc



PLANNING BOARD REPORT PORTLAND, MAINE

The Inn at Diamond Cove
22 Unit Residential Hotelminium
Double Barracks Building, Great Diamond Island
#2012-411
The Inn at Diamond Cove, LLC., Applicant

Submitted to: Portland Planning Board: Public Hearing Date: March 13, 2012	Prepared by: Richard Knowland, Senior Planner Date: March 9, 2012 Report #: 10012
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I. INTRODUCTION

A public hearing has been scheduled to consider a proposal by The Inn at Diamond Cove, LLC. for a proposed 22 unit residential hotel condominium (hotelminium) on Great Diamond Island. This proposal would renovate the existing Double Barracks building within the parade ground of the Fort McKinley complex on Great Diamond Island. The Double Barracks building is the largest brick building not renovated within the Fort McKinley complex.

The development is subject to IR-3 development standards, site plan and subdivision review.

The Board held an initial workshop on this proposal on January 27, 2009 and then a second workshop on January 26, 2010. Since that time the applicant has received all necessary approvals from the Maine DEP related to a waste discharge license for the existing overboard wastewater discharge and a site location permit for various site changes associated with the condominium development. A law suit delayed the project but has been litigated in favor of the proposal.

A third workshop was held on February 24, 2012 to discuss the site plan. At that time the developer disclosed that the conditional zoning (hotelminium amendment) approved by the City Council in 2008 needed to be modified to increase the number of hotelminium units from 20 to 22 units. A public hearing on the amendment was held by the Planning Board on February 14, 2012 resulting in a positive recommendation with some

modifications to the amendment. This was followed by a City Council public hearing on February 22, 2012 at which time the Council adopted the Board's recommendation.

A vicinity map is shown on Attachment 1-A. An outline of commonly asked questions about Diamond Cove and IR-3 zoning is shown on Attachment 1-B.

Site plans and building elevations are shown on Attachments 2-C and 2-D.

A copy of the recently enacted hotelminimum conditional use amendment is shown as Attachment 1-C.

All property owners on Great Diamond Island received notice of the public hearing. 285 notices were sent.

The applicant is represented by Archetype (architect), DeLucca-Hoffman (engineer) and Ronald Ward (attorney).

II. FINDINGS

Zoning:	IR-3 conditional use zone
Proposed Use:	Residential hotel condominiums (hotelminiums)
Number of units:	22 with 22 lock-out units
Bedroom units:	20 two-bedroom units; 2 three-bedroom units;
Building footprint:	existing .....13,629 sq. ft. proposed....16,510 sq. ft.
Building floor area:	existing building.....51,164 sq. ft. plus an addition (2,881 sq. ft.) cabana building.....307 sq. ft. swimming pool.....686 sq. ft.
Total site disturbance:	34,848 sq. ft.

Diamond Cove Subdivision: The original Diamond Cove subdivision was approved by the Planning Board on March 4, 1986. The approval included 134 condominium units and 5 commercial units on a parcel of 92 acres. Since that time 79 condominiums have been created within the existing Fort McKinley buildings along with several businesses and a public safety building.

The swimming pool, cabana and surrounding open space area (approx. 15,473 sq. ft.), though owned by the Diamond Cove Homeowners Assoc., will be leased by The Inn at Diamond Cove, LLC.

The original site plan application is dated December 5, 2008 and therefore is considered to be a pending proceeding under the previous site plan ordinance which was amended with an effective date of August 18, 2010.

II. DEVELOPMENT APPROVALS RECEIVED TO DATE

Maine Department of Environmental Protection: Approval letter dated Sept. 9, 2009 (with conditions) for a Maine Pollutant Discharge Elimination System Permit and Maine Waste Discharge License involving a transfer and renewal of the license. This approval addresses sanitary waste and overboard discharge related issues. See Attachment 2-E.

Maine Department of Environmental Protection: Approval letter dated Sept 2009 under the Site Location of Development Act involving revisions to the site plan. See Attachment 2-F.

Maine Department of Environmental Protection: Approval letter dated Oct 2011 extending Site Location approval for two years. See Attachment 2-F-13.

City of Portland Historic Preservation Board: Approval letter dated February 27, 2012. See Attachment 1-G.

United States Department of the Interior National Park Service: Approval letter dated May 15, 2008 involving historic preservation certification of building rehabilitation. See Attachment 2-G.

III. CONDITIONAL ZONING AMENDMENT

After Planning Board review, the City Council on September 15, 2008 enacted an amendment to the IR-3 conditional zoning for the Diamond Cove property to allow the proposed residential hotel condominium use for the Double Barracks building and the Hospital building. Later this amendment was revised by the City Council (February 22, 2012) to increase the number of hotelminiums in the Double Barracks from 20 to 22.

The Hospital building is a future project and is not part of this application.

The complete (revised) text of the enacted amendments is shown on Attachment 1-C. The amendments established a definition for the residential hotel condominium use (hotelminiums) and allowed up to 22 condominium units with up to 22 lock-out units in the Double Barracks building. The text also referenced a swimming pool and cabana services building to the rear of the Double Barracks building as depicted on the site plan. A quick summary of other provisions is shown below.

Other Provisions

- (3) Disposal of Solid Waste: All solid waste shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Order for the Inn at Diamond Cove. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provision shall apply.
- (4) Fire Protection: Buildings shall be fully sprinkled and a central fire alarm system shall be installed.
- (5) Transportation Services: Ferry service for the project is intended to be from and between the Portland Waterfront and the Diamond Cove Pier. The owner/manager shall not provide motorized ground transportation off the Ft. McKinley Project site. Guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the southerly pier except in the event of an emergency. All such transportation shall conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove Pier (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The owner/manager shall conspicuously post, and keep posted in each hotelminium units at the premises, a written notice of the applicable ordinances, rules and regulations.
- (6) Sanitary Waste: No site plan or subdivision application shall be approved by the city unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

With submission of the applicable DEP approvals this requirement has been met.

IV. PROPOSED DEVELOPMENT

The proposed development involves the renovation and conversion of the Double Barracks building into residential hotel condominiums. Site plans and building elevations are shown on Attachments 2-C and 2-D. The specific elements of the development proposal include the following:

- Renovation and conversion of the Double Barracks building into 22 residential hotel condominiums (hotelminiums) with 22 lock-out units.

- A 2,881 sq. ft. addition is proposed to the rear of the building. An earlier plan indicated a dining room/reception area for 14 tables serving about 56 people. Other building additions include an elevator and a new porch. Patios are proposed on both sides of the addition.
- An inground swimming pool, deck and a cabana building (food service, bar) are proposed to the rear of the building. An extended deck is shown surrounding the pool and cabana.
- A series of small bioretention cells are proposed between the building addition and the swimming pool to treat stormwater. A new storm drain line is proposed that will outlet to an existing drainage swale.
- A parking space for a shuttle vehicle (6 ft. by 15 ft.) is shown along the rear driveway behind the Double Barracks building.

The Double Barracks building is the largest brick building not renovated in the Fort McKinley complex and is currently in a very deteriorated condition. The proposal preserves the character defining features of the building with very limited changes to the exterior. The proposed building addition has a brick exterior and is located on the northerly or rear side of the building. The slate roof will apparently be retained in all 4 sides of the building. The number of dormers on the northerly side of the building has been reduced since the 2010 submission simplifying the roof line.

As Diamond Cove is in a historic district, the project is subject to review by the Portland Historic Preservation Board. The Historic Preservation Board voted to approve a Certificate of Appropriateness (with conditions) for the comprehensive rehabilitation of the exterior alterations, building addition and site changes. See Attachment 1-G. The plans have also been reviewed and approved (with conditions) by the US Dept. of the Interior National Park Service for compliance with the guidelines for rehabilitation to historic properties. See Attachment 2-G.

A building elevation of the cabana building has been submitted. The cabana is an octangular shaped building sheathed in wood shakes.

IV. SITE DEVELOPMENT REVIEW

The project has been reviewed by City staff for conformance with the applicable review standards of the (a) IR-3 Development Standards; (b) Subdivision Ordinance; and (c) Site Plan Ordinance. Note that responses to similar standards among ordinances have been consolidated (where possible) and referenced accordingly.

A. IR-3 Development Standards

1. Transportation

The transportation standard states in part that “development shall be designed with a pedestrian orientation to minimize the use and dependency on private motor vehicles.” The original 1985 conditional zoning (and subsequent amendments including the 2008 and 2012 amendments), placed restrictions on the use of motor vehicles which is consistent with this standard. The revised conditional zoning provisions are very specific in prohibiting motorized ground transportation off the Diamond Cove site to the southerly pier. See Attachment 1-C-3. Regardless of transportation mode, all hotel/miniium owners, visitors and employees are directed to use the Diamond Cove pier for all water transportation needs (whether arriving or departing from the island) and not use the southerly pier.

As the Board is aware the transportation issues on Great Diamond Island (motor vehicles, golf carts, common motor vehicles) have been complex and contentious. We have requested the Applicant submit in writing how they will be implementing the conditional zoning transportation requirements. Supplemental information has been submitted on behalf of the Applicant (entitled Inn at Diamond Cove Guest Arrival and Check-in Process, received 3-05-12) from Gerard Kiladjian, General Manager of the Portland Harbor Hotel on this topic (Attachment 2-H-1).

The site plan indicates that a designated space for shuttle vehicle (6 ft by 15 ft) will located adjacent to the rear driveway.

A four bike storage rack is shown on the plan to the rear of the Double Barracks.

Note that the subdivision recording plat references the 2012 transportation conditional zoning restriction.

In terms of construction related transportation issues Attachment 2-H-2 from Portland Builders states the following:

All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months.

All subcontractors and laborers will be directed by contract and in the instructions to bidders to use the Casco Bay Lines ferry service to the Diamond Cove Landing. No one will be allowed to use the south landing.

2. Solid Waste

Condition 3 of the 2012 Conditional Zoning Amendment (as adopted by the City Council) is shown below.

All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility. All solid waste stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Minor Order (the "DEP Order") for the Inn at Diamond Cove, or successive DEP Order as may be amended. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provisions shall apply."

Note that the 2009 Maine DEP approval states "all general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine...". This effectively means that solid waste generated by the hotel/condominium will need to be collected and processed on the site and be removed directly off the island from the Diamond Cove side of the property. Earlier material submitted by the applicant inferred that the waste would be combined with the Diamond Cove trash be processed/removed by the City of Portland. That option is no longer possible as referenced by the revised conditional zoning amendment.

Note that the subdivision recording plat references the 2012 conditional zoning restriction.

3. Sanitary Waste

The submission has addressed sanitary waste issues as documented by an approval letter from the Maine DEP dated September 9, 2009 (with conditions) for a Maine Pollutant Discharge Elimination System Permit and Waste Discharge License involving a transfer and renewal of this license. This approval addresses sanitary waste and overboard discharge related issues for the project. See Attachment 2-E.

This approval also addresses Condition 6 of the conditional zoning which states: "No site plan or subdivision application shall be approved by the City unless documentation of Maine DEP approval of the sanitary waste system serving the premises is provided."

By way of background, the original Diamond Cove wastewater treatment system approved by the DEP in 1986 was designed to accommodate 134 condominium units and 5 commercial uses. As the development was scaled back, the number of sand filter treatment fields was correspondingly reduced.

By 2000, a third sand filter was installed accommodating what was believed to be a total build-out of only 79 condominium units and providing for increased wastewater flows from the Diamond Cove restaurant. The wastewater treatment system is licensed by the DEP to accept and treat 35,000 gallons of waste per day based on a monthly average. The sand filter treatment system has an outfall pipe in Casco Bay. In September 2003, the DEP formally banned new overboard discharges. The existing sand filter treatment system may be maintained but the amount of wastewater flow into Casco Bay may not be increased above the license restrictions.

The developer submitted an application to the Maine DEP on December 31, 2008 to modify the existing wastewater discharge license to accommodate the additional wastewater flows for this project. After reviewing the application the Maine DEP has determined the project in combination with the remaining Diamond Cove development will not exceed the license limits of 35,000 gallons per day based on a monthly-daily average. According to the DEP, existing uses contributing to the waste collection and treatment system generate approximately 28,910 gallons of waste per day. The proposed project is anticipated to discharge an additional 4,545 gallons of wastewater per day which will result in a daily flow waste under the daily average cap of 35,000 gallons.

A key factor in remaining below the license limits is controlling groundwater infiltration into the sewer pipes. Groundwater that migrates into the sewer pipes reduces the capacity of the treatment system. Infiltration has been a long standing issue at Diamond Cove and the property owner has made incremental improvements over the years in an attempt to address this problem. The DEP approval is “requiring rehabilitation of the remaining 1,340 linear feet of non-rehabilitated wastewater conduit associated with this Permit in addition to the other remedial measures proposed in the application...”

Other DEP requirements/conditions of interest include:

Authorizing the year-round overboard discharge monthly average of no more than 35,000 gallons per day. Required monitoring of the discharge to be conducted as a weekly average.

Prohibiting wastewater (including inflow and/or infiltration) from the Hospital from inclusion in the wastewater influent to the existing over board discharge sand filter treatment system. Prior to habitation of the Inn the sewer connection to the Hospital must be capped. Wastewater from a future renovated Hospital must be accommodated by a subsurface system in the vicinity of the building.

Prohibiting wastewater from the proposed swimming pool to the existing over board discharge sand filter system.

Requiring updates to the Operation and Maintenance Plan to include provisions for near capacity discharges.

A comparison of the most recently approved DEP permit with an earlier permit can be seen on Attachment 2-E-11.

The DEP is requiring that “the kitchen and cabana of the proposed inn shall not contain any equipment that would necessitate the use of a grease trap, and shall be limited to serving only continental breakfasts and light snacks to guests of the inn.” This effectively means there will be no restaurant at the inn. This restriction is intended to address the concern that a second restaurant at Diamond Cove would increase the waste flow above the discharge license requirements.

The applicant indicates garbage disposals will not be installed in the units.

4. Water

The project will be served by an existing private water line within the Diamond Cove complex which is connected into a Portland Water District main near the Diamond Cove southerly property line. A letter from the Portland Water District indicates “there should be adequate pressure and volume of water to serve the domestic needs of the proposed Inn at Diamond Cove at the point which Diamond Cove is connected to the public system”. See Attachment 2-J.

Domestic drinking water supply needs are addressed. In terms of fire protection see Emergency Services section below.

5. Shoreland

The project is outside of a shoreland zone.

6. Environmentally Sensitive Areas:

The focus of the development is the renovation of the Double Barracks which is an integral part of the Fort McKinley development and the primary feature of this site, historically and visually. Site disturbance is limited to the rear of the building where an addition, in-ground pool, deck and gazebo will be constructed which will not impact any significant environmentally sensitive area or natural resource. Some storm drainage improvements will also take place behind the building and along the rear driveway. The building addition is located within the inner courtyard area of the two building wings.

The significant environmental resources cited in this standard have been conserved elsewhere within the IR-3 zone. A review of the Diamond Cove property plan indicates an extensive amount of open space and natural areas. The project conserves a historic man-made feature. No scenic vistas are impacted. The project is not in a shoreland zone nor in a wetland.

Staff has re-read an environmental assessment study filed with the original zone change application. The hotel/miniium appears consistent with the impacts associated with the original Diamond Cove concept except for a few trees that may be taken down for the swimming pool.

An erosion and sedimentation control plan has been submitted. Bio retention cells are proposed to treat any dirt stormwater that may originate from the site.

10. Development Phasing

The renovation of the Double Barracks will be completed without phasing. The Hospital is not part of the current development application and will be renovated at a later date.

11. Emergency Services

As part of the conditional zoning amendment the Applicant is required to install a sprinkler system and a central alarm system for the entire building. To the best of our knowledge the Double Barracks building will be the first building at Diamond Cove to have a sprinkler system.

In a previous submission Archetype indicated there were two options for addressing the installation of a fully operable sprinkler system. The first option would be to increase the water pressure in the existing water system by closing the loop of the water lines, which currently dead-end downstream from Building 46. This modification “would increase the pressure adequately to supply the sprinkler system”. The second option would be to install a sprinkler pump within the building to provide an adequate flow of water in the event the sprinklers are activated for a fire.

In an updated letter from Archetype (dated January 3, 2011) states: “As presently designed, there will be a sprinkler pump within the building. These pumps have been a proven means of providing adequate pressure to sprinkler systems in many projects with water pressure issues. The pump will be adequately sized to perform with the existing pressures on site.” See Attachment 2-M.

Comments from Capt. Chris Pirone of the Fire Department dated January 16, 2012 (Attachment 1-F) are shown below:

I am requesting the developer hire a Professional Engineer (101:3.3.200) for technical assistance (1.15) on this project focusing on Fire Department Access and Water Supply (NFPA 1 Chapter 18 and City of Portland Technical standards Chapter 10)

My concerns in more detail are related to:

- The testing and maintenance of the private hydrant system meeting NFPA 25 standards.
- Water main size.

- Meeting of required flows for sprinkler system and firefighting operations.
- Location and number of hydrants.
- Fire Department Access according to NFPA and Chapter 10.

In a letter dated March 6, 2012 Joseph Laverriere of Deluca-Hoffman has submitted a letter in response to Capt. Pirone's comments. See Attachment 2-M-2. The letter responds to these questions and outlines the results of fire hydrant flow and water pressure tests conducted on February 15, 2012. Since this initial test the Applicant has been reviewing potential constrictions in the water line (such as closed valves and other impediments) that may be affecting water flow. Additional tests are scheduled for March 8th. The letter states "upon completion of the analysis, the applicant will once again meet with the Portland Fire Department to review the results to ensure compliance with the building's sprinkler design system and manual fire fighting requirements for the Fire Department".

Although more information has been provided since the initial submission, additional analysis may be necessary to address required flows for the sprinkler system and fire fighting operations. We are suggesting that fire related issues be subject to Fire Department review and approval. Capt. Pirone was on vacation this week and thus we were unable to obtain comments from him on the latest submission.

B. Subdivision Review

1. Water or Air Pollution

The project will not result in undue water or air pollution. The Double Barracks is not located in a flood hazard area or a shoreland area. The project is served by a DEP approved secondary wastewater treatment facility. Stormwater from the site will be treated by a series of bioretention cells.

2/3. Water Supply

See IR-3 standard #4 (Water) above.

4. Soil Erosion

An erosion and sedimentation control plan has been submitted. See Attachment C-8.

The primary erosion issue on the site will be the installation of an improved drainage channel on a slope near the southerly side of the building. The side slopes of the drainage outlet and outlet apron will feature riprap. Silt fencing will be installed and disturbed areas loamed and seeded.

5. Transportation

The Diamond Cove IR-3 zoning prohibits the use of private automobiles on the property. With this restriction Diamond Cove has a decidedly pedestrian orientation. The Double

Barracks is served by roadway in front of the building (the parade ground circular roadway) and a driveway to the rear for service and emergency buildings. A service vehicle or golf cart provides for on-island transportation needs of the project aside from walking pedestrians.

Access from the Diamond Cove Pier to the project site is accomplished over Diamond Edge Road and McKinley Court which circles the parade ground area.

Guests arrive and depart by water from the Diamond Cove Pier as required by the IR-3 conditional zone. Other transportation protocols are outlined in the conditional zoning.

6. Sanitary Waste and Storm Water Disposal

See IR-3 standard #3 (Sanitary Waste) above.

Storm Water

The site plan indicates that a series of 4 small bio-retention basins are proposed adjacent to the roadway between the Double Barracks building and the swimming pool. The basins are intended to address stormwater quality issues required by the Maine DEP. This requirement is being triggered by the 7,620 sq. ft. of additional impervious surface areas associated with the building addition, walkways, pool and pool deck. A cross section of the proposed bio-retention basin is shown on Attachment 2-C-10. The bio-retention system replaces a plunge pool that would have required significant vegetation clearance shown on the original site plan.

Stormwater from 6 catch basins flows into the bio-retention basins and is then conveyed into a new stormdrain line that runs along the driveway before diverting to an existing drainage swale within designated common open space. The outlet of the stormdrain includes a riprap apron. See Attachment 2-C-8 for construction detail.

A note on the plan indicates that a portion of the storm drain line and outlet are located on a “permanent drainage and maintenance easement (approx. 3,032 s.f) between The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association”. An executed copy of this agreement should be submitted for review and approval.

Comments from David Senus of Woodard & Curran consulting review engineer are shown on Attachment 1-E. He finds the plan acceptable provided the Applicant obtains executed ground lease and drainage easements from the Diamond Cove Homeowners Association prior to the start of construction.

7. Solid Waste

See IR-3 standard #2 (Solid Waste) above.

8. Scenic, Natural Beauty, Historic Sites, Natural Areas, Wildlife Habitat

The focus of the development is the renovation of the Double Barracks. Site disturbance is limited to the rear of the building where an addition, inground pool, deck and gazebo will be constructed along with some utility lines. The disturbed area would not qualify as a significant natural resource in terms of scenic or natural beauty, a rare or irreplaceable natural area or as a wildlife habitat.

The project restores the largest brick building in the Fort McKinley complex which is located in a historic district. The renovation has received approval from the City of Portland Historic Preservation Board (Attachment 1-G) and United States Department of the Interior National Park Service (Attachment 2-G)

9. Land Development Plan

The Fort McKinley (Diamond Cove) development was rezoned to the IR-3 zone pursuant to the City's Comprehensive Plan. The hotelminium development is consistent with the IR-3 conditional zoning and the IR-3 development review standards.

10. Financial and Technical Capacity

See IR-3 standard #8 (Financial and Technical Capacity) above.

11. Pond, Lake, River

Not applicable.

12. Quality or Quantity of Groundwater

The project is served by public water and a secondary wastewater treatment system. There are no known impacts on groundwater resources.

13. Flood-Prone area

The project is not located within a flood-prone area.

C. SITE PLAN REVIEW

1/2. Traffic

Private motor vehicles are banned from Diamond Cove. Roadways of note that serve the Double Barracks include Diamond Avenue which runs from Diamond Cove Pier to the Parade Grounds and McKinley Court which circles the Parade Grounds green space. McKinley Court provides road frontage along the front of the building while a driveway serves the rear of the building. Since the main entrance to the Double Barracks is to the rear, the rear driveway will be the main accessway for service vehicles and guests

arriving by golf cart from the Diamond Cove Pier. A parking space for a service vehicle is shown on the plan as well as 2 bicycle racks.

As discussed in other parts of the report, owners, guests and employees will arrive and depart from the Diamond Cove Pier. A letter has been prepared by the Portland Harbor Hotel (but submitted by the Applicant) describing the transportation process from the mainland to Diamond Cove. See Attachment 2-H-1. Mainland parking for hotel/miniature guests will take place at the Portland Harbor Hotel or a nearby off-site parking lot.

Tom Errico, Traffic Engineer Consultant, has reviewed the plan and indicates “the applicant should provide detailed information on parking usage at the Portland Harbor Hotel for guests of the proposed Inn. This should include not only actual excess parking supply during the peak summer months, but also conformity with site plan requirements for the Portland Harbor Hotel.” See Attachment D-1.

In response a letter has been submitted by David Bateman (dated Jan. 19, 2009) regarding mainland parking supply at the Harbor Plaza/Portland Harbor Hotel. See Attachment I-1. The letter states the Harbor Plaza Garage includes 198 spaces within the parking garage and 20 surface spaces. “Current parking requirements” for existing uses on the site (MEMIC building, Portland Harbor Hotel, etc.) are calculated as 152 spaces leaving a balance of 66 spaces. Utilizing the most restrictive application (residential uses) a total of 44 spaces would be required for the condominium hotel; use/ 2 spaces for every unit plus 1 additional space for every 6 units. The letter concludes a surplus of 22 spaces will remain after the additional use is factored in. From a zoning perspective, staff has confirmed a surplus of parking spaces at the parking garage.

The Applicant has submitted a monthly parking lease for 17 parking spaces at the nearby Portland Square parking lot. See Attachment I-5. In an accompanying letter (dated January 20, 2012), the parking lot management company (CBRE/Boulos Properties Management) indicates “should the need arise in the future we would accommodate the Portland Harbor Hotel by leasing them additional spaces to address their needs.”

3. Health or Safety Problems

The focus of the project is the renovation of the Double Barracks. New construction is limited to a one story addition to the Double Barracks, a swimming pool and gazebo. None of these improvements poses a health or safety problem to existing uses in the neighborhood. A fence is provided along the perimeter of the swimming pool. Light, air, wind and snow loading impacts are not a factor given the extended setbacks from other buildings.

4. Bulk, Location, Height of Proposed Building

The proposed development does not result in any substantial diminution in the value or utility to neighboring structures. New construction is limited to a one story addition to the Double Barracks, a swimming pool and a gazebo. There are no adverse height issues

associated with these improvements. While the Double Barracks is a visible and prominent building (the largest brick building on the island) the improvements are sited to the rear so they will not detract from the visual integrity of the historic parade ground open space and buildings. The Double Barracks is somewhat remote from other residential buildings and backs up to an extended open space area. The closest residential structure to the building addition/swimming pool is about 300 feet away.

5. Sewer, Storm Drain, Water and Solid Waste

See IR-3 standard #3 (Sanitary Sewer), IR-3 standard #4 (Water) and IR-3 standard #2 (Solid Waste) of this report.

6/7. Landscaping

A landscaping plan has been submitted. See Attachment 2-C-7. New plant material includes over 100 shrubs and ornamental grasses adjacent to the building addition and the swimming pool area. Groundcover material includes vines and herbaceous plants. Three Autumn Brilliance Serviceberry (1 1/2-2 in. caliper), three Korean Dogwood (5 to 6 ft high) and one Saucer Magnolia (5 to 6 ft. high) are proposed.

Existing vegetation will be disturbed for the construction of the swimming pool. The landscaping plan has been revised incorporating a tree protection plan for existing 9 mature trees near the perimeter of the swimming pool. These range in size from a 22 inch birch to a 48 inch beech tree. There are also several large mature trees on the parade ground side of the building which Attachment 2- C-3 indicates will remain.

Jeff Tarling, City Arborist, has reviewed the plan and finds it acceptable.

8. Soil/Drainage

See Subdivision standard #6 (Storm Water) above.

9. Lighting

Exterior lighting is limited to 8 bollard lights and some porch lights. The bollards are 42 inches high and will be installed along the rear service driveway. A catalogue cut and a photometric plan has been submitted. See Attachment Q.

10. Fire

See IR-3 standard #11 (Emergency Services)

11. Infrastructure

All utility infrastructure within Diamond Cove such as roads, storm drains, sewers and water lines is privately owned and maintained by the homeowners association. The

project is designed to be compatible with that infrastructure. None of the infrastructure is connected to City of Portland infrastructure except for the main road that connects to the southerly end of the island. A Portland Water District water mainline is connected to the Diamond Cove water main at the property line.

12. Historic, Landmark or District

The project site is located within a historic district. The Portland Historic Preservation Committee approved the project on February 27, 2012. See Attachment 1-G.

13. Natural Resources

The project will not have an adverse impact on significant existing natural resources. Existing quantity and quality of groundwater resources is preserved by the use of public water and a Maine DEP approved secondary wastewater treatment system. The increase in impervious surface for this project is small (less than 8,000 square feet). Surface water and wetlands are protected by the incorporation of a bioretention system to treat stormwater. There are no unusual natural areas, and wildlife and fisheries habitat associated with the project site.

14. Groundwater

The project is served by public water and a Maine DEP approved secondary wastewater treatment system. There are no known impacts on the quality or quantity of groundwater resources.

15. Signs

The application does not reference any proposed signs.

V. MOTIONS FOR THE BOARD TO CONSIDER

1. IR-3 Development Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the IR-3 development standards and other regulations, and the testimony presented at the Planning Board public hearing, the Planning Board finds that the plan (is/is not) in conformance with the IR-3 development standards with the following conditions of approval:

- i. That the fire protection and operations components of the development shall be subject to Fire Department review and approval.
- ii. That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System

Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures. *prior to the certificate of occupancy*

- iii. That the Applicant shall submit to Corporation Counsel for review and approval documentation of an executed project financing agreement (a line of credit or a loan by a financial institution, or evidence of another form of financial assurance), prior to the initiation of construction. *issuance of a building permit*

2. Subdivision Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the subdivision ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code with the following conditions of approval:

- i. That the final subdivision recording plat shall be reviewed and approved by the Planning Authority and Corporation Counsel to be signed by the Planning Board.
- ii. That the Applicant shall submit all new or revised easements, ground leases, and homeowner association documents including the declaration, bylaws and rules and regulations to Corporation Counsel for review and approval prior to the issuance of a certificate of occupancy.

3. Site Plan Standards

On the basis of the application, plan, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the site plan ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code.

Attachments

City Staff Submissions

- 1-A Vicinity Maps and Original Diamond Cove Subdivision Recording Plan
- 1-B Commonly Asked Questions on Diamond Cove and Original 1985 Conditional Zone
- 1-C Revised Conditional Zoning Amendments, enacted February 22, 2012
- 1-D Comments of Tom Errico, Traffic Review Consultant (December 23, 2009)
- 1-E Comments of David Senus, Development Review Engineer (January 17, 2012 and march 7, 2012)
- 1-F Comments of Chris Pirone, Fire Captain (January 16, 2012)
- 1-G Approval Letter from Historic Preservation Board (February 27, 2012)

Applicant Submissions

- 2-AA Introductory Cover Letter and Related Material for January 24, 2012 Planning Board Workshop
- 2-A Introductory Cover Letter and Related Exhibits for January 27, 2009 Planning Board Workshop
- 2-B Introductory Cover Letter for January 26, 2010 Planning Board Workshop
- 2-C Site Plan and Subdivision Recording Plat (2-C-11)
- 2-D Building Elevations
- 2-E Maine DEP Maine Pollutant Elimination System Permit and Waste Discharge License (September, 2009)
- 2-F Maine DEP Site Location Permit (September, 2009)
- 2-G US National Park Service Historic Preservation Certification (May 15, 2008)
- 2-H Transportation
- 2-I Parking Related Information
- 2-J Portland Water District Letter (January 6, 2012)
- 2-K Stormwater Mangement Report
- 2-L Erosion and Sedimentation Report
- 2-M Fire Protection/Sprinkler System Info.
- 2-N Solid Waste
- 2-O Financial and Technical Capacity
- 2-P Neighborhood Meeting Information
- 2-Q Lighting
- 2-R Second Amendment to Amended and Restated General Declaration of Covenants and Restrictions (on file in Planning Office)
- 2-S Property Deed (on file in Planning Office)

3 Written Public Comment

V. MOTIONS FOR THE BOARD TO CONSIDER (Rev. 3-13-2011)

1. IR-3 Development Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the IR-3 development standards and other regulations, and the testimony presented at the Planning Board public hearing, the Planning Board finds that the plan (is/is not) in conformance with the IR-3 development standards with the following conditions of approval:

- 1.25 as per memo
6-0
- i. That prior to the issuance of a building permit, documentation from a Fire Protection Engineer shall be provided certifying that the fire protection and operations components of the development meets the requirements of Chapter 10 of the City Code (which adopts NFPA 1 and 101) and the City's Technical Standards ~~for~~ review and approval by the Planning Authority and Fire Department. Capt. Chow
Pur
Subject to
 - ii. That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.
 - iii. That the Applicant shall submit to Corporation Counsel for review and approval documentation of an executed project financing agreement (a line of credit or a loan by a financial institution, or evidence of another form of financial assurance), prior to the initiation of construction.

2. Subdivision Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the subdivision ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code with the following conditions of approval:

- 6-0
- i. That the final subdivision and condominium recording plats shall be reviewed and approved by the Planning Authority and Corporation Counsel to be signed by the Planning Board.
 - ii. That the Applicant shall submit all new or revised easements, ground leases, and homeowner association documents including the declaration, bylaws and rules and regulations to Corporation Counsel for review and approval prior to the issuance of a certificate of occupancy.
 - iii. That prior to the issuance of a building permit, documentation from a Fire Protection Engineer shall be provided certifying that the fire protection and operations components

of the development meets the requirements of Chapter 10 of the City Code (which adopts NFPA 1 and 101) and the City's Technical Standards ~~for~~ review and approval by the Planning Authority and Fire Department. *subject to*

v. That the Applicant shall implement all measures required in the Maine Department of Environmental Protection Pollutant Discharge Elimination System Permit and Maine Waste Discharge License (both dated September 2009) including, but not limited to, rehabilitating the remaining non-rehabilitated wastewater conduit, capping off the hospital sewer connection and other remedial measures.

vi. That the Applicant shall submit to Corporation Counsel for review and approval documentation of an executed project financing agreement (a line of credit or a loan by a financial institution, or evidence of another form of financial assurance), prior to the initiation of construction.

3. Site Plan Standards

On the basis of the application, plan, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #10-12 relevant to the site plan ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code.

6-0

Rick Knowland - Final Amended Letter

From: Kevin Gough <gough@archetypepa.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 3/12/2012 3:20 PM
Subject: Final Amended Letter
CC: "Ronald N. Ward" <RWard@dwmlaw.com>, Nathan Bateman
<nathan@batemanpartn...>
Attachments: 12 March 2012 - Amended Letter.pdf

Rick,

At the request of the DIA and its representative, I have made some changes to my application letter as it pertains to the transportation and solid waste language.

I realize that you have already finalized the package for the Board, but these changes are felt to be necessary since they address specific concerns of the DIA and we ask that you please include them in our application if at all possible.

Thank you.

Kevin Gough, Architect

Archetype, P.A.

48 Union Wharf

Portland, ME 04101

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<http://www.archetype-architects.com>

A R C H I T E C T Y P E

March 12, 2012

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island;
Amendment to Application**

Rick:

This letter is meant to amend and revise our application for Site Plan Review, and specifically the letter dated *Rev. 2 – 17 January 2012*, in part, as it addresses transportation and solid waste removal from the Project. The application is deemed amended to be entirely consistent with the City Council's *Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine*, dated February 22, 2012.

Without limiting the breadth of the foregoing, the specific amendments would include those depicted on the attachment hereto.

If you have any questions or concerns with our amended application, please let me know and I will address them immediately.

Thank you,



Kevin Gough, Architect
Archetype PA
Portland, ME

Sec. 14-145.16. Development review

In addition to other applicable requirements, no development shall occur nor shall any new use be established unless the Planning Board finds that the final development plan for the site is in compliance with the following development standards.

- a) *Transportation:* The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

Original Text: The project is located in close proximity to the Diamond Cove landing of the Casco Bay Lines, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland. The sole means of arrival at the island is by boat transportation. There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guest luggage to and from the Diamond Cove ferry landing. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

Replacement Text: Transportation from the mainland to The Inn at Diamond Cove, from The Inn at Diamond Cove to the mainland and within the Diamond Cove premises shall be in accordance with the Portland City Council "Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine," dated February 22, 2012 (the "City Order"). The Inn at Diamond Cove is located in close proximity to the Diamond Cove Pier, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland. The sole means of guest arrival at the island is by boat transportation. There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guests and luggage to and from the Diamond Cove Pier. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.

A R C H I T E C T U R E

Original Text: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers are instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Ferry Landing. This will be in the instructions to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

Replacement Text: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates or other licensed provider to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers will be instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Pier. This will be in the instructions to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

The development shall not have substantial adverse impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.

Original Text: The existing Diamond Cove boat landing and Diamond Cove ferry terminal of the Casco Bay lines will be used.

Replacement Text: The existing Diamond Cove Pier and the ferry terminal of the Casco Bay lines will be used.

- b) **Solid Waste.** Adequate provision for off-island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.

Original Text: All solid waste will be held within the building in a trash room and will be picked up and removed in accordance with the Diamond Cove Homeowner's Association, of which this project will be a member. The project will pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.

A R C H I T E C T U R E

Replacement Text: All solid waste generated on The Inn at Diamond Cove premises shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Minor Order for the Inn at Diamond Cove or successive order as may be amended (the "DEP Order") and with the Portland City Council "Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine," dated February 22, 2012 (the "City Order"). In particular, as provided in said Orders, all solid waste generated on The Inn at Diamond Cove premises will be collected and disposed of privately, on the mainland, with temporary storage of such solid waste being within The Inn at Diamond Cove Double Barracks building in a trash room before being transported by barge or otherwise from the Diamond Cove property for disposal at Ecomaine.



DeLUCA-HOFFMAN ASSOCIATES, INC.
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- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

March 12, 2012

DRAFT

Ms. Richard Knowland, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: The Inn at Diamond Cove, LLC
Diamond Cove, Great Diamond Island
Status Update on Water Supply and Fire Protection**

Dear Mr. Knowland:

On March 6th, our office provided a summary response to each of the five comments issued by the Portland Fire Department concerning the site plan application for the Inn at Diamond Cove. Several of these comments are directly related to the development of the Inn, while others are more globally related to the overall water supply system, which as you know is owned and operated by the Diamond Cove Homeowners Association. Subsequently, our office has coordinated efforts with representatives from the Portland Water District, Portland Fire Department and private contractor to perform flow testing of various hydrants within the Diamond Cove development on February 15th and March 8th. The results of this flow testing were summarized in our letter dated March 6th.

The Diamond Cove development is served by an 8-inch diameter water line that is fed from the Portland Water District distribution system. The remaining distribution system throughout Diamond Cove varies from 6" to 4" water mains. Based upon the recent flow testing work, the existing water system in the area of the proposed Inn is supplying approximately 450 gallons per minute at 20 psi residual pressure.

The fire protection sprinkler system designer for the Inn has provided the following sprinkler system design flow requirements at 20 psi residual pressure in the water supply system:

- 210 gallons per minute for the sprinkler system
- Additional 100 gallons per minute (hose demand)

As summarized above, the existing water supply system has sufficient capacity to meet the sprinkler system design requirements.

Mr. Richard Knowland
March 12, 2012
Page 2

During a meeting with the Portland Fire Department on February 29th, there were several items that were discussed for incorporation into the site plan and building design for the Inn at Diamond Cove, as follows:

1. Sprinkler system design in accordance with NFPA 13R modified with regards to placement of sprinklers per NFPA 13 as well as incorporating standpipes with interior fire hose cabinets within each of the public stairways within the Inn.
2. Provide a new fire hydrant within 100' of the Inn's building exterior sprinkler riser connection. The new hydrant location has been shown on the latest revision to Site Layout and Utility Plan (Sheet C-4) of the site plan set.
3. Provide a post indicator valve (PIV) on the fire protection line serving the Inn's sprinkler system. The location of the PIV is shown on the latest revision to Site Layout and Utility Plan (Sheet C-4) of the site plan set.
4. Increase the width of the access lane along the northeasterly side of the Inn to provide a total fire lane width of 16'. The widened surface will consist of two foot thick gravel section suitable for supporting the emergency vehicles. The extent of widened fire lane has been shown on the latest revision to the Site Layout and Utility Plan (Sheet C-4). A detail for the widening of the emergency access lane has been added to latest revised Sheet C-9 of the plan set.

Our office has also assembled additional data on the overall private water supply system within the Diamond Cove development that will be provided to the Portland Planning Department and Portland Fire Department that will be helpful for the Diamond Cove Homeowners Association future planning efforts. This data includes:

1. An updated private water supply system map including the location and sizes of water mains, hydrants, valves, etc.
2. Inventory of all onsite fire hydrants in accordance with the Portland Fire Department requirements for private hydrants.
3. Hydraulic analysis of the private water supply system, based upon the recent 2012 hydrant flow testing work. This analysis will also include recommendations for improvements to the water supply system to enhance the performance and reliability of the system. Specifically, there are two cross-connections, between the primary 8" diameter primary water supply line and the 6" diameter water distribution system, which will create additional looping within the private system.

Mr. Richard Knowland
March 12, 2012
Page 3

Please contact our office with any questions you may have concerning this letter.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'J. Laverriere', with a long horizontal flourish extending to the right.

Joseph A. Laverriere, P.E.
Senior Engineer

C: David Bateman – The Inn at Diamond Cove, LLC

**Diamond Cove
Great Diamond Island**

Prepared by the Department of
Planning and Development
Aerial from 2006



Double Barracks

Ferry Landing

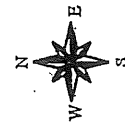
Restaurant

Parade Grounds

Hospital

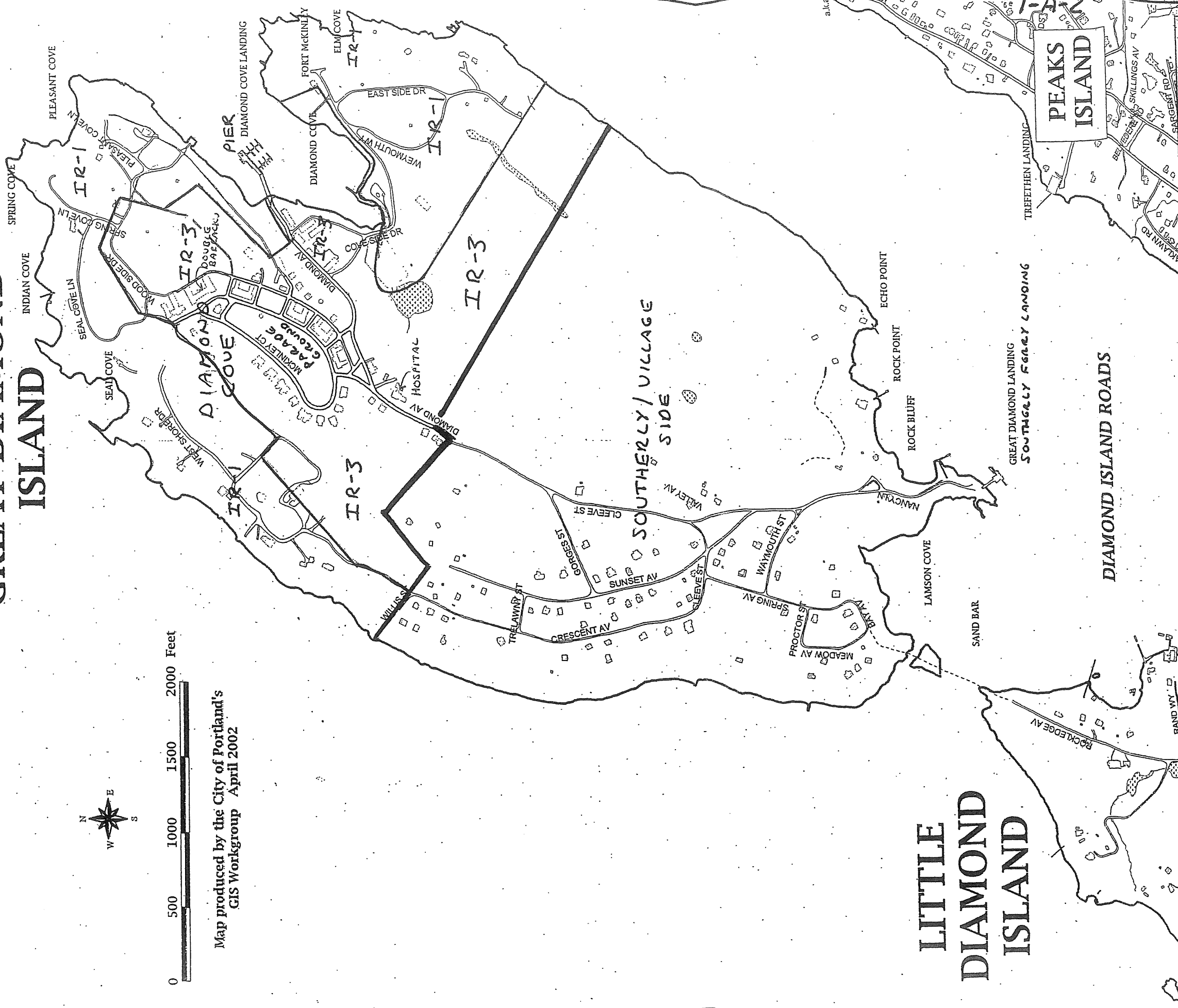
South End Village

GREAT DIAMOND ISLAND

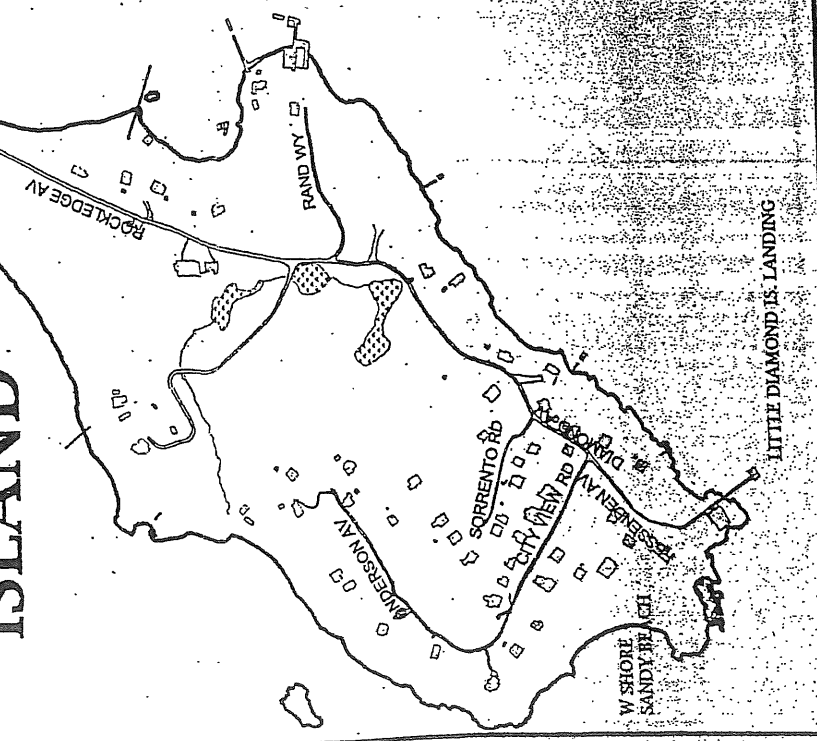


0 500 1000 1500 2000 Feet

Map produced by the City of Portland's
GIS Workgroup April 2002



LITTLE DIAMOND ISLAND



PEAKS ISLAND

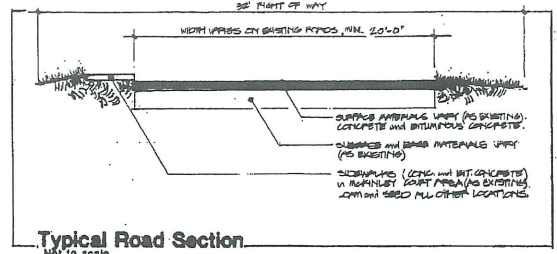
LITTLE DIAMOND ISLAND & GREAT DIAMOND ISLAND

POINT

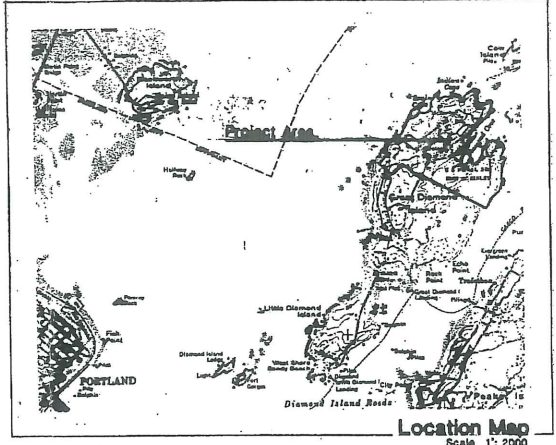
DIAMOND ISLAND ROADS

GREAT DIAMOND LANDING
SOUTHERLY VILLAGE LANDING

LITTLE DIAMOND IS. LANDING



Approved
City of Portland Planning Board
Date: March 4, 1986
Barbara Vestal
David B. Bates
Richard J. Bates



Residential	BUILDING #	UNIT NUMBER	GROSS COVERAGE	FLOOR AREA
	1	1-2	2622 sq. ft.	7666 sq. ft.
	2	2-4	1200 sq. ft.	3180 sq. ft.
	3	3-6	1700 sq. ft.	5100 sq. ft.
	4	4-8	2100 sq. ft.	6300 sq. ft.
	5	5-12	3464 sq. ft.	10392 sq. ft.
	6	6-12	3464 sq. ft.	10392 sq. ft.
	7	7-18	3464 sq. ft.	10392 sq. ft.
	8	8-18	3464 sq. ft.	10392 sq. ft.
	9	9-24	2400 sq. ft.	7200 sq. ft.
	10	10-24	2400 sq. ft.	7200 sq. ft.
	11	11-30	2400 sq. ft.	7200 sq. ft.
	12	12-30	2400 sq. ft.	7200 sq. ft.
	13	13-36	1800 sq. ft.	5400 sq. ft.
	14	14-36	1800 sq. ft.	5400 sq. ft.
	15	15-42	1800 sq. ft.	5400 sq. ft.
	16	16-42	1800 sq. ft.	5400 sq. ft.
	17	17-48	1800 sq. ft.	5400 sq. ft.
	18	18-48	1800 sq. ft.	5400 sq. ft.
	19	19-54	1800 sq. ft.	5400 sq. ft.
	20	20-54	1800 sq. ft.	5400 sq. ft.
	21	21-60	1800 sq. ft.	5400 sq. ft.
	22	22-60	1800 sq. ft.	5400 sq. ft.
	23	23-66	1800 sq. ft.	5400 sq. ft.
	24	24-66	1800 sq. ft.	5400 sq. ft.
	25	25-72	1800 sq. ft.	5400 sq. ft.
	26	26-72	1800 sq. ft.	5400 sq. ft.
	27	27-78	1800 sq. ft.	5400 sq. ft.
	28	28-78	1800 sq. ft.	5400 sq. ft.
	29	29-84	1800 sq. ft.	5400 sq. ft.
	30	30-84	1800 sq. ft.	5400 sq. ft.
	31	31-90	1800 sq. ft.	5400 sq. ft.
	32	32-90	1800 sq. ft.	5400 sq. ft.
	33	33-96	1800 sq. ft.	5400 sq. ft.
	34	34-96	1800 sq. ft.	5400 sq. ft.
	35	35-102	1800 sq. ft.	5400 sq. ft.
	36	36-102	1800 sq. ft.	5400 sq. ft.
	37	37-108	1800 sq. ft.	5400 sq. ft.
	38	38-108	1800 sq. ft.	5400 sq. ft.
	39	39-114	1800 sq. ft.	5400 sq. ft.
	40	40-114	1800 sq. ft.	5400 sq. ft.
	41	41-120	1800 sq. ft.	5400 sq. ft.
	42	42-120	1800 sq. ft.	5400 sq. ft.
	43	43-126	1800 sq. ft.	5400 sq. ft.
	44	44-126	1800 sq. ft.	5400 sq. ft.
	45	45-132	1800 sq. ft.	5400 sq. ft.
	46	46-132	1800 sq. ft.	5400 sq. ft.
	47	47-138	1800 sq. ft.	5400 sq. ft.
	48	48-138	1800 sq. ft.	5400 sq. ft.
	49	49-144	1800 sq. ft.	5400 sq. ft.
	50	50-144	1800 sq. ft.	5400 sq. ft.
	51	51-150	1800 sq. ft.	5400 sq. ft.
	52	52-150	1800 sq. ft.	5400 sq. ft.
	53	53-156	1800 sq. ft.	5400 sq. ft.
	54	54-156	1800 sq. ft.	5400 sq. ft.
	55	55-162	1800 sq. ft.	5400 sq. ft.
	56	56-162	1800 sq. ft.	5400 sq. ft.
	57	57-168	1800 sq. ft.	5400 sq. ft.
	58	58-168	1800 sq. ft.	5400 sq. ft.
	59	59-174	1800 sq. ft.	5400 sq. ft.
	60	60-174	1800 sq. ft.	5400 sq. ft.
	61	61-180	1800 sq. ft.	5400 sq. ft.
	62	62-180	1800 sq. ft.	5400 sq. ft.
	63	63-186	1800 sq. ft.	5400 sq. ft.
	64	64-186	1800 sq. ft.	5400 sq. ft.
	65	65-192	1800 sq. ft.	5400 sq. ft.
	66	66-192	1800 sq. ft.	5400 sq. ft.
	67	67-198	1800 sq. ft.	5400 sq. ft.
	68	68-198	1800 sq. ft.	5400 sq. ft.
	69	69-204	1800 sq. ft.	5400 sq. ft.
	70	70-204	1800 sq. ft.	5400 sq. ft.
	71	71-210	1800 sq. ft.	5400 sq. ft.
	72	72-210	1800 sq. ft.	5400 sq. ft.
	73	73-216	1800 sq. ft.	5400 sq. ft.
	74	74-216	1800 sq. ft.	5400 sq. ft.
	75	75-222	1800 sq. ft.	5400 sq. ft.
	76	76-222	1800 sq. ft.	5400 sq. ft.
	77	77-228	1800 sq. ft.	5400 sq. ft.
	78	78-228	1800 sq. ft.	5400 sq. ft.
	79	79-234	1800 sq. ft.	5400 sq. ft.
	80	80-234	1800 sq. ft.	5400 sq. ft.
	81	81-240	1800 sq. ft.	5400 sq. ft.
	82	82-240	1800 sq. ft.	5400 sq. ft.
	83	83-246	1800 sq. ft.	5400 sq. ft.
	84	84-246	1800 sq. ft.	5400 sq. ft.
	85	85-252	1800 sq. ft.	5400 sq. ft.
	86	86-252	1800 sq. ft.	5400 sq. ft.
	87	87-258	1800 sq. ft.	5400 sq. ft.
	88	88-258	1800 sq. ft.	5400 sq. ft.
	89	89-264	1800 sq. ft.	5400 sq. ft.
	90	90-264	1800 sq. ft.	5400 sq. ft.
	91	91-270	1800 sq. ft.	5400 sq. ft.
	92	92-270	1800 sq. ft.	5400 sq. ft.
	93	93-276	1800 sq. ft.	5400 sq. ft.
	94	94-276	1800 sq. ft.	5400 sq. ft.
	95	95-282	1800 sq. ft.	5400 sq. ft.
	96	96-282	1800 sq. ft.	5400 sq. ft.
	97	97-288	1800 sq. ft.	5400 sq. ft.
	98	98-288	1800 sq. ft.	5400 sq. ft.
	99	99-294	1800 sq. ft.	5400 sq. ft.
	100	100-294	1800 sq. ft.	5400 sq. ft.
	101	101-300	1800 sq. ft.	5400 sq. ft.
	102	102-300	1800 sq. ft.	5400 sq. ft.
	103	103-306	1800 sq. ft.	5400 sq. ft.
	104	104-306	1800 sq. ft.	5400 sq. ft.
	105	105-312	1800 sq. ft.	5400 sq. ft.
	106	106-312	1800 sq. ft.	5400 sq. ft.
	107	107-318	1800 sq. ft.	5400 sq. ft.
	108	108-318	1800 sq. ft.	5400 sq. ft.
	109	109-324	1800 sq. ft.	5400 sq. ft.
	110	110-324	1800 sq. ft.	5400 sq. ft.
	111	111-330	1800 sq. ft.	5400 sq. ft.
	112	112-330	1800 sq. ft.	5400 sq. ft.
	113	113-336	1800 sq. ft.	5400 sq. ft.
	114	114-336	1800 sq. ft.	5400 sq. ft.
	115	115-342	1800 sq. ft.	5400 sq. ft.
	116	116-342	1800 sq. ft.	5400 sq. ft.
	117	117-348	1800 sq. ft.	5400 sq. ft.
	118	118-348	1800 sq. ft.	5400 sq. ft.
	119	119-354	1800 sq. ft.	5400 sq. ft.
	120	120-354	1800 sq. ft.	5400 sq. ft.
	121	121-360	1800 sq. ft.	5400 sq. ft.
	122	122-360	1800 sq. ft.	5400 sq. ft.
	123	123-366	1800 sq. ft.	5400 sq. ft.
	124	124-366	1800 sq. ft.	5400 sq. ft.
	125	125-372	1800 sq. ft.	5400 sq. ft.
	126	126-372	1800 sq. ft.	5400 sq. ft.
	127	127-378	1800 sq. ft.	5400 sq. ft.
	128	128-378	1800 sq. ft.	5400 sq. ft.
	129	129-384	1800 sq. ft.	5400 sq. ft.
	130	130-384	1800 sq. ft.	5400 sq. ft.
	131	131-390	1800 sq. ft.	5400 sq. ft.
	132	132-390	1800 sq. ft.	5400 sq. ft.
	133	133-396	1800 sq. ft.	5400 sq. ft.
	134	134-396	1800 sq. ft.	5400 sq. ft.
	135	135-402	1800 sq. ft.	5400 sq. ft.
	136	136-402	1800 sq. ft.	5400 sq. ft.
	137	137-408	1800 sq. ft.	5400 sq. ft.
	138	138-408	1800 sq. ft.	5400 sq. ft.
	139	139-414	1800 sq. ft.	5400 sq. ft.
	140	140-414	1800 sq. ft.	5400 sq. ft.
	141	141-420	1800 sq. ft.	5400 sq. ft.
	142	142-420	1800 sq. ft.	5400 sq. ft.
	143	143-426	1800 sq. ft.	5400 sq. ft.
	144	144-426	1800 sq. ft.	5400 sq. ft.
	145	145-432	1800 sq. ft.	5400 sq. ft.
	146	146-432	1800 sq. ft.	5400 sq. ft.
	147	147-438	1800 sq. ft.	5400 sq. ft.
	148	148-438	1800 sq. ft.	5400 sq. ft.
	149	149-444	1800 sq. ft.	5400 sq. ft.
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	151	151-450	1800 sq. ft.	5400 sq. ft.
	152	152-450	1800 sq. ft.	5400 sq. ft.
	153	153-456	1800 sq. ft.	5400 sq. ft.
	154	154-456	1800 sq. ft.	5400 sq. ft.
	155	155-462	1800 sq. ft.	5400 sq. ft.
	156	156-462	1800 sq. ft.	5400 sq. ft.
	157	157-468	1800 sq. ft.	5400 sq. ft.
	158	158-468	1800 sq. ft.	5400 sq. ft.
	159	159-474	1800 sq. ft.	5400 sq. ft.
	160	160-474	1800 sq. ft.	5400 sq. ft.
	161	161-480	1800 sq. ft.	5400 sq. ft.
	162	162-480	1800 sq. ft.	5400 sq. ft.
	163	163-486	1800 sq. ft.	5400 sq. ft.
	164	164-486	1800 sq. ft.	5400 sq. ft.
	165	165-492	1800 sq. ft.	5400 sq. ft.
	166	166-492	1800 sq. ft.	5400 sq. ft.
	167	167-498	1800 sq. ft.	5400 sq. ft.
	168	168-498	1800 sq. ft.	5400 sq. ft.
	169	169-504	1800 sq. ft.	5400 sq. ft.
	170	170-504	1800 sq. ft.	5400 sq. ft.
	171	171-510	1800 sq. ft.	5400 sq. ft.
	172	172-510	1800 sq. ft.	5400 sq. ft.
	173	173-516	1800 sq. ft.	5400 sq. ft.
	174	174-516	1800 sq. ft.	5400 sq. ft.
	175	175-522	1800 sq. ft.	5400 sq. ft.
	176	176-522	1800 sq. ft.	5400 sq. ft.
	177	177-528	1800 sq. ft.	5400 sq. ft.
	178	178-528	1800 sq. ft.	5400 sq. ft.
	179	179-534	1800 sq. ft.	5400 sq. ft.
	180	180-534	1800 sq. ft.	5400 sq. ft.
	181	181-540	1800 sq. ft.	5400 sq. ft.
	182	182-540	1800 sq. ft.	5400 sq. ft.
	183	183-546	1800 sq. ft.	5400 sq. ft.
	184	184-546	1800 sq. ft.	5400 sq. ft.
	185	185-552	1800 sq. ft.	5400 sq. ft.
	186	186-552	1800 sq. ft.	5400 sq. ft.
	187	187-558	1800 sq. ft.	5400 sq. ft.
	188	188-558	1800 sq. ft.	5400 sq. ft.
	189	189-564	1800 sq. ft.	5400 sq. ft.
	190	190-564	1800 sq. ft.	5400 sq. ft.
	191	191-570	1800 sq. ft.	5400 sq. ft.
	192	192-570	1800 sq. ft.	5400 sq. ft.
	193	193-576	1800 sq. ft.	5400 sq. ft.
	194	194-576	1800 sq. ft.	5400 sq. ft.
	195	195-582	1800 sq. ft.	5400 sq. ft.
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	197	197-588	1800 sq. ft.	5400 sq. ft.
	198	198-588	1800 sq. ft.	5400 sq. ft.
	199	199-594	1800 sq. ft.	5400 sq. ft.
	200	200-594	1800 sq. ft.	5400 sq. ft.
	201	201-600	1800 sq. ft.	5400 sq. ft.
	202	202-600	1800 sq. ft.	5400 sq. ft.
	203	203-606	1800 sq. ft.	5400 sq. ft.
	204	204-606	1800 sq. ft.	5400 sq. ft.
	205	205-612	1800 sq. ft.	5400 sq. ft.
	206	206-612	1800 sq. ft.	5400 sq. ft.
	207	207-618	1800 sq. ft.	5400 sq. ft.
	208	208-618	1800 sq. ft.	5400 sq. ft.
	209	209-624	1800 sq. ft.	5400 sq. ft.
	210	210-624	1800 sq. ft.	5400 sq. ft.
	211	211-630	1800 sq. ft.	5400 sq. ft.
	212	212-630	1800 sq. ft.	5400 sq. ft.
	213	213-636	1800 sq. ft.	5400 sq. ft.
	214	214-636	1800 sq. ft.	5400 sq. ft.
	215	215-642	1800 sq. ft.	5400 sq. ft.
	216	216-642	1800 sq. ft.	5400 sq. ft.
	217	217-648	1800 sq. ft.	5400 sq. ft.
	218	218-648	1800 sq. ft.	5400 sq. ft.
	219	219-654	1800 sq. ft.	5400 sq. ft.
	220	220-654	1800 sq. ft.	5400 sq. ft.
	221	221-660	1800 sq. ft.	5400 sq. ft.
	222	222-660	1800 sq. ft.	5400 sq. ft.
	223	223-666	1800 sq. ft.	5400 sq. ft.
	224	224-666	1800 sq. ft.	5400 sq. ft.
	225	225-672	1800 sq. ft.	5400 sq. ft.
	226	226-672	1800 sq. ft.	5400 sq. ft.
	227	227-678	1800 sq. ft.	5400 sq. ft.
	228	228-678	1800 sq. ft.	5400 sq. ft.
	229	229-684	1800 sq. ft.	5400 sq. ft.
	230	230-684	1800 sq. ft.	5400 sq. ft.
	231	231-69		

Commonly Asked Questions About Diamond Cove

Below are some commonly asked questions about the Diamond Cove development and IR-3 conditional zoning. The original 1985 conditional zoning text is attached.

What is the size and scope of the Diamond Cove development?

The total land area of the Diamond Cove development is about 190 acres, which occupies the northerly half of Great Diamond Island. The IR-3 zone totals about 92 acres. The IR-3 zone section was approved for 134 dwellings within the historic military buildings although only 79 units have been placed in the buildings to date. The conditional zoning intended to facilitate the rehabilitation of the existing Fort McKinley buildings thus newly constructed buildings were prohibited. Five buildings were originally allocated for commercial uses near the Diamond Cove ferry landing but only a couple of the buildings have been used for that purpose including a restaurant.

Thirty-four buildings within the Fort McKinley complex were originally slated for renovation into residential buildings. Of these buildings only the Double Barracks and Hospital have not been converted into residences.

The IR-1 single-family section of the development has 39 lots with 34 houses on the lots but isn't part of the IR-3 conditional zone.

In contrast, the remainder of the island (the southerly or village section of the island) had about 72 dwellings as of 2004.

Why was the property zoned IR-3 conditional zoning?

As part of the comprehensive island zoning update in 1985, an IR-3 zoning text was created to address large-scale development on the islands. An IR-3 is a specialized island zone that is enacted with a conditional zone. The IR-3 is the only island residential zone that allows condominiums (attached housing). Converting the military buildings into condominiums was the only feasible way to renovate the historic Fort McKinley buildings. Thus the developer requested IR-3 conditional zoning for the property.

The islands are unique landforms with sensitive environmental features particularly the shoreland areas that ring the island. The land development pattern of an island such as Great Diamond is reflective of a rural village rather than a mainland neighborhood. The special development standards of the IR-3 zone and the ability to use conditional zoning were intended to address the unique physical and natural characteristics of the islands.

The IR-3 conditional zone covers the entire Fort McKinley complex, the main complex of former military buildings around the parade ground and the Diamond Cove pier area.

Any other amendments made to the Diamond Cove conditional zoning since 1985?

Yes, the original conditional zoning has been amended three times.

In 2000, the IR-3 zone was expanded to include lot 44. Lot 44 is located near Diamond Cove and was incorporated into the zone to allow outdoor tent events associated with the Diamond Cove restaurant. A proposal for a beachfront bar (Stowaways) was not approved.

In 2004, the conditional zoning was modified to address golf cart issues within the project.

In 2008, the conditional zoning was amended to accommodate The Inn at Diamond Cove proposal.



7/15/85 1-B-3

ORIGINAL 1985 DIAMOND COVE CONDITIONAL ZONE

CONDITIONS AND RESTRICTIONS

The following conditions and restrictions are imposed by the City of Portland (the City) on Diamond Cove Associates (the Owner) as conditions of the rezoning of the property described on the map attached hereto (the Premises) from the R-2 Residential Zone to the IR-3 Island Residential Zone:

1. Development limited. The development, use and occupancy of the Premises shall be limited to one hundred thirty-four (134) dwelling units and other permitted uses, and uses accessory thereto. Except for the reconstruction, renovation and repair of existing buildings and structures, and the construction of minor additions and improvements thereto, there shall be no construction or development of any new principal building or structure on the Premises. All portions of the Premises identified on the map attached hereto as open space shall be dedicated and reserved as such in perpetuity.

2. Completion of development. The development of the Premises as aforesaid shall be substantially completed within three (3) years after the issuance of all licenses, permits and approvals required and requiring final action by any administrative agency, board or commission, including but not limited to subdivision, site plan and site location of development approvals, but not including building, plumbing, electrical or similar permits, which licenses, permits and approvals shall hereafter be diligently pursued; provided, however, that the time for performance hereunder shall be extended for the time during which performance is delayed by reasons wholly beyond the Owner's control, including but not limited to strikes, lock-outs, labor disputes, inability to procure materials, failure of power, riots, war, insurrection, administrative or judicial delay and similar reasons, but not including financial hardship or business conditions; provided, further, that the Planning Board may, after notice and hearing, extend the time for performance hereunder for up to one (1) additional year if it finds that substantial progress has been made toward completion, and that there is a reasonable likelihood of substantial completion within the time as extended.

3. Maintenance of streets, walks and landings. All streets and ways, walks and pedestrian rights of way, and landings, floats and docks on the Premises, including but not limited to those to which the public has a right of access, shall be kept reasonably safe and passable at all times, including but not limited to the off-season or winter months, and at the Owner's expense; provided, however, that the City may, from time to time, designate such areas as need not be kept clear of ice and snow when or where, in its opinion, the public health, safety and welfare do not require it; provided, further, that in the event that the Owner fails to perform any obligation hereunder, the City may, after giving actual notice to the Owner and a reasonable time to perform, enter upon the Premises, or any portion thereof, and take such reasonable steps, including

but not limited to the exercise of self-help, as to it may seem necessary or appropriate to perform the same, the cost of which shall be reimbursed in full by the Owner upon demand.

4. Maintenance of utilities. All utilities and related infrastructure and improvements on the Premises, including but not limited to water, power, communications, sewers and drains, surface drainage ways, street lights and hydrants, shall be kept fully operational and in good repair at all times, including but not limited to the off-season or winter months, and at the Owner's expense; provided, however, that in the event that the Owner fails to perform any obligation hereunder, the City may, after giving actual notice to the Owner and a reasonable time to perform, enter upon the Premises, or any portion thereof, and take such reasonable steps, including but not limited to the exercise of self-help, as to it may seem necessary or appropriate to perform the same, the cost of which shall be reimbursed in full by the Owner upon demand.

5. Disposal of sanitary waste. All sanitary waste generated on the Premises shall be collected and disposed of on the Premises by means of a community sewer and secondary treatment system which complies with all applicable federal, state and local regulations, and at the Owner's expense.

6. Disposal of solid waste. All solid waste generated on the Premises shall be collected and disposed of on the mainland or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility, in a manner which meets all applicable federal, state and local requirements, and at the Owner's expense.

7. Fire protection, public safety and emergency services. Before occupancy of the Premises, or any portion thereof, the Owner shall, at its own expense, provide to the City:

- (a) a fully equipped "Quint truck", so-called, or its equivalent, for fire protection purposes, which vehicle, whether new or used, shall conform to City specifications and be leased to the City under a written net lease-purchase agreement in a form mutually satisfactory to the parties and upon commercially reasonable terms, at the end of which lease term title to said vehicle shall be transferred to the City free and clear of all liens and encumbrances, and at no additional charge;
- (b) a fully equipped multi-purpose truck van, for public safety and emergency purposes, which vehicle, whether new or used, shall conform to City specifications and be leased to the City for its useful life under a written net lease agreement in a form mutually satisfactory to the parties and providing for, among other things, annual lease payments in the amount of one dollar (\$1.00); and

7/15/85

1-0-5

- (c) a building or buildings, or portions thereof, suitably located on the Premises, for permanent maintenance and storage of said vehicles and related apparatus and equipment, and housing of at least two (2) City personnel associated therewith, which facility shall conform to City specifications and be leased to the City under a ninety-nine (99) year written net lease agreement in a form mutually satisfactory to the parties and providing for, among other things, annual lease payments in the amount of one dollar (\$1.00), and delivery of possession on a "turn-key" basis.

Upon the City's occupancy of said facility, the Owner shall, at its own expense, provide at all times thereafter a number, not to exceed two (2), of qualified private personnel equal to the number of City personnel then assigned thereto, which private personnel shall be on the Premises and available at all times on an on-call basis to assist said City personnel in the rendering of fire protection, public safety and emergency services on or to the Premises; provided, however, that nothing herein shall constitute any representation or commitment by the City to provide any particular level of staffing or services. Said private personnel shall be trained and equipped for such purposes by the City and at its expense, and shall be under the direction and supervision of authorized City personnel at all times while so engaged; provided, however, that in no case shall said private personnel be deemed agents or employees of the City for any purpose, including but not limited to workers' compensation, unemployment compensation, tort claims liability and collective bargaining; provided, further, that notwithstanding the foregoing, in the event that the City is held liable for any claim arising out of or relating to any actions of said private personnel, which actions were not pursuant to and consistent with the directions of authorized City personnel, the Owner shall indemnify and save forever harmless the City from and against any and all such claims.

8. Water transportation service. The Owner shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and Diamond Cove via a suitable docking facility on the Premises and on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service is or at any time becomes unavailable, the Owner shall, at its own expense, provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof.

9. Restrictions on motor vehicles. Except for vehicles used primarily for construction, maintenance, service and the common transportation of goods and passengers, and fire protection, public safety and emergency vehicles, no motor vehicles, as defined in 29 M.R.S.A. Section 1(7), but including snowmobiles, shall be operated or stored, temporarily or otherwise, on the Premises.

7/15/85

1-B-6

10. Applicability of other laws. The development, use and occupancy of the Premises shall be subject to all other applicable laws, ordinances, regulations and requirements of the City as they may from time to time exist, and neither these conditions or restrictions nor the performance of any obligation hereunder shall constitute compliance therewith or prevent the enforcement thereof, any violation of which shall also constitute a breach of these conditions and restrictions, any breach of which shall also constitute a violation of Chapter 14, Article III (Zoning) of the Portland City Code.

11. Successors bound. These conditions and restrictions shall bind the Owner, its successors and assigns, of or to the Premises, or any portion thereof or any interest therein, including but not limited to any security interest, and any person in possession or occupancy of the Premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City. The Owner shall, at its own expense, record a copy of these conditions and restrictions in the Cumberland County Registry of Deeds, and shall, by deed, covenant, declaration of condominium or other recorded or recordable instruments, as appropriate, ensure that these conditions and restrictions are enforceable by the City against all such successors, assigns and persons. Nothing herein shall be deemed to limit the Owner's right of alienability of the Premises, or any portion thereof, subject to these conditions and restrictions, which conditions and restrictions shall run with the land and be binding upon the Owner, its successors and assigns, as their interests may appear.

12. No reliance or estoppel. Nothing in these conditions or restrictions shall constitute any representation or commitment by the City to retain the zoning classification of the Premises, or shall entitle the Owner to rely thereon for any purpose, or shall estop the City from any future rezoning or exercise of other authority with respect to the Premises. Nothing herein shall be deemed to preclude the Owner from petitioning the City for any future rezoning of the Premises or other property in the vicinity thereof; provided, however, that nothing herein shall constitute any representation or commitment by the City to grant such a petition or otherwise act thereon.

13. Breach. In case of any breach of these conditions and restrictions, and except as otherwise hereinbefore provided, the City shall, after giving written notice to the Owner and a reasonable time to cure not to exceed six (6) months, refer the same to the Planning Board, which shall, after notice and hearing, make a recommendation to the City Council whether to rezone the Premises, or any portion thereof, which recommendation shall be advisory only.

14. Declaration of invalidity. In the event that these conditions and restrictions, or any portion thereof, are declared invalid for any reason by a court of competent jurisdiction, the City shall invoke the same procedure as hereinbefore provided for breach of these conditions and restrictions.

7/15/85

1-0-7

15. Remedies not impaired. No failure or delay by the City to enforce any of these conditions and restrictions shall impair any remedy available for breach hereof, or constitute a waiver of or acquiescence in any breach hereof, the remedies for which shall be cumulative.

Order 114-11/12
Given first reading 2/6/12
Passage: 8-0 (Marshall Out) 2-22-12

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
DIAMOND COVE, GREAT DIAMOND ISLAND
PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**SUPPLEMENTAL CONDITIONS AND RESTRICTIONS
BUILDINGS 46 (“DOUBLE BARRACKS”) AND 19 (“HOSPITAL”)
FT. MCKINLEY, PORTLAND, MAINE
FEBRUARY 22, 2012**

The following supplemental conditions and restrictions are imposed by the City of Portland (the “City”) on that portion of the Ft. McKinley project (“Project”) commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 (“Premises”), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC (“IDC”) ¹, and consented to by the Diamond Cove Homeowners Association (“DCHA”):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, inter alia, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the “Existing Conditions and Restrictions”).

¹ For purposes of this Supplemental Conditions and Restrictions document, “Owner/Manager” referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, their heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

successive DEP Order as may be amended. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provision shall apply.

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4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove Pier landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation: Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the

pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

8. Site Plan Review. Nothing herein is intended to relieve the applicant/owner from complying with applicable standards under Site Plan Review.

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0.75" + Indent at: 0.75"

ATT 1-D

Rick Knowland - Building 46 - Great Diamond Island

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 12/23/2009 8:33 AM
Subject: Building 46 - Great Diamond Island
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>

Rick -- I have reviewed the November 18, 2009 submittal prepared by Archetype and offer the following comment.

- The applicant should provided detailed information on parking usage at the Portland Harbor Hotel for guests of the proposed Inn. This should include not only actual excess parking supply during the peak summer months, but also conformity with site plan parking requirements for the Portland Harbor Hotel.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.
TYLIN INTERNATIONAL

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

**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

MEMORANDUM

TO: Rick Knowland, Planner
FROM: Ashley Auger, E.I.T. & David Senus, P.E.
DATE: January 17, 2012
RE: The Inn at Diamond Cove

Woodard & Curran has reviewed the Site Plan submittal for the Double Barracks renovation at Diamond Cove. The project involves twenty condominium/hotel units together with some common amenities consistent with the operation of a hotel. These amenities include a pool and restaurant. The project has provided previous Site Plan Application submittals, and has received review comments from the City of Portland Planning Office; including review comments prepared by Woodard & Curran. The project has applied for and received a Site Location of Development Act approval through the MaineDEP, which includes review of stormwater management systems for conformance with MaineDEP Chapter 500 standards.

Documents Reviewed

- Section 12, Stormwater Management Report, prepared by Deluca-Hoffman Associates, dated March 2009
- Section 14, Erosion and Sedimentation Control Report, prepared by Deluca-Hoffman Associates, dated March 2009
- Engineering Plan Sheets C1-C10, prepared by Deluca-Hoffman Associates, dated January 2, 2012
- MaineDEP Site Law Approval, # L-13160-L3-AB-B, dated September 2009

Comments

- As a condition of approval for the Site Law Permit, the applicant must obtain executed ground lease and drainage easements from the Diamond Cove Homeowners Association (DCHA) prior to the start of construction. As such, copies of executed ground lease and drainage easements must be submitted to the MaineDEP Bureau of Land and Water Quality and the City of Portland Planning Office in advance of the work.
- The *Inspection and Maintenance Manual for Stormwater Management and Related Stormwater Facilities* should be updated to reflect the requirements of Chapter 32, Article III. Post Construction Stormwater Management of the City of Portland Code of Ordinances.

ATT. 1-E-2

From: "David Senus" <dsenus@woodardcurran.com>
To: "Rick Knowland" <rwk@portlandmaine.gov>
CC: "Lauren Swett" <lswett@woodardcurran.com>
Date: Wednesday, March 07, 2012
Subject: Inn at Diamond Cove
Attachments: 2012.01.17 Inn at Diamond Cove Memo.pdf

Hi Rick.

We reviewed the Inspection and Maintenance Manual for Stormwater Management and Related Stormwater Facilities for the Inn at Diamond Cove, dated February 2009 & revised January 2012. The manual adequately addresses our second comment contained in our memo from January 17, 2012 (attached). Please let me know if you need any additional information.

Thanks
Dave

David Senus, PE (Maine), Project Manager
Woodard & Curran, Inc.
41 Hutchins Drive
Portland, ME 04102
Phone: (800) 426-4262 x3241
Fax: (207) 774-6635

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

ATT. 1-F

From: Chris Pirone
To: Knowland, Rick
CC: Wallace, Benjamin
Date: Monday, January 16, 2012
Subject: Re: Diamond Cove

Fire Comments:

I am requesting the developer to hire a Professional Engineer(101:3.3.200) for technical assistance(1.15) on this project focusing on Fire Department Access and Water Supply(NFPA 1 Chapter 18 and City of Portland Technical standards Chapter 10).

I would like the PE to contact me with my specific concerns as mentioned above.

My concerns in more detail are related to:

1. The testing and maintenance of the private fire hydrant system meeting NFPA 25 standards..
2. Water main size.
3. Meeting of required flows for sprinkler system and firefighting operations.
4. Location and number of fire hydrants.
5. Fire Department Access according to NFPA and Chapter 10.

Please contact me with questions and concerns.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Rick Knowland 01/12/12 10:22 AM >>>
Chris, I'll be here. Thanks.

>>> Chris Pirone Thursday, January 12, 2012 >>>
I can come see you at 11:30 today.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Rick Knowland 1/12/2012 9:02 AM >>>
Hi Chris, If you have a few minutes I'd like to go over the Diamond Cove project with you. The Double Barracks renovation is fairly simple but its the islands and things are never simple. Project requires sprinklers. I'm around today but otherwise won't be back into the office till Tuesday. Please email me or

ATT. 1-6

CITY OF PORTLAND, MAINE
HISTORIC PRESERVATION BOARD

Rick Romano, Chair
Martha Burke Vice-Chair
Scott Benson
Rebecca Ermlich
Michael Hammen
Ted Oldham
Susan Wroth

February 27, 2012

David Lloyd
Archetype
48 Union Wharf
Portland, Maine 04101

Re: Double Barracks Rehabilitation; Diamond Cove; Approval of Amended Plans

Dear Mr. Lloyd:

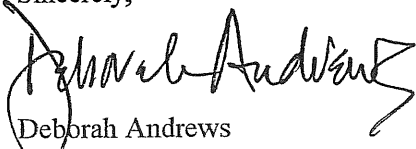
On February 15, 2012, the City of Portland's Historic Preservation Board voted 5-0 (Romano, Oldham absent) to approve your application, submitted on behalf of Bateman Partners LLC., for a Certificate of Appropriateness for the comprehensive rehabilitation of the former Double Barracks building at Diamond Cove. The project includes exterior alterations/rehabilitation of the original structure, site alterations and a rear building addition. Originally approved in 2009, the project required re-approval by the Historic Preservation Board, as the original approval had lapsed. Additionally, the original proposal had been modified with the elimination of previously-proposed rear dormers and the redesign of the courtyard addition.

The Historic Preservation Board's approval was made subject to the condition that, except for the design revisions identified in the 2/15/12 application, the project shall follow all specifications and details of the originally approved plans.

Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Deborah Andrews
Historic Preservation Program Manager

Applicant's Submittal

A R C H I T E C T Y P E

January 3, 2012 (Rev. 2 – 17 January 2012)

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island; IR-3 Conformance

Rick:

Herein you will find all necessary documentation to fulfill the requests made by the Planning Staff in previous meetings regarding the outstanding items in the application for site plan approval for the Inn at Diamond Cove. This letter and associated documents and appendices are to serve as an amendment to our previous and existing application for a public hearing. We are aware, however, that you have determined that it may be necessary to sit for an additional workshop, given the length of time that has passed since our last meeting. As this is an amendment to an existing application, I have not re-filed all of the application materials and checklists. If you or your staff feel that this is in error please let me know and I will provide all necessary documents again.

Our team is requesting inclusion in the January Planning Board meeting for this workshop.

The following document is an analysis of the City of Portland Code of Ordinances, *Chapter 14 Land Use, Division 7.3. IR-3 Island Residential Zone*, and contains a response to the requirements of each standard describing the means of compliance for the proposed Inn at Diamond Cove project. Following each section of the Ordinance language below there will be a written response in bold text.

DIVISION 7.3. IR-3 ISLAND RESIDENTIAL ZONE

Sec. 14-145.13. Purpose.

The purpose of the IR-3 island residential zone is to allow for a planned unit development in a manner compatible with both the natural and built environment, which provides for adequate circulation and waterfront access, adequate water supply for private use and fire protection, and safe and clean disposal of solid and septic wastes. The following guidelines shall be considered, among others, in establishing an IR-3 zone:

- a) An IR-3 zone should have a minimum land area of twenty (20) acres;
- b) A site for an IR-3 zone should be able to accommodate a higher density of development by providing buffers from surrounding areas on a substantially sized parcel for which natural amenities are capable of being conserved in a development plan for the site;
- c) IR-3 zones should not be established unless issues of municipal services, including infrastructure, education, and police and fire services and other municipal services can be appropriately and adequately addressed;
- d) The differences in scale and intensity of uses between existing development and the IR-3 zone, and the cumulative impact on the overall density of the island, should be mitigated by appropriate open space and buffer areas; and
- e) The development plan should have the capability of meeting the development review standards of section 14-145.16. (Ord. No. 29-85, § 1, 7-15-85).

Response: *This section is directed to the Planning authority as it defines the establishment of the zone.*

A R C H I T E C T U R E

Sec. 14-145.14. Permitted uses.

Response: Permitted use within the IR-3 Zone, as it pertains to this Project, has been fully addressed by the inclusion, at the end of this document, of a Conditional Zone Amendment, approved by the Planning Board, and recorded on 9-15-08. This can be found as Appendix A to this document.

Sec. 14-145.14.1. Conditional uses.

Response: This section not applicable.

Sec. 14-145.15. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited. (Ord. No. 29-85, § 1, 7-15-85)

Sec. 14-145.16. Development review

In addition to other applicable requirements, no development shall occur nor shall any new use be established unless the Planning Board finds that the final development plan for the site is in compliance with the following development standards:

- a) *Transportation:* The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

Response: The project is located in close proximity to the Diamond Cove landing of the Casco Bay Lines, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland, or within surface parking in accordance with an agreement with the owner of the lot on the corner of Cross and Fore Streets, as depicted in the attached map and labeled as "Parking Lot 25". The sole means of arrival at the island is by boat transportation (refer to Appendix I below for a full description of the arrival/departure procedures). There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guest luggage to and from the Diamond Cove ferry landing. No ground transportation for guests or staff will go off of the Fort McKinley site. Guests, tenants, invitees and employees will not operate motorized ground transportation to travel off the Fort McKinley project site to the southerly pier except as necessary for emergency purposes. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.

Response: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers are instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Ferry Landing. This will be in the instructions

A R C H I T E C T U R E

to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

The development shall not have a substantial adverse impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.

Response: *The existing Diamond Cove boat landing and Diamond Cove ferry terminal of the Casco Bay lines will be used.*

- b) **Solid waste:** Adequate provision for off-island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.

Response: *All solid waste will be held within the building in a trash room and will be picked up and removed in accordance with the Diamond Cove Homeowner's Association, of which this project will be a member. The project will pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.*

- c) **Sanitary waste:** All sanitary waste from the development shall be disposed of by a public sewer, private community sewer system providing at least secondary treatment, or subsurface sewerage system, in compliance with federal, state and local regulations. The developer shall demonstrate that the project will comply with all applicable federal, state and local water quality and groundwater standards.

Response: *Per our permit from the Maine Department of Environmental Protection, dated September 9, 2009, the project is approved in its design for the removal of sanitary waste. See Appendix C at the end of this document.*

- d) **Water:** The proposed development shall have sufficient water for the reasonably foreseeable needs of the development and shall not cause an unreasonable burden on existing water supply or adversely affect groundwater resources. Unless the development is to be served entirely by public water and secondary treatment sewer systems, the determination of compliance with this provision shall be based upon one (1) or more comprehensive groundwater analyses and reports prepared by qualified professionals and including assessment of current groundwater aquifer conditions, the impact of the proposed development on the groundwater aquifer, and recommendations for mitigation of potential impacts caused by the development.

Response: *The project will have adequate water supply, as described in the Ability to Serve letter from the Portland Water District. This letter is dated January 6, 2012. This is a revised and updated letter.*

- e) **Shoreland areas:** The development shall preserve the natural features of the shoreland area by minimizing the disturbance of existing vegetation and slopes, avoiding development in areas subject to erosion and sedimentation, and conserving scenic views and vistas to and from the site.

Response: *This project is located within the Fort McKinley development, and is not within a Shoreland Area. The project is contained within an existing building, and its associated open space, and will not impact any shoreland areas. Construction of the pool and cabana has been designed to preserve existing beech trees and natural slopes of the terrain.*

A R C H I T E C T U R E

- f) *Environmentally sensitive areas:* The development plan shall preserve significant resources of the site by integrating open space into the development plan and by conserving such features as scenic vistas, historic man-made or natural features, existing vegetation, wetland areas, shoreland areas, ground water, natural wildlife habitat, and recommended or registered State of Maine Critical Land Areas, as well as other environmentally sensitive areas.

Response: The "Double Barracks" (Building 46), as an element of the Fort McKinley development is the primary feature of this site, historically, and visually. The preservation of this building, which is currently in a state of partial collapse, will be returning the site to its historic character. The primary work for the project will be contained within the shell of the existing historic building. The addition to the main building will be contained within the inner courtyard, which was historically an empty space. The construction of the pool and cabana has been designed to preserve existing beech trees and natural slopes of the terrain.

- g) *Recreation and open space:* All open spaces on the site shall be functionally integrated into the development plan by virtue of such features as passive and active recreational opportunities, accessibility to residents, preservation of natural site amenities and resources, orientation to achieve energy conservation or solar access, use as a buffer between housing clusters and to screen the development from surrounding areas.

Response: The work of this project is primarily one of preservation, and rehabilitation of a collapsing historic structure. Open space in the area of the Fort McKinley development will be not only preserved, but enhanced as the wild overgrowth on and around the building is removed to return the site to its historically clear and open character. This project will re-integrate the "Double Barracks" with the larger Fort McKinley complex.

- h) *Financial and technical capability:* The applicant shall demonstrate sufficient financial and technical capability for undertaking the proposed project. Financial capability shall include a cost estimate of the proposed improvements, proposed construction and permanent financing, and terms of sale or lease of dwellings and commercial space. Technical capacity shall include the experience and expertise of the developer in implementing projects of similar scope.

Response: The financial and technical capabilities of the developer, The Inn at Diamond Cove, LLC, are demonstrated with the documents included at the end of this document as Appendix E.

- i) *Environmental impact analysis:* The applicant shall develop an environmental impact analysis including an inventory of existing environmental conditions at the project site and in the surrounding area with an assessment of the development's probable impact upon the environment. The inventory shall include such resources as air, water quality, water supply, surface water and shoreline, geology, soils, topography, wildlife, botanical and aquatic, including rare and endangered species, historic, archeological and aesthetic. The analysis shall include the direct and cumulative adverse impacts of the project on these resources. The analysis shall also include what steps the applicant proposes to take to identify and minimize adverse environmental impacts during construction, management and use of the property and whether there are alternatives for the project which would decrease the impact of the development.

Response: An inventory of the existing environmental conditions at the project site with an assessment of the development's probable impact upon the environment has been provided as part of the MDEP Site Location of Development Act Permit Amendment Application (which can be found at the end of this

A R C H I T E C T U R E

document as Appendix F). A summary of the applicable DEP Application Section References is provided below:

- Section 1 – Development Description*
- Section 6 – Visual Quality and Scenic Character*
- Section 8 – Historic Sites*
- Section 11 – Soils*
- Section 12 – Stormwater Management*
- Section 14 – Erosion and Sedimentation Control*
- Section 16 – Water Supply*
- Section 17 – Wastewater Disposal*

j) *Development phasing:* If the project is to be completed in phases, the applicant shall indicate the schedule for completing and implementing infrastructure improvements as well as other improvements, agreements or services required for compliance with the development standards of this section, planned unit development standards, and site plan and subdivision review requirements.
Response: This project is to be completed in a single construction phase.

k) *Emergency services:* The development shall not place an unreasonable burden on the ability of the city to provide police, fire and other emergency services.
 (Ord. No. 29-85, § 1, 7-15-85)

Response: The project maintains and repairs all emergency access to the site, and does not change the capacity or configuration of said access. The project includes the installation of an automatic sprinkler system, in conformance with NFPA 101 9.7.1.1, which will be supported by a fire pump to ensure and maintain adequate water pressure to operate the sprinklers. The building is also located within very close proximity to the Diamond Cove Fire Station.

Sec. 14-145.17. Dimensional requirements

Response: Dimensional requirements within the IR-3 Zone, as it pertains to this Project, has been fully addressed by the inclusion, at the end of this document, of a Conditional Zone Amendment, approved by the Planning Board, and recorded on 9-15-08. This can be found as Appendix A to this document.

Sec. 14-145.18. Other requirements.

[Other requirements include the following:]

a) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

Response: The project is not within either a shoreland zone or a flood hazard area. See below Appendix G and Appendix H for Zoning and Flood Plane maps.

b) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.

Response: As described above, parking will be maintained on the mainland within the Portland Harbor Hotel parking facilities, and in Parking Lot 25 (shown on attached map). The Portland Harbor Hotel has an agreement with the owner of Lot 25 for capacity to accept additional cars to accommodate the

A R C H E T Y P E

Inn guests. Attached below in Appendix I you will find a letter from the General Manager of the Portland Harbor Hotel defining the process by which guests will be transported to the island. The Inn at Diamond Cove will be operated as a hotel, in that the "owners" of the Hotelinium units are owners in a financial sense, rather than in a "property usage" sense, and would, therefore, be required to follow the same procedure as any other guest in order to use the property.

(Ord. No. 29-85, § 1, 7-15-85; Ord. No. 15-92, § 14, 6-15-92; Ord. No. 240-09/10, 6-21-10)

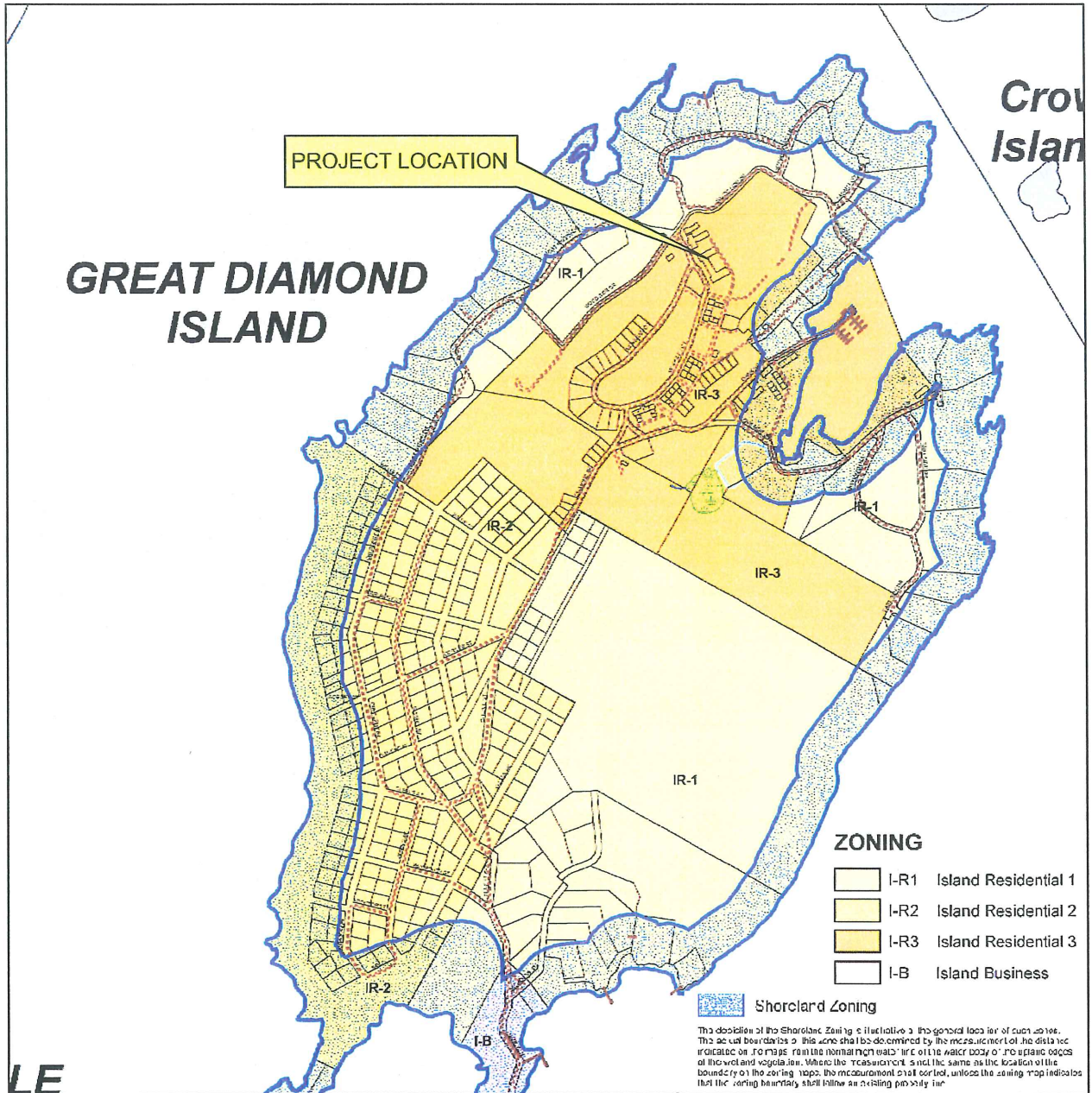
If you have any questions or concerns with our amended application, please let me know and I will address them immediately.

Thank you,



Kevin Gough, Architect
Archetype PA
Portland, ME

- End of Section -
- Attachments Follow -



LE



ZONING MAP

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND - PORTLAND, MAINE**

SOURCE: CITY OF PORTLAND ISLAND ZONING MAP, DECEMBER 2008

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: SEB
CHECKED: JAL
DATE: DECEMBER 2008
FILENAME: 2769 ZONING.DWG
SCALE: 1 inch = 1,000 feet

FIGURE
3



FLOOD MAP
THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND - PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS

DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: JAL
DATE: DECEMBER 2008
FILENAME: 2769-FLOOD
SCALE: 1 inch = 1,000 feet

FIGURE

6

December 5, 2008

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Development Review Application Double Barracks (Building 46) – Great Diamond Island

Dear Rick:

Enclosed is our application for Site Plan Review for the proposed renovations to Building No. 46 (Double Barracks) at Diamond Cove, Great Diamond Island. The development entity is The Inn at Diamond Cove, LLC, a Maine limited liability company. Archetype Architects is submitting this application in their stead.

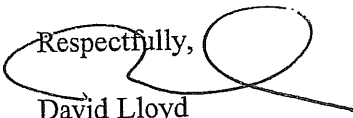
The proposed renovations consist of twenty (20) condominium/hotel units together with some limited common amenities consistent with the operation of a hotel. The following is a summary of the current project status:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties.
2. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.
3. An amendment to the existing site location order for the Diamond Cove Project will also be submitted this month to the Maine D.E.P. to allow the proposed renovations.

The current time line for completion of this project anticipates a May 2009 construction start with a completion date of June 2010.

We look forward to working with this Board to restore the Double Barracks to a productive property which generates real estate taxes and much-needed assessment revenue for the Diamond Cove Homeowners Association.

Respectfully,


David Lloyd
Archetype Architects

(attachments below)

RECEIVED

DEC 5 2008

City of Portland
Planning Division



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: Building 46 Double Barracks
Great Diamond Island

Zone: 1R-3

Project Name: The Inn at Diamond Cove

Existing Building Size: 13,629 sq. ft.	Proposed Building Size: 16,510 sq. ft.
Existing Acreage of Site: 193.4 acres sq.-ft.	Proposed Acreage of Site: .08 acres sq.-ft.

Proposed Total Disturbed Area of the Site: sq. ft. *

* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).

Tax Assessor's Chart, Block & Lot: Chart # 83E Block # F Lot # 460	Property Owners Name/ Mailing address: The Inn at Diamond Cove, LLC PO Box 3572 Portland, ME 04104	Telephone #: (207) 772-2992 Cell Phone #: (207) 332-1459
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone #: David Lloyd Archetype, PA 48 Union Wharf Portland, ME 04101 (207) 772-6022 (207) 831-8627	Applicant's Name/ Mailing Address: The Inn at Diamond Cove, LLC PO Box 3572 Portland, ME 04104	Telephone #: (207) 772-2992 Cell Phone #: (207) 332-1459

Fee for Service Deposit (all applications) X (\$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 _____

~ Please see next page ~

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)

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)

Billing Address: (name, address and contact information)

The Inn at Diamond Cove, LLC
PO Box 3572
Portland, ME 04104

David Bateman (207) 772-2992

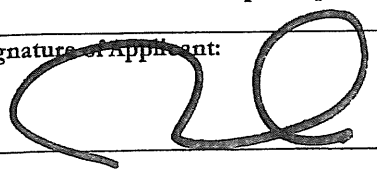
Submittals shall include **seven (7) folded** packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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 Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 12/5/08
---	---------------

January 9, 2009

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Development Review Application Double Barracks (Building 46) – Great Diamond Island

Dear Rick:

We are submitting our revised and extended application for Development Review on behalf of applicant and owner, The Inn at Diamond Cove, LLC, a Maine limited liability company, for a renovation of and addition to Building No. 46 (Double Barracks) at Diamond Cove, Great Diamond Island.

The building in question is substantially deteriorated and in a state of near abandon. The Double Barracks is planned be fully rehabilitated in accordance with the National Park Service and the Portland Historical Board and shall convert the property to a hotel condominium use together with some limited common amenities consistent with the operations of a hotel. The building itself will house 20 residential units, governed by a newly-formed condominium association. Each of the units shall be considered a "lot" within the Diamond Cove Homeowners Association and will be used for purposes consistent with a residential hotel condominium, including reasonable and customary on-site services limited to the owners, their guests, tenants in residence and members of DCHA. The addition will entail a one story lobby structure in the inner courtyard of the existing building with a three story elevator tower and porch addition on the face of the building in that courtyard.

Located in an IR-3 zone, the addition is a permitted use based upon a Zoning Text Amendment to the Fort McKinley Conditional Zone.

The following is a summary of the current project status:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties.
2. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.
3. An amendment to the existing site location order for the Diamond Cove Project will also be submitted this month to the Maine D.E.P. to allow the proposed renovations.

THE FOLLOWING SUBMISSION ITEMS FOR DEVELOPMENT AND SITE PLAN REVIEW ARE LISTED FOR BOTH STATUS AND APPLICABILITY:

Site Plan Checklist:

1. Standard boundary survey;

Building 46 (Double Barracks) was declared as (14) fourteen lots by the declarant as recorded by amended plans recorded on August 22, 2002 in plan book 202, pages 526-528 "Phase I Plan". A copy of that plan is attached as Exhibit I. This plan reflects a building and lot footprint which can be transferred to each individual owner and a dashed line which represents each lot owner's exclusive right to use area (which is part of the Diamond Cove Home Owners Common Space). The Diamond Cove Home Owners Association increased the number of declared lots in Building 46 from (14) fourteen lots to up to a maximum of (22) twenty-two lots by vote of the

association. This vote was recorded in a second amendment to the amended and restated general declaration of covenants and restrictions. A copy of this amendment is attached as Exhibit II. This document was recorded August 28, 2007 at the Cumberland County Register of Deeds.

2. Plans based on the boundary survey including existing soil conditions, water courses, building and grade elevations, building elevation drawings, location of other buildings, on-site waste receptacles, utilities, mains, etcetera;

Included with this application please find one set of "Site Development Plans", prepared by Deluca-Hoffman Associates, the civil engineers for the proposed development. In addition there are included herein architectural plans and building elevations prepared by Archetype Architects. Also see attachment, "Section 14 – Erosion and Sedimentation Control Report".

3. Landscape Plan;

A landscape plan has not been included with this submission. In conformance with the requirements of the National Park Service, the landscape around the building will remain as grass, consistent with the original barrack's design and the current condition (with improvements).

4. Location and intensity of outdoor lighting system;

The outdoor lighting system plan and photometrics is being prepared by our electrical engineer and will be provided as soon as it becomes available.

5. Location of fire hydrants, existing and proposed;

See attached drawing entitled "Existing Hydrant Location" prepared by Deluca-Hoffman Associates. See Exhibit 3, attached.

6. Description of proposed uses to be located on site;

The proposed renovations consist of twenty (20) condominium/hotel units together with some limited common amenities consistent with the operation of a hotel.

7. Quantity and type of residential units;

See Item 6 above.

8. Total land area of the site;

Refer to Item 1 above, as well as to Exhibit I attached.

9. Total floor area, disturbed area, and ground coverage of proposed structure;

The existing structure has a footprint of 13,629 square feet. The proposed total disturbed area of the site is 0.8 acres (34,848 square feet). The ground coverage of the proposed addition to the building is 2,881 square feet.

10. General summary of existing and proposed easements or other burdens;

N/A

11. Type, quantity and method of handling solid waste disposal; *This document is forthcoming.*

12. Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water, and streets;

Water Capacity Letter and Sewer Capacity letters to follow.

13. Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff;

See attachment, "Section 12 – Stormwater Management Report", prepared by Deluca-Hoffman, December 2008.

A R C H I T E C T Y P E

14. An estimate of the time period required for completion of the development;

The current time line for completion of this project anticipates a May 2009 construction start with a completion date of June 2010.

15. A list of all state and federal regulatory approvals to which the development may be subject. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction;

An amended waste water discharge license application has been completed and is pending approval. An amended waste water discharge license application has been completed and will be filed with the Maine Department of Environmental Protection this month.

16. Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved;

See attachment from David A. Bronson, Senior Vice President, TD Banknorth; dated April 29, 2008. In addition, Archetype Architects has designed and completed numerous building projects throughout the city of Portland. See Exhibit 4, attached.

17. Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation;

See attachment, "Warranty Deed", dated November 8, 2006. Exhibit 5.

18. A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site;

There are none, to our knowledge.

Respectfully,



David Lloyd
Archetype Architects

(attachments below)

A R C H E T Y P E

November 18, 2009

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island

Rick:

Given the amount of time that has passed, allow me to re-introduce the Great Diamond Island Project as we request inclusion on the next Planning Board agenda. As you will recall, a workshop was held on January 27 of 2009, the results of which will be addressed here as an amendment to the pre-established Site Plan Application on file with your Department.

The following is a summary of the current project status, with a listing of items provide within this current amendment to our application:

1. The proposed renovation plans have been reviewed and approved by the National Park Service for compliance with the guidelines for renovations to historic properties. A copy of the National Park Service approval letter is attached below.
2. On September 16, 2009 the City of Portland's Historic Preservation Board voted in favor of approval for our application for a Certificate of Appropriateness for the project as presented. The letter from Deborah Andrews is attached below.
3. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to show the location of the nearest fire hydrant as well as the size of the water lines. The building fire protection sprinkler line will be serviced by an existing 6" diameter water main. Attached please find a letter dated May 6, 2009 from the Portland Water District which provides the certification of the ability of the Water District to serve the project. A copy of the ability to serve letter from the Portland Water District is contained in Attachment C of this response letter. The Inn at Diamond Cove will be served by connection to the private sanitary sewer collection system that is treated by the Overboard Discharge System that has a waste discharge license through the MeDEP. The waste discharge license was amended as part of the MeDEP review process. A copy of the amended waste discharge license is contained in an attachment to this response letter.
4. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to reflect the approximate pavement width of the roadway along the front and rear of the building. Any disturbed roadway surface behind the building will be reconstructed with concrete similar to the existing surface.
5. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to indicate a 6' by 15' parking stall for the electric transportation vehicle to transport people from the Inn to the Diamond Cove pier.
6. Pursuant to the bicycle rack requirement, section 14-526(2)(c), the Site Layout & Utility Plan (Sheet C-4) has been revised to reflect bike storage racks sufficient for eight (8) bikes.
7. It is anticipated that all soil materials excavated as part of this project will either be re-used as backfill material or used in fill areas around the pool, etc. It is not anticipated that there will be any surplus excavation material that will need to be disposed off-site.
8. A Landscape Plan has been prepared for the project and is depicted as Sheet C-7 of the plan set.
9. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to provide a summary of the building floor areas and dimensions; the footprint area (sq. ft.) and dimensions of the inn; floor area of the building addition and elevator; and the footprint and floor area of swimming pool and cabana.
10. The stormwater drainage plan has been revised to eliminate a single stormwater drainage basin and replace with several smaller bioretention basins. The bioretention basins provide water quality treatment as required by the MeDEP under the State Stormwater Law. This change in the stormwater drainage plan was submitted to the MeDEP

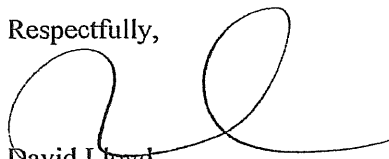
A R C H E T Y P E

- in March of 2009 and approved as part of the Site Location of Development Act Permit Amendment. A copy of the Amended Site Location of Development Act Permit is contained in an attachment to this letter.
11. As requested, the Site Layout & Utility Plan (Sheet C-4) has been revised to include a unit summary table as well as the designated land areas associated with the exclusive right-to-use area, long-term ground lease area, and permanent drainage & maintenance easement area.
 12. A letter from the General Manager of the Portland Harbor Hotel is attached below, which indicates the manner in which all guest parking will be handled on the mainland. There will be no parking on the island.
 13. It is anticipated that all soil materials excavated as part of this project will either be re-used as backfill material or used in fill areas around the pool, etc. It is not anticipated that there will be any surplus excavation material that will need to be disposed off-site.
 14. The Inn will not have a full kitchen area used for preparing foods, etc., but rather will be limited to serving continental breakfast, etc. that is customary to an Inn in accordance with the requirements set forth in the amended waste discharge license. Preparation of food for events requiring service beyond this will be catered through the Diamond Edge Restaurant.
 15. As a means of satisfying the Board's and Zoning's request for context and area maps of the Island, the cover sheet for the Site Plans contains an excerpt of the USGS Map that depicts the location of the Inn on the Diamond Island, and within the context of the Fort McKinley plan.
 16. The outdoor lighting system plan and photometrics is being prepared by our electrical engineer and will be provided as soon as it becomes available.
 17. The current time line for completion of this project anticipates a May 2010 construction start with a completion date of June 2011.
 18. In response to Comments from Dan Goyette, P.E. of Woodard Curran dated December 30, 2008, a copy of the test pit logs prepared by Albert Frick Associates has been added to Sheet C-3 of the plan set.
 19. The storm drain system for the project has been revised from the original site plan submission to the City. The current design includes the use of shallow nyloplast yard inlets without the need for hooded outlets. The detail for the catch basins has been revised on Sheet C-9 of the plan set.
 20. As requested by Dan Goyette, P.E., the Grading & Drainage Plan (Sheet C-5) has been revised to identify the pipe materials.

As can be seen from the above listing, our project team finds itself in conformance with the outstanding issues which our records indicate were addressed in our previous Planning Board Workshop. We seek to be included on an upcoming agenda for another workshop in order that we can move forward in the process towards an approved site plan.

We thank you for your time and your attention to the project. We are available any time to clarify or discuss these items.

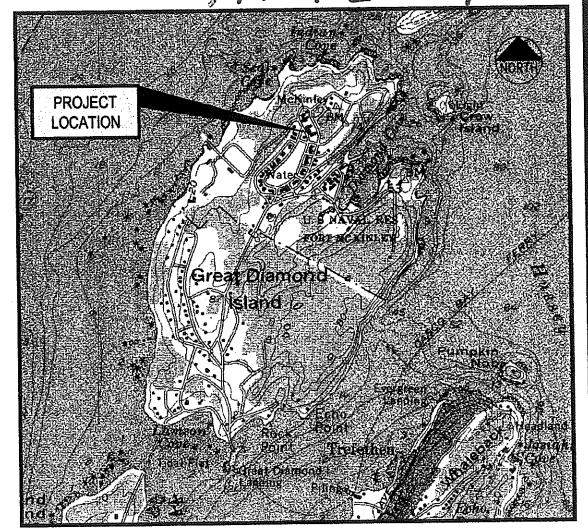
Respectfully,



David Lloyd
Archetype Architects

(attachments below)

ATT. 2-C-1



LOCATION MAP
N.T.S.

SITE DEVELOPMENT PLANS

FOR

THE INN AT DIAMOND COVE

GREAT DIAMOND ISLAND

PORTLAND, MAINE

JANUARY 2012

PROJECT PARCEL SITE
PORTLAND TAX ASSESSOR'S MAP & LOT NUMBERS

MAP	BLOCK	LOT
83-E	E	460

OWNER/APPLICANT:
The Inn at Diamond Cove LLC
c/o Bateman Partners LLC
P.O. Box 3572
Portland, Maine 04104
TEL. 207.772.2992
FAX 207.772.1881

INDEX

- C-1 COVER SHEET
- C-2 GENERAL NOTES & LEGEND
- C-3 EXISTING CONDITIONS & DEMOLITION PLAN
- C-4 SITE LAYOUT & UTILITY PLAN
- C-5 OVERALL GRADING, DRAINAGE & EROSION CONTROL PLAN
- C-6 DETAILED GRADING PLAN (10 SCALE)
- C-7 LANDSCAPE PLAN
- C-8 EROSION CONTROL DETAILS & NARRATIVE
- C-9 SITE DETAILS
- C-10 SITE DETAILS

UTILITIES

- WATER**
ATTN: RICO SPUGNARDI
PORTLAND WATER DISTRICT
225 DOUGLASS STREET
P.O. BOX 3553
PORTLAND, MAINE 04104-3553
TEL: 207.761.8310
- SEWER**
PRIVATELY OWNED
DIAMOND COVE HOMEOWNERS ASSOC.
AND THE INN AT DIAMOND COVE LLC
- POWER**
ATTN: JEFF HANSCOM
CENTRAL MAINE POWER COMPANY
162 CANCO ROAD
PORTLAND, MAINE 04103
TEL: 207.791.1023
- TELEPHONE**
ATT: SUE SERRETTE
FAIRPOINT COMMUNICATIONS
ONE DAVIS FARM ROAD
PORTLAND, MAINE 04103
TEL: 207.797.1842
- NATURAL GAS**
ATTN: MIKE SMITH
NORTHERN UTILITIES, INC.
1075 FOREST AVENUE
PORTLAND, MAINE 04103
TEL: 207.797.8002 EXT. 6220

PERMITS

- LOCAL**
SITE PLAN PERMIT
- GOVERNING BODY**
CITY OF PORTLAND PLANNING AUTHORITY
PLANNING AND URBAN DEVELOPMENT DEPARTMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101
TEL: 207.874.8683
- STATUS**
PRELIMINARY SUBMISSION JANUARY 2, 2012
- BUILDING PERMIT**
- CITY OF PORTLAND CODE ENFORCEMENT OFFICE**
PLANNING AND URBAN DEVELOPMENT DEPARTMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101
TEL: 207.874.8683
- TO BE FILED PRIOR TO CONSTRUCTION**
- STATE**
SITE LOCATION OF
DEVELOPMENT PERMIT
AMENDMENT
- GOVERNING BODY**
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
312 CANCO ROAD
PORTLAND, MAINE 04103
TEL: 207.822.6300
- STATUS**
SUBMITTED MARCH 12, 2009
APPROVED SEPTEMBER 23, 2009
- MAINE POLLUTANT DISCHARGE
ELIMINATION SYSTEM (MPDES)**
- MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**
312 CANCO ROAD
PORTLAND, MAINE 04103
TEL: 207.822.6300
- APPROVED SEPTEMBER 23, 2009**
- COMMERCIAL WASTEWATER
DISCHARGE LICENSE**
- MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**
STATE HOUSE STATION 17
AUGUSTA, MAINE 04333-0017
TEL: 207.287.2111
- STATUS**
SUBMITTED DECEMBER 31, 2008
APPROVED SEPTEMBER 15, 2009

PREPARED BY

- ARCHITECT**
Archetype, P.A.
48 UNION WHARF
PORTLAND, MAINE 04101
TEL: 207.772.6022
FAX: 207.772.4056
ATTN: DAVID LLOYD
- CIVIL ENGINEER:**
DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL: 207.775.1121
FAX: 207.879.0896
- TOPOGRAPHIC SURVEY:**
DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL: 207.775.1121
FAX: 207.879.0896

PRELIMINARY - NOT FOR CONSTRUCTION

I HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE AND THAT I AM COMPETENT TO PREPARE THIS DOCUMENT.

		PROJECT THE INN AT DIAMOND COVE	DeLUCA-HOFFMAN ASSOCIATES, INC. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM
SHEET TITLE COVER SHEET		DRAWN: CDD DATE: DEC. 2008 DESIGNED: JAL SCALE: AS NOTED CHECKED: JAL JOB NO. 2769 FILE NAME: 2769-COV SHEET C-1	
CLIENT THE INN AT DIAMOND COVE LLC			
REV. DATE DESCRIPTION	REVISIONS		
P.E. JOSEPH A. LAVERRIERE LIC. #7417			

R:\2769 Diamond Cove\Cadd\dwg\Permit set\2769-COV.dwg, C-1 COVER, 3/2/2012 5:27:31 PM, cdubs

2-C-2

GENERAL NOTES:

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF ALL REGULATIONS ADMINISTERED BY THE LOCAL UTILITY COMPANIES AND THE CITY OF PORTLAND.
- THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF THE ENTRANCES, PAVING, EXITS, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY ENTRANCE POINTS.
- ALL REQUIRED AND NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL SERVICE CONNECTIONS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE (1-888-DIGSAFE). IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ONSITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO PROJECT CONTRACT SPECIFICATIONS, AND THE CITY OF PORTLAND TECHNICAL STANDARDS, WHICHEVER IS MORE STRINGENT.
- THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICTED IN THIS APPROVED PLAN. ALL ELEMENTS AND FEATURES OF THE PLAN AND ALL THE PROPERTY WHICH APPEARS IN THE RECORD OF THE PLANNING BOARD PROCEEDINGS ARE CONDITIONS OF THE APPROVAL. NO CHANGE FROM THE CONDITIONS OF APPROVALS IS PERMITTED UNLESS AN AMENDED PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING AUTHORITY.
- THE CONTRACTOR OR DEVELOPER IS REQUIRED TO NOTIFY THE CITY OF PORTLAND PUBLIC WORKS INSPECTION SERVICES DIVISION (874-8300 EXT. 8838), CODE ENFORCEMENT OFFICE AND DEVELOPMENT REVIEW COORDINATOR IN WRITING THREE (3) DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION. SHOULD THE IMPROVEMENTS BE OF SIGNIFICANT CONCERN OR IN A SENSITIVE AREA, A PRECONSTRUCTION MEETING MAY BE REQUIRED AT THE DISCRETION OF THE PUBLIC WORKS AUTHORITY OR DEVELOPMENT REVIEW COORDINATOR.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE. THE DEVELOPER, OR AN AUTHORIZED AGENT, MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- WARNING SIGNS, MARKERS, BARRICADES OR FLAGMEN MUST BE EMPLOYED ON ADJACENT STREETS AS NECESSARY.
- CONSTRUCTION DEBRIS SHALL BE CONTAINERIZED AND DISPOSED OF IN ACCORDANCE WITH THE CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 12.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO INSURE INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT.

SITE LAYOUT & LANDSCAPE NOTES:

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE EDGE OF PAVEMENT OR THE FACE OF THE BUILDING.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

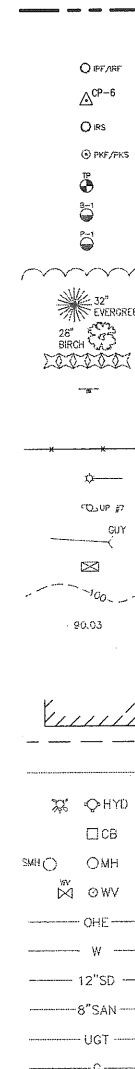
EROSION CONTROL NOTES:

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED DURING CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
- PRIOR TO PAVING, THE CONTRACTOR SHALL FLUSH SILT FROM ALL STORM DRAIN LINES.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
- SILT REMOVED FROM AROUND INLETS AND BEHIND THE SILT FENCES SHALL BE PLACED ON A TOPSOIL STOCKPILE AND MIXED INTO IT FOR LATER USE IN LANDSCAPING OPERATIONS.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL STORM DRAIN INLETS AND OUTLETS NOT IN PAVED AREAS ARE TO RECEIVE RIPRAP PROTECTION APRONS DURING CONSTRUCTION.

UTILITY NOTES:

- ALL WATER UTILITY MATERIALS AND INSTALLATION METHODS SHALL CONFORM TO THE PORTLAND WATER DISTRICT STANDARDS & THE MAINE STATE PLUMBING CODE. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARD C651, LATEST REVISION.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ELECTRIC WITH CENTRAL MAINE POWER COMPANY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TOTAL INSTALLATION OF THE OVERHEAD AND UNDERGROUND SERVICE INCLUDING, BUT NOT LIMITED TO, ALL TRENCHING, CONDUIT, PRIMARY AND SECONDARY CABLES, TERMINATORS, CONNECTORS, PULL WIRES, SPARE CONDUIT, JUNCTION MANHOLES AND APPURTENANCES.
- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF TELEPHONE WITH FAIRPOINT COMMUNICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUITS, EXCAVATION, BACKFILL, JUNCTION BOXES, APPURTENANCES AND SCHEDULING THE INSTALLATION OF THE SERVICE.
- SANITARY SEWER PIPE SHALL BE POLYVINYL CHLORIDE PIPE MEETING THE REQUIREMENTS OF SDR-35 FOR GRAVITY PIPE AND DR 21 FOR PRESSURE LINES, UNLESS OTHERWISE NOTED ON THE PLANS. ALL SEWER UTILITY MATERIALS AND INSTALLATION METHODS SHALL CONFORM TO CITY OF PORTLAND STANDARDS.
- ALL STORM DRAIN PIPE SHALL BE SMOOTH BORE INTERIOR PROVIDING A MANNINGS COEFFICIENT OF n = 0.012 OR LESS.

EXISTING

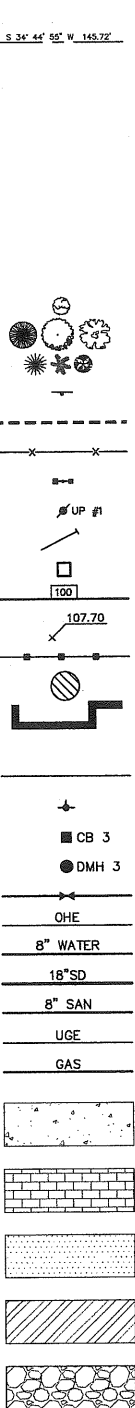


LEGEND

DESCRIPTION

- PROPERTY/ROW LINE
- CONSTRUCTION BASELINE
- IRON PIPE/ROD FOUND
- SURVEY CONTROL POINT
- IRON ROD SET
- P.K. NAIL FOUND/SET
- TEST PIT
- TEST BORING
- TEST PROBE
- TREELINE
- EVERGREEN TREE
- DECIDUOUS TREE
- SHRUB
- SIGN
- LIMIT OF WORK
- CHAIN LINK FENCE
- LIGHT POST
- UTILITY POLE
- GUY WIRE
- ELECTRIC CONTROL BOX
- GRADING CONTOUR LINE
- GRADING SPOT GRADE
- SILT FENCE
- CATCH BASIN SEDIMENT TRAP
- BUILDING
- BUILDING SETBACK
- EDGE OF PAVEMENT
- FIRE HYDRANT
- CATCH BASIN
- MANHOLE
- WATER GATE/VALVE
- OVERHEAD WIRES
- WATER LINE
- STORM DRAIN LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC/TELEPHONE
- GAS MAIN
- CONCRETE PAVEMENT
- PAVERS
- BITUMINOUS PAVEMENT
- DECK
- RIPRAP
- LEDGE

PROPOSED



PRELIMINARY - NOT FOR CONSTRUCTION

R:\2769 Diamond Cove\dwg\Permit set\2769-GEN.dwg, C-2 GEN NOTES, 3/2/2012 5:28:13 PM, caube

<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>5</td> <td>03.05.12</td> <td>RESUBMITTED TO CITY OF PORTLAND</td> </tr> <tr> <td>4</td> <td>01.02.12</td> <td>RESUBMITTED TO CITY OF PORTLAND</td> </tr> <tr> <td>3</td> <td>11.11.09</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> <tr> <td>2</td> <td>03.12.09</td> <td>SUBMITTED TO MD&EP</td> </tr> <tr> <td>1</td> <td>12.05.08</td> <td>SUBMITTED TO CITY OF PORTLAND FOR REVIEW</td> </tr> </table>			REV	DATE	DESCRIPTION	5	03.05.12	RESUBMITTED TO CITY OF PORTLAND	4	01.02.12	RESUBMITTED TO CITY OF PORTLAND	3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW	2	03.12.09	SUBMITTED TO MD&EP	1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW		<p>PROJECT: THE INN AT DIAMOND COVE</p> <p>SHEET TITLE: GENERAL NOTES & LEGEND</p> <p>CLIENT: THE INN AT DIAMOND COVE LLC</p>	<p>DeLUCA-HOFFMAN ASSOCIATES, INC. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM</p> <p>DRAWN: CDD DATE: DEC. 2008 DESIGNED: JAL SCALE: N.T.S. CHECKED: JAL JOB NO. 2769 FILE NAME: 2769-GEN SHEET: C-2</p>
REV	DATE	DESCRIPTION																					
5	03.05.12	RESUBMITTED TO CITY OF PORTLAND																					
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND																					
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW																					
2	03.12.09	SUBMITTED TO MD&EP																					
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW																					

2-C-3

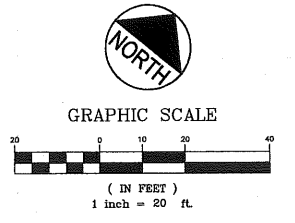
THE SURFICIAL TEST PITS (AF TP 1) SHOWN ON THIS PLAN WERE PERFORMED AND EVALUATED BY ALBERT FRICK, C.S.S. #66, S.E. #163, OF ALBERT FRICK ASSOCIATES, INC., GORHAM, MAINE. THE SURFICIAL TEST PITS WERE GPS LOCATED BY ALBERT FRICK ASSOCIATES, INC. THE RESULTS OF THE TEST PITS ARE SHOWN ON THIS SHEET.

APPROXIMATE LOCATION OF EXCLUSIVE RIGHT-TO-USE AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527)

Soil Description and Classification (Location of Observation Holes Shown Above)	
Observation Hole	Test Pit
Depth of Organic Horizon Above Measurement	Depth of Organic Horizon Above Measurement
Texture	Consistency
Color	Moisture

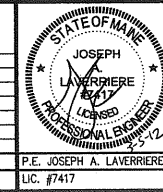
Soil Description and Classification (Location of Observation Holes Shown Above)	
Observation Hole	Test Pit
Depth of Organic Horizon Above Measurement	Depth of Organic Horizon Above Measurement
Texture	Consistency
Color	Moisture

- KEY**
- EXISTING CONCRETE TO BE REMOVED
 - EXISTING PAVEMENT TO BE REMOVED
 - EXISTING TREES/BRUSH TO BE REMOVED
 - EXISTING TREE PROTECTION (SEE DETAIL F ON SHEET C-10)



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
7	03.05.12	RESUBMITTED TO CITY OF PORTLAND
6	01.13.12	ADDED TREE PROTECTION SYMBOL
5	01.02.12	RESUBMITTED TO CITY OF PORTLAND
4	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
3	03.12.09	SUBMITTED TO M&DEP
2	01.15.09	REVISED PER INTERNAL REVIEW
1	12.03.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT: THE INN AT DIAMOND COVE
 SHEET TITLE: EXISTING CONDITIONS & DEMOLITION PLAN
 CLIENT: THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207.775.1121
 WWW.DELUCAHOFFMAN.COM
 DRAWN: CDD DATE: DEC. 2008
 DESIGNED: JAL SCALE: 1" = 20'
 CHECKED: JAL JOB NO.: 2769
 FILE NAME: 2769-SP
 SHEET: C-3

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STORM DRAIN STRUCTURE SCHEDULE				
STRUCTURE I.D.	RIM	SIZE	INV. IN / SIZE / FROM	INV. OUT / SIZE / TO
CB 1	99.5	15" NYLOPLAST	95.00 / 4"UD / BLDG. 96.50 / 4"UD / W.Q. FILTER 1	94.80 / 12" / CB 2
CB 2	98.9	15" NYLOPLAST	94.27 / 12" / CB 3 94.27 / 12" / CB 1	94.17 / 12" / CB 6
CB 3	98.5	15" NYLOPLAST	95.00 / 4"UD / BIO. RET. 3	94.51 / 12" / CB 2
CB 4	98.5	15" NYLOPLAST	95.00 / 4"UD / BIO. RET. 4	94.60 / 12" / CB 3
CB 5	99.5	15" NYLOPLAST	95.00 / 4"UD / BLDG. 96.50 / 4"UD / W.Q. FILTER 2	94.80 / 12" / CB 6
CB 6	99.5	15" NYLOPLAST	93.58 / 12" / CB 2 94.40 / 12" / CB 4 94.27 / 12" / CB 5 96.50 / 4"UD / BIO. RET. 1	93.48 / 12" / OUTLET

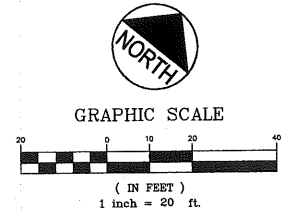
STORM DRAIN PIPE SCHEDULE				
PIPE I.D.	PIPE MATERIAL	DIAMETER	LENGTH	SLOPE
SD 1	HDPE / PVC	12"	53'	0.0100
SD 2	HDPE / PVC	12"	24'	0.0100
SD 3	HDPE / PVC	12"	59'	0.0100
SD 4	HDPE / PVC	12"	20'	0.0100
SD 5	HDPE / PVC	12"	53'	0.0100
SD 6	HDPE / PVC	12"	108'	0.0137

NOTES:

- SEE SHEET C-6 FOR DETAILED GRADING NEAR THE BUILDING ADDITION.
- THE LOCATION OF THE EXISTING WATER MAIN DEPICTED NEAR THE PROPOSED BUILDING ADDITION IS APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT THE WATER MAIN DURING CONSTRUCTION.

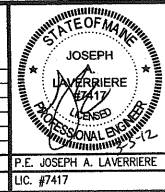
LEGEND

- CATCH BASIN SEDIMENT BARRIER
- RIPRAP
- SILTATION FENCE OR EROSION CONTROL MIX BERM SEDIMENT BARRIER
- SOIL FILTER



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
6	03.05.12	RESUBMITTED TO CITY OF PORTLAND
5	01.17.12	ADDED BOLLARD LIGHTS
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO M&DP
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



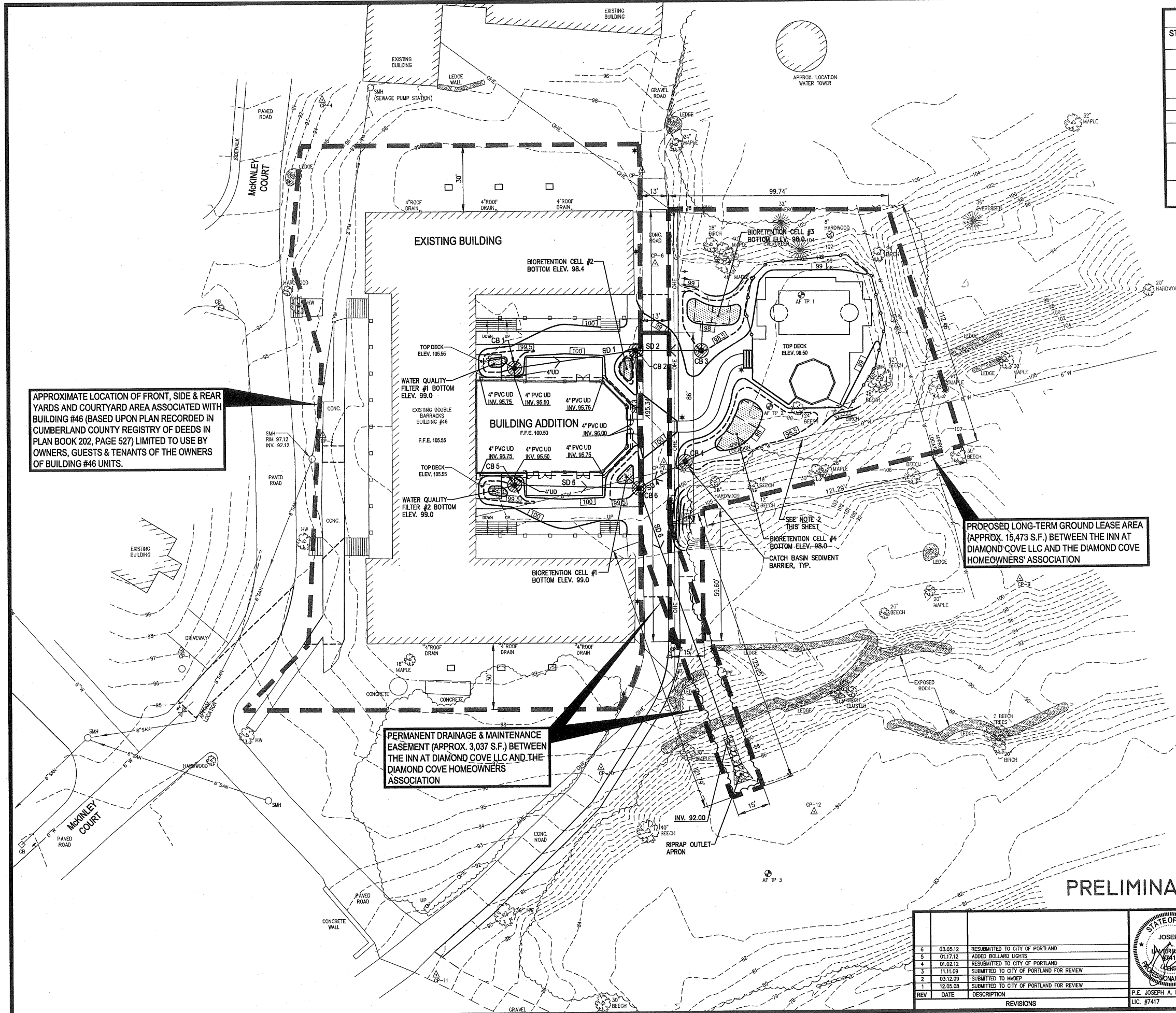
PROJECT
THE INN AT DIAMOND COVE

SHEET TITLE
OVERALL GRADING, DRAINAGE & EROSION CONTROL PLAN

CLIENT
THE INN AT DIAMOND COVE LLC

DH DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: 1" = 20'
CHECKED: JAL JOB NO. 2769
FILE NAME: 2769-SP
SHEET **C-5**



APPROXIMATE LOCATION OF FRONT, SIDE & REAR YARDS AND COURTYARD AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527) LIMITED TO USE BY OWNERS, GUESTS & TENANTS OF THE OWNERS OF BUILDING #46 UNITS.

PROPOSED LONG-TERM GROUND LEASE AREA (APPROX. 15,473 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS' ASSOCIATION

PERMANENT DRAINAGE & MAINTENANCE EASEMENT (APPROX. 3,037 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS' ASSOCIATION

LAYOUT DATA TABLE:

PT. #	DESCRIPTION	NORTHING	EASTING
1	SURVEY CONTROL PT.	N 10000	E 10000
2	SURVEY CONTROL PT.	N 9878.622	E 9813.5874
3	SURVEY CONTROL PT.	N 9734.6052	E 9916.5934
4	BUILDING CORNER	N 9791.7564	E 9907.6251
5	BUILDING CORNER	N 9826.811	E 9884.3529

SITE LAYOUT NOTES:

1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE EDGE OF PAVEMENT OR THE FACE OF THE BUILDING.

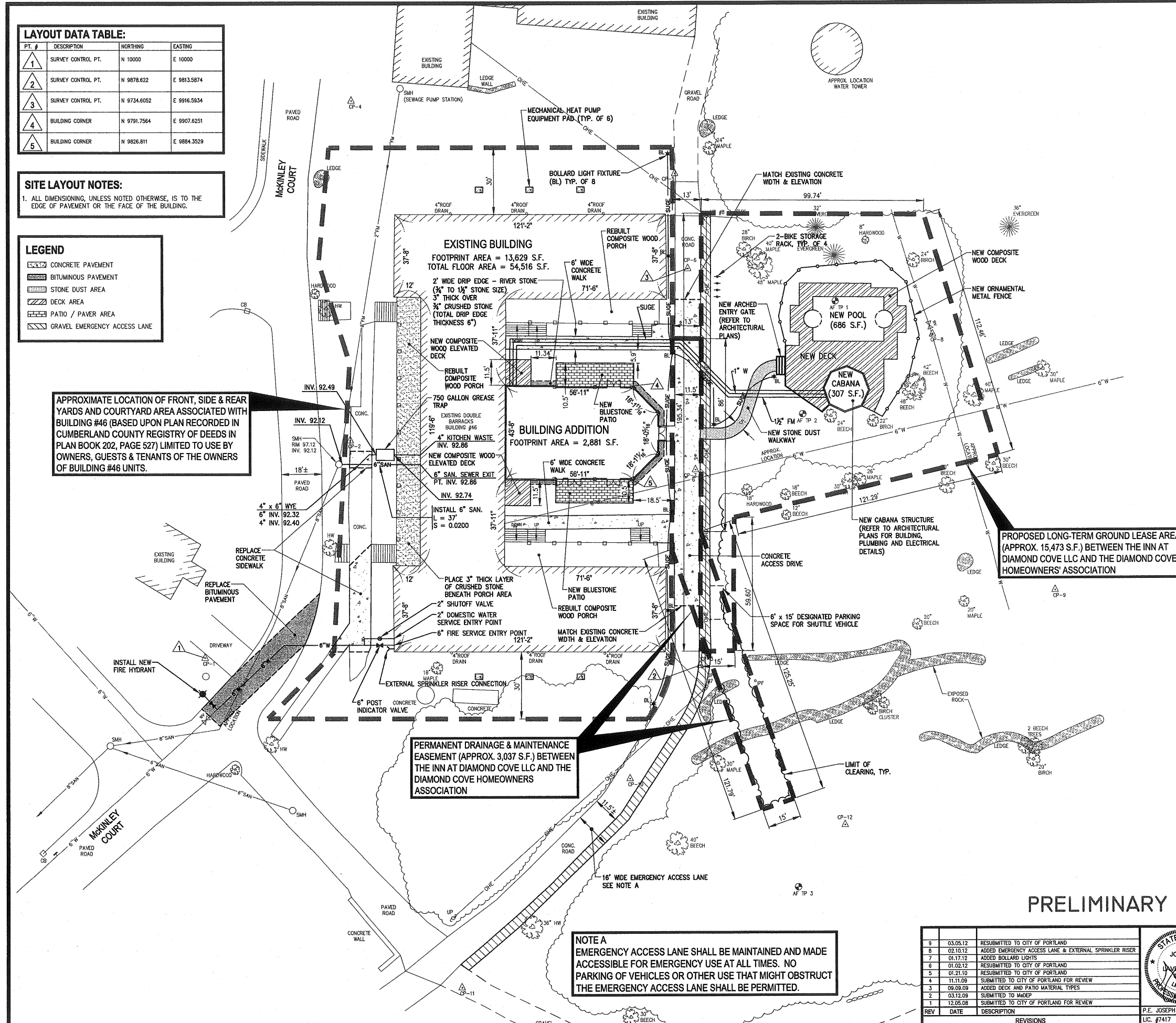
LEGEND

- CONCRETE PAVEMENT
- BITUMINOUS PAVEMENT
- STONE DUST AREA
- DECK AREA
- PATIO / PAVER AREA
- GRAVEL EMERGENCY ACCESS LANE

APPROXIMATE LOCATION OF FRONT, SIDE & REAR YARDS AND COURTYARD AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN PLAN BOOK 202, PAGE 527) LIMITED TO USE BY OWNERS, GUESTS & TENANTS OF THE OWNERS OF BUILDING #46 UNITS.

SUMMARY OF PROPOSED HOTEL CONDOMINIUM UNITS

FLOOR	UNIT NUMBER	LOCKOUT UNIT (Y / N)
BASEMENT/FIRST FLOOR	101	Y
BASEMENT/FIRST FLOOR	102	Y
BASEMENT/FIRST FLOOR	103	Y
BASEMENT/FIRST FLOOR	106	Y
BASEMENT/FIRST FLOOR	108	Y
BASEMENT/FIRST FLOOR	110	Y
BASEMENT/FIRST FLOOR	111	Y
BASEMENT/FIRST FLOOR	112	Y
FIRST	104	Y
FIRST	105	Y
FIRST	107	Y
FIRST	109	Y
SECOND FLOOR	201	Y
SECOND FLOOR	202	Y
SECOND FLOOR	203	Y
SECOND FLOOR	205	Y
SECOND FLOOR	207	Y
SECOND FLOOR	208	Y
SECOND FLOOR	209	Y
SECOND FLOOR	210	Y
SECOND/THIRD FLOOR	204	Y
SECOND/THIRD FLOOR	206	Y
TOTAL UNITS 22		TOTAL LOCKOUTS 22

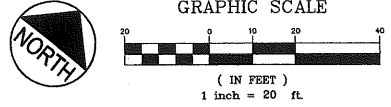


PERMANENT DRAINAGE & MAINTENANCE EASEMENT (APPROX. 3,037 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION

PROPOSED LONG-TERM GROUND LEASE AREA (APPROX. 15,473 S.F.) BETWEEN THE INN AT DIAMOND COVE LLC AND THE DIAMOND COVE HOMEOWNERS ASSOCIATION

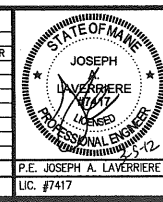
NOTE A
EMERGENCY ACCESS LANE SHALL BE MAINTAINED AND MADE ACCESSIBLE FOR EMERGENCY USE AT ALL TIMES. NO PARKING OF VEHICLES OR OTHER USE THAT MIGHT OBSTRUCT THE EMERGENCY ACCESS LANE SHALL BE PERMITTED.

PRELIMINARY - NOT FOR CONSTRUCTION



REVISIONS

REV	DATE	DESCRIPTION
9	03.05.12	RESUBMITTED TO CITY OF PORTLAND
8	02.10.12	ADDED EMERGENCY ACCESS LANE & EXTERNAL SPRINKLER RISER
7	01.17.12	ADDED BOLLARD LIGHTS
6	01.02.12	RESUBMITTED TO CITY OF PORTLAND
5	01.21.10	RESUBMITTED TO CITY OF PORTLAND FOR REVIEW
4	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
3	09.09.09	ADDED DECK AND PATIO MATERIAL TYPES
2	03.12.09	SUBMITTED TO MADEP
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT: THE INN AT DIAMOND COVE
SHEET TITLE: SITE LAYOUT & UTILITY PLAN
CLIENT: THE INN AT DIAMOND COVE LLC

DoLUCIA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: 1" = 20'
CHECKED: JAL JOB NO. 2769
FILE NAME: 2769-SP
SHEET: C-4

EXISTING BUILDING

BUILDING ADDITION

WATER QUALITY FILTER #1
BOTTOM ELEV. 99.0

EXISTING DOUBLE
BARRACKS
BUILDING #46

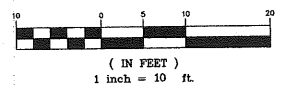
WATER QUALITY FILTER #2
BOTTOM ELEV. 99.0

NOTES:

- SEE SHEET C-5 FOR STORM DRAIN STRUCTURE SCHEDULE & PIPE SCHEDULE.
- THE LOCATION OF THE EXISTING WATER MAIN DEPICTED NEAR THE PROPOSED BUILDING ADDITION IS APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT THE WATER MAIN DURING CONSTRUCTION.

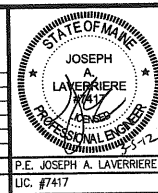


GRAPHIC SCALE



PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
6	03.05.12	RESUBMITTED TO CITY OF PORTLAND
5	01.17.12	ADDED BOLLARD LIGHTS
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
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2	03.12.09	SUBMITTED TO M&OEP
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
		REVISIONS



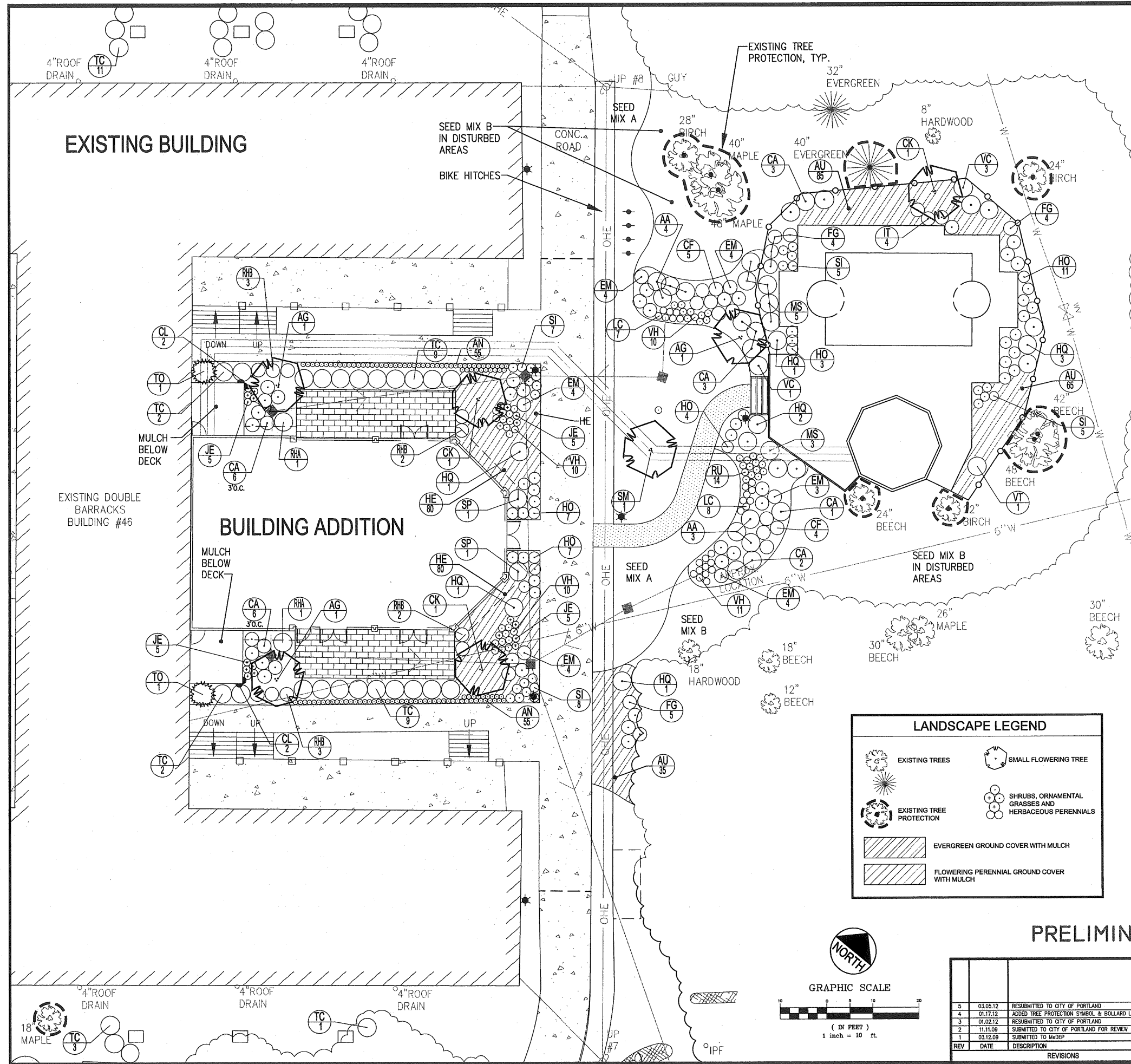
PROJECT
THE INN AT DIAMOND COVE

SHEET TITLE
**DETAILED GRADING PLAN
(10 SCALE)**

CLIENT
THE INN AT DIAMOND COVE LLC

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.778.1121
WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: 1" = 10'
CHECKED: JAL JOB NO. 2769
FILE NAME: 2769-SP
SHEET **C-6**

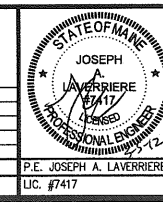


PLANT LIST						
KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	ROOT	SPACING	REMARKS
TREES						
AG	3	Amelanchier x grandiflora 'Autumn Brilliance' Autumn Brilliance Serviceberry	1 1/2-2" cal.	B&B		2-3 trunked, tree form
CK	3	Cornus kousa Korean Dogwood	5-6' ht.	B&B		
SM	1	Magnolia soulangeana Saucer Magnolia	5-6' ht.	B&B		
SHRUBS & ORNAMENTAL GRASSES						
AA	7	Aronia arbutifolia 'Brilliantissima' Red Chokeberry	18-24" ht.	3 gal.	4' o.c.	
CA	21	Clethra alnifolia 'Compacta' Compact Sweet Pepperbush	18-24" ht.	3 gal.	4' o.c. or as noted	
FG	13	Fothergilla gardenii Dwarf Bottlebrush Bush	18-24" ht.	3 gal.	3' o.c.	
HQ	9	Hydrangea quercifolia 'Snow Queen' Oakleaf Hydrangea	18-24" ht.	3 gal.	4' o.c.	
IT	4	Itea virginica 'Little Henry' Sweetspire	15-18" ht.	3 gal.	3' o.c.	
MS	8	Miscanthus sinensis purpureus Flame Grass	full	3 gal.	4' o.c.	
RHA	2	Rhododendron 'America' Rhododendron, red	24-30" ht.	B&B		large leaf
RHB	10	Rhododendron 'Boule de Neige' Rhododendron, white	18-24" ht.	cont./B&B	4' o.c.	large leaf
SP	2	Syringa patula 'Miss Kim' Korean Lilac	2 1/2-3' ht.	cont./B&B		purple flower
TC	37	Taxus cuspidata 'Greenwave' Greenwave Yew	18-24" spr.	cont./B&B	4' o.c.	
TO	2	Thuja occidentalis 'Smaragd' Emerald Green Arborvitae	5-6' ht.			
VC	4	Viburnum cassinoides Withered Viburnum	24-30" ht.	cont./B&B	4' o.c.	
VT	1	Viburnum trilobum 'Alfredo' Alfredo American Cranberry Viburnum	24-30" ht.	B&B		
GROUNDCOVERS, VINES & HERBACEOUS PLANTS						
AN	110	Flowering Annuals (e.g., Pansies, Dianthus, Salvia)	full	4" pot	12" o.c.	
AU	185	Arctostaphylos uva-ursi Bearberry	full/ 10-12" spr.	1 gal.	2' o.c.	
CF	9	Osmunda cinnamomea Cinnamon Fern	full	1 gal.	3' o.c.	
CL	4	Clematis 'Jackmanii' Jackman Clematis, purple	3-runners	1 gal.		espaliered
EM	23	Eupatorium maculatum 'Gateway' Joe-Pye Weed	12-15" ht.	1 gal.	3' o.c.	
HE	160	Hemerocallis 'Patricia' & 'Mauna Loa' Daylily, yellow & orange mixed	full 3-4 ppp	1 gal.	2' o.c.	
HO	32	Hosta 'Francee' Francee Hosta	full	1 gal.	30" o.c.	
JE	20	Juncus effusus Soft Rush	full	2" plug	18" o.c.	
LC	15	Lobelia cardinalis Cardinal Flower	full	1 gal/ 6" pot	18" o.c.	red flower
RU	14	Rudbeckia fulgida 'Goldsturm' Brown-Eyed Susan	full	6" pot	18" o.c.	
SI	25	Iris siberica 'Caesar's Brother' Siberian Iris, purple	full 3-4 ppp	1 gal.	2' o.c.	
VH	41	Verbena hastata Blue Vervain	full	2" plug	18" o.c.	
MISCELLANEOUS						
Mulch		Shredded Bark Mulch	3" depth			
Seed Mix A		Lawn Grass				
Seed Mix B		Shade-tolerant, Low Maintenance Grass				

PRELIMINARY - NOT FOR CONSTRUCTION

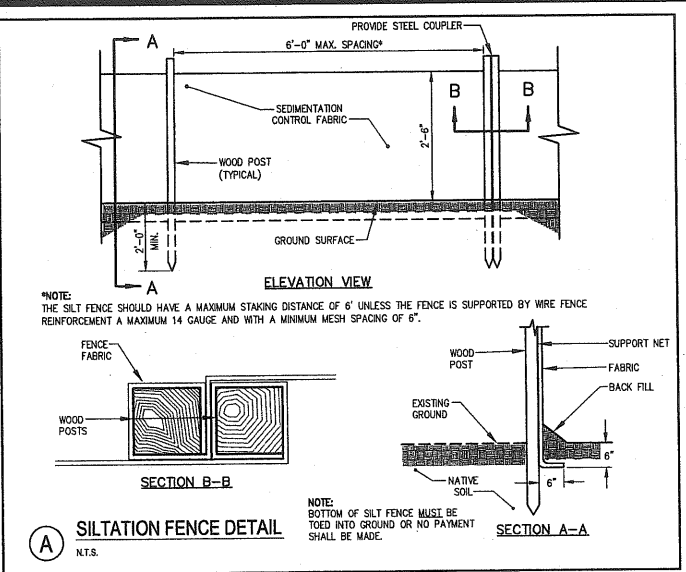
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REV	DATE	DESCRIPTION
5	03.05.12	RESUBMITTED TO CITY OF PORTLAND
4	01.17.12	ADDED TREE PROTECTION SYMBOLS & BOLLARD LIGHTS
3	01.02.12	RESUBMITTED TO CITY OF PORTLAND
2	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
1	03.12.09	SUBMITTED TO MadEP

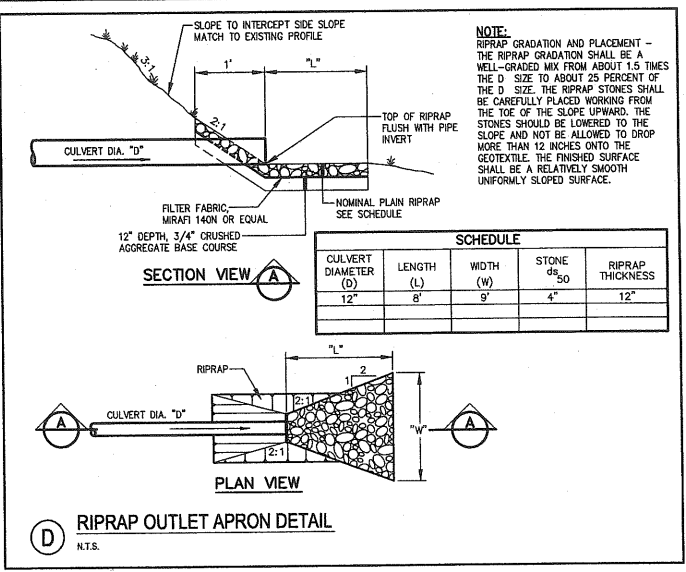


PROJECT	THE INN AT DIAMOND COVE
SHEET TITLE	LANDSCAPE PLAN
CLIENT	THE INN AT DIAMOND COVE LLC

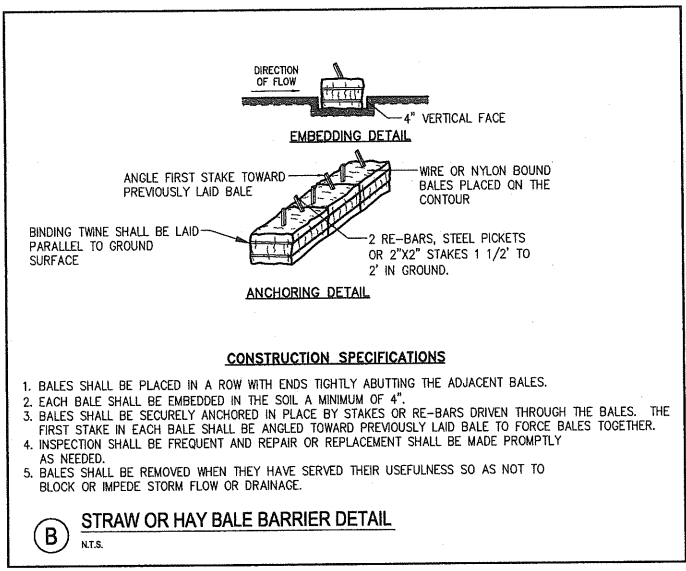
DeLUCA-HOFFMAN ASSOCIATES, INC. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM	DRAWN: DMB	DATE: FEB. 2009
	DESIGNED: JAL	SCALE: 1" = 10'
	CHECKED: JAL	JOB NO. 2769
	FILE NAME: 2769-SP	SHEET C-7



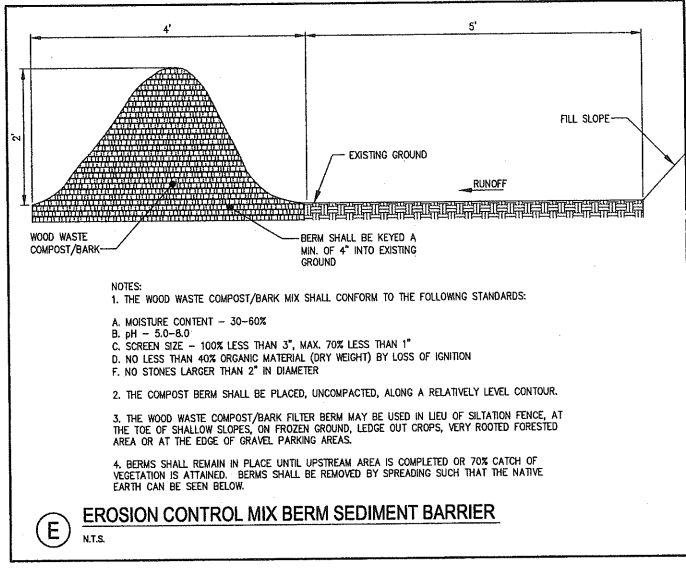
(A) SILTATION FENCE DETAIL
N.T.S.



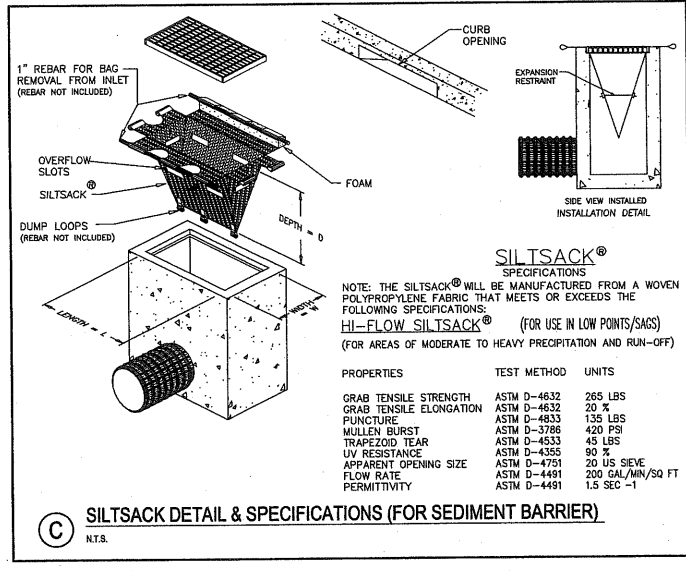
(D) RIPRAP OUTLET APRON DETAIL
N.T.S.



(B) STRAW OR HAY BALE BARRIER DETAIL
N.T.S.



(E) EROSION CONTROL MIX BERM SEDIMENT BARRIER
N.T.S.



(C) SILT SACK DETAIL & SPECIFICATIONS (FOR SEDIMENT BARRIER)
N.T.S.

EROSION CONTROL NARRATIVE

EROSION/SEDIMENTATION CONTROL DEVICES

The following erosion and sediment control devices will be implemented as part of the site development. These devices shall be installed as indicated on the plans or as described within this report. For further reference, see the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices.

- Siltation fence will be installed downgradient of disturbed areas to trap runoff-borne sediments until the site is revegetated. The silt fence shall be installed per the detail provided in the plan set and inspected immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made immediately by the Contractor if there are any signs of erosion or sedimentation below the fence line. Proper placement of stakes and fabric into the ground is critical to the fence's effectiveness. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence, the barrier shall be replaced with a stone check dam.
- Hay bales are intended to trap sediments and reduce runoff velocities. Installation details are provided within the plan set.
- Straw or hay mulch is intended to cover for denuded or seeded areas until revegetation is established. Mulch placed on slopes of less than 10 percent shall be anchored by applying water; mulch placed on slopes steeper than 10 percent shall be covered with a fabric netting and anchored with staples in accordance with the manufacturer's recommendations. Slopes steeper than 3:1, which are to be revegetated, shall receive Curlex blankets by American Excelsior. Mulch application rates are provided in Appendix A of this report. Hay mulch shall be available on site at all times in order to provide immediate temporary stabilization when necessary.
- Stone sediment traps or SiltSack® as distributed by A. H. Harris Company, Portland, Maine, will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set on the erosion control detail sheets.
- Loam and seed is intended to serve as the primary permanent revegetative measure for all denuded areas not provided with other permanent erosion control measures, such as pavement or impervious area. Application rates are provided in Appendix A of this report.

TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES

The following are planned as temporary erosion/sedimentation control measures during construction:

- Siltation fence shall be installed along the downgradient side of the disturbed areas, and all fill sections. The siltation fence will remain in place and properly maintained until the site is acceptably revegetated.
- Hay bales will be installed at key locations to supplement the silt fence.
- Temporary stockpiles of grubbing and common excavation will be protected as follows:
 - Stockpiles shall be stabilized within 7 days by either temporarily seeding the stockpile with a hydroseed method containing an emulsified mulch tackifier or by covering the stockpile with mulch.
 - Siltation fence shall be installed along the downgradient edge of the stockpile.
 - Soil stockpile sideslopes shall not exceed 2:1.
- All denuded areas that have been rough graded and are not located within the building or pavement subbase areas shall receive mulch or erosion control mesh fabric within 7 days of initial disturbance of soil.
- All soils disturbed between November 1 and April 15 will be covered with mulch within 15 days of disturbance, prior to any predicted storm event of the equivalent of 1/2" of rainfall in a 24-hour period, or prior to any work shutdown lasting more than 35 hours (including weekends and holidays). The mulch rate shall be double the normal rate. For work that is conducted between November 1 and April 15 of any calendar year, all denuded areas will be covered with hay mulch, applied at twice the normal application rate and anchored with a fabric netting. The time period for applying mulch shall be limited to 5 days for all areas or immediately in advance of a predicted rainfall event, whichever is less.
- Silt fencing with minimum stake spacing of 6 feet should be used, unless the fence is supported by wire fence reinforcement of minimum 14 gauge and with a maximum mesh spacing of 6 inches. In which case stakes may be spaced a maximum of 10 feet apart. The bottom of the fence should be properly anchored a minimum of 6" per the plan detail and backfilled. Any silt fence identified by the owner or reviewing agencies as not being properly installed during construction shall be immediately repaired in accordance with the installation details.
- Sediment traps will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set. The barriers shall be inspected after each rainfall event and repairs made as necessary. Sediment shall be removed and the barrier returned to its set. The barriers shall be inspected after each rainfall event and repairs made as necessary. Sediment shall be removed and the barrier returned to its set. The barriers shall be inspected after each rainfall event and repairs made as necessary. Sediment shall be removed and the barrier returned to its set.
- Temporary erosion control measures shall be removed once the site has been stabilized to 90% growth or in areas where permanent erosion control measures have been installed.

PERMANENT EROSION CONTROL MEASURES

The following permanent erosion control measures have been designed as part of the Erosion/Sedimentation Control Plan:

- All areas disturbed during construction, but not subject to other restoration (paving, riprap, etc.), will be loamed, limed, fertilized, mulched, and seeded. Fabric netting, anchored with staples, shall be placed over the mulch in areas where the final grade slope is greater than 10 percent. All areas shall receive protection within 7 days. Native topsoil shall be stockpiled and reused for final restoration when it is of sufficient quality.
- Catch basins will be provided with sediment sumps and inlet hoods for all outlet pipes that are 15" in diameter and smaller.

TIMING AND SEQUENCE OF EROSION/SEDIMENTATION CONTROL MEASURES

The following construction sequence will be required to ensure the effectiveness of the erosion/sediment control measures is optimized.

- Install perimeter siltation fence as indicated on the plans.
- Clear work areas using caution not to overexpose the site.
- Perform earthwork operations to rough grade the site to subgrade.
- Complete installation of underground utilities.
- Install subbase and base gravels within the roadway and walkway areas.
- Install permanent impervious surface treatments as detailed in the plan set.
- Loam, lime, fertilizer, seed and mulch disturbed areas.
- Remove accumulated sediment from ahead of any silt barriers (as necessary).
- Once the site is stable and a 90% catch of vegetation has been obtained, remove all temporary erosion control measures.
- Touch up loam and seed.

Note: All denuded areas not subject to final paving, riprap or gravel shall be revegetated.

It will be necessary to schedule certain portions of the sitework to ensure erosion and sedimentation control measures are sequenced for optimum effectiveness.

The project will be constructed by a General Contractor under The Inn at Diamond Cove, LLC. The Contractor shall submit a schedule for the completion of the work which will satisfy the following criteria:

- The above construction sequence should generally be completed in the specified order; however, several items may be constructed simultaneously. Work must also be scheduled or phased to limit the extent of the exposed areas as specified below. The intent of this sequence is to provide for erosion control and to have structural measures such as silt fence and construction entrances in place before large areas of land are denuded.
- The work shall be conducted in sections which will:
 - Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 30 days.
 - Revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading; or temporarily stabilized within 15 days of initial disturbance of soil or within 7 days after completing the rough grading operations.
 - Incorporate planned inlets and drainage systems as early as possible into the construction phase. The swales shall be immediately lined or revegetated as soon as their installation is complete.

If the spring through fall construction schedule is not possible, and construction is planned between November 1 and April 15 of any calendar year, then the General Contractor shall submit a schedule which will satisfy the following criteria:

- Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 15 days.
- During the construction process, all disturbed areas and stockpiles shall be covered with mulch within 24 hours of final grading.
- Once final grade has been established, the contractor may choose to dormant seed the disturbed areas prior to placement of mulch and placement of fabric netting anchored with staples.
 - If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs. per 1,000 s.f. All areas seeded during the winter months will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 percent catch) shall be revegetated by replacing loam, seed and mulch.
 - If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
- The area of denuded non-stabilized construction shall be limited to the minimum areas practicable. An area shall be considered to be denuded until the subbase gravel is installed in pavement areas, the base slab gravel is installed in building areas, or the areas of future loam and seed have been loamed, seeded, and mulched. The mulch rate shall be twice the rate specified in the seeding plan (115 lbs. per 1,000 s.f. x 2 = 230 lbs. per 1,000 s.f.).
- The schedule shall be subject to the approval of The Inn at Diamond Cove, LLC.

The Contractor must install any added measures which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

The Contractor shall note that no area shall remain denuded for a period of over 15 days before it is temporarily stabilized. Temporary stabilization shall be the installation of gravel or mulching.

PROVISIONS FOR MAINTENANCE OF THE EROSION/SEDIMENTATION CONTROL FEATURES

This project is subject to the requirements and conditions of a Major Site Location of Development Permit Amendment through delegated review by the City of Portland. This permit requires the General Contractor to prepare a list and designate by name, address and telephone number all individuals who will be responsible for implementation, inspection and maintenance of all erosion control measures identified within this report and as contained in the Grading and Drainage Plan of the contract drawings. Specific responsibilities of the Inspector(s) will include:

- Execution of the Contractor/Subcontractor Certification contained in Appendix B by any and all parties responsible for erosion control measures on the site.
- Assuring and certifying the project's construction sequence is in conformance with the specified schedule of this report. A weekly certification stating compliance, any deviations, and corrective measures necessary to comply with the erosion control requirements of this report shall be prepared and signed by the Inspector(s).
- In addition to the weekly certifications, the Inspector(s) shall maintain written reports recording construction activities on the site which include:
 - Dates when major grading activities occur in a particular area.
 - Dates when major construction activities cease in a particular area, either temporarily or permanently.
 - Dates when an area is stabilized.
- Inspection of the project work site on a weekly basis and after each significant rainfall event (0.5 inches or more within any consecutive 24-hour period) during construction until permanent erosion control measures have been properly installed and the site has been stabilized. Inspection of the project work site shall include:
 - Identification of proper erosion control measure installation in accordance with the erosion control detail sheet or as specified in this report.
 - Determine whether each erosion control measure is operating properly. If not, identify damage to the control device and determine remedial measures.
 - Identify areas which appear vulnerable to erosion and determine additional erosion control measures which should be used to improve conditions.
 - Inspect areas of recent seeding to determine percent catch of grass. A minimum catch of 90 percent is required prior to removal of erosion control measures.
- Accumulated silt/seedment should be removed when the depth of sediment reaches 50 percent of the barrier height. Accumulated silt/seedment should be removed from behind silt fencing when the depth of the sediment reaches 6 inches.
- If inspection of the site indicates a change should be made to the erosion control plan, either to improve effectiveness or correct a site-specific deficiency, the Inspector shall immediately implement the corrective measure and notify the Owner of the change.
- Once construction has been completed, long-term maintenance of the facilities will be the responsibility of The Inn at Diamond Cove, LLC. The catch basin sumps shall be inspected in April and October of each year. Sediment shall be removed when the depth of sediment reaches one-half the depth of the sump. All certifications, inspection forms, and written reports prepared by the Inspector(s) shall be filed with the Owner and the City of Portland Planning Department. All written inspection forms and written reports must be filed within one (1) week of the inspection date.

SEEDING PLAN

LAWN AREAS

Project: The Inn at Diamond Cove

Site Location: Great Diamond Island, Portland, Maine

	Permanent Seeding	Temporary Seeding
1. Area to be seeded: +/- 0.12 Acres, OR 5 M Sq. Ft.		
2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.		
3. Apply lime as follows: #/acres, OR 138 #/M Sq. Ft. or per soil test		
4. Fertilize with _____ pounds of _____ #/Ac. OR _____ #/M Sq. Ft. or per soil test		
5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.		
6. Seed with the following mixture: 35% Kentucky Bluegrass 35% Creeping Red Fescue 25% Chewings Fescue 10% Perennial Ryegrass		
7. Mulching Instructions: Apply at the rate of _____ tons per acre, OR 115 pounds per M. Sq. Ft.		
8. TOTAL LIME: _____ #/1000 sq. ft.		
9. TOTAL FERTILIZER: _____ #/1000 sq. ft.		
10. TOTAL SEED: _____ #/1000 sq. ft.		
11. TOTAL MULCH: _____ #/1000 sq. ft.		
12. TOTAL other materials, seeds, etc.:		
13. REMARKS		

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.
- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 8.0.
- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat ad admixtures to raise the organic content to 8%.

SEEDING PLAN

SHADY AREAS

Project: The Inn at Diamond Cove

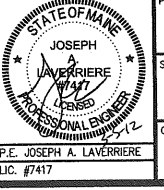
Site Location: Great Diamond Island, Portland, Maine

	Permanent Seeding	Temporary Seeding
1. Area to be seeded: +/- 0.07 Acres, OR 3 M Sq. Ft.		
2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.		
3. Apply lime as follows: #/acres, OR 138 #/M Sq. Ft. or per soil test		
4. Fertilize with _____ pounds of _____ #/Ac. OR _____ #/M Sq. Ft. or per soil test		
5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.		
6. Seed with the following mixture: 50% Creeping Red Fescue 25% Chewings Fescue 25% Perennial Ryegrass		
7. Mulching Instructions: Apply at the rate of _____ tons per acre, OR 115 pounds per M. Sq. Ft.		
8. TOTAL LIME: _____ #/1000 sq. ft.		
9. TOTAL FERTILIZER: _____ #/1000 sq. ft.		
10. TOTAL SEED: _____ #/1000 sq. ft.		
11. TOTAL MULCH: _____ #/1000 sq. ft.		
12. TOTAL other materials, seeds, etc.:		
13. REMARKS		

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.
- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 8.0.
- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat ad admixtures to raise the organic content to 8%.

PRELIMINARY - NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
5	03.05.12	RESUBMITTED TO CITY OF PORTLAND
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO MDEP
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT: THE INN AT DIAMOND COVE

SHEET TITLE: EROSION CONTROL DETAILS & NARRATIVE

CUSTOMER: THE INN AT DIAMOND COVE LLC

DATE: DEC. 2008

SCALE: AS NOTED

JOB NO: 2769

FILE NAME: 2769-DET

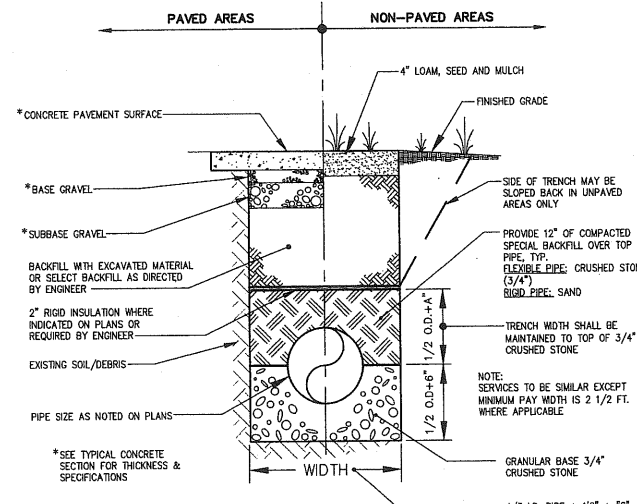
SHEET: C-8

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.776.1121
WWW.DELUCAHOFFMAN.COM

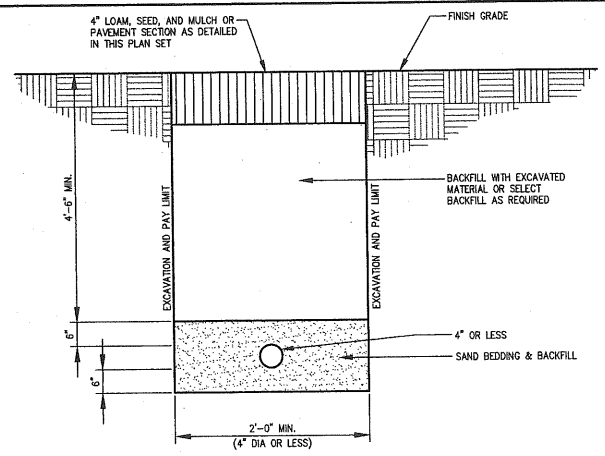
DRAWN: CDD DATE: DEC. 2008
DESIGNED: JAL SCALE: AS NOTED
CHECKED: JAL JOB NO: 2769
FILE NAME: 2769-DET
SHEET: C-8

TRENCH SECTION BACKFILL SCHEDULE

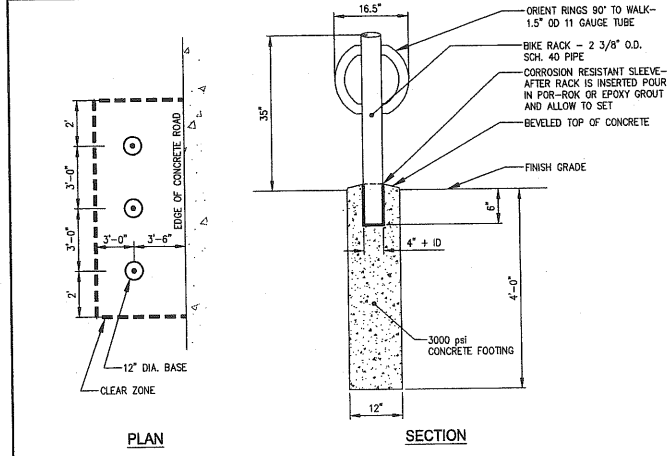
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CONCRETE	GRANULAR AASHTO M145-49 A-3 OR BETTER	GRANULAR AASHTO M145-49 A-3 OR BETTER	12"	GRANULAR AASHTO M145-49 A-3 OR BETTER
PVC	3/4" CRUSHED STONE	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
DUCTILE IRON	GRANULAR AASHTO M145-49 A-3 OR BETTER	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
UNDER-DRAINS	3/4" CRUSHED STONE	3/4" CRUSHED STONE	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER
HDPE	3/4" CRUSHED STONE	GRANULAR AASHTO M145-49 A-3 OR BETTER	6"	GRANULAR AASHTO M145-49 A-3 OR BETTER



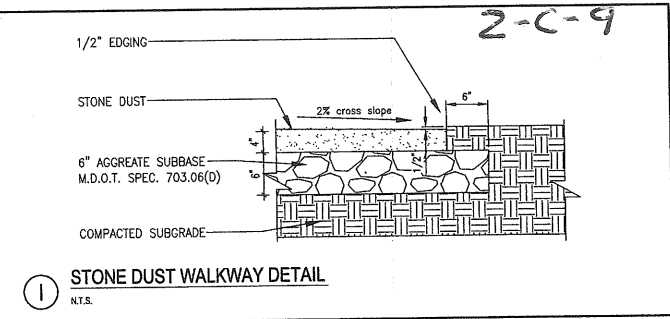
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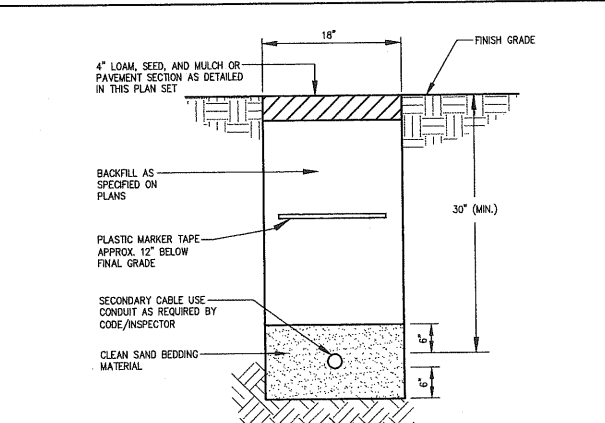
C UTILITY TRENCH DETAIL (PIPES SMALLER THAN 4\"/>N.T.S.



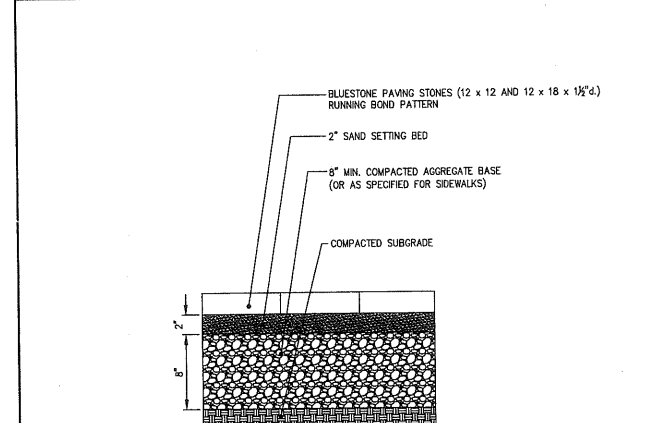
F BIKE HITCH MOUNTING DETAIL
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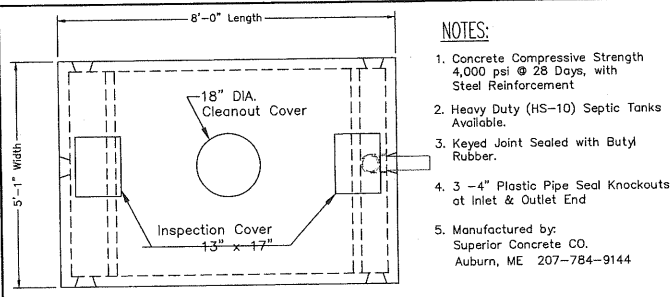
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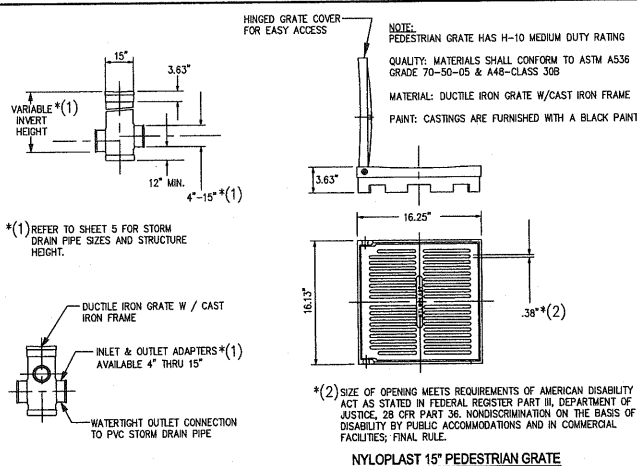
D SECONDARY ELECTRICAL TRENCH
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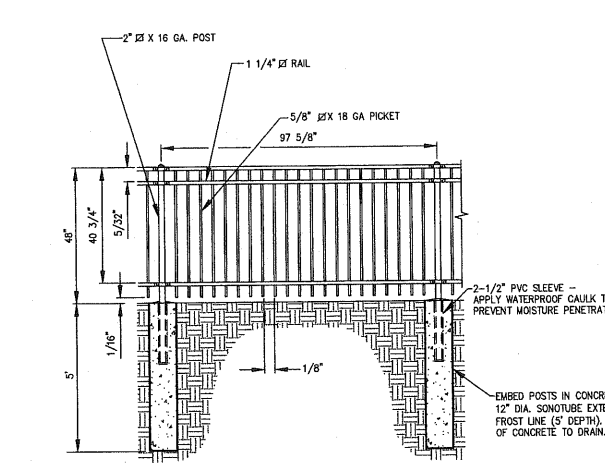
G TYPICAL PAVER DETAIL
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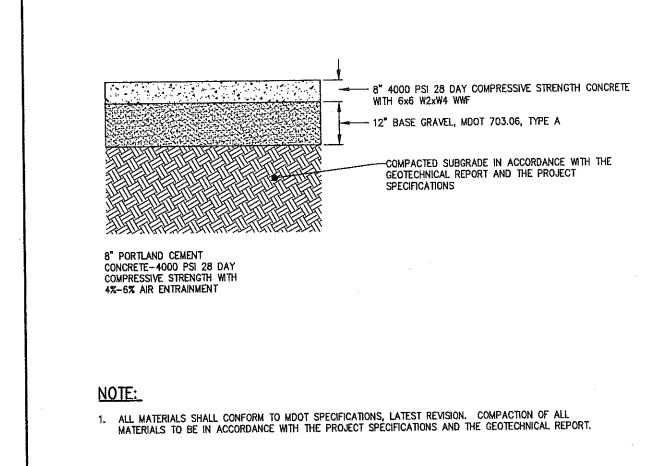
J 750 GALLON GREASE TRAP DETAIL
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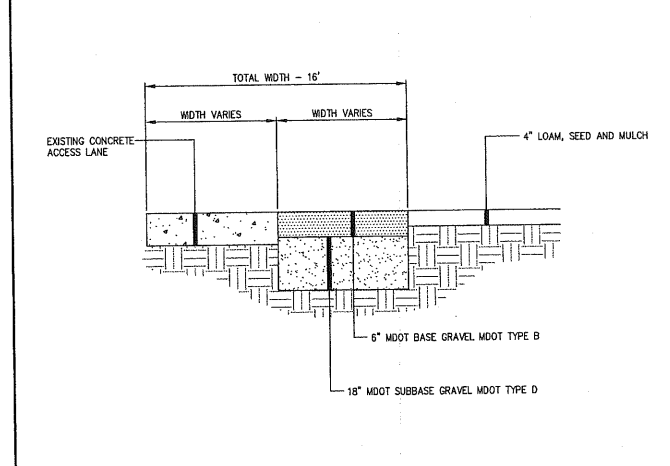
B 15\"/>N.T.S.



E ORNAMENTAL METAL PICKET FENCE DETAIL
N.T.S.



H PORTLAND CEMENT CONCRETE SECTION
N.T.S.

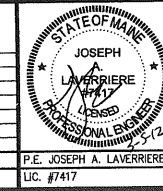


K GRAVEL EMERGENCY ACCESS LANE SECTION
N.T.S.

PRELIMINARY - NOT FOR CONSTRUCTION

P:\1769 Diamond Cove\Cadd\dwg\Permit\set\2769-DET.dwg, C-9 SITE DETAILS, 3/27/2012 5:31:40 PM, cdubo

REV	DATE	DESCRIPTION
7	03.05.12	RESUBMITTED TO CITY OF PORTLAND
6	02.10.12	ADDED GRAVEL EMERGENCY ACCESS LANE SECTION
5	01.02.12	RESUBMITTED TO CITY OF PORTLAND
4	01.21.10	ADDED 750 GALLON GREASE TRAP DETAIL
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO M&EP
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



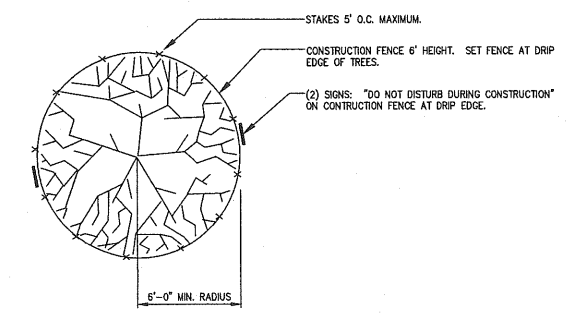
PROJECT	THE INN AT DIAMOND COVE
SHEET TITLE	SITE DETAILS
CLIENT	THE INN AT DIAMOND COVE LLC

DESIGNED	JAL	DATE	DEC. 2008
CHECKED	JAL	SCALE	AS NOTED
FILE NAME	2769-DET		
SHEET	C-9		

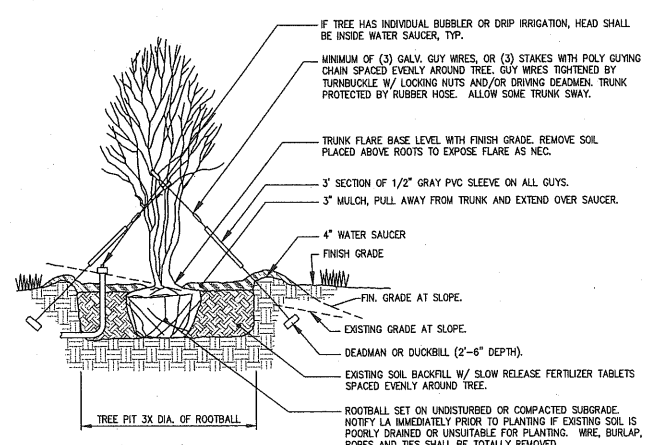
2-C-10

LANDSCAPE NOTES

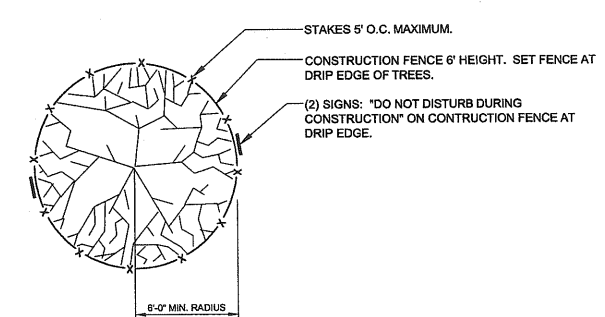
- IN AREAS OF NEW CONSTRUCTION OR RENOVATION WORK, EXISTING PLANT MATERIAL AND EXISTING GRASS NOT INDICATED TO REMAIN SHALL BE REMOVED. AREAS INDICATED TO BE SEEDED SHALL BE LOADED IN ACCORDANCE WITH APPLICABLE DETAILS AND RESEED. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- PLANTING OF TREES AND SHRUBS SHALL NOT OCCUR UNTIL ALL GRADING AND PAVING IS COMPLETED IN THE AREA.
- ALL PLANTS SHALL HAVE A NORMAL HABIT OF GROWTH FOR THE SPECIES AND SHALL BE SOUND, HEALTHY, FREE OF DISEASE AND INSECTS, AND FREE OF DEAD OR DYING BRANCHES, BRANCH TIPS OR BARK WOUNDS. THEY SHALL CONFORM TO THE MEASUREMENTS ON THE PLANT LIST AND SHALL CONFORM TO ANSI Z60.1 - NURSERY STOCK, LATEST REVISION.
- THE PLANTING PERIOD SHALL BE APRIL 15 TO NOVEMBER 1 AND SHALL ONLY BE PERFORMED WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE. THE SEEDING PERIODS SHALL BE IN THE SPRING (APRIL 15 TO JUNE 15) AND IN THE FALL (SEPTEMBER 15 TO OCTOBER 15).
- THE CONTRACTOR SHALL PROVIDE WATER FOR IRRIGATION IF NOT AVAILABLE ON SITE. ANTI-DESICCANT, WILT-PRUF, OR APPROVED EQUAL SHALL BE APPLIED AS NECESSARY TO PROTECT AGAINST EXCESSIVE MOISTURE LOSS FROM NEEDLES OR LEAVES.
- ALL PLANTS SHALL HAVE ALL ROOTBALL WRAPPING MATERIALS (BURLAP, WIRE, STRING, ROPE, POTS, ETC.) REMOVED AT THE TIME OF PLANTING. REMOVE SOIL PLACED ABOVE ROOTS TO EXPOSE TRUNK FLARE AS NECESSARY TO DETERMINE SETTING LEVEL AND PIT DEPTH. CIRCLING ROOTS OR ROOTS THAT WOULD LATER GIRDLING THE PLANT SHALL BE STRAIGHTENED OR CUT OR THE ROOT BALL SHALL BE CUT UTILIZING THE "BUTTERFLY METHOD".
- BACKFILL MIX FOR ALL PLANT MATERIAL, EXCEPT TREES, SHALL BE COMPOSED OF TWO PARTS EXISTING SOIL AMENDED WITH ONE PART COMPOST OR TOPSOIL, OR WITH ONE PART SANDY FILL IF HEAVY SOILS. TREE PITS SHALL BE BACKFILLED WITH EXISTING SOIL. PLANTING PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER AND TO THE SAME DEPTH OF THE PLANT ROOT BALL. BACKFILL 1/2 OF DEPTH OF PIT AT A TIME AND COMPACT. REFER TO FERTILIZER RATES AND INSTALL SLOW RELEASE FERTILIZER AFTER FIRST BACKFILL LIFT.
- ALL BACKFILL MIXES SHALL BE SUPPLEMENTED WITH SLOW RELEASE FERTILIZER TABLETS. TABLETS SHALL BE AGRIFORM 21 GRAM 20-10-5 TABLETS OR AN APPROVED EQUAL. APPLICATION RATE: PERENNIALS - 1 TABLET/PLANT, WOODY SHRUBS TO 3'-4' - 2 TABLETS/PLANT, SHRUBS AND TREES 3'-4' TO 6'-3' TABLETS/PLANT AND TREES 6'-4' AND ABOVE - 4 TABLETS/PLANT. AFTER PLANTS ARE INSTALLED, LIQUID FEED FOR ALL PLANTS WITH ROOTS OR AN APPROVED EQUAL. MIX ACCORDING TO MANUFACTURERS INSTRUCTIONS. APPLICATION RATE: PERENNIALS - 2 QT/PLANT, WOODY SHRUBS TO 4'-0' - 1.5 GAL/PLANT, TREES AND SHRUBS 4'-0' TO 10'-0' 3.0 GAL/PLANT AND TREES 10' AND ABOVE - 4.0 GAL/PLANT.
- SMALL MULTI-TRUNKED TREES MAY BE STAKED AS NECESSARY TO MAINTAIN VERTICAL POSITION. TREE STAKING MATERIAL SHALL BE REMOVED BY THE LANDSCAPE CONTRACTOR AFTER ONE GROWING SEASON.
- ALL PLANT BEDS AND WATERING RINGS SHALL BE FREE OF WEEDS OR GRASS PRIOR TO INSTALLATION OF MULCH AND SHALL BE MAINTAINED FREE OF WEEDS UNTIL FINAL ACCEPTANCE OF THE LANDSCAPING. IF VEGETATION EXISTS, OR GERMINATES IN THE COURSE OF WORK, TREAT WITH HERBICIDE; USE OF A PRE-EMERGENT HERBICIDE IS RECOMMENDED IN PLANT BEDS.
- ALL SHRUB PLANTINGS SHALL BE CONTAINED IN MULCHED BEDS. MULCH SHALL BE MEDIUM SHREDDED BARK, 3" DEPTH. ALL PLANTINGS NOT IN BEDS OR ISLANDS SHALL HAVE MULCHED WATER RINGS IN ACCORDANCE WITH THE PLANT INSTALLATION DETAILS.
- ALL PLANTS SHALL HAVE THEIR LOCATIONS STAKED AND APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER PRIOR TO PLANT INSTALLATION. ALL PLANTS SHALL BE ORIENTED FOR BEST APPEARANCE.
- PLANT SPECIES SUBSTITUTIONS WILL NOT BE ALLOWED UNLESS FIRST APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER. ANY CHANGE TO PLANT SPECIES, DUE TO LACK OF AVAILABILITY DURING CONSTRUCTION, SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER.
- ALL AREAS NOT IDENTIFIED WITH OTHER SURFACE TREATMENTS SHALL BE SEEDED AND STRAW MULCHED WITH SEED MIXES AS NOTED AND AS DESCRIBED IN THE SPECIFICATIONS. ON SLOPES GREATER THAN 3H:1V, INSTALL EROSION CONTROL FABRIC AS SPECIFIED.
 - PRIOR TO SEEDING, APPLY FERTILIZER AND LIME IN ACCORDANCE WITH SOIL TEST RECOMMENDATIONS.
 - SEED MIX A - LAWNS: 35% KENTUCKY BLUEGRASS, 35% CREEPING RED FESCUE, 20% CHEWING FESCUE, 10% PERENNIAL RYEGRASS. RATE: 5 LBS/1000 SF.
 - SEED MIX B - SHADE SEED MIX NEAR WOOLAND EDGE: 50% CREEPING RED FESCUE, 25% CHEWING FESCUE, 25% PERENNIAL RYEGRASS. RATE: 4 LBS/1000 SF. SHADY AREAS MAY BECOME PREDOMINANTLY LEAF LITTER.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATIONS, SPECIES, SIZES, QUANTITY, OR CONDITION, SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY IF APPLICABLE) PRIOR TO INSTALLATION. ANY SCHEDULES OR LISTS ACCOMPANYING THE PLANS SHALL BE USED AS A GUIDE ONLY. IN THE CASE OF DISCREPANCIES BETWEEN PLANS AND SUCH SCHEDULES OR LISTS, THE WORK AS CALLED FOR ON THE PLANS SHALL TAKE PRECEDENCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAWN MAINTENANCE. MAINTENANCE SHALL COMMENCE AT THE TIME OF PLANTING AND CONTINUE UNTIL GRASS IS FULL AND ESTABLISHED. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, MOWING, RESEEDING, SEASONAL FERTILIZING, LIMING, APPLICATIONS OF BROADLEAF HERBICIDES, PESTICIDES AND/OR INSECTICIDES AS NECESSARY TO MAINTAIN A HEALTHY STAND OF GRASS. THE OWNER SHALL BECOME RESPONSIBLE FOR LAWN MAINTENANCE AFTER GRASS IS DEEMED ESTABLISHED BY THE ENGINEER/LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL MAINTAIN PLANT MATERIAL UNTIL COMPLETION OF THE PUNCH LIST ITEMS. FOLLOWING COMPLETION OF THE PUNCH LIST ITEMS AND FINAL ACCEPTANCE OF LANDSCAPING, MAINTENANCE OF THE PLANT MATERIAL SHALL BECOME THE RESPONSIBILITY OF THE OWNER, OR ITS DESIGNATED REPRESENTATIVE.
- PLANT MAINTENANCE SHALL CONSIST OF PRUNING, WATERING, FERTILIZING, CULTIVATING, WEEDING, MULCHING, REMOVAL OF DEAD MATERIAL, DIVISION OF PERENNIALS, RESETTING PLANTS TO PROPER GRADES AND UPRIGHT POSITION, REPAIRING, TIGHTENING AND REPLACING OF TREE STAKING MATERIALS, AND FURNISHING AND APPLYING SUCH CHEMICALS AS ARE NECESSARY TO KEEP PLANTINGS FREE OF INSECTS AND DISEASE, AND IN A HEALTHY GROWING CONDITION.
 - EACH TREE AND SHRUB SHALL BE PRUNED TO PRESERVE THE NATURAL CHARACTER OF THE PLANT. DEAD WOOD, SUCKERS, AND BROKEN AND BARKY BRANCHED BRANCHES SHALL BE REMOVED. PRUNING FOR FORM SHALL BE DONE AFTER PLANTS HAVE BEEN INSPECTED AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT. PRUNING SHALL BE DONE WITH CLEAN, SHARP TOOLS. CUTS SHALL BE MADE FLUSH, LEAVING NO STUBS. NO TREE PAINT SHALL BE USED. ALL PLANT CLIPPINGS AND DEBRIS SHALL BE REMOVED FROM THE SITE.
 - ALLOW SHRUBS AND ORNAMENTAL GRASSES TO GROW TOGETHER TO FORM A NATURAL LOOKING PLANT MASS AND ALLOW EVERGREEN SHRUBS TO GROW TOGETHER TO FORM A SOLID GROUND COVER.
 - PERENNIAL PLANTINGS AMENABLE TO DIVISION MAY BE DIVIDED AFTER TWO GROWING SEASONS TO FILL IN GAPS IN EXISTING PLANTINGS OR TO CREATE OR EXPAND PERENNIAL PLANTINGS IN THE FOCAL AREA.
 - AFTER ONE GROWING SEASON, THE SOIL SAUCERS SHALL BE SPREAD AWAY FROM THE TREE TRUNK AND REMULCHED.
 - TREE STAKING MATERIAL SHALL BE REMOVED BY THE LANDSCAPE CONTRACTOR AFTER ONE GROWING SEASON. TREE STAKING MATERIAL SHALL NOT REMAIN LONGER THAN TWO GROWING SEASONS AND SHALL BE REMOVED AS SOON AS THE ROOT SYSTEM BECOMES ESTABLISHED ENOUGH TO SUPPORT THE PLANT IN A VERTICAL POSITION DURING WINDY CONDITIONS.
- FERTILIZER AND LIME (PH ADJUSTMENT) APPLICATIONS FOR LAWNS AND PLANTED AREAS SHALL BE BASED ON RECOMMENDATIONS PROVIDED BY SOIL TESTING ADMINISTERED AT THE START OF CONSTRUCTION AND IN ACCORDANCE WITH CUSTOMARY SEASONAL MAINTENANCE PROCEDURES FOR THE REGION. ANNUAL SOIL TESTING OF REPRESENTATIVE PLANT BEDS AND LAWN AREAS SHALL BE PERFORMED BY THE OWNER OR ITS DESIGNATED REPRESENTATIVE TO DETERMINE FERTILIZATION AND PH ADJUSTMENTS NEEDED TO MAINTAIN THE SOIL PH REQUIRED BY THE TYPE OF PLANTING OR GRASSING.
- CHEMICALS SHALL BE REGISTERED AND APPROVED BY EPA, ACCEPTABLE TO AUTHORITIES HAVING JURISDICTION, AND OF TYPE RECOMMENDED BY MANUFACTURER FOR EACH SPECIFIC PROBLEM AND AS REQUIRED FOR PROJECT CONDITIONS AND APPLICATION. RESTRICTED CHEMICALS SHALL NOT BE USED UNLESS AUTHORIZED IN WRITING BY AUTHORITIES HAVING JURISDICTION.
- ALL NEW AND TRANSPLANTED PLANTS SHALL BE GUARANTEED FOR A PERIOD OF NOT LESS THAN ONE YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION ACCEPTANCE BY THE OWNER AND ENGINEER/LANDSCAPE ARCHITECT. DEAD PLANTS AND PLANTS NOT IN A VIGOROUS, THRIVING CONDITION, AS DETERMINED BY THE ENGINEER/LANDSCAPE ARCHITECT DURING AND AT THE END OF THE GUARANTEE PERIOD, SHALL BE REPLACED WITHOUT COST TO THE OWNER, AS SOON AS WEATHER CONDITIONS PERMIT AND WITHIN THE SPECIFIED PLANTING PERIOD. REPLACEMENTS SHALL MATCH THE ORIGINAL PLANT SPECIES AND SIZE SPECIFIED. IF THE PLANT WAS TRANSPLANTED AND NO NEW PLANT OF THE SAME SPECIES WAS ORIGINALLY SPECIFIED, THEN THE REPLACEMENT SHALL MEET THE MINIMUM SIZE REQUIRED FOR A SIMILAR TYPE. UPON ACCEPTANCE OF THE REPLACEMENT MATERIAL, THE FULL GUARANTEE PERIOD SHALL COMMENCE FOR EACH PLANT REPLACED. THE CONTRACTOR SHALL REPAIR ANY DAMAGE INCURRED IN THE COURSE OF REPLACEMENT WORK AT NO COST TO THE OWNER.



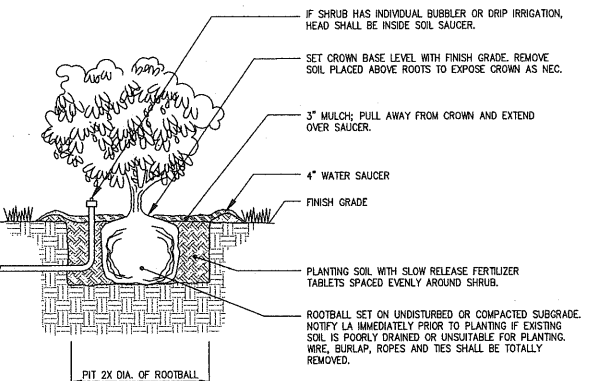
A TREE PROTECTION DETAIL
N.T.S.



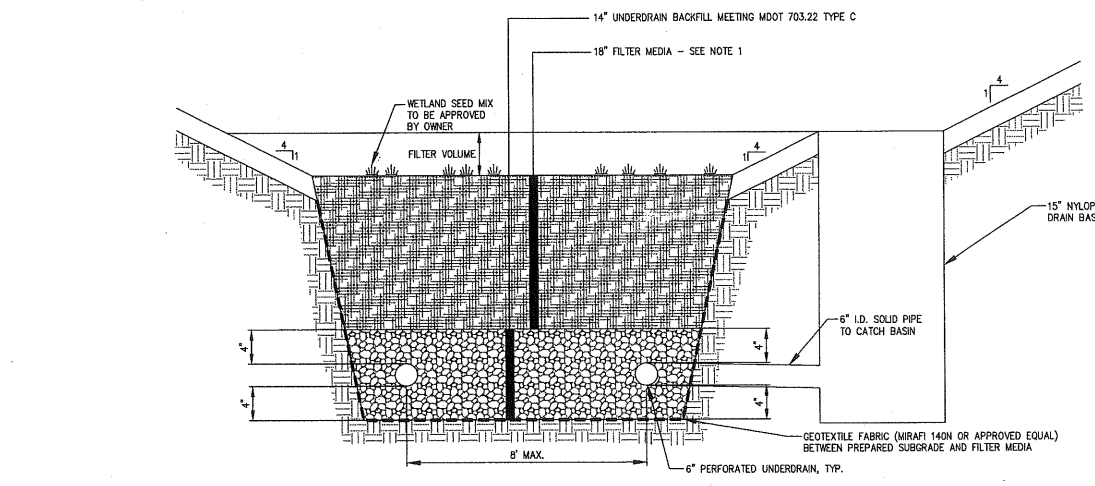
D MULTI-TRUNKED TREE INSTALLATION DETAIL
N.T.S.



F TREE PROTECTION DETAIL
N.T.S.



B SHRUB INSTALLATION DETAIL
N.T.S.



E TYPICAL SECTION FOR WATER QUALITY UNDERDRAINED SOIL FILTER
N.T.S.

UNDERDRAINED SOIL FILTERS AND BIORETENTION CELLS

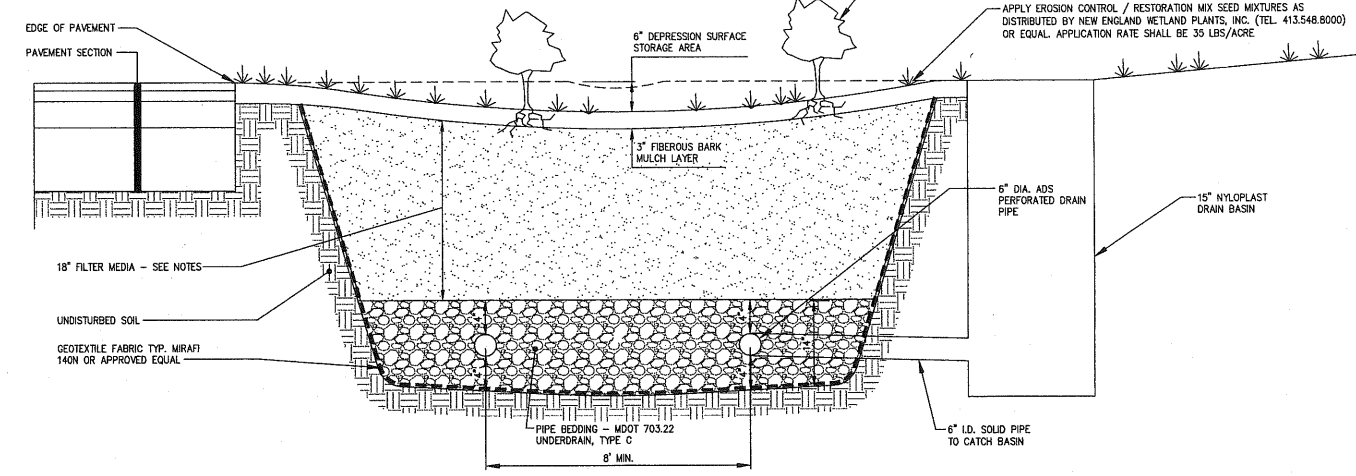
FILTER BED
SOIL FILTER MEDIA MUST CONSIST OF A SILTY SAND SOIL OR SOIL MIXTURE COMBINED WITH 20% TO 25% BY VOLUME OF A MODERATELY FINE SHREDDED BARK OR WOOD FIBER MULCH. THE RESULTING MIXTURE MUST HAVE NO LESS THAN 8% PASSING THE NO. 200 SIEVE. MAINE DOT SPEC. 703.01 IS AN ACCEPTABLE SAND FOR USE IN THE MIXTURE.

THIS SOIL MIXTURE SHALL BE A UNIFORM MIX, FREE OF STONES, STUMPS, ROOTS, OR OTHER SIMILAR OBJECTS LARGER THAN TWO INCHES. NO OTHER MATERIALS OR SUBSTANCES SHALL BE MIXED OR DUMPED WITHIN THE SOILS THAT MAY BE HARMFUL TO PLANT GROWTH, OR PROVE A HINDRANCE TO THE PLANTING OR MAINTENANCE OPERATIONS.

PIPE BEDDING AND TRANSITION ZONE
PIPE BEDDING: THE PERFORATED 6 INCH DIAMETER UNDERDRAIN PIPE(S) MUST BE BEDDED IN CRUSHED STONE MEETING THE MDOT SPECIFICATION 703.22 UNDERDRAIN TYPE C FOR UNDERDRAIN BACKFILL MATERIAL. THERE SHOULD BE AT LEAST 4 INCHES OF CRUSHED STONE BENEATH THE UNDERDRAIN PIPE AND 4 INCHES ABOVE. UNDERDRAIN PIPES MUST BE PLACED NO FURTHER THAN 8 FEET APART.

IN THE CONSTRUCTION SCHEDULE FOR THE PROJECT, THE PLACEMENT OF THE FILTER MEDIA MUST BE DELAYED UNTIL THE SITE HAS BEEN DETERMINED TO BE STABLE. BIO-RETENTION CELLS ARE EXTREMELY SUSCEPTIBLE TO SEDIMENT AND ANY EXCESS SEDIMENT FROM THE CONSTRUCTION PROCESS WILL SHORTEN THE LIFESPAN OF THE FILTER MEDIA AND RENDER THE FILTER INEFFECTIVE. THE FILTER MEDIA SHALL BE PLACED AFTER THE SITE IS FULLY STABILIZED AND AT THE DIRECTION OF THE DESIGN ENGINEER.

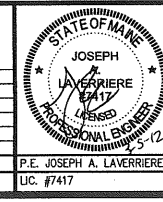
C TYPICAL CROSS-SECTION THROUGH BIO-RETENTION CELL
N.T.S.



PRELIMINARY - NOT FOR CONSTRUCTION

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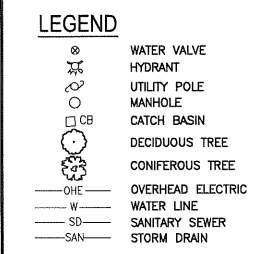
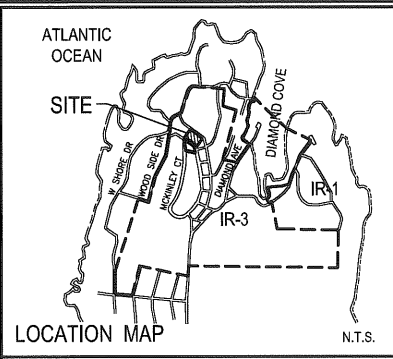
REV	DATE	DESCRIPTION
6	03.05.12	RESUBMITTED TO CITY OF PORTLAND
5	01.17.12	ADDED TREE PROTECTION DETAIL
4	01.02.12	RESUBMITTED TO CITY OF PORTLAND
3	11.11.09	SUBMITTED TO CITY OF PORTLAND FOR REVIEW
2	03.12.09	SUBMITTED TO MDOT
1	12.05.08	SUBMITTED TO CITY OF PORTLAND FOR REVIEW



PROJECT	THE INN AT DIAMOND COVE
SHEET TITLE	SITE DETAILS
CLIENT	THE INN AT DIAMOND COVE LLC

DRAWN	CDD	DATE	DEC. 2008
CHECKED	JAL	SCALE	AS NOTED
DESIGNED	JAL	JOB NO.	2769
FILE NAME	2769-DET		
SHEET	C-10		

DeLUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207.775.1121
WWW.DELUCAHOFFMAN.COM



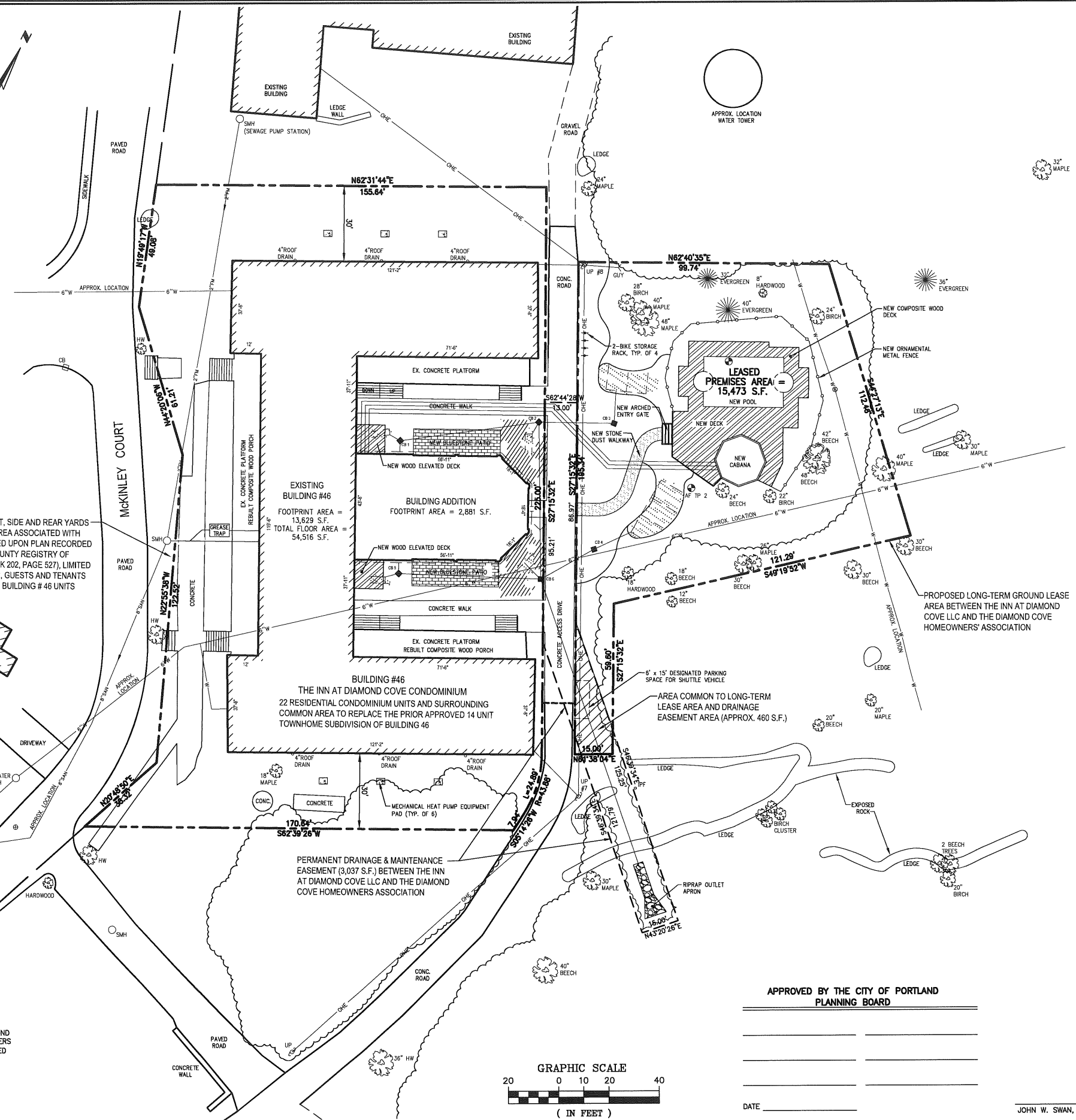
NOTES

1. BUILDING 46 OWNER OF RECORD: CITY OF PORTLAND
2. PROPERTY IS LOCATED IN THE IR3 ZONE.
3. LOCATION OF ALL EXISTING AND PROPOSED IMPROVEMENTS SHOWN ARE TAKEN FROM PLAN REFERENCE 1 AND 2 AND NOT FIELD LOCATED BY OWEN HASKELL, INC.
4. THIS PLAN AMENDS "PLAN OF DIAMOND COVE PHASE I - THIRD AMENDED SHEET 3" DATED 02/05/01 RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 202 PAGE 527.

LOCATION OF FRONT, SIDE AND REAR YARDS AND COURTYARD AREA ASSOCIATED WITH BUILDING #46 (BASED UPON PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202, PAGE 527), LIMITED TO USE BY OWNERS, GUESTS AND TENANTS OF THE OWNERS OF BUILDING #46 UNITS

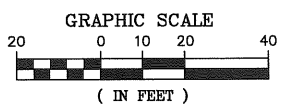
PLAN REFERENCES

1. "DIAMOND COVE, GREAT DIAMOND ISLAND, PORTLAND, MAINE PLAN OF DIAMOND COVE PHASE I - THIRD AMENDED SHEET 3, RECORD OWNER MCKINLEY PARTNERS LIMITED PARTNERSHIP" DATED 02/05/01 BY LAND USE CONSULTANTS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 202 PAGE 527.
2. "PROPOSED AMENDMENTS TO DIAMOND COVE RECORDING PLAT, THE INN AT DIAMOND COVE" DATED 01/21/10 BY DELUCA HOFFMAN ASSOCIATES, INC.
3. "PLAN OF LAND OF DIAMOND COVE" BY LAND USE CONSULTANTS DATED SEPTEMBER 27, 1989 AND RECORDED IN PLAN BOOK 181, PAGE 36



NOTES AND CONDITIONS 2-C-11

- The Inn at Diamond Cove ("Inn") depicted hereon is subject to, and has been approved by the Portland Planning Board, subject to the following, all of which are binding upon the real estate and the developer, its and their successors and assigns, in addition to all other conditions, permits and Orders of record which are applicable to the Inn in its status as a free-standing, independent development within the confines of the larger project commonly known as Ft. McKinley:
1. All Conditions appearing on this recorded Inn Subdivision Plan, the condominium plat submitted with the Subdivision Plan and/or in the Approval Letter issued by the Portland Planning Board.
 2. Portland City Council Order approved by the Portland City Council on February 22, 2012 Amending the Conditional Zone ("2012 Rezoning Order") to be recorded in the Cumberland County Registry of Deeds. Said Order provides, in part, that:
 - Section 2 - . . . that the Inn may include up to a maximum of twenty-two (22) hotelinium units with a maximum number of walk-out units, included as part of the twenty-two hoteliniums and not separate units, not to exceed twenty-two (22)
 - Section 3 - . . . All solid waste shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Minor Order (the "DEP Order") for the Inn at Diamond Cove, or successive DEP Order as may be amended. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provisions shall apply.
 - Section 5 - Transportation Services . . . All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove pier or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island.
 3. Maine Department of Environmental Protection ("MDEP"). MDEP Orders, incorporating by reference earlier Orders rendered in connection with the Ft. McKinley project:
 - a. Site Location of Development Act - Minor Amendment recorded in said Registry of Deeds in Book 27314, page 187; and
 - b. Site Location of Development Act - Minor Revision recorded in said Registry of Deeds in Book 29035, Page 22.
 4. Portland Planning Board Approved Plans - The Inn will be subject to all of the Notes and Conditions appearing on plans of record approved by the Portland Planning Board depicting the Inn premises, as follows:
 - a. This Plan entitled "Amended Subdivision Plat - The Inn at Diamond Cove" revised through March 8, 2012, by Owen Haskell, Inc. to be recorded in said Registry of Deeds, and the Condominium Plat submitted with the Subdivision Plan.
 - b. The Plan entitled "Diamond Cove, Great Diamond Island, Portland, Maine", dated October 25, 1985, revised on November 20, 1985 and November 27, 1985, recorded in said Registry of Deeds in Plan Book 160, Page 54.
 5. Diamond Cove Homeowners Association ("DCHA") - DCHA is the umbrella governing body for the Ft. McKinley project, within which the Inn will exist and operate. The Inn is specifically subject to, and benefited by, the following:
 - a. The Ground Lease Agreement by and between the Inn and DCHA, a memorandum of which shall be recorded at said Registry of Deeds;
 - b. The Drainage Easement Agreement by and between the Inn and DCHA to be recorded at said Registry of Deeds;
 - c. The Plan recorded in said Registry of Deeds in Plan Book 202, Page 527, as further amended and controlled by this Subdivision Plan for the Inn project.
 - d. The Fifth Supplement to the Declaration of Covenants and Restrictions, applicable to the Inn, to be recorded in said Registry of Deeds; and
 - e. The original Amended and Restated General Declaration of Covenants and Restrictions, Diamond Cove, Great Diamond Island, Portland, ME, dated December 23, 1993 and recorded in said Registry of Deeds in Book 11277, Page 322, as it has been amended and supplemented since, including the Fifth Supplement referenced above.
- The Inn at Diamond Cove Condominium Association ("Condominium Association") - The Inn is subject to the terms and conditions of its Declaration of Condominium, to be recorded at said Registry of Deeds, and By-Laws approved by the City of Portland, to be administered by the Condominium Association.



APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE _____

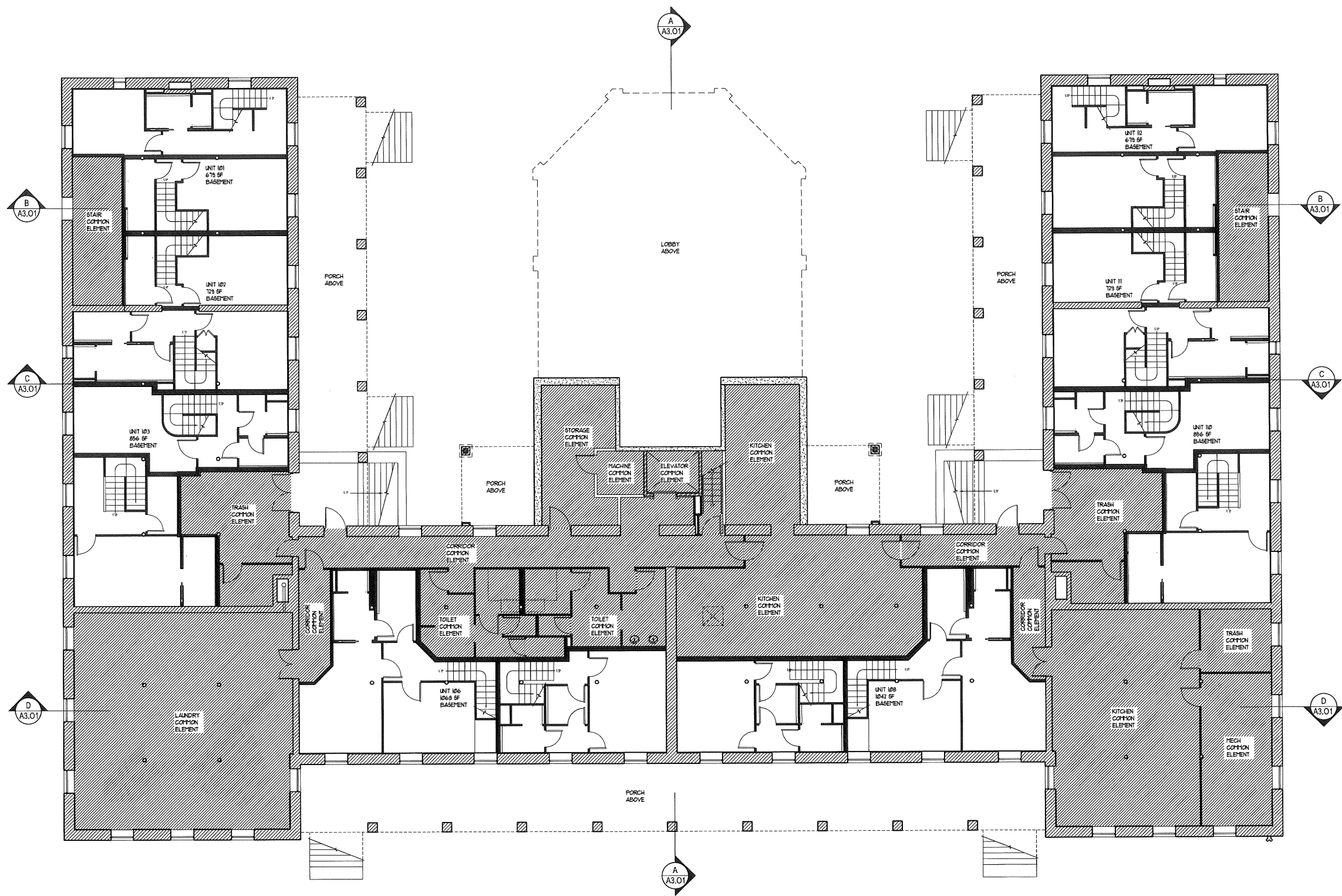
JOHN W. SWAN, PLS NO. 1038

REV. 1 | 03-08-12 | REVISIONS PER CITY COMMENTS

AMENDED DIAMOND COVE SUBDIVISION RECORDING PLAT
THE INN AT DIAMOND COVE
 MCKINLEY COURT - GREAT DIAMOND ISLAND
 PORTLAND, MAINE
 MADE FOR RECORD OWNER
THE INN AT DIAMOND COVE LLC
 C/O BATEMAN PARTNERS
 470 FORE STREET #400, PORTLAND, ME 04101

OWEN HASKELL, INC.
 390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424
 PROFESSIONAL LAND SURVEYORS

Drawn By	OHI	Date	Job No.
Trace By	JLW	DECEMBER 28, 2011	2011-180P
Check By	JWS	Scale	Drwg. No.
Book No.	FILE	1" = 20'	1CP



1 | BASEMENT PLAN
SCALE: 1/8"=1'-0"

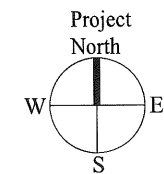
SQUARE FOOTAGES

EXISTING BUILDING FOOTPRINT = 13,629 Sq Ft
TOTAL BUILDING FOOTPRINT = 16,510 Sq Ft
TOTAL BUILDING GROSS SQ FT = 54,065 Sq Ft
Basement Floor = 13,683 Sq Ft
First Floor = 16,510 Sq Ft
Second Floor = 14,189 Sq Ft
Third Floor = 9,383 Sq Ft

Unit	Lower	Upper	Total	Unit	Lower	Upper	Total
101	679	674	1353	201	963	---	963
102	729	632	1361	202	1107	---	1107
103	856	681	1537	203	1252	---	1252
104	---	1253	1253	204	870	728	1598
105	---	1007	1007	205	1140	---	1140
106	1088	870	1958	206	870	728	1598
107	---	1007	1007	207	1136	---	1136
108	1042	870	1912	208	1252	---	1252
109	---	1253	1253	209	1107	---	1107
110	856	681	1537	210	963	---	963
111	728	632	1361				
112	679	674	1353				

STATE OF MAINE

RECEIVED _____ COUNTY REGISTRY OF DEEDS
AT _____ h _____ m _____ M. 20 _____ AND RECORDED IN
PLAN BOOK _____ PAGE _____
ATTEST _____ REGISTER



Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

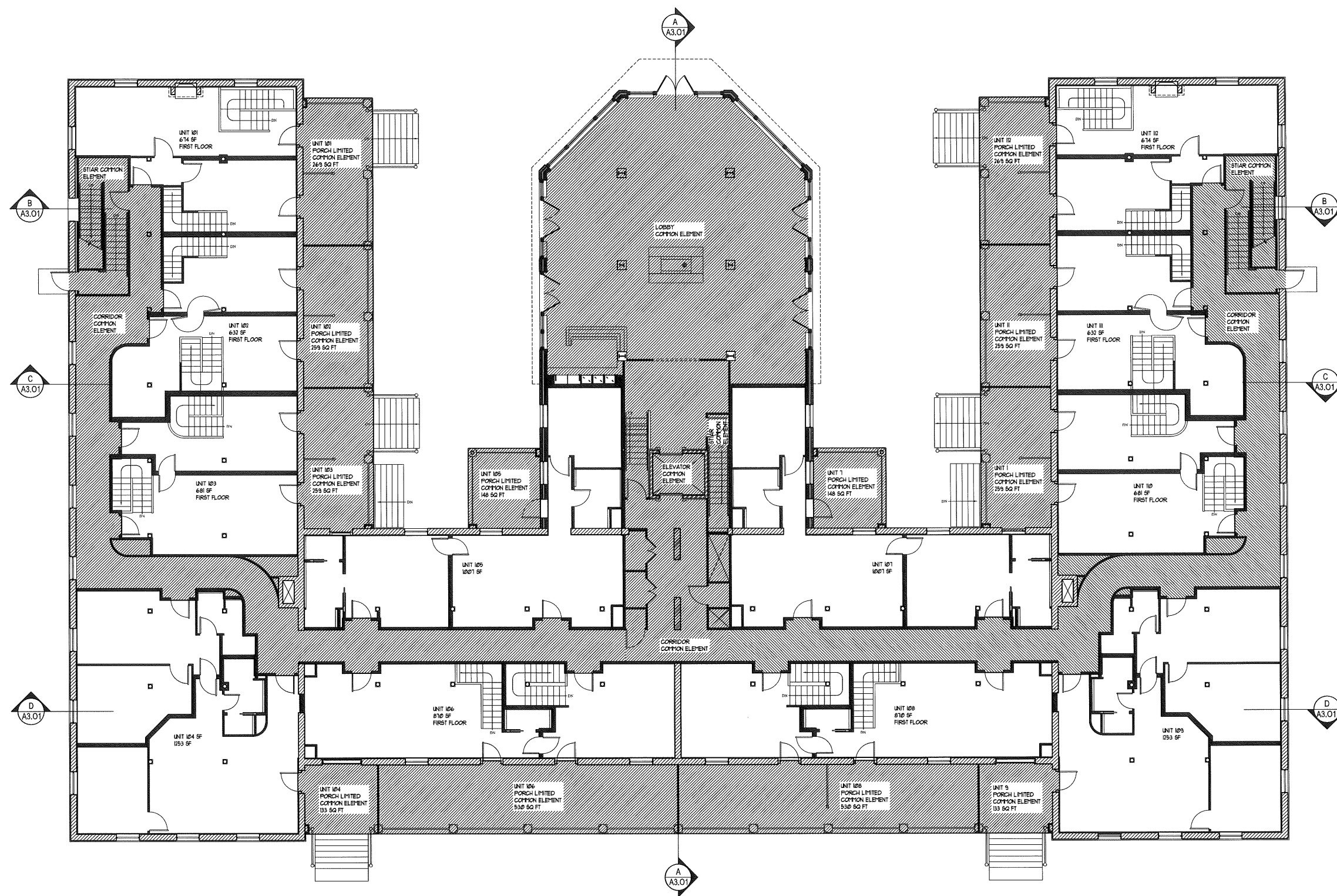
Architect:
ARCHETYPE Architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
THE INN AT DIAMOND COVE, LLC
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:

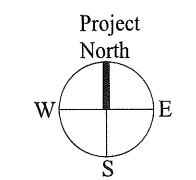
Date: 8 March 2012
Scale: 1/8" = 1'-0"
BASEMENT PLAN

A1.00



1 | FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

STATE OF MAINE
COUNTY REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ h _____ m _____ M. AND RECORDED IN
PLAN BOOK _____ PAGE _____
ATTEST _____ REGISTER



Prepared for:
**The Inn at Diamond
Cove, LLC.**
PO BOX 3572
PORTLAND, ME 04101

Architect:
**ARCHETYPE
architects**
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
**THE INN AT
DIAMOND COVE,
LLC**
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
02-06-12

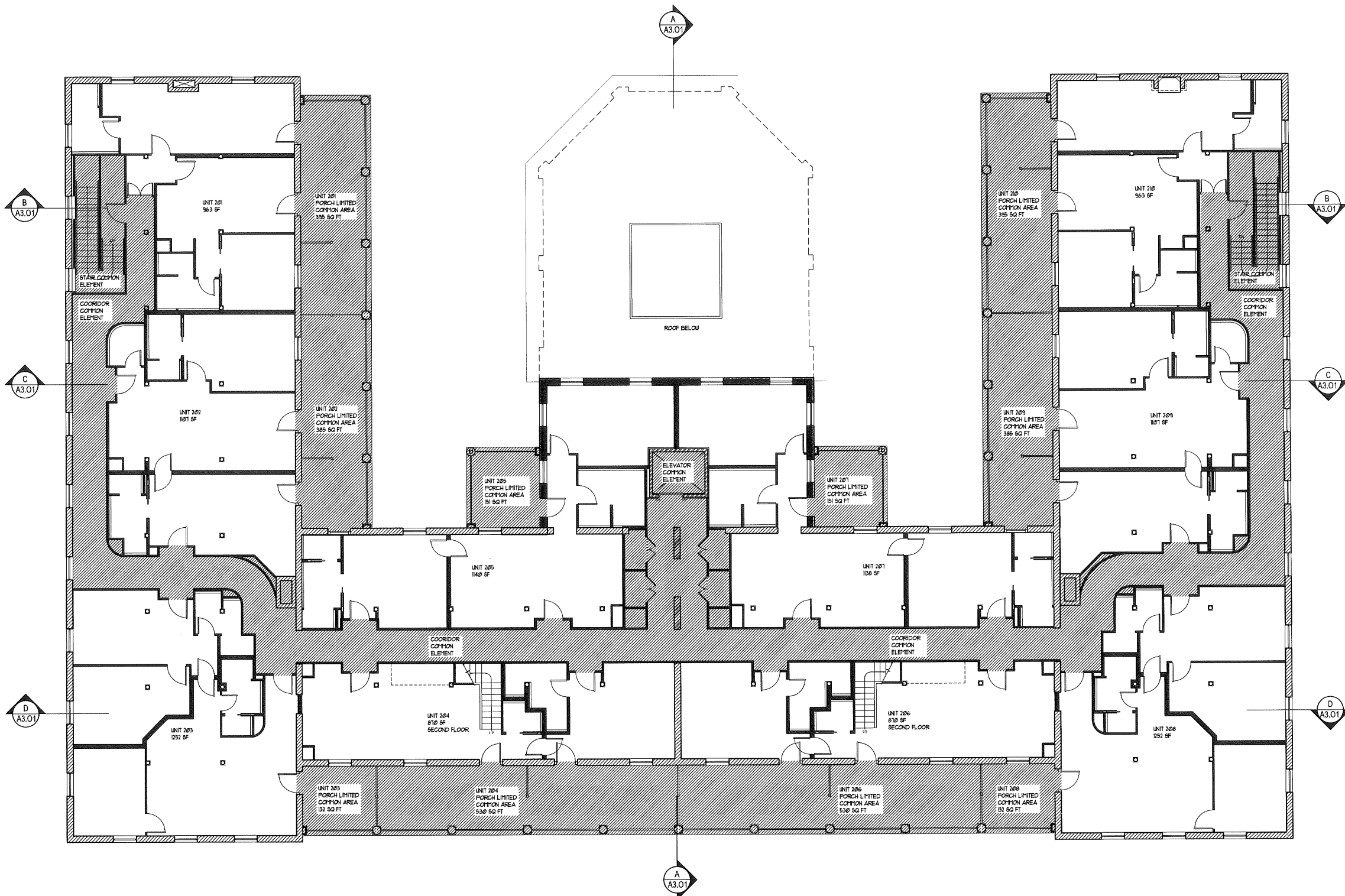
Date:
8 March 2012

Scale:
1/8" = 1'-0"

FIRST FLOOR PLAN

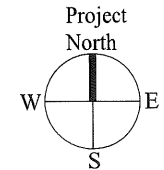
A1.01

2-C-14



1 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

STATE OF MAINE
 _____ COUNTY REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ h _____ m _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTER



Prepared For:
**The Inn at Diamond
 Cove, LLC.**
 PO BOX 3572
 PORTLAND, ME 04101

Architect:
**ARCHETYPE
 architects**
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

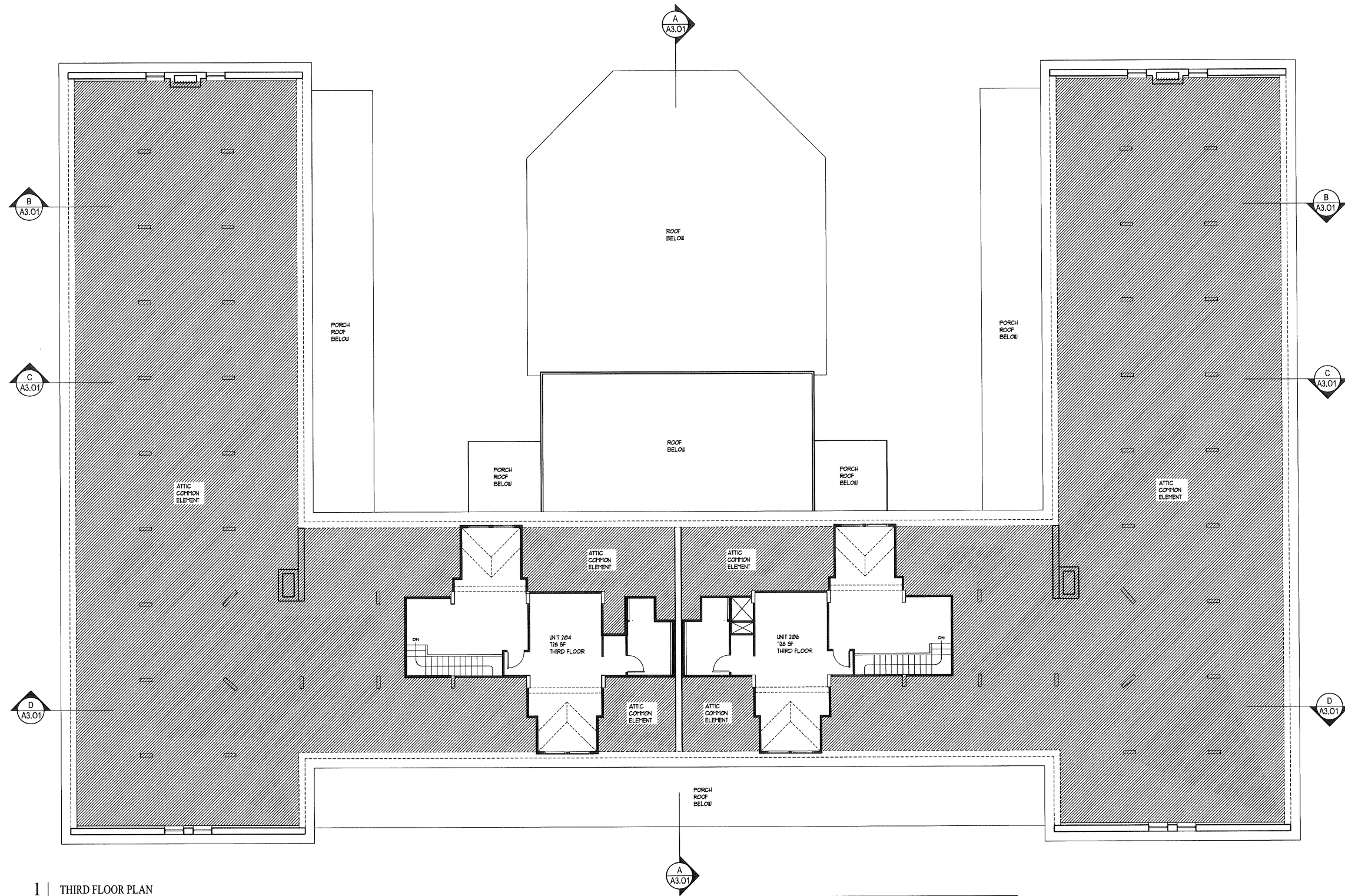
Project:
**THE INN AT
 DIAMOND COVE,
 LLC**
 MCKINLEY COURT
 GREAT DIAMOND ISLAND, MAINE

Revisions:
 02-06-12

Date: 8 March 2012
 Scale: 1/8" = 1'-0"
SECOND FLOOR PLAN

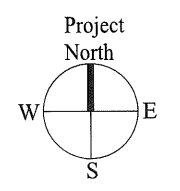
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2-C-15



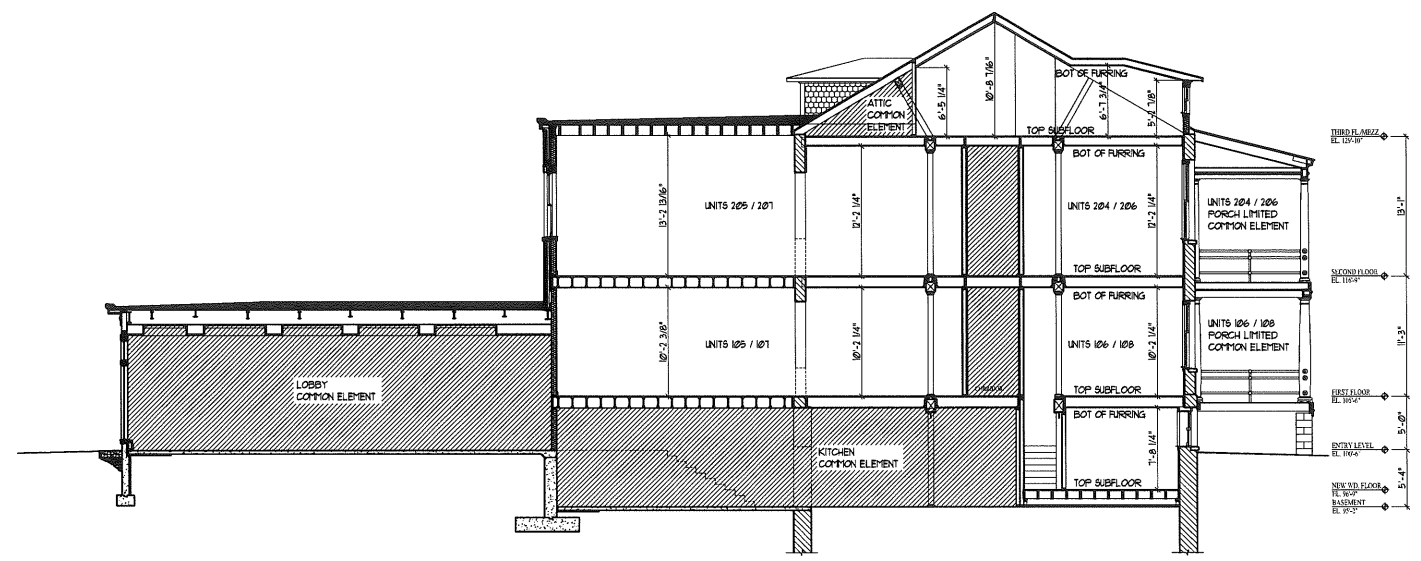
1 | THIRD FLOOR PLAN
SCALE: 1/8"=1'-0"

STATE OF MAINE
 _____ COUNTY REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ h _____ m _____ M. AND RECORDED IN _____
 PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTER

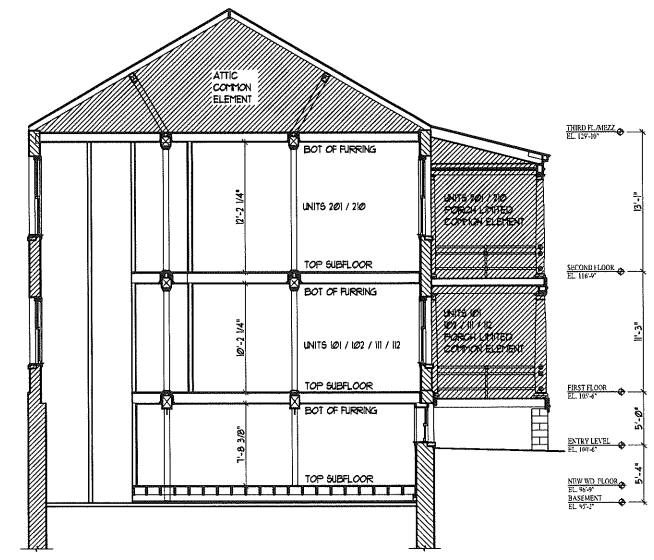


Prepared For: The Inn at Diamond Cove, LLC. PO BOX 3572 PORTLAND, ME 04101	
Architect: ARCHETYPE architects 48 Union Wharf Portland, Maine 04101 (207) 772-6022 Fax (207) 772-4056	Project: THE INN AT DIAMOND COVE, LLC McKINLEY COURT GREAT DIAMOND ISLAND, MAINE
Revisions: 01-13-12	
Date: 8 March 2012	Scale: 1/8" = 1'-0"
THIRD FLOOR PLAN	
A1.03	

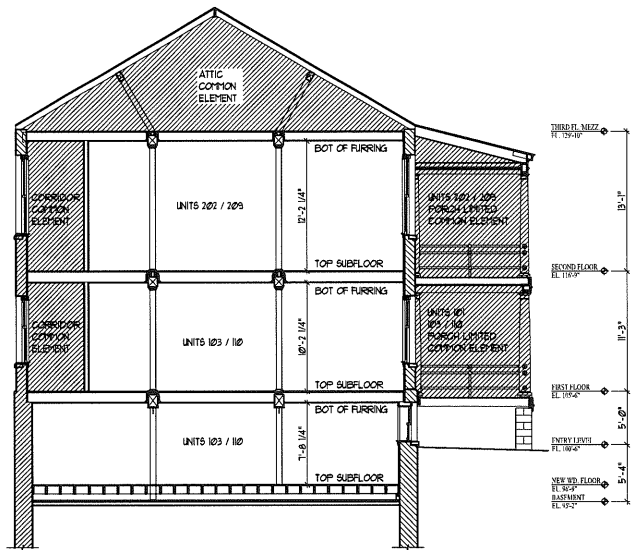
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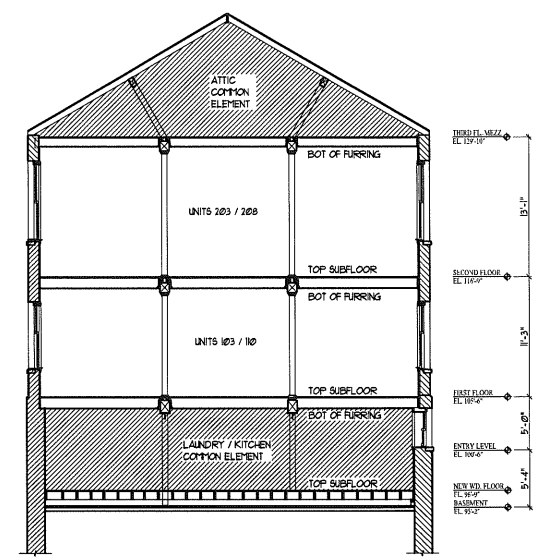
A BUILDING SECTION
SCALE: 1/8"=1'-0"



B BUILDING SECTION
SCALE: 1/8"=1'-0"



C BUILDING SECTION - TRANSVERSE THROUGH LOBBY
SCALE: 1/8"=1'-0"



D BUILDING SECTION - TRANSVERSE THROUGH LOBBY
SCALE: 1/8"=1'-0"

STATE OF MAINE
____ COUNTY REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ h _____ m _____ M. AND RECORDED IN
PLAN BOOK _____ PAGE _____
ATTEST _____ REGISTER

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

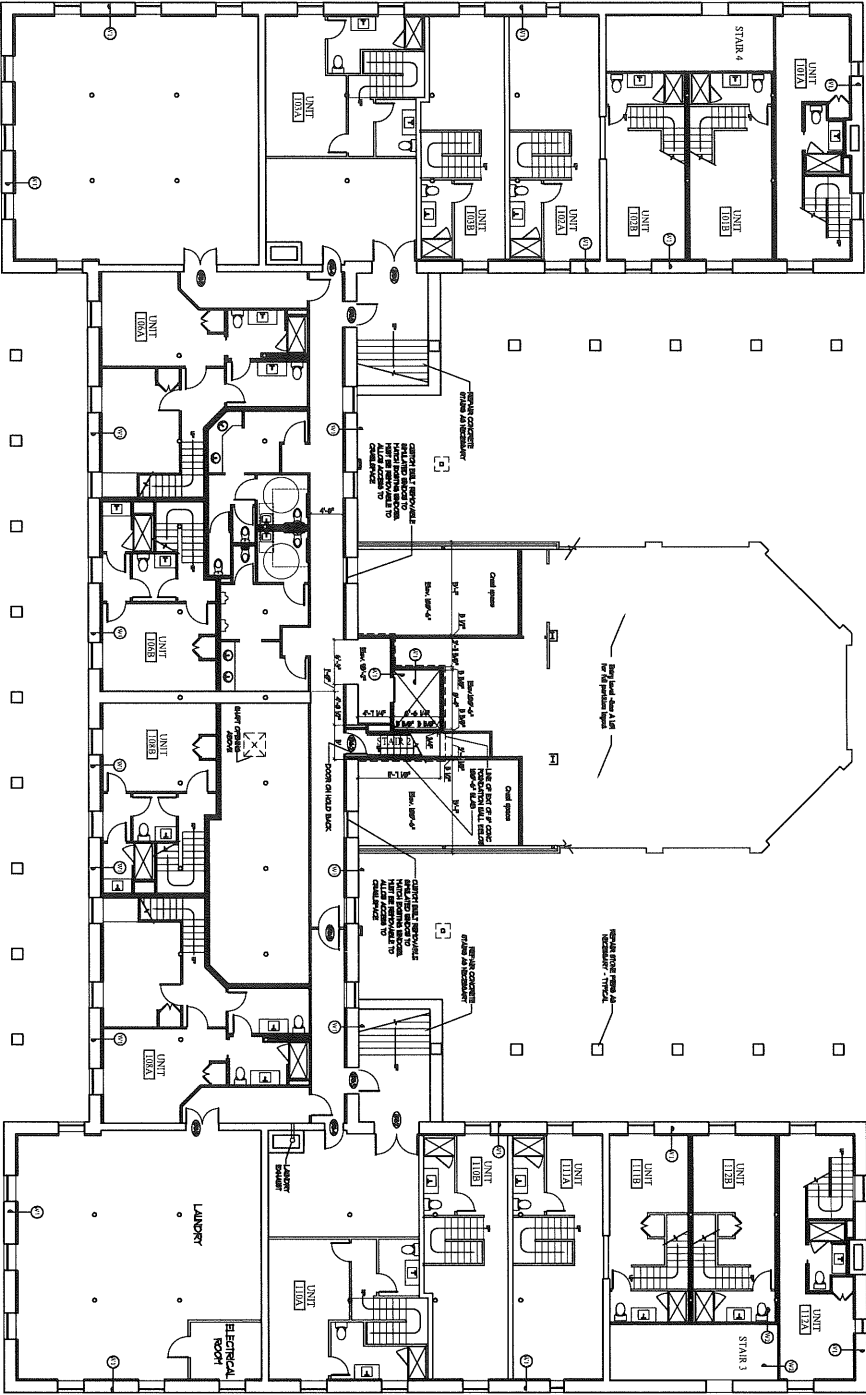
Architect:
ARCHETYPE architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
THE INN AT DIAMOND COVE, LLC
McKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

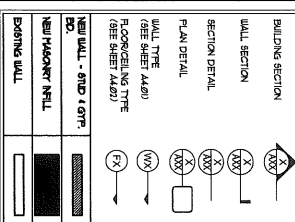
Revisions:

Date: 8 March 2012
Scale: 1/8" = 1'-0"
BUILDING SECTIONS

A3.01



LEGEND:



GENERAL NOTES:

1. ALL HATCHING OR OTHER DISTINCTIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
2. OTHER NOTES SHALL BE REFERENCED TO THE APPROPRIATE SHEET AND LAYER OF THE DRAWING.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. SEE ADD FOR WALL, THE ARCHITECTURE AND INTERIOR FINISHES.
5. SEE ADD FOR INTERIOR FINISHES, LANTERN AND INTERIOR DETAIL.
6. SEE ADD FOR INTERIOR DETAIL.
7. HATCHING: TYPICAL ALL FINISHES.
8. HATCHING: TYPICAL ALL FINISHES.
9. LOCATION OF CONNECTION AT ALL WALLS AND PARTIAL WALLS SHALL BE AS SHOWN.
10. FINISHES AS NOTED ON THE DRAWING.
11. FINISHES AS NOTED ON THE DRAWING.
12. FINISHES AS NOTED ON THE DRAWING.
13. FINISHES AS NOTED ON THE DRAWING.
14. FINISHES AS NOTED ON THE DRAWING.
15. FINISHES AS NOTED ON THE DRAWING.
16. FINISHES AS NOTED ON THE DRAWING.
17. FINISHES AS NOTED ON THE DRAWING.
18. FINISHES AS NOTED ON THE DRAWING.
19. FINISHES AS NOTED ON THE DRAWING.
20. FINISHES AS NOTED ON THE DRAWING.



A1.00

Date: 12 January 2011
 Scale: 1/8" = 1'-0"
BASEMENT FLOOR PLAN

Revisions:
 PRICING SET
 Issued for SFMO permit 2.22.11

Project: **THE INN AT DIAMOND COVE, LLC**
 McKinley Court
 Great Diamond Island, Maine

Architect: **ARCHETYPE architects**
 48 Union Street Portland, Maine 04101
 Phone: 603.684.2778 Fax: 207.772.4056

Interior Designer: **truexcollins**
 80 BATH STREET PORTLAND, ME 04101
 Phone: 603.684.2778 Fax: 207.772.4056

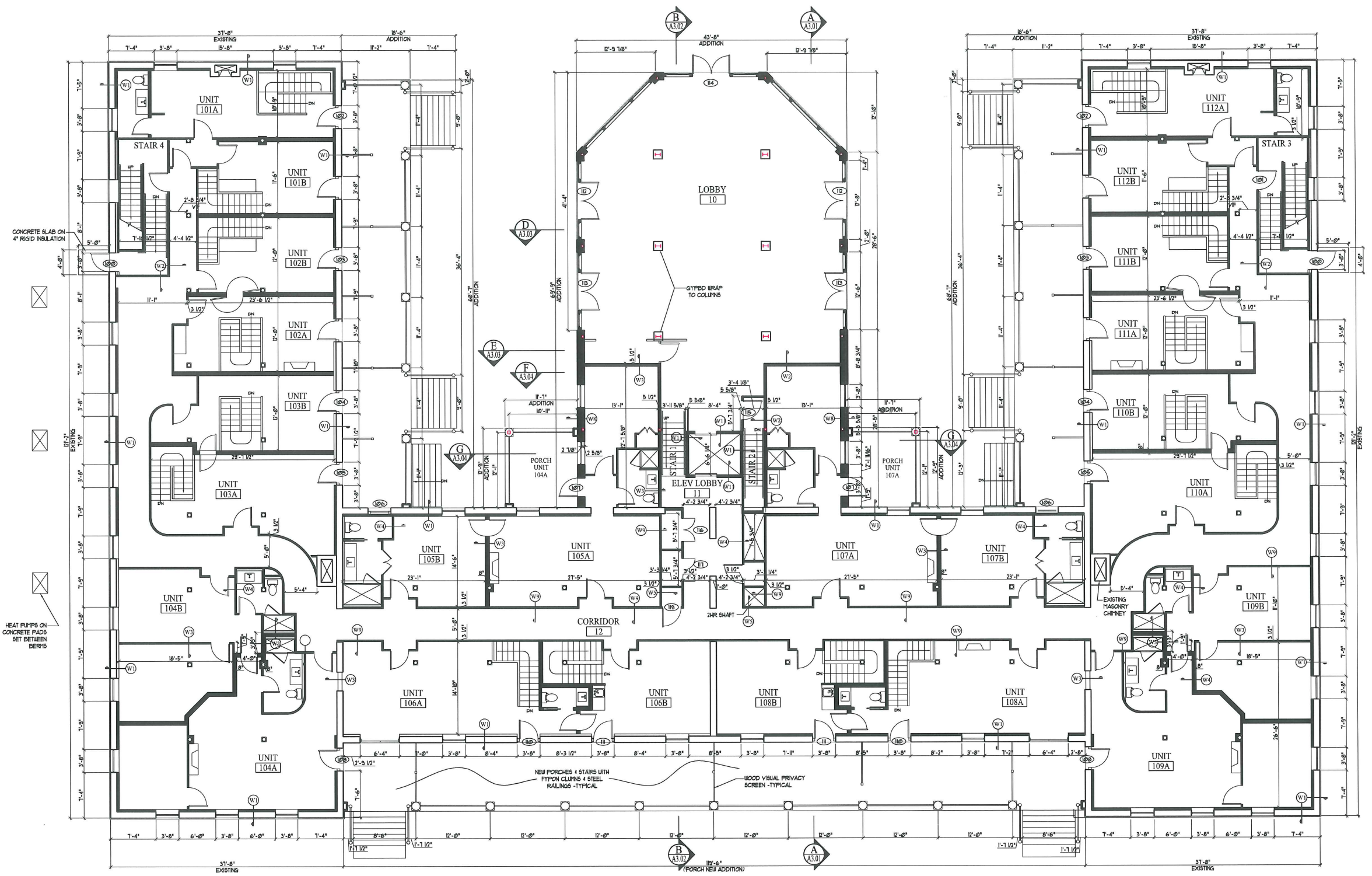
Prepared For: **The Inn at Diamond Cove, LLC.**
 PO BOX 3572
 PORTLAND, ME 04101

LEGEND:

BUILDING SECTION	
WALL SECTION	
SECTION DETAIL	
PLAN DETAIL	
WALL TYPE (SEE SHEET A4.01)	
FLOOR/CEILING TYPE (SEE SHEET A4.02)	
NEW WALL - STUD & GYP. BD.	
NEW MASONRY INFILL	
EXISTING WALL	

GENERAL NOTES:

- ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
- OFFSET STUDS WHERE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1 AND 2 LAYERS OF GYP BOARD. FINISHED GYP BOARD SHALL BE A CONTINUOUS PLANE.
- ALL DIMENSIONS ARE TO FACE OF ROUGH FRAMING, COLUMN CENTERLINES AND FACE OF MASONRY.
- SEE A4.00 FOR WALL TYPE ASSEMBLIES
- SEE A1.00 FOR DOOR/FINISH SCHEDULES
- SEE A6.00 FOR ENLARGED UNIT PLANS AND INTERIOR DETAILS.
- INFILL, REPAIR & REPOINT EXISTING MASONRY. TYPICAL ALL EXISTING MASONRY.
- PROVIDE WOOD BLOCKING AT ALL LOCATIONS OF CONNECTION OF NEW FRAMING TO EXISTING MASONRY.
- PATCH AND REPAIR WOOD FLOOR STRUCTURE AS INDICATED ON STRUCTURAL DRAWINGS AND AS NECESSARY.
- PORCHES REBUILT AND DETAILED ON SHEET A3.02.
- SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.
- WHERE EXISTING MASONRY IS REMOVED, REPAIR ALL CUTTING WITH BRICK AND JOINTING TO FINISH AS NECESSARY.

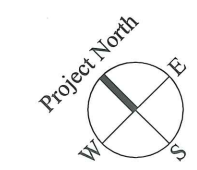
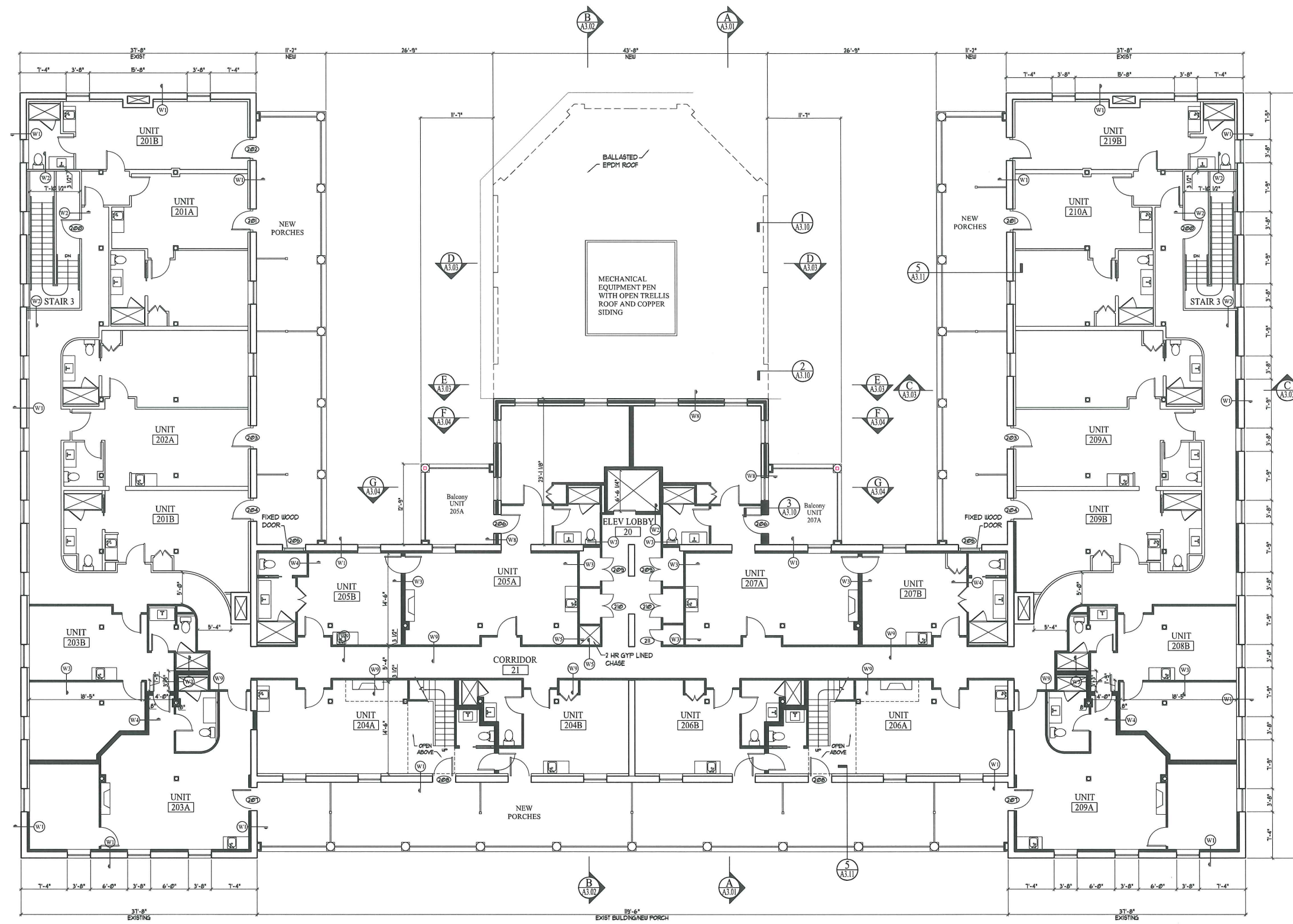


LEGEND:

BUILDING SECTION	
WALL SECTION	
SECTION DETAIL	
PLAN DETAIL	
WALL TYPE (SEE SHEET A4.01)	
FLOOR/CEILING TYPE (SEE SHEET A4.02)	
NEW WALL - STUD & GYP. BD.	
NEW MASONRY INFILL	
EXISTING WALL	

GENERAL NOTES:

- ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
- OFFSET STUDS WHERE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1 AND 2 LAYERS OF GYP BOARD. FINISHED GYP BOARD SHALL BE A CONTINUOUS PLANE.
- ALL DIMENSIONS ARE TO FACE OF ROUGH FRAMING, COLUMN CENTERLINES AND FACE OF MASONRY.
- SEE A4.00 FOR WALL TYPE ASSEMBLIES
- SEE A7.00 FOR DOOR/FINISH SCHEDULES
- SEE A6.00 FOR ENLARGED UNIT PLANS AND INTERIOR DETAILS.
- INFILL, REPAIR & REPOINT EXISTING MASONRY. TYPICAL ALL EXISTING MASONRY.
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- PORCHES REBUILT AND DETAILED ON SHEET A3.02.
- SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.
- WHERE EXISTING MASONRY IS REMOVED, REPAIR ALL CUTTING WITH BRICK AND JOINTING TO FINISH AS NECESSARY.



2-0-3

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
209 BATTERY STREET, BURLINGTON, VERMONT 05401 USA
Phone: 802.658.2775 800.227.1076
ARCHITECTURE: INTERIOR DESIGN @ TRUEXCULINS.COM

Architect:
ARCHETYPE architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax: (207) 772-4056

Project:
THE INN AT DIAMOND COVE, LLC
McKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

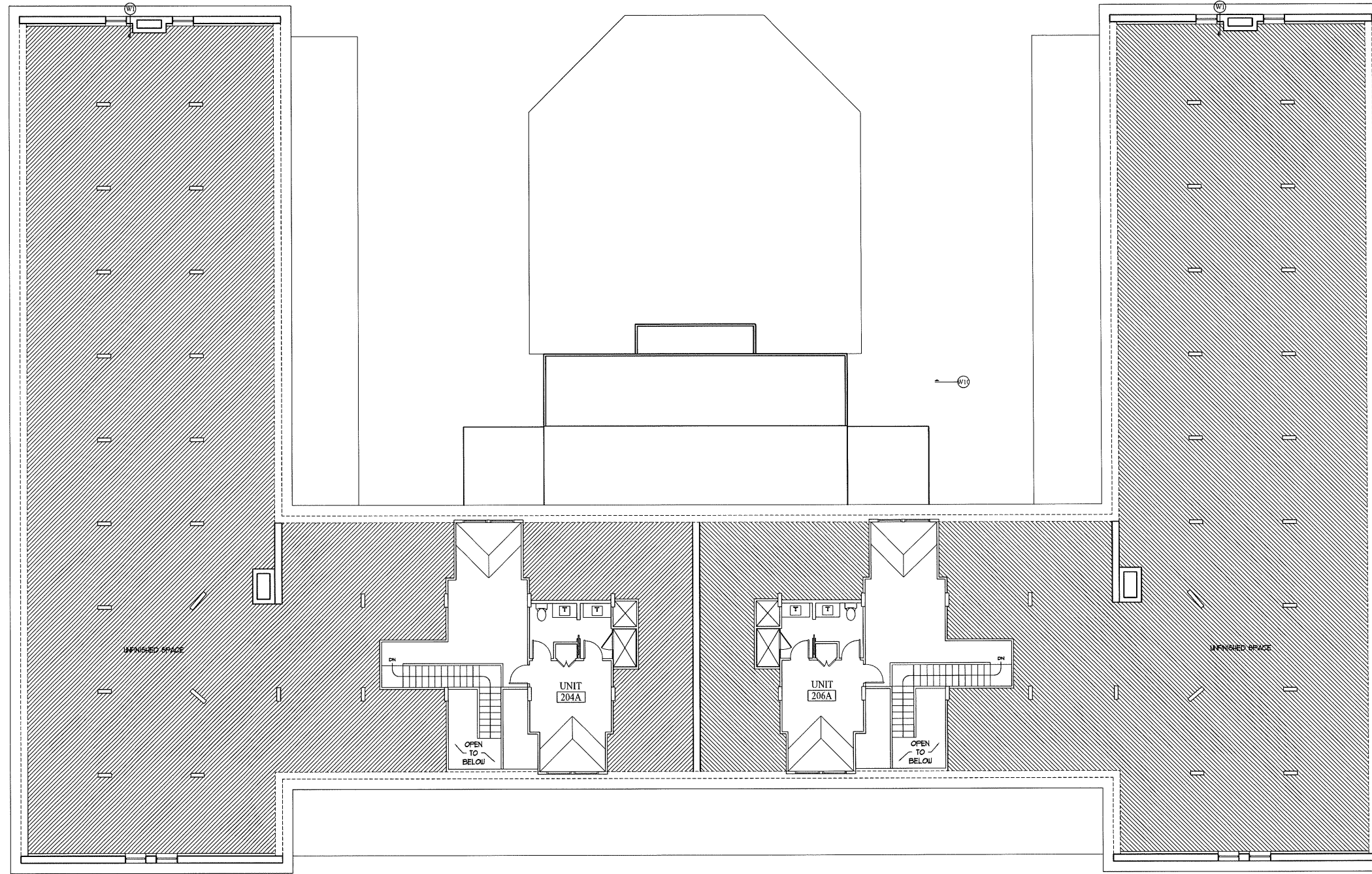
Revisions:
Planning Board Amendment 12-15-11

Date:
12 January 2011

Scale:
1/8" = 1'-0"







SECOND FLOOR PLAN

A1.02



UNFINISHED ATTIC AREA. CLOSED CELL FOAM
 CEILING INSULATION IN THIS AREA TO BE
 PAINTED WITH INTUDESCENT PAINT

LEGEND

- BUILDING SECTION 
- WALL SECTION 
- SECTION DETAIL 
- PLAN DETAIL 
- WALL TYPE
(SEE SHEET A4.01) 
- FLOOR/CEILING TYPE
(SEE SHEET A4.02) 

GENERAL NOTES:

1. ALL MASONRY OPENING DIMENSIONS ARE NOMINAL - I.E. 6'-0" M.O. EQUALS 6'-0-3/8" ACTUAL OPENING
2. OFFSET STUDS WHERE REQUIRED TO ACCOMMODATE STRAIGHT RUNS OF WALLS WITH 1 AND 2 LAYERS OF GYP BOARD. FINISHED GYP BOARD SHALL BE A CONTINUOUS PLANE.
3. ALL DIMENSIONS ARE TO FACE OF ROUGH FRAMING, COLUMN CENTERLINES AND FACE OF MASONRY.
4. SEE A4.00 FOR WALL TYPE ASSEMBLIES
5. SEE A1.00 FOR DOOR/FINISH SCHEDULES
6. SEE A6.00 FOR ENLARGED UNIT PLANS AND INTERIOR DETAILS
7. INFILL, REPAIR & REPOINT EXISTING MASONRY. TYPICAL ALL EXISTING MASONRY.
8. PROVIDE WOOD BLOCKING AT ALL LOCATIONS OF CONNECTION OF NEW FRAMING TO EXISTING MASONRY.
9. PATCH AND REPAIR WOOD FLOOR STRUCTURE AS INDICATED ON STRUCTURAL DRAWINGS AND AS NECESSARY.
10. PORCHES REBUILT AND DETAILED ON SHEET A3.02.
11. SEE INTERIOR DESIGN DRAWINGS A6.00 SERIES FOR UNIT PLANS, LAYOUTS AND FINISH MATERIALS.

2-0-4

Prepared For:
**The Inn at Diamond
 Cove, LLC.**
 PO BOX 3572
 PORTLAND, ME 04101

Interior Designer:
truexculins
 INTERIORS
 209 BATTERY STREET BURLINGTON, VERMONT 05401 USA
 Phone: 802.656.2775 Fax: 800.227.1076
 ARCHITECTURE | INTERIOR DESIGN | truexculins.com

Architect:
ARCHETYPE
 architects
 48 Union Wharf Portland, Maine 04101
 (207) 772-6022 Fax (207) 772-4056

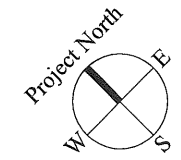
Project:
**THE INN AT
 DIAMOND COVE,
 LLC**
 MCKINLEY COURT
 GREAT DIAMOND ISLAND, MAINE

Revisions:
 Planning Board Amendment 12-15-11

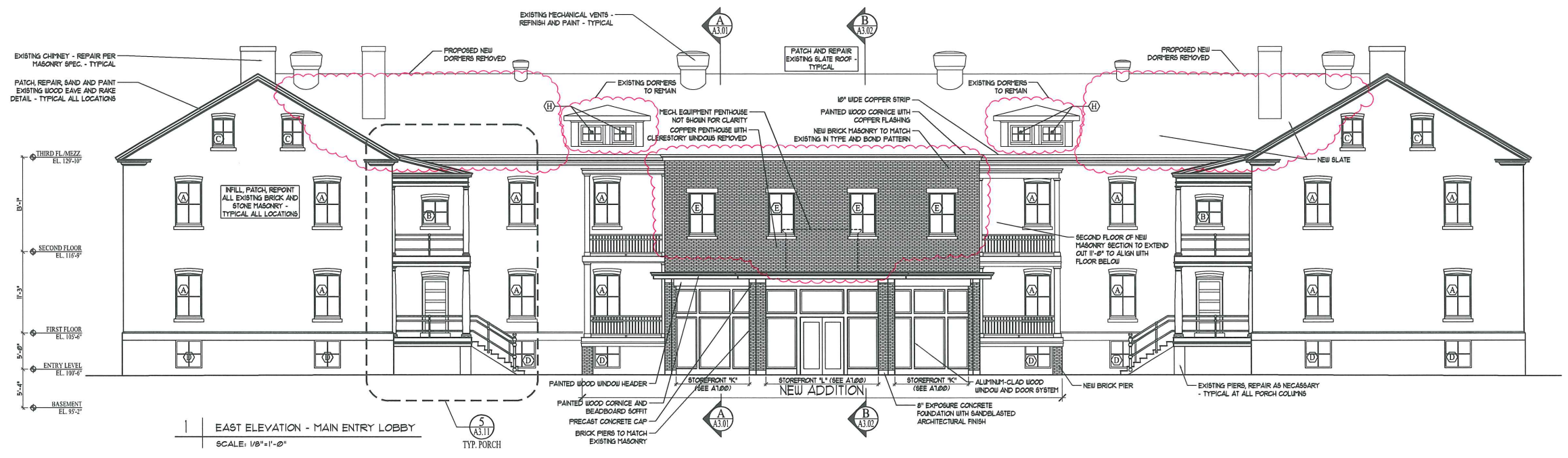
Scale:
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Date:
 12 January 2011

THIRD FLOOR PLAN



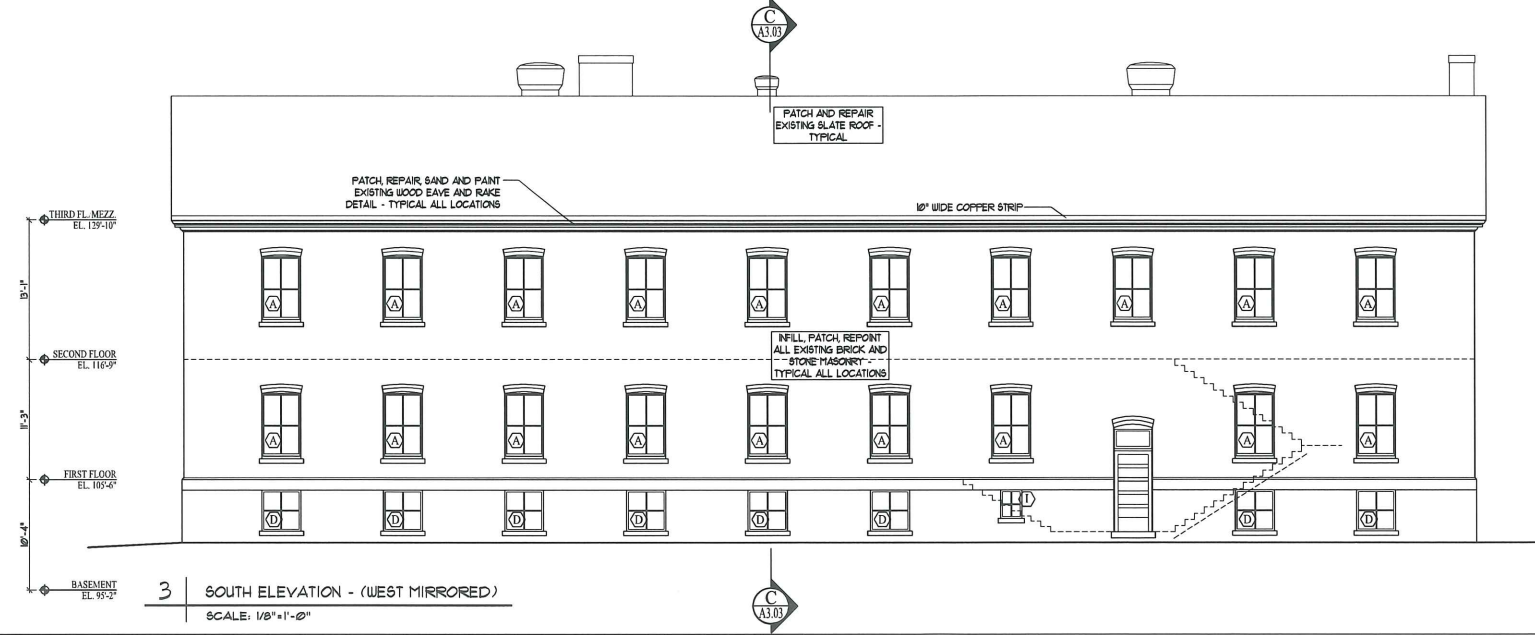
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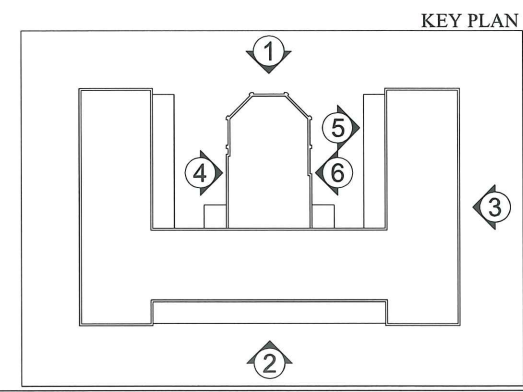
1 EAST ELEVATION - MAIN ENTRY LOBBY
SCALE: 1/8" = 1'-0"
TYP. PORCH



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"
TYP. PORCH



3 SOUTH ELEVATION - (WEST MIRRORRED)
SCALE: 1/8" = 1'-0"



LEGEND

BUILDING SECTION	(X/XXX)
WALL SECTION	(X/XXX)
SECTION DETAIL	(X/XXX)
PLAN DETAIL	(X/XXX)
WALL TYPE (SEE SHEET A4.01)	(WX)
FLOOR/CEILING TYPE (SEE SHEET A4.02)	(FX)

2-D-6

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexculins
INTERIORS
209 BATTERY STREET, RUMFORD, VERMONT 05401 USA
Phone 802.658.2775 800.227.1076
ARCHITECTURE | INTERIOR DESIGN | TRUEXCULINS.COM

Architect:
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48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

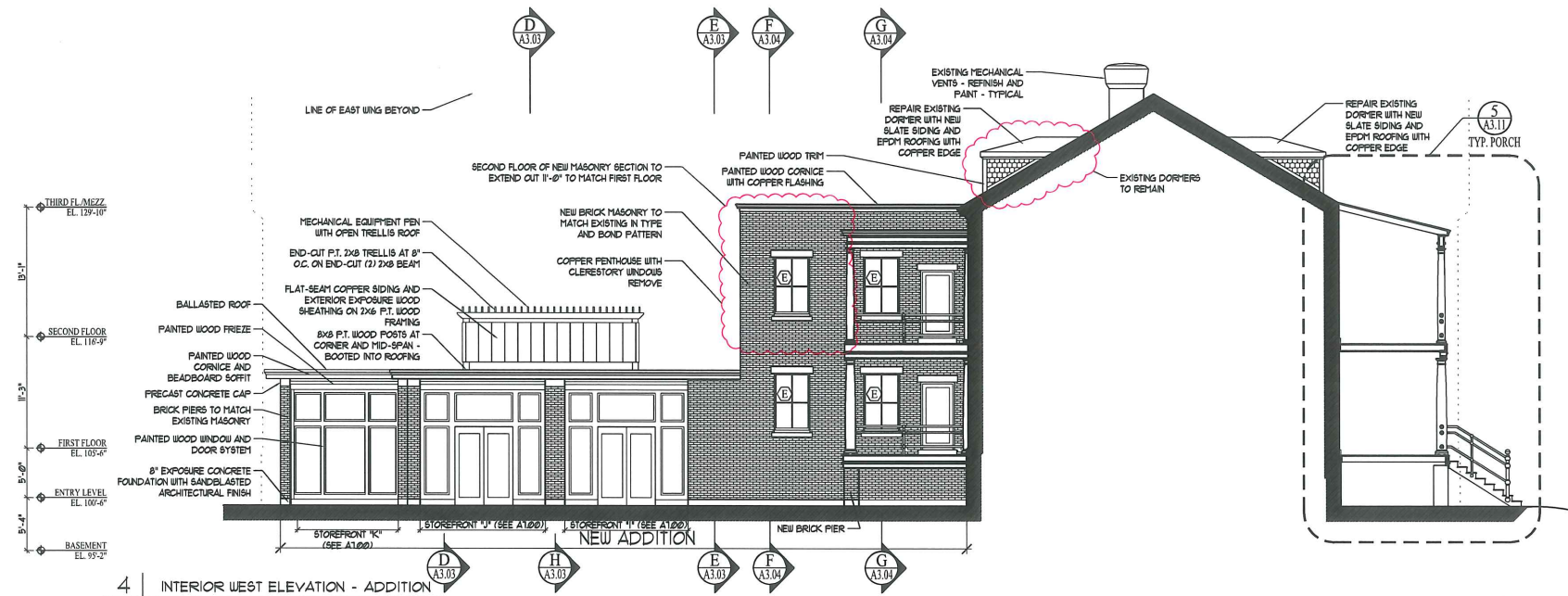
Project:
THE INN AT DIAMOND COVE, LLC
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions:
Planning Board Amendment 12-15-11

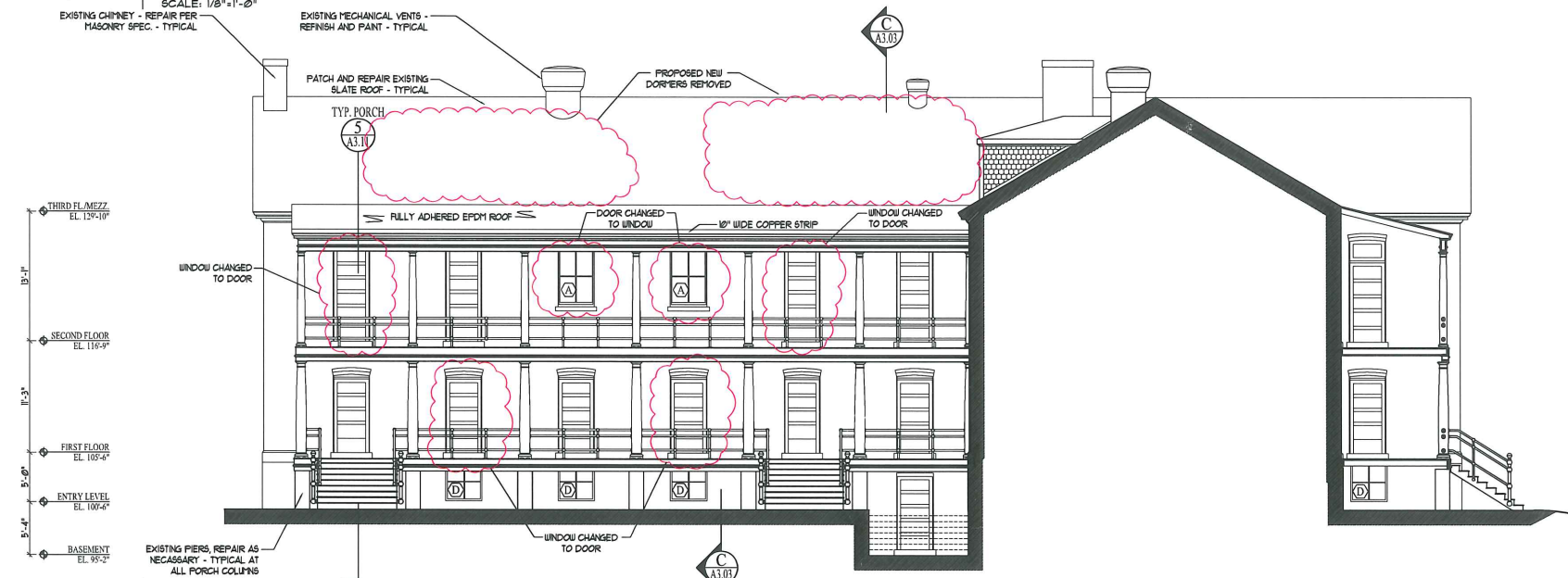
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Date: 12 January 2011

BUILDING ELEVATIONS

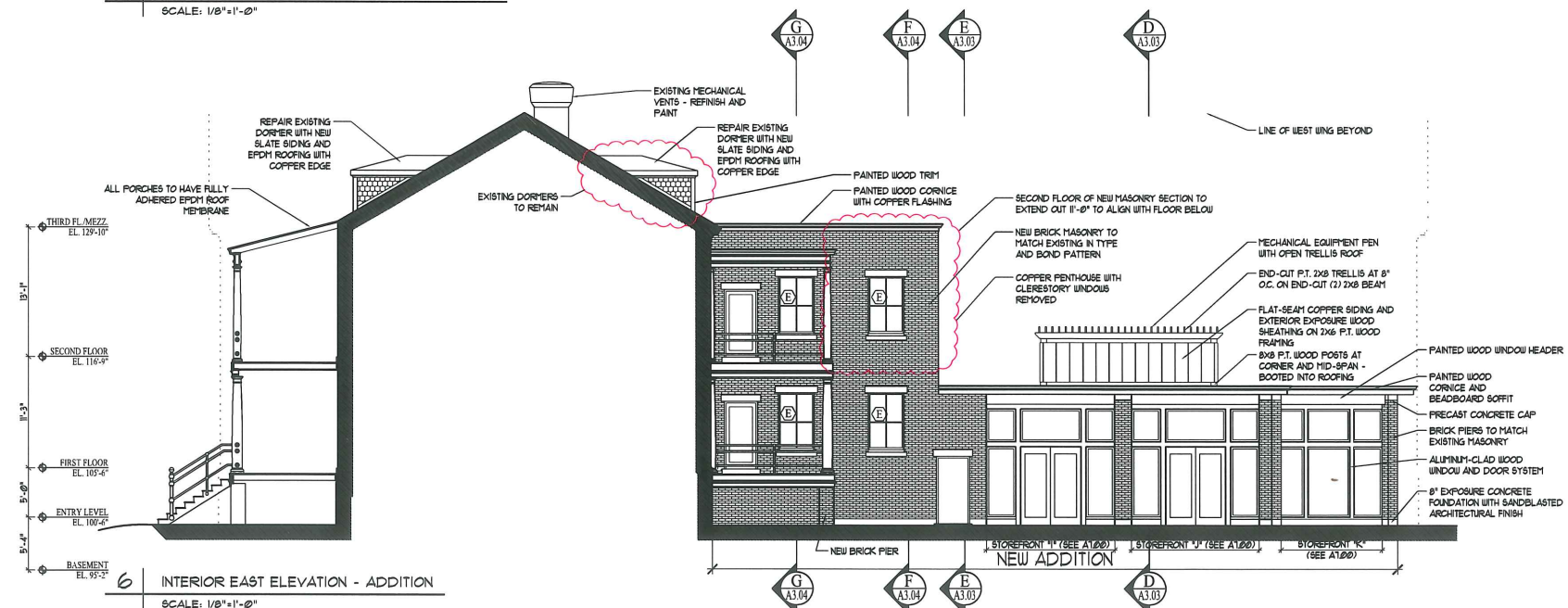
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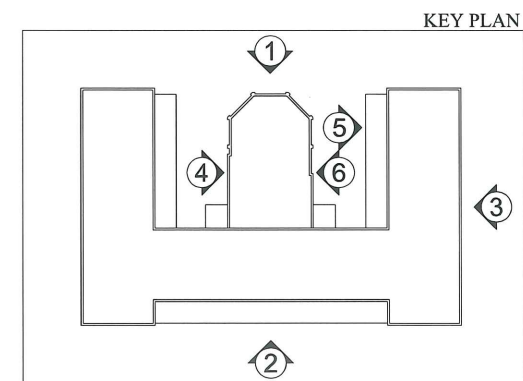
4 INTERIOR WEST ELEVATION - ADDITION
SCALE: 1/8" = 1'-0"



5 INTERIOR WEST ELEVATION - EAST WING PORCH
SCALE: 1/8" = 1'-0"



6 INTERIOR EAST ELEVATION - ADDITION
SCALE: 1/8" = 1'-0"



LEGEND

BUILDING SECTION	(X) AXX
WALL SECTION	(X) AXX
SECTION DETAIL	(X) AXX
PLAN DETAIL	(X) AXX
WALL TYPE (SEE SHEET A4.01)	(WX)
FLOOR/CEILING TYPE (SEE SHEET A4.02)	(FX)

2-0-7

Prepared For: **The Inn at Diamond Cove, LLC.**
PO BOX 3572
PORTLAND, ME 04101

Interior Designer: **truexculins INTERIORS**
200 BATTERY STREET, SUITE 200, PORTLAND, ME 04101
Phone: 802.658.2775 | 800.227.1076
ARCHITECTURE: INTERIOR DESIGN: TRUEXCULINS.COM

Architect: **ARCHETYPE architects**
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(207) 772-6022 Fax (207) 772-4056

Project: **THE INN AT DIAMOND COVE, LLC**
MCKINLEY COURT
GREAT DIAMOND ISLAND, MAINE

Revisions: Planning Board Amendment 12-15-11

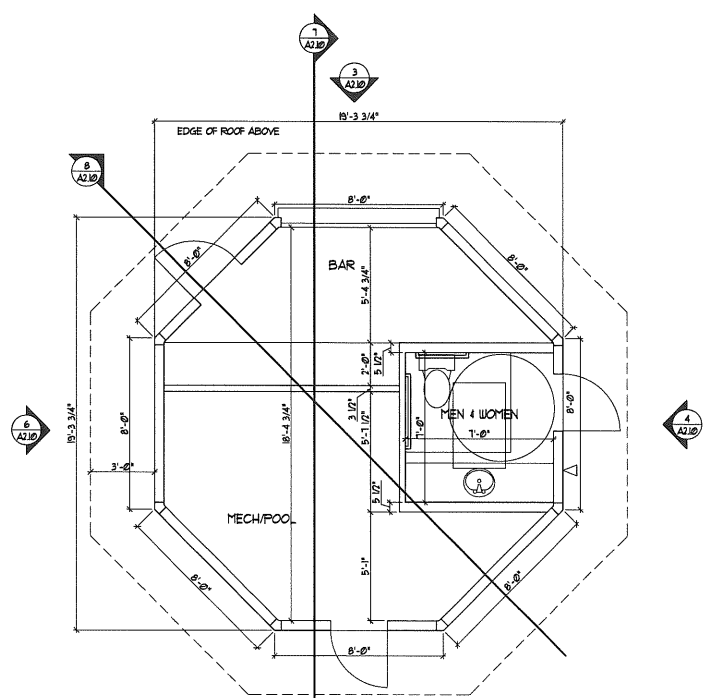
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Date: 12 January 2011

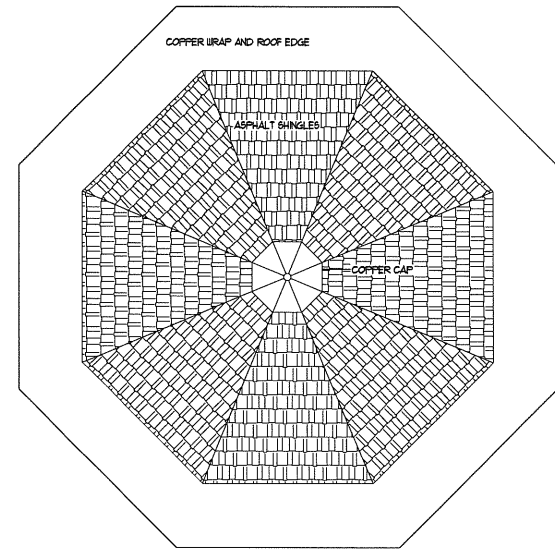
BUILDING ELEVATIONS

A2.02

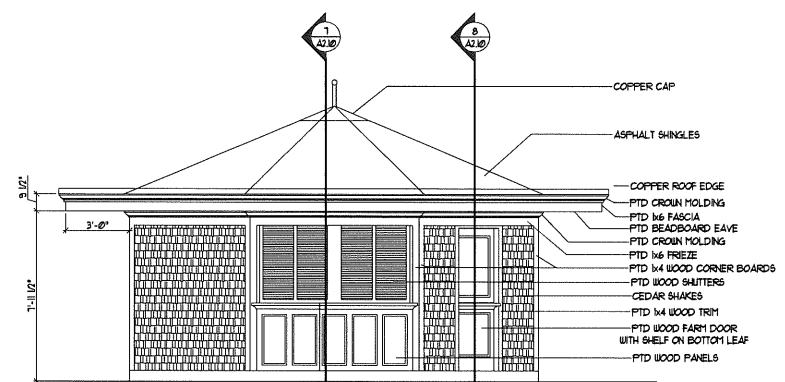
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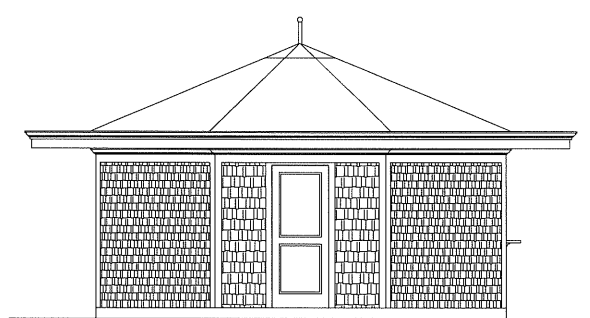
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SCALE: 1/4" = 1'-0"



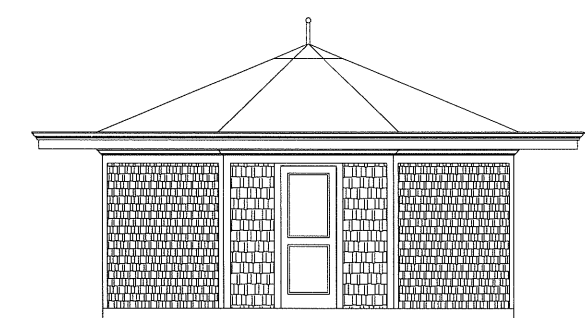
2 ROOF PLAN
SCALE: 1/4" = 1'-0"



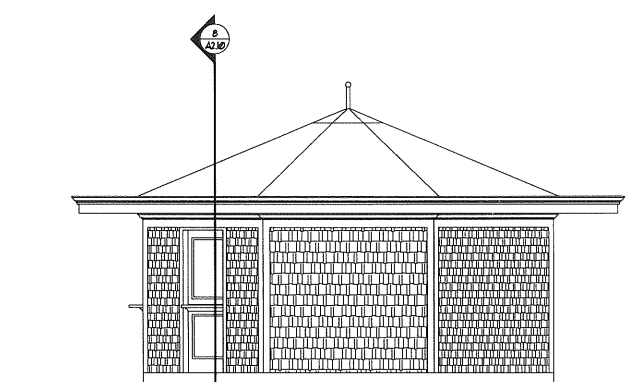
3 ELEVATION
SCALE: 1/4" = 1'-0"



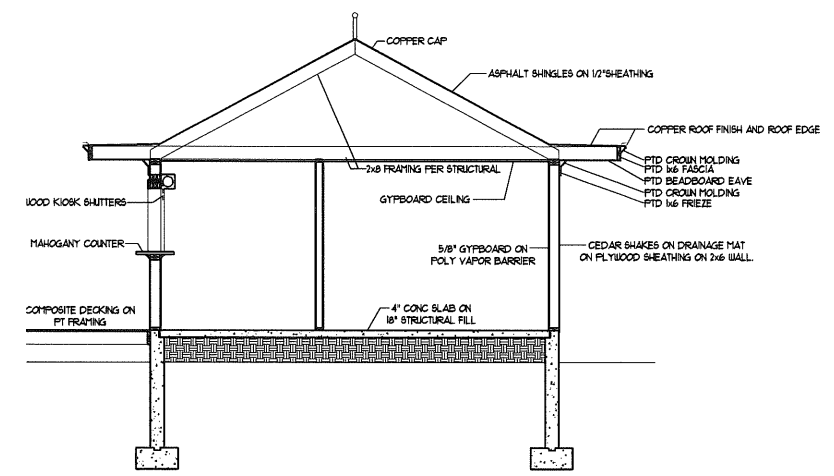
4 ELEVATION
SCALE: 1/4" = 1'-0"



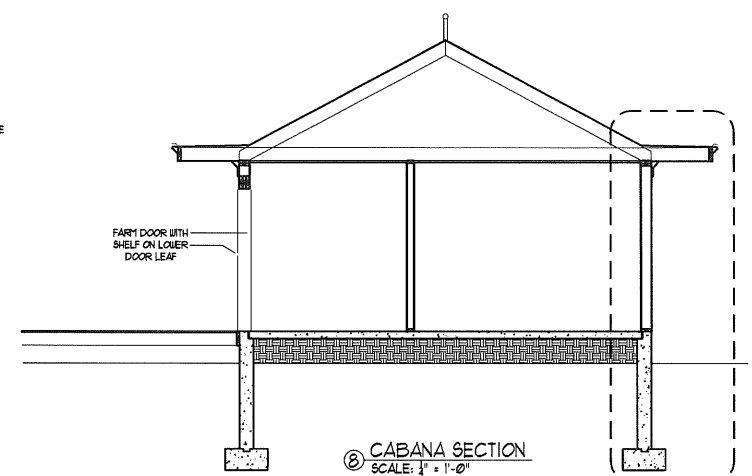
5 ELEVATION
SCALE: 1/4" = 1'-0"



6 ELEVATION
SCALE: 1/4" = 1'-0"



1 CABANA SECTION
SCALE: 1/4" = 1'-0"



2 CABANA SECTION
SCALE: 1/4" = 1'-0"

Prepared For:
The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

Interior Designer:
truexullins
INTERIORS
209 BATTERY STREET BURLINGTON, VERMONT 05401 USA
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GREAT DIAMOND ISLAND, MAINE

Revisions:
PRICING SET
Issued for SFMO permit 2.22.11

Date: 12 January 2011
Scale: 1/4" = 1'-0"
**CABANA PLANS,
ELEVATIONS
& SECTIONS**

A2.10

ATT 2-6-1

Appendix C 1



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

September 9, 2009

DAVID P. LITTELL
COMMISSIONER

Diamond Cove Homeowners Assoc and The Inn at Diamond Cove, LLC
Attn: Aaron Bateman
P.O. Box 759
Saco, ME 04072

RE: **Final Permit:** Maine Waste Discharge License (WDL) Application #W006931-5C-F-R
Maine Pollutant Discharge Elimination System Permit #ME0023248

Dear Mssrs. Whelan and Bateman:

Enclosed please find a copy of your **final** MEPDES permit/Maine Waste Discharge License which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months. However, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-3901.

Sincerely,

Michael Demarest
Division of Water Quality Management
Bureau of Land and Water Quality

Enc. Final Permit

cc: Stuart Rose, DEP/SMRO
Mary Beth Richardson SMRO
Robert Whelan, President, DCHA
Aaron Bateman, Phoenix Mgmt.
Joseph Laverriere, P.E

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

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

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

PRESQUE ISLE
1235 CENTRAL DR., SKYWAY PK.
PRESQUE ISLE, ME 04769-2094
(207) 764-6477
FAX: (207) 764-1507

#W006931-5C-F-R

- Amy Fitzpatrick, DMR
- Gail Wipplehauser, DMR
- Robert Laughlin, Casco Bay Island Development Association
- Paul Gleason
- Mary Cerullo, Asst. Director; Friends of Casco Bay
- Philip Conkling, President; Island Institute
- Ross A. Cudlitz, LSE, P.E.
- Calcagni, Anthony
- Jon Carman, JMC Wastewater Services



DEPARTMENT ORDER

IN THE MATTER OF

DIAMOND COVE HOMEOWNERS ASSOC AND	)	MAINE POLLUTANT DISCHARGE
THE INN AT DIAMOND COVE, LLC	)	ELIMINATION SYSTEM PERMIT
PORTLAND, CUMBERLAND COUNTY, MAINE	)	AND
OVERBOARD DISCHARGE	)	WASTE DISCHARGE
MEPDES #ME0023248	)	LICENSE
#W006931-5C-F-R APPROVAL	)	TRANSFER AND RENEWAL

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, Section 1251, et seq., *Water pollution control*, 38 M.R.S.A. § 414-A and *Overboard discharges: licenses and abandonment*, 06-096 CMR 596 (last amended November 27, 2004), the Department of Environmental Protection (Department) has considered the application of the DIAMOND COVE HOMEOWNERS ASSOC (DCHA) and THE INN AT DIAMOND COVE, LLC (Inn) (collectively, applicants or permittees) with its supportive data, agency review comments, and the related material on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

- A. The applicants have submitted an application to the Department for the renewal and transfer of Waste Discharge License WDL #W006931-5C-E-R from McKinley Partners Ltd. Partnership and the DCHA to their names. The applicants also propose to modify the permit to reflect plans for the redevelopment of the "Barracks" into a condominium/hotel. The applicants propose to institute improvements to the wastewater collection infrastructure to reduce infiltration and inflow as part of the application.
- B. WDL #W006931-5C-E-R, issued to the McKinley Partners and the DCHA October 14, 2005, authorized the year-round overboard discharge (OBD) of a monthly average of no more than 35,000 gallons per day of secondary treated sanitary wastewater to the Atlantic Ocean at Casco Bay, Class SB. WDL #W006931-5C-E-R is due to expire on October 14, 2010.
- C. On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referred to as the MEPDES permit program and permit #ME0023248 (same as the NPDES permit) will be utilized as the primary reference number for the Diamond Cove wastewater treatment facility.

SUMMARY

- A. This permitting action is similar to the 10/14/2005 Permit action in that it is;
 - 1. Carrying forward the monthly-average discharge flow limitation of 35,000 gpd;
 - 2. Carrying forward the 30 mg/L monthly average, 45 mg/L weekly average and 50 mg/L daily maximum technology-based concentration limits for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
 - 3. Carrying forward the 8.8 lbs/day monthly average, 13 lbs/day weekly average and 15 lbs/day daily maximum technology-based mass limits for BOD₅ and TSS;
 - 4. Carrying forward the monthly average technology-based concentration limits for fecal coliform bacteria;
 - 5. Carrying forward the daily maximum technology-based concentration limitations for total residual chlorine (TRC) of 1.0 mg/L.

- 6. Carrying forward the minimum 85% BOD₅ and TSS removal requirement;
- 7. Carrying forward the 0.3 ml/L daily maximum technology-based limit for settleable solids (SS); and
- 8. Carrying forward the pH range limitation to 6.0 – 9.0 standard units.

B. This permitting action is dissimilar to the 10/14/2005 Permit action in that it is;

- 1. Revising the monitoring frequency for SS from once weekly [01/07] to once monthly [01/30].
- 2. Authorizing the introduction of domestic wastewater to the OBD treatment system resulting from the redevelopment of the barracks into a 46-bedroom hotel/condominium.
- 3. Specifically prohibiting wastewater (including inflow and/or infiltration) from the “Hospital” from inclusion in the wastewater influent to the existing OBD sand filter treatment system pursuant to *Waste discharge licenses* 38 M.R.S.A. §413.3.
- 4. Specifically prohibiting wastewater from the proposed swimming pool to the existing OBD sand filter treatment system pursuant to *Classification of Maine waters* 38 M.R.S.A. § 464.A.6.
- 5. Requiring rehabilitation of the remaining 1,340 linear feet of non-rehabilitated wastewater conduit associated with this Permit in addition to the other remedial measures proposed in the application prior to habitation of the “Barracks” or within 30 months of the effective date of this Permit, whichever occurs first.
- 6. Requiring The Inn at Diamond Cove, LLC to cap off the sewer connection to the hospital prior to habitation at the Inn.
- 7. Requiring monitoring of the daily discharge as a weekly average (record only).
- 8. Requiring updates to the Operation and Maintenance Plan (O&M Plan) to include provisions for near capacity discharges. The update must include a Wet Weather Management Plan (WWMP).

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated **June 9, 2009** (*rev. 9/9/09*), and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

- A. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
- B. The provisions of the State’s antidegradation policy as described in the *Water classification program*, 38 M.R.S.A., Section 464(4)(F), will be met, in that:
 - 1. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - 2. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - 3. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - 4. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - 5. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
- C. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in *Water pollution control*, 38 M.R.S.A., §414-A(1)(D).

- D. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987. The redevelopment of the barracks and hospital are existing sources in that they were connected to the wastewater disposal system and approved for redevelopment as part of *Phase I* development in Department Site Location Order #L-013160-87/03-A-N on December 10, 1986.
- E. A publicly owned sewer line is not located on or abutting land owned or controlled by the applicants or is not available for the applicants' use.
- F. The discharge is not located within the boundaries of a sanitary district or sewer district.
- G. The Inn's Licensed Site Evaluator/Professional Engineer has determined that there is not a subsurface alternative for the Barracks, but has found there to be a feasible alternative for the Hospital, both of which have or will have changed owners since September 13, 2003, the effective date of *Waste discharge licenses* 38 M.R.S.A. §413.3.
- H. The proposed development will not cause exceedances of the 35,000 gpd monthly average volume limit.
- I. The discharge from the existing development is primarily domestic in both strength and character. The discharge from the rehabilitation of the "Barracks" will be domestic in strength and character.

ACTION

THEREFORE, the Department APPROVES the application of the DIAMOND COVE HOMEOWNERS ASSOC. AND THE INN AT DIAMOND COVE, LLC, transferring to their name WDL #W006931-5C-E-R and authorizing the year-round discharge of no more than 35,000 gallons per day (monthly average) of treated sanitary wastewater into CASCO BAY, Class SB, in PORTLAND Maine; subject to the following conditions and all applicable standards and regulations.

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.
4. The amount of effluent being discharged and the number of months the discharge occurs can not be increased in accordance with *Classification of Maine Waters*, 38 M.R.S.A. §464, sub-§4(A)(6).
5. Wastewater disposal is limited to the existing active development and that resulting from the redevelopment of the "Barracks" into a 46 bedroom commercial residential facility. Influent from the proposed pool and from the "Hospital" are specifically excluded from discharge through the existing OBD.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/31/2008

Date of application acceptance: 1/13/2009

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – OUTFALL #001

Appendix C
1. The permittees are authorized to discharge secondary treated wastewaters from Outfall #001 to Casco Bay, Class SB. Such discharges shall be limited and monitored by the permittees as specified below:

Effluent Characteristic Parameter	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average (5) as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow [50050] 35,000 gpd		Report (gpd)	Report (gpd) [077]				Continuous [99/99]	Recorder [RC]
Biochemical Oxygen Demand (1) (BOD ₅) [00310]	8.8 lbs./day [26]	13 lbs./day [26]	15 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
Total Suspended Solids (TSS) (1) [00530]	8.8 lbs./day [26]	13 lbs./day [26]	15 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
Settleable Solids [00545]	—	—	—	—	—	0.3 mL/L [25]	1/Month [01/30] (2)	Grab [GR]
Fecal Coliform Bacteria (3) [31633]	—	—	—	15/100 ml [13]	—	50/100 ml [13]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine [50060] (4)	—	—	—	—	—	1.0 mg/L [19]	5/Week [05/07]	Grab [GR]
pH (Std. Unit) [00400]	—	—	—	—	—	6.0 - 9.0 SU [12]	1/Week [05/07]	Grab [GR]

The italicized numeric values bracketed in the table above and on the following pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMR's)

Footnotes:

Sampling – All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. Sampling and analysis must be conducted in accordance with: a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

- Percent Removal – The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L.
- The monitoring frequency for SS has been revised from once weekly [01/07] to once monthly [01/30] to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.
- Fecal coliform bacteria – The limits and monitoring requirements are in effect on a seasonal basis, to be implemented no later than May 15 and be discontinued no earlier than September 30 of each year.
- Total Chlorine Residual (TRC) – TRC is required in any month the effluent is chlorinated.
- Weekly average flows that exceed 35,000 gpd will prompt the permittee(s) to implement provisions in the Wet Weather Management Plan (see Special Condition J).

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

An approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized, followed by a dechlorination system if the total residual chlorine (TRC) cannot be met by dissipation in the detention tank. At no time may the TRC in the effluent shall cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall be sufficient to leave a TRC concentration that will effectively reduce bacteria to levels below those specified in Special Condition A, "*Effluent Limitations and Monitoring Requirements*."

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade II** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee(s) may engage the services of the contract operator.

E. UNAUTHORIZED DISCHARGES

The permittees are authorized to discharge only in accordance with the terms and conditions of this permit and only from the existing outfall. Discharges of wastewater from any other point source are not authorized under this permit, but must be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

This permit specifically excludes introduction of wastewater directly or indirectly from the redevelopment of the Hospital and the proposed Inn swimming pool. This permit authorizes the inclusion of wastewater resulting from the general practice of hotels and inns to have kitchen facilities to support a continental breakfast, and the proposed cabana to serve beverages and light snacks for their guests. This permit does not authorize the inclusion of wastewater from any non-domestic sources or activities such as restaurant facilities within the Inn or the pool.

F. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

SPECIAL CONDITIONS

G. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

**Maine Department of Environmental Protection
Bureau of Land and Water Quality
OBD Inspection Program
17 State House Station
Augusta, Maine 04333-0017**

H. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittees shall notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

1. The quality and quantity of wastewater introduced to the system; and
2. Any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

I. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

On or before March 8, 2014, prior to permit transfer or transfer of the property occupying the permitted overboard discharge system, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

The Department may not grant approval for a **permit transfer** if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Waste Water Disposal Rules administered by the Maine Department of Health and Human Services, Division of Environmental Health can be installed as a replacement system for the overboard discharge.

The Department may not grant approval for a **permit renewal** if the site evaluation concludes that a non-discharging wastewater disposal system can be installed as a replacement system for the overboard discharge and the Department has offered the permittees funding for the removal of the discharge.

J. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittees shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittees to achieve compliance with the conditions of this permit.

By December 31, 2009, the permittees shall establish a "Wet Weather Management Plan" as part of the O & M plan. This plan would direct the staff on how to operate the facility effectively during periods of high flow, including operating procedures for a range of intensities, solids handling procedures, and provide written operating and maintenance procedures during the events.

SPECIAL CONDITIONS

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittees shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittees shall submit the updated O&M Plan to their Department inspector for review and comment.

K. TREATMENT SYSTEM REPAIRS AND MAINTENANCE

Prior to habitation of the "Barracks" and final reconnection of the "Barracks" to the OBD, or by March 8, 2012, whichever occurs first, the permittees shall refurbish the remaining 1,340 linear feet of unrehabilitated sewer collection pipe, permanently disconnect the "Hospital" from the sewer collection system and cap off that end of the sewer to exclude any inflow and infiltration from the Hospital leg of the sewer, replace the perforated manhole cover on Diamond Avenue with a solid cover, replace/raise to grade the manhole casting between Units #83E-B30-3 and 83E-B40-4, and replace/raise to grade the manhole casting adjacent to Unit #83E-260-26A [PCS Code 04599].

L. SEPTIC TANKS

1. Septic tanks and other treatment tanks shall be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. The permittees shall maintain logs of inspections/maintenance that records the date, notes on observations, repairs conducted etc. The logs shall be maintained on site at all times and made available to Department personnel upon request.
2. Tank contents should be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The licensee shall keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractor, pumping frequency and other relevant observations.

M. REOPENING OF PERMIT FOR MODIFICATIONS

If new site-specific information or any other pertinent information is gathered during the term of this permit, the Department may, at anytime and with notice to the permittees, modify this permit to:

- (a) include effluent limits necessary to control specific pollutants where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded.
- (b) impose or change monitoring requirements or limitations based on new information;
- (c) require elimination of the discharge when an alternative form of wastewater disposal is feasible. The Department will require termination of the discharge when grant funds are made available for elimination of the discharge.

N. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND MAINE WASTE DISCHARGE LICENSE
FACT SHEET**

Date: **June 9, 2009**
Revised: **September 1, 2009**

PERMIT NUMBER: **ME0023248**
LICENSE NUMBER: **W006931-5C-F-R**
NAME AND ADDRESS OF APPLICANTS

Diamond Cove Homeowners Association
c/o Phoenix Management Co.
Attn: **Aaron Bateman**
P.O. Box 759
Saco, Maine 04101
(207)712-3113
abateman@phoenixmanagementcompany.com

The Inn at Diamond Cove, LLC
c/o Phoenix Management Co.
Attn: **Aaron Bateman**
P.O. Box 759
Saco, Maine 04101
(207)712-3113
abateman@phoenixmanagementcompany.com

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:
Great Diamond Island
Portland, Maine 04109

RECEIVING WATER AND CLASSIFICATION: **Casco Bay, Class SB**

COGNIZANT OFFICIAL(S) AND TELEPHONE NUMBERS:

<p>Diamond Cove Homeowners Association Attn: Robert Whelan Position: President Telephone: Email: bwhelan@whelanandcompany.com</p>	<p>The Inn at Diamond Cove, LLC c/o Phoenix Mgmt Co. Attn: Aaron Bateman P.O. Box 759, Saco, Maine 04101 Telephone: (207) 775-1121 Email: abateman@phoenixmanagementcompany.com</p>
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1. APPLICATION SUMMARY:

- A. Application - The Diamond Cove Homeowners Assoc (DCHA) and The Inn at Diamond Cove, LLC (Inn) (collectively; the applicants or permittees) have submitted an application to the Department to transfer and modify WDL #W006931-5C-E-R, which was issued on October 14, 2005 and expires on October 14, 2010. The 10/14/2005 WDL authorized the year-round discharge of up to 35,000 gallons per day (as a monthly average) of secondary treated sanitary wastewater to Casco Bay, Class SB, in Portland, Maine (See Attachment A of this Fact Sheet for location map).
- B. Source - Wastewater is generated by Phase I development of Department Site Location Order #L-013160-87/03-A-N. This development, located on a 193.4-acre portion of Great Diamond Island, consists of 44 buildings. Of the buildings, 36 were to be converted to 134 housing units; five were to be commercial uses, and two for recreational uses. To date

SPECIAL CONDITIONS

all but four of the 36 buildings have been renovated: Housing units 83F-690-69 (Devine) and 83F-700-70 (Devine), the “Barracks” and the “Hospital.”

2. MODIFICATIONS REQUESTED:

The applicants are requesting the permit be issued to reflect the full ownership by the previously licensed DCHA, and the inclusion of the wastewater resulting from the redevelopment by the Inn of the “Barracks” as previously authorized as part of *Phase I* development in Department Site Location Order #L-013160-87/03-A-N (Site Order) on December 10, 1986. Although the current proposal is for development as a hotel/condominium, and the Site Order is for a residential use, the wastewater is domestic-like in strength and character. The Department’s Division of Water Quality Management (DWQM) is not the licensing authority determining the ultimate use of the structures beyond consistency with the 1986 Site Order.

3. PERMIT SUMMARY:

A. Regulatory - On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referred to as the MEPDES permit program and permit #ME0023248 (same as the NPDES permit application number) will be utilized as the primary reference number for the Diamond Cove wastewater treatment facility.

B. Terms and Conditions:

This permitting action is similar to the 10/14/2005 permit action in that it is;

1. Carrying forward the monthly-average discharge flow limitation of 35,000 gpd;
2. Carrying forward the 30 mg/L monthly average, 45 mg/L weekly average and 50 mg/L daily maximum technology-based concentration limits for BOD₅ and TSS;
3. Carrying forward the 8.8 lbs/day monthly average, 13 lbs/day weekly average and 15 lbs/day daily maximum technology-based mass limits for BOD₅ and TSS;
4. Carrying forward the monthly average technology based concentration limits for fecal coliform bacteria;
5. Carrying forward the monthly average and daily maximum technology-based concentration limitations for total residual chlorine (TRC) of 1.0 mg/L.
6. Carrying forward the minimum 85% BOD₅ and TSS removal requirement;
7. Carrying forward the 0.3 ml/L daily maximum technology-based limit for SS; and
8. Carrying forward the pH range limitation to 6.0 – 9.0 standard units.

This permitting action is dissimilar to the 10/14/2005 permit action in that it is;

1. Revising the monitoring frequency for SS from once weekly [01/07] to once monthly [01/30] to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.
2. Authorizing the introduction of wastewater to the OBD treatment system resulting from the redevelopment of the “Barracks” into a 46-bedroom hotel/condominium by The Inn at Diamond Cove, LLC (Inn). Both the “Barracks” and the “Hospital: were acquired by the City of Portland, and will now be deeded to The Inn at Diamond Cove, LLC per the Purchase and Sales Agreement dated May 4, 2007. *Waste discharge licenses* 38 M.R.S.A. §413.3 requires a Licensed Site Evaluator/Professional Engineer to conduct a site evaluation prior to transfer of a facility served by an OBD. The transferee must replace the OBD using an alternative system) if there is a feasible

SPECIAL CONDITIONS

3. PERMIT SUMMARY (continued)

alternative. The Inns' LSE found no alternative to the use of the OBD by the "Barracks." Sufficient treatment capacity remains for connection of the "Barracks" to the existing OBD.

3. Specifically prohibiting wastewater (including inflow and/or infiltration) from the "Hospital" from inclusion in the wastewater influent to the existing OBD sand filter treatment system pursuant to *Waste discharge licenses* 38 M.R.S.A. §413.3. There is a feasible alternative to use of the existing OBD treatment. That capacity is not sufficient for use by the "Barracks." Additionally, the existing treatment works does not have sufficient treatment capacity to accept wastewater resulting from the future and subsequent redevelopment of the "Hospital."
4. Specifically prohibiting wastewater from the proposed swimming pool to the existing OBD sand filter treatment system pursuant to *Classification of Maine waters* 38 M.R.S.A. § 464.A.6. The 1986 Site Order did not authorize a second pool. Therefore, connection of the pool to the OBD, would constitute an additional source of discharge and is prohibited.
5. Requiring rehabilitation by the permittees of the remaining 1,340 linear feet of remaining non-rehabilitated wastewater conduit associated with this permit in addition to the other remedial measures proposed in the application prior to habitation of the "Barracks" or within 30 months of the effective date of this permit, whichever occurs first. Although the 35,455-gpd design flow (daily maximum) from the existing development, unrehabilitated Units 83F-690-69, 83F-700-70, and the proposed Inn exceeds the 35,000-gpd discharge volume limit as a daily maximum, it will not cause exceedances of the monthly average. However, the estimated numbers are sufficiently close to warrant additional measures to assure compliance with the discharge volume limit in inclement seasons.
6. Requiring the permittees to cap off the sewer connection to the hospital prior to habitation at the Inn or within 30 months of the effective date of this permit, whichever occurs first. The permittees have stated that the Hospital's roof is in disrepair and that leg of the sewer collection has been identified as a significant contributor of I/I.
7. Requiring monitoring of the discharge as a weekly average (record only). The intent of this provision is to give the permittees' treatment system operators crucial data to make treatment decisions, including implementation of a wet weather management plan to direct the staff on how to operate the facility effectively during periods of high flow. This would also give the Department additional data to make future licensing and monitoring decisions, including potential reinstatement of the original 40,000 gpd (weekly average) discharge volume limit. Should the Department observe a pattern of exceedances or near exceedances, it reserves the right (with notice to the permittees) to require additional monitoring or treatment conditions.
8. Requiring updates to the Operation and Maintenance Plan to include provisions for near capacity discharges. The update must include a Wet Weather Management Plan (WWMP). This plan would direct the staff on how to operate the facility effectively during periods of high flow, including operating procedures for a range of intensities, solids handling procedures, and provide written operating and maintenance procedures during period of high infiltration and inflow caused by storm or melt water events. Ideally, it should bring the DCHA and the businesses into the process, whether by establishing water use alerts, requiring the installation and use of water conserving fixtures, or implementing other water saving or discharge-reducing strategies.

C. History: The most current/relevant regulatory actions regarding the discharge from the facility include:

- ◆ December 10, 1986 –Maine Department of Environmental Protection (MDEP) Site Location Order #L-013160-87/03-A-N approved *Phase I* redevelopment of 193.4 acre Fort McKinley.

SPECIAL CONDITIONS

3. PERMIT SUMMARY (continued):

Of the 44 buildings slated for redevelopment, 34 were to be renovated as 134 housing units, five as commercial uses, two as recreational, and one as maintenance/public safety. Of the 34 buildings, only the “Barrack, the “Hospital,” Units 83F-690-69* and 83F-700-70* have not been rehabilitated to date.

- ◆ May 17, 1989 - The EPA issued NPDES permit #ME0023248 to McKinley Partners. The permit expired on May 17, 1994.
- ◆ June 2, 1994 – The Department issued Maine Waste Discharge License #W006931-5C-D-R for a ten-year term. The WDL authorized the discharge of up to 40,000 gpd (as a daily maximum) of secondary treated wastewater.
- ◆ October 14, 2005 – The Department issued Maine Waste Discharge License (WDL) #W006931-5C-D-R jointly to McKinley Partners and the DCHA for a five-year term. WDL #W006931-5C-D-R authorized the year-round discharge of no more than 35,000 gpd (monthly average) of secondary-treated wastewater to Casco Bay. The change recognized that extreme precipitation and snowmelt events were creating violations of the 40,000-gpd daily maximum discharge limit.
- ◆ January 12, 2009 – The Department accepted an application from the DCHA and the Inn.

D. Source description - Sanitary wastewaters are generated from the 193.4-acre residential facility comprised of 79 dwelling units (2 one-bedroom, 8 two-bedroom, 45 three-bedroom, 14 four-bedroom, 6 five-bedroom 3 six bedroom and 1 seven bedroom unit) a restaurant, a general store, two administrative/maintenance building and a 35-slip marina. The Island also hosts special tent events such as weddings throughout the summer. The sources of effluent and estimated discharge volumes have been revised since the last permit action in response to an actual count of the sources of wastewater. The previous sources were documented to be in error by the applicants and other interested parties. The updated sources appear to have been present at the previous licensing action. The permitted sources of effluent and estimated discharge volumes are as follows:

Owner	Unit I.D.	Bedroom Count	DEP Design	DEP Total Design Flow	Applicant's Count	Applicant's Design Flow	Total
1. F. Willis	83B-481-48B	1	120	120	1	90	180
2. C. Vanderweil	83B-482-48B	1	120	120	1	90	180
3. J. Roberts	83B-180-18	2	90	180	2	90	180
4. M. Murphy	83B-471-47B	2	90	180	2	90	180
5. D. Moran	83B-472-47B	2	90	180	2	90	180
6. F. Trenholm	83B-541-54B	2	90	180	2	90	180
7. B. Mason	83B-542-54B	2	90	180	2	90	180
8. J. Acconzo	83B-551-55B	2	90	180	2	90	180
9. L. Vardis	83B-552-55B	2	90	180	2	90	180
10. M. Teas	83E-200-20	2	90	180	2	90	180
11. A. Riley	83E-13-13A	3	90	270	3	90	270
12. D. Johnson	83E-132-13B	3	90	270	3	90	270
13. B. Robinson	83E-133-13C	3	90	270	3	90	270
14 J. Doyle	83E-134-13D	3	90	270	3	90	270
15. L. Estabrook	83E-135-13E	3	90	270	3	90	270
16. R. Blatty	83E-137-13G	3	90	270	3	90	270
17. T. Burris	83E-138-13H	3	90	270	2	90	180
18. E. Stein	83E-151-15A	3	90	270	3	90	270
19. M. Kane	83E-152-15B	3	90	270	3	90	270

SPECIAL CONDITIONS

Owner	Unit I.D.	Bedroom Count	DEP Design	DEP Total Design Flow	Applicant's Count	Applicant's Design Flow	Total
70. M. Mills	83E-B11-1A	6	90	540	4	90	360
71. C. Freund	83E-B12-1B	5	90	450	4	90	360
72. R. Whelan	83E-B20-2	5	90	450	4	90	360
73. P. Guarino	83E-B30-3	5	90	450	2	90	180
74. J.Nash	83E-B40-4	5	90	450	4	90	360
75. L. Laucirica	83E-B51-5A	5	90	450	3	90	270
76. J. Mirachel	83E-B52-5B	5	90	450	3	90	270
77. J. Burge	83E-B92-9B	7	90	630	4	90	360
78. S. Bean	83E-B71-7A	6	90	540	3	90	270
79. H. Fitch	83E-B72-7B	6	90	540	4	90	360
Existing Residential Subtotal:		264	Total: 79	23,820	Bdms: 223	Total: 79	GPD:20,610
EXISTING COMMERCIAL USES							
Commercial Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Quantity	Applicant's GPD/Unit	Applicant's Design Flow	
Admin offices / Recreation: users.	40	10	400	2	240	480	
Admin office / Recreation : employees	1	15	15	0	0	0	
Marina / washer /shower			150	1	100	100	
Marina employees	1	15	15	0	0	0	
General Store –Deli seats	14	20	280	0	0	0	
Commercial Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Quantity	Applicant's GPD/Unit	Applicant's Design Flow	
Deli Employees	3	15	45				
General Store: employees	3	15	45	2	15	30	
Restaurant : seats (2 meals/day)	161	20	3,220	161	20	3,220	
Restaurant : employees	20	15	300	20	15	300	
Tent Site: seats	100	20	2,000	150	7	1,050	
Tent Site: employees	8	15	120	8	15	120	
Commercial Subtotal			6,590			5,300	
Existing Development Subtotal			30,410			25,910	
PROPOSED COMMERCIAL / RESIDENTIAL							
Wastewater Source	Quantity	DEP GPD/Unit	DEP Sum Design Flow	Applicant's Count	Applicant's Design Flow	Total	
Inn (Hospital):bedrooms		(none)	(none)	(not connected)	(not connected)	0	
Inn (Barracks): bedrooms	46	100	4,600	2 single bed	180	360	
				10 two-bed	180	1,800	
				8 three-bed	270	2,160	
				Bedrooms subtotal:		4,320	
Pool Area Food Service: seats	30	7	210		0	0	
Inn: (Barracks & pool) employees		15	225		15	225	
Allowable Inflow/Infiltration						3000	
Pool discharge	0	0	0		0	0	
Inn / Pool area subtotal			5,035			7,545	
TOTAL Design Flow			35,445			33,455	
* Design flow is reserved for still unrehabilitated housing units 83F-690-69 and 83F-700-70							

E. Wastewater treatment - The effluent currently receives a secondary level of treatment. The raw sewage is collected from the existing development by a network of approximate 4,200 linear feet of new PVC and 1,900 feet of clay piping, all but 1,340 feet of which has been relined. The raw sewage is distributed between six 10,000-gallon settling tanks configured in two rows of three tanks.

SPECIAL CONDITIONS

Supernatant from the settling tanks is collected in a wet well and distributed amongst three 100-ft. by 115-ft. (11,500 sq. ft.) sand filter beds. The treated wastewater is collected in the underdrain system and conveyed to a disinfection system consisting of liquid sodium hypochlorite disinfection and two 1,000-gallon detention tanks. Dechlorination is accomplished through sodium bisulfate injection. The sanitary treated wastewater then travels through a V-notch weir-type flowmeter before being discharged to Casco Bay through an eight-inch diameter outfall pipe with diffuser. The outfall pipe extends approximately 250 feet from the shoreline to a point where there is approximately twelve vertical feet of water over the crown of the pipe at mean low water. The wastewater treatment facility is operated by a contractor operator. The treatment capacity for the installed sand filter system is 35,000 gpd. Although the cumulative design flows come to 35,445 gpd as a daily maximum, the Department's estimated discharge (design flow daily maximum) from all the existing development and the Inn is less than 35,000 as the design flows for the residential uses overlap flows attributed use of the commercial facilities. In particular, a substantial portion of the restaurant and tent event flows is or will be a result of business from the residential portion and proposed hotel. It is unlikely that the total flow from a hotel customer having breakfast at the hotel, attending a tent event at lunch, and eating at the restaurant at night and is going to use the 120-140 gpd allotted to him/her for the day, every day for a whole month.

4. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. § 414 A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., § 420 and Department rule 06-096 CMR Chapter 530, Surface Water Toxics Control Program, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected

5. RECEIVING WATER QUALITY STANDARDS

Maine Law, 38 M.R.S.A., Section 469, classifies Casco Bay at the point of discharge as Class SB waters. Maine Law, 38 M.R.S.A., Section 465-B(2) describes the classification standards for Class SB waters.

6. RECEIVING WATER CONDITIONS

The State of Maine, Department of Environmental Protection, 2008 Integrated Water Quality Monitoring and Assessment Report (305b) report published by the Department lists this waterbody (including Maine Department of Marine Resources Legal Notice Closed Area C-13) in a table entitled, "*Category 5B-1: Estuarine and Marine Waters Impaired only by Bacteria.*" As such, the subject receiving water is not attaining the standards of its classification. Portland Harbor has approximately 70 outfalls, 45 of which are UNTREATED combined sewer outfalls (CSOs). The 3-year average untreated yearly discharge from the harbor CSOs is 775 million gallons (MG). The three Portland treatment works contribute another 24 MGD. The performance of the Islands treatment works has resulted in consistent zero or near-zero bacterial levels with a geometric mean of 1.8 colonies per 100 ml.(n=20). The average actual discharge volume (monthly average) from the Diamond Cove facility is .016 MGD, less than half of the permitted volume and 52 % of the estimated design flow of the existing development. Therefore, this low-discharge facility, located on the outermost boundary of the impaired water, is not causing or contributing to the impairment of these waters. Because the applicants have maintained their system, under contract with a certified wastewater treatment plant maintenance contractor, and have passed 100 percent of the Department's annual OBD inspections, the Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this licensing action ensure that the discharge of secondary treated wastewater from the subject facility will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- A. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically-proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in Code of Maine Regulations Chapter 525, Section 3 unless the Department finds that alternate limits are appropriate.
1. The applicants have demonstrated that connection to a municipal sewerage system is not possible because one is not located on Diamond Island.
 2. The applicants have documented that the existing treatment constitutes BPT. The applicant's Licensed Site Evaluator/P.E. had previously determined that there is not a subsurface option for Phase I development because of insufficient area to install subsurface systems to serve the entire facility. Because the Barracks and Hospital have since changed hands, an additional site evaluation was conducted in 2008 and 2009 to look at alternatives to connection to the OBD. The Inn's LSE /PE determined that there is a subsurface option for the "Hospital," but not for the "Barracks." The LSE/PE also evaluated whether there were sufficient areas of suitable soil to site a subsurface wastewater disposal system proximate to the hospital or existing treatment works. The area proximate to the hospital contains a suitable area for the treatment of less than 2,000 gpd of wastewater; less than half that required to serve the future development of the "Barracks." The area proximate to the treatment works lacked any suitable soils. Therefore, pursuant to *Waste discharge licenses* 38 M.R.S.A. §413.3 the "Barracks" may continue to use the OBD after redevelopment, provided the discharge does not cause or contribute to exceedences of the 35,000 gpd (monthly average) discharge volume limit. The treatment works lacks sufficient capacity for wastewater from the future development of both the "Barracks" and the "Hospital." collectively.
 3. The existing treatment system is capable of meeting secondary treatment standards and is appropriate technology for the wastewater being discharged.
- B. Flow - The previous licensing action established a flow limitation of 35,000 gpd as a monthly average. This was revised downwards from a 40,000 gpd weekly average to better reflect the treatment capacity of the sand filters and allow for overages resulting from the absorption of water from unusually inclement months, significant stormwater and/or meltwater events into the sand filter beds. (A one-year frequency storm event, defined as 2.5 inches of precipitation in a 24-hour period is the equivalent of 60,000 gpd of water on the existing 34,500 sq. ft. of sand filter.)

The estimated volume of wastewater resulting from redevelopment of the "Barracks" into the Inn at Diamond Cove will utilize the wastewater treatment system's excess capacity. The calculations reserve 270 gpd for each of the unrelated undeveloped residential Units 83F-690-69 and 83F-700-70.

Because there is an I/I problem, in part because of unrefurbished clay tiles in the wastewater collection system and existing connections to the Hospital, this permit is requiring remediation to address the issue. Prior to habitation of the Inn at Diamond Cove, the permittees must disconnect the "Hospital" from the collection system and the collection system capped at the point of disconnection. Any remaining unrefurbished collection pipes must be successfully lined or replaced. The permittees must also complete their proposed improvements to the manholes.

The development of the Inn may include facilities for a continental breakfast and the poolside service of beverages and light snacks as is customary, but the siting of restaurant facilities on this lot is prohibited, as it is generally an additional separate commercial entity not authorized in MDEP Site Location Order #L-013160-87/03-A-N.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

Actual flow data supports Permit Conclusion H in that the average monthly flow of the existing development has been 11,863 gpd. The design flow for the existing active development is 29,870 gpd by Department calculations (excludes "Barracks," and undeveloped Units 83F-690-69 and 83F-700-70). The actual discharge represents 52% of the projected discharge (design flow).

C. Dilution Factors – Department rule *Surface Water Toxics Control Program*, 06-096 CMR, Chapter 530, §4(A)(2) states,

- (2) For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies.
 - (a) For discharges to the ocean such as at the current permit, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.
 - (b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.
 - (c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

In 2005, using a permitted flow of 35,000 gpd (monthly average), the location and configuration of the outfall structure, the Department calculated the following dilution factors:

Acute = 87:1 Chronic = 1,276:1 Harmonic Mean: 3,828:1⁽¹⁾

D. Biochemical Oxygen Demand and Total Suspended Solids - The previous licensing established monthly and weekly average BOD₅ and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B) as defined in 40 CFR Part 133.102 and Department rule Chapter 525(3)(III). The maximum daily BOD₅ and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action. DMRs submitted to the Department by the applicant(s) for the period October 2005 to the present indicate the average BOD₅ discharged is less than 2 mg/L and the maximum BOD₅ has been less than 2 mg/L, well below the permitted 30 mg/L and 50 mg/L, respectively. The monthly average and daily maximum TSS values reported were 1.7 mg/L and 11 mg/L respectively, well below their respective limits of 30 mg/L and 50 mg/L.

Footnote:

- (1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication "*Technical Support Document for Water Quality-based Toxics Control*" (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Previous licensing actions established the monthly average, weekly average and daily maximum technology based mass limits for BOD₅ and TSS, based on the (monthly average) daily flow limitation of 0.035 MGD, the applicable BPT concentration limits and a conversion factor of 8.34 lbs/gallon. The limitations were calculated as follows:

Monthly average: (0.035 MGD)(8.34)(30 mg/L) = 8.8 lbs/day
Weekly average: (0.035 MGD)(8.34)(45 mg/L) = 13 lbs/day
Daily maximum: (0.035 MGD)(8.34)(50 mg/L) = 15 lbs/day

The previous permitting action also establishing an 85% removal requirement for BOD₅ and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3), is being carried forward in this action.

Monitoring frequencies for BOD₅ and TSS of twice monthly are also being carried forward from the previous licensing action and are based on Department policy for facilities with a flow limitation of less than or equal to 0.035 MGD (gpd)

- E. Settleable solids - The previous permit established a daily maximum BPT concentration limit of 0.3 ml/L. That limit is being carried forward with this action. Actual performance under the current permit has been <0.1 ml/L for the entire reporting period. Therefore, based on compliance history, the Department is reducing the monitoring frequency from once weekly (01/07) to once monthly (01/30) to be consistent with the once monthly monitoring frequency for BOD₅ and TSS.
- F. Fecal coliform bacteria - The previous licensing action established new water quality based limitations of 15 colonies/100 ml as a monthly average (geometric mean) and 50 colonies/100 ml. This permitting action is carrying forward said water quality based limitations to be consistent with the limits associated with the National Shellfish Sanitation Program. The performance of this treatment system has averaged less than 2 col/100ml.
- G. Total residual chlorine (TRC) - Limits for TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. The previous licensing action established a daily maximum water quality technology based limits of 1.0 mg/L. The Department is carrying forward this requirement. End-of-pipe water quality based concentration thresholds were calculated as follows:

Parameter	Acute Criterion	Acute Dilution Factor	Daily Max. Threshold
Chlorine	0.013 mg/L	87:1	1.13 mg/L
Parameter	Chronic Criterion	Chronic Dilution Factor	Daily Max. Threshold
Chlorine	0.0075mg/L	1,276:1	9.65 mg/L

- H. pH Range- The previous licensing action established an expanded pH range limitation of 6.0 –9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). The new limits are considered BPT and are being carried forward in this action.
- I. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, Surface Water Toxics Control Program (toxics rule) sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. Department rule 06-096 CMR Chapter 584, Surface Water Quality Criteria for Toxic Pollutants, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

SPECIAL CONDITIONS

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

38 M.R.S.A 530 § 2.A specifies the dischargers subject to the rule as, “all permitted dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria.”

38 M.R.S.A 530 § 2.A sets forth the following exemption criteria for certain discharges from toxics testing as follows:

- (1) Discharges from individual discharge points permitted to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility;
- (2) Discharges from residential overboard discharge systems; or
- (3) Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.

The permittees' single-discharge facility is exempt from the requirements of 38 M.R.S.A 530 § 2.A (2) as it permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 (Department BPJ) and the wastewater has domestic-like characteristics. However, should there be a substantial change in the characteristics of the discharge in the future, the Department may reopen this permit pursuant to Special Condition M, Reopening of Permit for Modifications, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The overboard discharge treatment system has been inspected by the Department annually over the past five years. The treatment system was consistently found to comply with the inspection criteria. As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SB classification.

9. PUBLIC COMMENTS

Notification to abutting landowners and facility owners of this application was by certified mail on or about January 2, 2009. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

SPECIAL CONDITIONS

10. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Michael Demarest
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone: (207) 287-3901 E-mail: michael.demarest@maine.gov

11. RESPONSE TO COMMENTS

1. The Friends of Casco Bay and Island Institute requested the permittees expand its assessment of subsurface alternatives for the "Barracks" to include the area of suitable soils for the Hospital. Their position is that the Inn has sufficient RTI to join both properties by virtue of utility easements to use the sewer to conduct wastewater to the treatment works. They assert that sewers could be laid in the right-of-way to conduct wastewater to the Hospital. Alternatively, the wastewater could be conducted through the existing sewer to the hospital or to an inground system proximate to the treatment works, and an equivalent volume of wastewater could be diverted from the sewer to the inground beds with apportioning valves.

The Inn's LSE/PE subsequently determined that insufficient area of suitable soils existed proximate to the Hospital to treat the 5,000-7,500 gpd of wastewater from the Inn at Diamond Cove.

The Inn's LSE/PE also determined that there were no suitable soils proximate to the treatment works for subsurface disposal.

Finally, the Inn may have sufficient RTI to use the sewer, but it would appear that their RTI to the "Barracks" and the "Hospital," is limited to the footprint of the buildings plus any additional RTI the DCHA may grant. Therefore, lacking the required grants, it would not appear that the DWQM has any authority to require removal even if alternatives existed on DCHA land.

2. The Friends of Casco Bay and Island Institute requested the Department reinstate the original 40,000 gpd weekly average discharge volume limit. They are concerned that the development will discharge more than the permitted limit on a regular basis while still meeting the monthly average.

This permit establishes a weekly average monitoring requirement for flow (35,000 gpd). This would give the treatment system operators important feedback to make treatment decisions. This would also give the Department additional data to make future licensing decisions.

3. The Friends of Casco Bay and Island Institute requested that the Department set a one or two year date certain for the sewer upgrades to be completed instead of the five year proposed completion date.

The Department believes a 30-month deadline could be met. Neither the DCHA nor the Inn has objected to the Department's proposed 30-month deadline.

4. The Friends of Casco Bay and Island Institute are concerned that the "Cabana" and the Inn eating facilities represent a new source of discharge outside what was previously approved in Phase I of the 1986 Site Order (within the DWQM's OBD "qualifying period").

SPECIAL CONDITIONS

The serving of a continental breakfast by the Inn at Diamond Cove and having some foods available for snacks appears to be well within the scope of the customary and usual services of an inn or hotel. The wastewater produced would be domestic in nature, and the intended consumers are the guests of the Inn at Diamond Cove. Therefore Department does not see this as creating a new source of effluent. The guests can cook, eat, drink in their room, or as part of a continental breakfast or poolside. They could conceivably order a meal from the existing restaurant, or walk thereto. Still, the quantity and constituent of the wastewater produced would be essentially the same quantity or constituency. If a restaurant were to open up in the hotel (including an expansion of the existing restaurant), or the poolside areas were opened up to serve non-guests (excluding the invited guests of registered hotel guests), then the DWQM would prohibit those services as additional source of effluent.

The DEP's Division of Water Quality Management does not interpret and enforce the number of "commercial" versus "residential" uses in the development. DWQM must make sure that the wastewater reflects that which was authorized in the 1987 Site Location Order in that it is domestic in both strength and constituents, is limited to the "estimated or actual discharge" and the treatment meets secondary standards as set forth in the permit.

5. The Friends of Casco Bay and Island Institute point out that the O & M manual has not been updated since 2006.

The permit as issued establishes a deadline of December 31, 2009 requiring the permittees to perform an assessment and update to accommodate the new permit requirements and in anticipation of the increased flow from the Barracks, including a "Wet Weather Management Plan" as part of the O & M plan.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

1. **General compliance.** All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. **Other materials.** Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- (a) They are not
 - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
 - (ii) Known to be hazardous or toxic by the licensee.
- (b) The discharge of such materials will not violate applicable water quality standards.

3. **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. **Duty to provide information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. **Reopener clause.** The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

7. **Oil and hazardous substances.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

9. **Confidentiality of records.** 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. **Other laws.** The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. **Inspection and entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

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D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
- (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.
- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
- (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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2. **Spill prevention.** (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

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Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

September, 2009

The Inn at Diamond Cove, LLC
c/o Bateman Partners, LLC
Attn: David Bateman
PO Box 3572
Portland ME 04104

RE: Site Law Application, Portland, # L-13160-L3-AB-B

Dear Mr. Bateman:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit, please contact the project manager who handled your application, Marybeth Richardson. She can be reached at (207-822-6335) or at marybeth.richardson@maine.gov.

Sincerely,

James Cassida

James Cassida, Division Director
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: file

AUGUSTA
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PRESQUE ISLE
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PRESQUE ISLE, MAINE 04769-2094
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WEB SITE: WWW.MAINE.GOV/DEP



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

THE INN AT DIAMOND COVE LLC) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
THE INN AT DIAMOND COVE) MINOR AMENDMENT
L-13160-L3-AB-B (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of THE INN AT DIAMOND COVE LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project: History: In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 44 former military buildings into 134 residential units and commercial uses, and constructing a marina for use by Diamond Cove residents. The majority of the renovations and development was completed in the 1980's with the exception of two buildings, which are identified in the application as the Double Barracks (Building #46) and the Hospital (Building #19). In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. Numerous other Department Orders were issued for Diamond Cove which are not relevant to this amendment application. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.

B. Summary: The applicant proposes to renovate Building #46, (the Double Barracks), into a 20-unit hotel/condominium. Building #46 was approved in Board Order #L-13160-87/03-A-N for residential use. The units will consist of two 1-bedroom units, ten 2-bedroom units, and eight 3-bedroom units, for a total of 46 bedrooms. Fifteen employees will be needed to operate the hotel/condominium. In addition to renovating the existing building, the applicant proposes to construct a single-story building addition with a footprint area of approximately 2,881 square feet that will primarily house the new entrance lobby area, courtyard improvements with a cabana on a raised deck, and an in-ground swimming pool.

Building #46 is currently owned by the City of Portland. The applicant holds a purchase and sales agreement with the City for the purchase of the building. The proposed pool, deck and cabana structure will be located on open space/recreation area currently owned by the Diamond Cove Homeowners Association (DCHA). The applicant submitted a copy of a long-term ground lease for this area. Additionally, the applicant submitted a draft copy of a permanent construction, maintenance and drainage easement between the applicant and the DCHA for the closed stormwater drainage system and outfall associated with the proposed project.

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The proposed project is shown on a set of plans, the first of which is entitled "The Inn at Diamond Cove – Cover Sheet," prepared by DeLuca-Hoffman Associates, Inc., and dated December 2008, with a last revision date of March 12, 2009.

C. Current Use of Site: The double barracks is a three-story masonry building, currently vacant and in disrepair, with a footprint area of approximately 13,629 square feet. It is located across McKinley Court from the existing parade ground.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$8,562,000. The applicant submitted a letter from TD Banknorth, dated April 29, 2008 indicating that the bank is interested in discussing financing arrangements for the proposed project. Prior to the start of construction, the applicant must submit an updated estimate of project costs and evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of another form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land and Water Quality for review and approval.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards provided evidence of final financial provisions are submitted as outlined above.

3. TECHNICAL ABILITY:

The applicant's principals have successfully developed and managed similar hotel/condominium developments. The applicant also retained the services of DeLuca-Hoffman Associates, Inc., a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

Noise generated from the proposed project is anticipated to be similar to other uses currently within Diamond Cove. The Inn's main entrance, lobby and recreational pool facility, which are expected to generate the highest noise levels, will be located at the rear of the building and away from surrounding existing uses.

The Department finds that the proposed project will result in a minor noise impact that will be consistent with the area.

5. SCENIC CHARACTER:

Building #46 is currently in various stages of dilapidation. The proposed renovation is designed to restore the original architectural and historic character of the building

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consistent with the intent of the original Board Order approving Diamond Cove. The site of the proposed project is essentially within the interior of Diamond Cove and is not significantly visible from areas outside the development.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. HISTORIC SITES:

Building #46 is part of the former Fort McKinley, which is included in the National Register of Historic Places maintained by the U. S. National Park Service. Proposed renovations to the building must be consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The applicant submitted a copy of the National Park Service's Part 2 approval of the renovation plans.

The Maine Historic Preservation Commission reviewed the proposed rehabilitation plan and stated that it is appropriately scaled and sited, and is compatible with the historic qualities of the Double Barracks and the surrounding Fort McKinley Historic District.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites either on or near the development site.

7. STORMWATER MANAGEMENT:

The proposed project includes approximately 6,534 square feet of new impervious area and 17,776 square feet of developed area. The project site drains to Casco Bay. The applicant submitted a stormwater management plan based on the basic, general, and flooding standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of two underdrained soil filters and four bio-retention cells.

A. Basic Standards:

(1) Erosion and Sedimentation Control: The applicant submitted an Erosion and Sedimentation Control Plan (Section 14 of the application) that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

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(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. This plan was reviewed by, and revised in response to the comments of DWM. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. The applicant will be responsible for the maintenance of all common facilities including the stormwater management system.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on DWM's review of the erosion and sedimentation control plan and the maintenance plan, and the applicant's revisions, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(A).

B. General Standards: The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMPs) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from DWM. After a final review, DWM commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards, but recommended that a professional engineer be retained to inspect the installation of the underdrained soil filters and bio-retention cells. Inspections must consist of weekly site visits to inspect the subgrade preparation of the structures, embankment construction, pipe bedding placement, underdrain pipe installation, soil filter placement, overflow installation and soil filter stabilization. Within 30 days of completion of the structures, the applicant must submit to the BLWQ its engineer's certification that the structures were installed in accordance with the approved design.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, General Standards.

C. Flooding standard:

The applicant is not proposing a formal stormwater management system to detain stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. Instead, since the project site is located adjacent to Casco Bay, and the applicant will obtain a drainage easement with the DCHA, the applicant requested a waiver from the flooding standard pursuant to Department Rules, Chapter 500(4)(E)(2)(a), which allows a waiver when the project discharges to the ocean.

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DWM commented that the proposed system is designed in accordance with the Chapter 500 Flooding Standard.

Based on the system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500, Flooding Standard for peak flow from the project site, and channel limits and runoff areas.

8. WATER SUPPLY:

When completed, the proposed project is anticipated to use 4,545 gallons of water per day. Water will be supplied by the Portland Water District. The applicant submitted a letter from the District, dated May 6, 2008, indicating that it will be capable of servicing this project.

The Department finds that the applicant has made adequate provision for securing and maintaining a sufficient and healthful water supply.

9. WASTEWATER DISPOSAL:

The redevelopment of the former Fort McKinley military base included the construction of an on-site wastewater collection and treatment system that includes a network of underground gravity sewer pipes, a number of septic tanks, and three sand filter beds. Treated wastewater is collected in an underdrain system and conveyed to a disinfection system. Treated sanitary wastewater flows through a weir before being discharged into Casco Bay. The existing wastewater facility is licensed to discharge a monthly average of up to 35,000 gallons per day.

Existing uses contributing to the wastewater collection and treatment system generate approximately 28,910 gallons of wastewater per day. Over the past several years, the DCHA has made efforts to eliminate excess inflow and infiltration within the existing collection system and made major repairs to the sand filter beds. With the authorization of the DCHA, the applicant intends to complete a list of repairs to the existing collection system in an effort to remove additional sources of inflow/infiltration. These repairs will be done during construction of the proposed project.

When completed, the proposed project is anticipated to discharge an additional 4,545 gallons of wastewater per day to DCHA's wastewater treatment facility. This project was reviewed by the Division of Water Quality Management (DWQM) of the BLWQ, which commented that the DCHA's wastewater treatment facility has the capacity to treat these flows and is operating in compliance with the water quality laws of the State of Maine. DWQM issued a final Maine Waste Discharge License (#W006931-5C-F-R), dated September 15, 2009. The kitchen and cabana of the proposed inn must not contain any equipment that would necessitate the use of a grease trap, and must be limited to serving only continental breakfasts and light snacks to guests of the inn.

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Based on DWQM's review and issuance of the Waste Discharge License, the Department finds that the applicant has made adequate provision for wastewater disposal at a facility that has the capacity to ensure satisfactory treatment.

10. SOLID WASTE:

When completed, the proposed project is anticipated to generate 12 cubic yards of general solid waste per month during the peak season. All general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 200 cubic yards of stumps and grubblings. All stumps and grubblings generated will be processed on site, with the resulting material to be used as an erosion control measure, in compliance with Solid Waste Management Regulations of the State of Maine.

The proposed project will generate approximately 290 cubic yards of construction debris and demolition debris. All construction and demolition debris generated will be disposed of at the Biofuels Limited facility in Lewiston and Grimm Industries in Topsham, both of which are currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

Based on the above information, the Department finds that the applicant has made adequate provision for solid waste disposal.

11. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards provided additional financial information is submitted as described in Finding 2.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

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- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided the applicant submits a certification of the stormwater management system as described in Finding 7B.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided the kitchen and cabana are limited in relation to food service as described in Finding 9.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of THE INN AT DIAMOND COVE LLC to renovate and expand the existing Double Barracks building at Diamond Cove, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Prior to the start of construction, the applicant shall submit an updated estimate of project costs and evidence that it has been granted a line of credit or a loan by a financial institution authorized to do business in this State or evidence of another form of financial assurance determined by Department Rules, Chapter 373(1), to be adequate to the Bureau of Land and Water Quality for review and approval.
5. Prior to the start of construction, the applicant shall submit to the BLWQ copies of executed ground lease and drainage easements with the DCHA.
6. The applicant shall retain its design engineer or other qualified professional to inspect the installation of the underdrained soil filters and bio-retention cells. Inspections shall consist of weekly site visits to inspect the subgrade preparation of the structures, embankment construction, pipe bedding placement, underdrain pipe installation, soil

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filter placement, overflow installation and soil filter stabilization. Within 30 days of completion of the structures, the applicant shall submit its engineer's report of inspections and certification that the structures were installed in accordance with the approved design.

7. The kitchen and cabana of the proposed inn shall not contain any equipment that would necessitate the use of a grease trap, and shall be limited to serving only continental breakfasts and light snacks to guests of the inn
8. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES
mr/113160abb/ats#69640

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Department of Environmental Protection
SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

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STORMWATER MANAGEMENT LAW STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
- (6) Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.

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- (7) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
- (8) Maintenance. The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the department.
- (9) Recertification requirement. Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
 - (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
 - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities.
 - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained

November 16, 2005

To: B. Banker
nb

2-F-13



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

RECEIVED
OCT 13 2011
PLANNING DEPARTMENT

DEPARTMENT ORDER

IN THE MATTER OF

THE INN AT DIAMOND COVE LLC	) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
PERMIT EXTENSION	) MINOR REVISION
L-13160-L3-AF-M (Approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of THE INN AT DIAMOND COVE LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 44 former military buildings into 134 residential units and commercial uses, and constructing a marina for use by Diamond Cove residents. The majority of the renovations and development was completed in the 1980's with the exception of two buildings, which are identified in the application as the Double Barracks (Building #46) and the Hospital (Building #19). In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. In Department Order #L-13160-L3-AB-B, dated September 23, 2009, the Department approved the renovation and expansion of the existing Double Barracks building at Diamond Cove. Numerous other Department Orders were issued for Diamond Cove, which are not relevant to this minor revision application. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.

B. Summary: The applicant states that the start of construction was delayed due to a recent litigation resolved in July of this year. The applicant intends to begin construction in the spring of 2012; however, the applicant requests a two-year extension on the construction time frame associated with Standard Condition #6 of Department Order #L-13160-L3-AB-B.

C. Current Use of Site: The double barracks is a three-story masonry building, currently vacant and in disrepair, with a footprint area of approximately 13,629 square feet. It is located across McKinley Court from the existing parade ground.

2. FINDING:

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

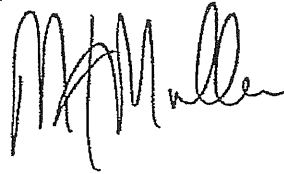
THEREFORE, the Department APPROVES the application of THE INN AT DIAMOND COVE LLC for a two-year extension on the construction time frame associated with Standard Condition #6 of Department Order #L-13160-L3-AB-B, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
-

4. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



This permit is digitally signed by Michael Mullen on behalf of Acting Commissioner Patricia Aho. It is digitally signed pursuant to 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date.
2011.10.12 08:23:01 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

jw/113160l3afm/ats73908

RECEIVED 3-9-12



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

THE INN AT DIAMOND COVE LLC	) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
INCREASE UNITS	) MINOR REVISION
L-13160-L3-AG-M (Approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of THE INN AT DIAMOND COVE LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 44 former military buildings into 134 residential units and commercial uses, and constructing a marina for use by Diamond Cove residents. The majority of the renovations and development was completed in the 1980's with the exception of two buildings, which are identified in the application as the Double Barracks (Building #46) and the Hospital (Building #19). In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. In Department Order #L-13160-L3-AB-B, dated September 23, 2009, the Department approved the renovation and expansion of the existing Double Barracks building at Diamond Cove. Most recently, in Department Order #L-13160-L3-AF-M, dated October 12, 2011, the Department approved a two-year extension on the construction time frame associated with Standard Condition #6 of Department Order #L-13160-L3-AB-B. Numerous other Department Orders were issued for Diamond Cove, which are not relevant to this minor revision application. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.

B. Summary: The applicant proposes to re-allocate interior space within the Inn and increase the number of units from 20 units to 22 units. The proposed project is shown on a set of plans, the first entitled, "Basement Plan" prepared by Archetype Architects and Truexcullins Interiors and dated January 12, 2012.

C. Current Use of Site: The double barracks is a three-story masonry building, currently vacant and in disrepair, with a footprint area of approximately 13,629 square feet. It is located across McKinley Court from the existing parade ground.

2. FINDING:

The proposed project is a minor change and will not affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of THE INN AT DIAMOND COVE LLC to increase the number of units within the Inn from 20 units to 22 units as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its

agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

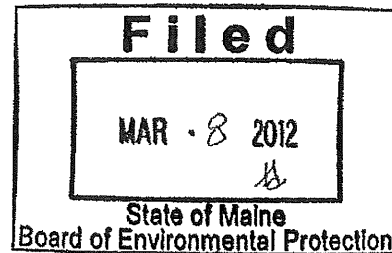
DONE AND DATED IN AUGUSTA, MAINE, THIS 8th DAY OF MARCH 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Patricia W. Aho*
For Patricia W. Aho, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

jw/l13160l3agm/ats74388



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ATT 2-6-1
RECEIVED
APR 10 2008
NATIONAL PARK SERVICE
INCENTIVE PROGRAM
NPS Office Use Only
Project No: 20580

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 2 - DESCRIPTION OF REHABILITATION

NPS Office Use Only
NRIS No:

Instructions: Read the instructions carefully before completing the applications. No certifications will be made unless a completed application form has been received. Type or print clearly in black ink. If additional space is needed, use continuation sheets or attach blank sheets. A copy of this form may be provided to the Internal Revenue Service. The decision by the National Park Service with respect to certification is made on the basis of the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings, and specifications), the application form shall take precedence.

1. Name of Property: Double Barracks (Building #46)
Address of Property: Street 18 McKinley Court
City Portland County Cumberland State ME Zip 04109
 Listed individually in the National Register of Historic Places; give date of listing: _____
 Located in a Registered Historic District; specify: Ft. McKinley Historic District
Has a Part 1 Application (Evaluation of Significance) been submitted for this project? yes no
If yes, date Part 1 submitted: 8/2/07 Date of certification: 8/23/07 NPS Project Number: 20580

2. Data on building and rehabilitation project:
Date building constructed: 1910 Total number of housing units before rehabilitation: NA
Type of construction: Masonry bearing wall Number that are low-moderate income: NA
Use(s) before rehabilitation: vacant US Army barracks Total number of housing units after rehabilitation: 20 hotel condominiums
Proposed use(s) after rehabilitation: hotel condominiums Number that are low-moderate income: NA
Estimated cost of rehabilitation: 4.6M Floor area before rehabilitation: 41,382 SF
This application covers phase number 1 of 1 phases Floor area after rehabilitation: 44,183 SF
Project/phase start date (est.): 6/1/08 Completion date (est.): 6/1/09

3. Project contact:
Name Christine Beard/Tremont Preservation Services
Street 21 Market Street City Ipswich
State MA Zip 01938 Daytime Telephone Number 978-356-0322

4. Owner:
I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$40,800 in fines or imprisonment for up to five years pursuant to 18 U.S.C. 1001.
Name David Bateman Signature [Signature] Date 11/13/07
Organization The Inn at Diamond Cove LLC
Social Security or Taxpayer Identification Number 20-321-0238
Street 245 Commercial Street City Portland
State ME Zip 04101 Daytime Telephone Number 207-772-2992

NPS Office Use Only
The National Park Service has reviewed the "Historic Certification Application - Part 2" for the above-named property and has determined:
 that the rehabilitation described herein is consistent with the historic character of the property or the district in which it is located and that the project meets the Secretary of the Interior's "Standards for Rehabilitation." This letter is a preliminary determination only, since a format certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is completed.
 that the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's "Standards for Rehabilitation" if the attached conditions are met.
 that the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's "Standards for Rehabilitation." A copy of this form will be provided to the Internal Revenue Service.

Date 5/15/2008
National Park Service Authorized Signature [Signature] National Park Service Office/Telephone No. 202-354-2024

See Attachments Condition Sheet

2-6-2

Form 10-168f
New

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CONDITIONS SHEET
Historic Preservation Certification Application

Property name: Double Barracks (Building #46)

Project Number: 20580

Property address: 18 McKinley Court, Portland, ME

The rehabilitation of this property as described in the Historic Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

Repointing and Brick Replacement – Repointing mortar must match the color, texture, strength, joint width and joint profile of the existing historic masonry. Replacement brick must match the size, color and texture of the historic masonry. Repointing and brick samples should be reviewed and approved by the State Historic Preservation Office prior to proceeding with this work.

Slate Roof – Because the slate roof is such an important character-defining feature in the historic district, every attempt should be made to retain the slate on the primary roof elevations. Further investigation and additional estimates must be obtained to determine the feasibility of retaining the slate. The final roofing material must be reviewed and approved by the SHPO and NPS prior to proceeding with this work. If a substitute material is chosen, samples must be submitted for review and approval.

Porches – The proposed replacement columns must replicate the appearance of the historic columns and must have a painted finish. A sample replacement column must be reviewed and approved by the SHPO prior to installation.

Windows – The proposed replacement window will result in the loss of 2 ¼ inches of glazing area. An alternative treatment must be used to avoid this such as, cutting out the remaining frames to allow for an adequate match. Replacement windows must match the appearance, size, design, proportions and profiles of the existing windows. The window color should be either white or a light cream color consistent with the design of the building. Comparable fully dimensioned drawings in section and elevation including meeting rail and muntin profiles must be review and approved by the SHPO before proceeding with any window replacement.

New Addition – The trellises flanking the new addition must be deleted from the design.

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

5/15/2008

Date

Jo Ellen Hussey

National Park Service Signature

NPS / TPS



PORTLAND HARBOR HOTEL

Old Port District

Inn at Diamond Cove Guest arrival and check-in process

The guest experience at the Inn at Diamond Cove will begin with the arrival at the Portland Harbor Hotel (PHH) Valet parking area. The valet at PHH will take the guest car and luggage, and send the guest off to enjoy the Old Port until their designated Ferry departure time. If the guest flies into Portland, PHH town car will pick up the guest at the airport, store their luggage and send them off into town.

The valet attendant will park the car at the hotel parking on premise or at the adjacent parking lot located at the corner of Cross and Fore St. where the hotel holds a lease for an unlimited number of overflow parking spaces. The guest car will be kept at the hotel until the guest needs it again.

Guest luggage will be sent to Great Diamond Island via ferry by one of our valet staff ahead of the guest arrival to the island. The bellman from the Inn at Diamond Cove will meet the ferry at the Diamond Cove Pier, retrieve the luggage and deliver it directly to the guest room before the guest arrives.

Guests will be directed to board the ferry anytime between 4:00 p.m. & 6:00 p.m and to get off at the Diamond Cove Pier. A Bellman from the Inn at Diamond Cove will meet them at the Diamond Cove Pier with the golf cart and escort them directly to the Inn.

Ferry tickets for guests' transportation will be purchased in advance in bulk and provided to our guests upon arrival at the Portland Harbor Hotel. The staff will have monthly ferry passes purchased by the Inn.

The golf cart used to shuttle our guests on the island will be parked at the Inn unless we are expecting guests to arrive on the ferry, at which time, the cart will be stationed at the Diamond Cove Pier awaiting ferry arrival.

All guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the northerly Diamond Cove Pier, and will be specifically advised not to utilize any off-site facilities, including the southerly pier. The Inn at Diamond Cove will have posted in each guest unit on the premises, a written notice of the applicable ordinances, rules and regulations.

Gerard Kiladjian
General Manager



468 Fore Street, Portland, Maine 04101 • 207-775-9090

Fax: 207-775-9990 • Reservations: 888-798-9090 • www.portlandharborhotel.com



The Inn at Diamond Cove
Transportation Action Plan

All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months.

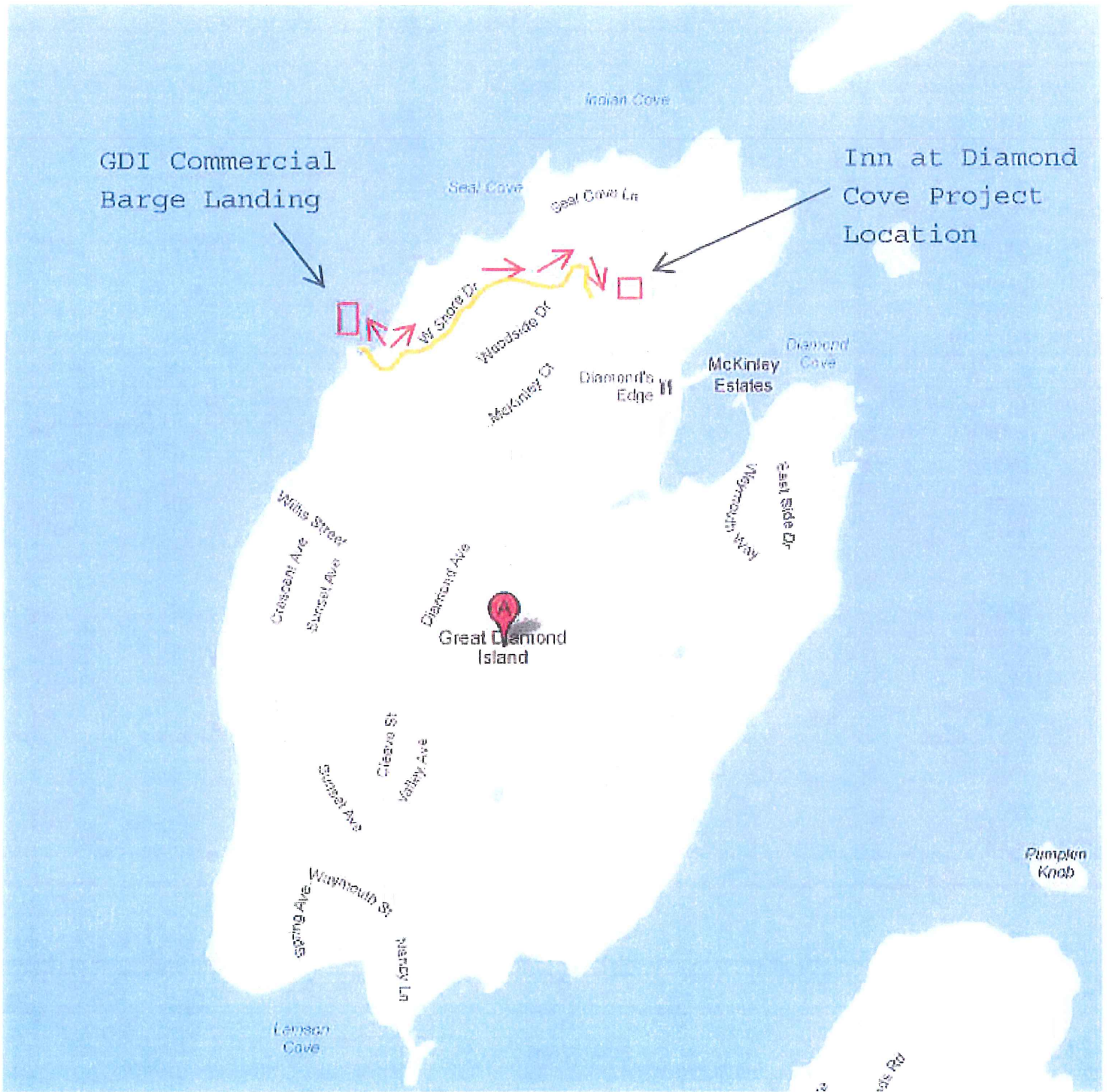
All subcontractors and laborers will be directed by contract an in the instructions to bidders to use the Casco Bay Lines ferry service to the Diamond Cove Landing. No one will be allowed to use the south landing.

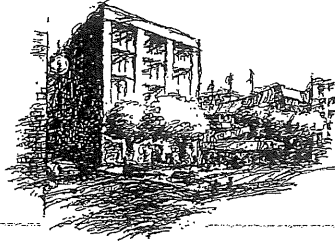
A handwritten signature in blue ink, appearing to read "J. S. Cushman", is written over the text of the second paragraph.

Joshua S. Cushman
President
Portland Builders, Inc.

East End Beach
Commercial Barge Landing







HARBOR PLAZA

1/19/10

The Inn at Great Diamond Island, LLC
 PO Box 3572
 Portland, ME 04104

Re: Double Barracks (Bldg. 46) Mainland Parking Analysis
 For the Proposed Condominium Hotel Guests

Gentlemen,

As per your request the following analysis is based on the current required parking spaces located at the Harbor Plaza parking garage, and the additional spaces required by this proposed project.

Existing On-Site Parking Spaces (@ The Harbor Plaza Garage)

- Parking Garage	198
- Surface Lot	20

Total Spaces **218**

Current Parking Requirements

- MEMIC Building / 47,700 sq. ft / 400 sq ft. per Space	120
- Portland Harbor Hotel / 4 Rms. / Space @ 100 Rms.	25
- 470 Fore St. / 1 Space per 200 sq. ft. Over 2000 sq. ft.	1
2 nd & 3 rd Fl. Hotel 1 Space/ 4 Rms.	1
- 468 Fore St. (Annex) /	
Basement for Hotel Use	0
- 1 st Fl. Retail 1780 sq. ft. – None Required	0
- 2 nd Fl. Hotel Meeting Rm. – None Required	0
- 3 rd Fl. 2 – Hotel Rms. – None Required	0
(See 470 Fore St. Rm. Count)	
- 4 th Fl. Offices 1780 sq. ft. / 350 sq. ft. / per Space	5

Total Spaces Required **152**

Summary of Existing Uses:

Total Spaces =	218
Total Spaces Required = (By current uses)	152

Balance of Spaces Available	66
------------------------------------	-----------

Utilizing the most restrictive use application (Residential Structures) a total of 44 spaces would be required for the Condominium Hotel use / 2 spaces for every unit plus 1 additional space for every 6 units. Therefore a surplus of 22 spaces will remain after the additional use is factored.

In Summary Harbor Plaza can accommodate the additional Condominium Hotel units and is pleased to do so at our current rate structure.

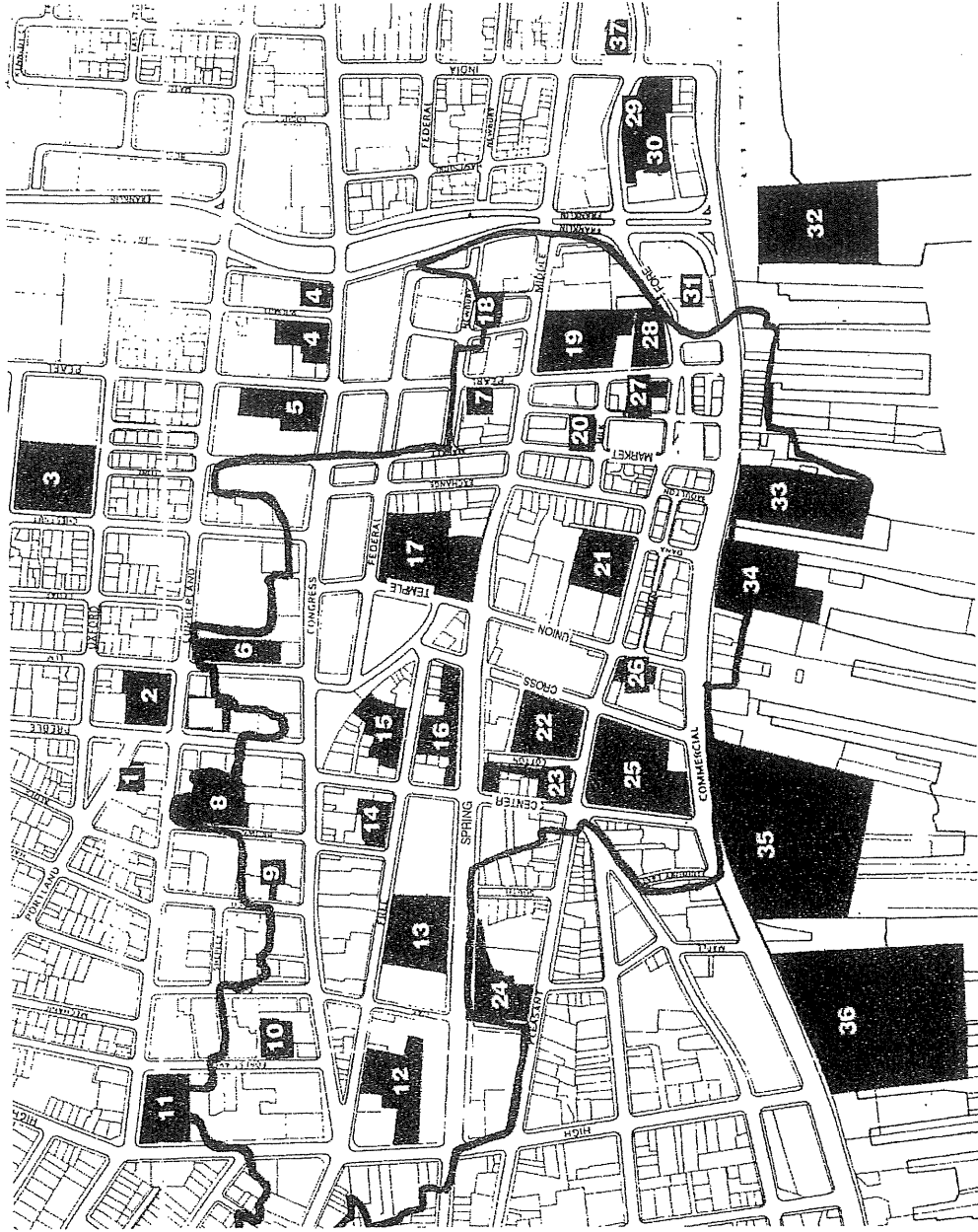
Should you require additional information do not hesitate to call.

Sincerely,


David Bateman

Downtown Parking Garages & Lots

- 1) Maria's Monthly Lot
- 2) Public Market Garage (both)
- 3) Chestnut St. Garage (monthly)
- 4) Top of the Old Port Lot (both)
- 5) Portland Press Herald Employee Lot
- 6) Elm St. Garage (both)
- 7) 66 Pearl St. Lot (monthly)
- 8) Monument Square Garage (both)
- 9) Casco St. / Oct. Corp. (restricted)
- 10) Venture Lot (monthly)
- 11) Gateway Garage (both)
- 12) Free St. Lot (daily / hourly)
- 13) Spring St. Garage (both)
- 14) JB Brown Lot (monthly / event)
- 15) One City Center Garage (both)
- 16) Midtown Lot (both)
- 17) Temple St. Garage (both)
- 18) Cumberland County Courthouse Garage (both)
- 19) Middle & Pearl (monthly)
- 20) Market St. Associates Lot (monthly)
- 21) Fore St. Garage (both)
- 22) Portland Square Lot (both)
- 23) Cotton & Center (monthly / event)
- 24) Bamico Lot & Garage (monthly / event)
- 25) Portland Square (monthly)
- 26) Harbor Plaza Garage (both)
- 27) Regency Lot (restricted)
- 28) Custom House Square Garage (both)
- 29) Casa/Omni Park Systems Lot (monthly)
- 30) Simba/Hale Lot (monthly)
- 31) East Brown Cow Lot - 75 Commercial St. (monthly)
- 32) Casco Bay Garage (both)
- 33) DiMillo's (restricted)
- 34) Fisherman's Wharf Lot (both)
- 35) Fish Pier Lot (monthly / daily)
- 36) Lion Ferry Lot (events)
- 37) Ocean Gateway Garage (both)



2-I-4



One Portland Square
Portland, ME 04101

T 207.874.6000
F 207.871.7010

www.boulos.com

January 20, 2012

To Whom it May Concern,

This letter is to confirm that we currently lease parking spaces in our Portland Square parking lots to the Portland Harbor Hotel. Should the need arise in the future we would accommodate the Portland Harbor Hotel by leasing them additional parking spaces to address their needs.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McDonald". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael J. McDonald
Senior Real Estate Manager

MONTHLY PARKING CONTRACT

Landlord hereby agrees that tenant may utilize 17 (Seventeen) space to park automobiles ("Parking Spaces) in the lot adjacent to the building, subject to the following terms and conditions:

- A) Tenant's right to use the Parking spaces shall commence on 3/1/12 and terminate on the earlier to occur, discontinued employment at One and Two Portland Square, or with the termination of the Lease. Either party may terminate these parking rights upon notice to the other party given at least thirty (30) days prior to the termination date.
- B) Tenant shall pay Landlord the sum of \$110.00 per month for each parking space, payable on the first day of each calendar month. Landlord reserves the right to determine from time to time new rental rates for parking spaces. New rates shall become effective on the date specified in a notice to tenant, which notice shall be delivered not less than forty-five (45) days prior to the effective date.
- C) Tenant shall use the parking spaces subject to the following rules and regulations and such other rules and regulations as Landlord or the owner or operator of the parking lot/garage may impose on it's use:

Persons using the lot/garage do so at their own risk. Landlord specifically disclaims all liability except when caused solely by its negligence or willful conduct, for personal injury incurred by users of the lot/garage their agents, employees, invitees, family, friends or guests or as a result of damage to theft or destruction of any vehicle or any contents thereof as a result of the operation or parking of any automobiles in the lot/garage.

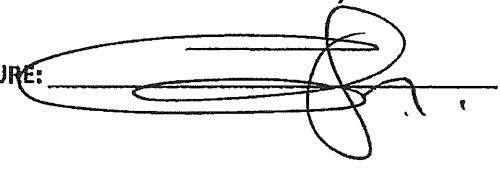
To ensure safe traffic flow within the lot/garage, all traffic signs and signals must be obeyed. At no time tenant or its designated users alter or damage any traffic signs, entry gates or other property.

All Automobiles must be parked solely within the striped stalls. Landlord shall have the right to enter upon the parking spaces to inspect same, to perform maintenance services and to make repairs as Landlord deems necessary or desirable, without such entry constituting an eviction of tenant in whole or in part, and the charges specified herein shall in no wise abate while said maintenance and/or repairs are being affected.

PLEASE NOTE: OVERNIGHT PARKING BY PERMIT ONLY

TENANT: PORTLAND HARBOR HOTEL
 ADDRESS: 468 FORE STREET
 TELEPHONE# (207) 523 2020

DATE: 3/1/12

SIGNATURE: 



Portland Water District
 FROM SEBAGO LAKE TO CASCO BAY

January 6, 2012

DeLuca-Hoffman Associates, Inc.
 778 Main Street, Suite 8
 South Portland, ME 04106

Attn: Joseph A. Laverriere, P.E.
 Re: The Inn at Diamond Cove, Great Diamond Island
 Ability to Serve with PWD Water

Dear Mr. Laverriere:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on December 19, 2011. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Please note that this letter does not constitute approval of this project from the District. Please review this letter for any special conditions specified by the District and to determine the appropriate next steps to take to move your project through the submittal and approval process.

Existing Site Service

According to District records, the Diamond Cove Association is served through a private water service from the Districts water main in Bay Avenue ROW. A 6-inch diameter water service line, located as shown on the attached water service card, provides water service to the Diamond Cove Association. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is an 8-inch diameter cast iron water main within Bay Avenue Right-of-Way and a public fire hydrant located 730 feet from the Diamond Cove Association connection.

The current data from the nearest public hydrant with flow test information is as follows:

Hydrant Location: Willis Street at Cresnet Avenue
 Hydrant Number: POD-HYD01694
 Last Tested: 06/07/1995
 Static Pressure: 97 PSI
 Residual Pressure: Not Measured
 Flow: 1,299 GPM

Public Fire Protection

You have not indicated whether this project will include the installation of new public hydrants to be accepted into the District water system. The decision to require new hydrants and to determine their

locations is solely that of the local fire authority. It is your responsibility to contact your local fire department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The ability to serve request indicates that the daily water usage is expected to be 4,545 gallons per day. The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of the proposed Inn at Diamond Cove at the point which the Diamond Cove Association is connected to the public system. The District cannot confirm the adequacy of the private piping owned by the Diamond Cove Association. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs


You have not indicated whether this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please also note that an increase in fire and/or domestic water usage to your site could impact existing domestic and fire protection systems connected to this service line. It is the responsibility of the owner to confirm that additional usage will not adversely impact existing fire protection systems. Should new fire protection service be required, please share these results with your sprinkler system designer so that they can design the fire protection systems to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact us to request a hydrant flow test and we will work with you to get more complete data. The District can only operate public hydrants; if private hydrants must be tested to determine flow conditions, PWD must be notified but a third party must be hired to perform any testing.

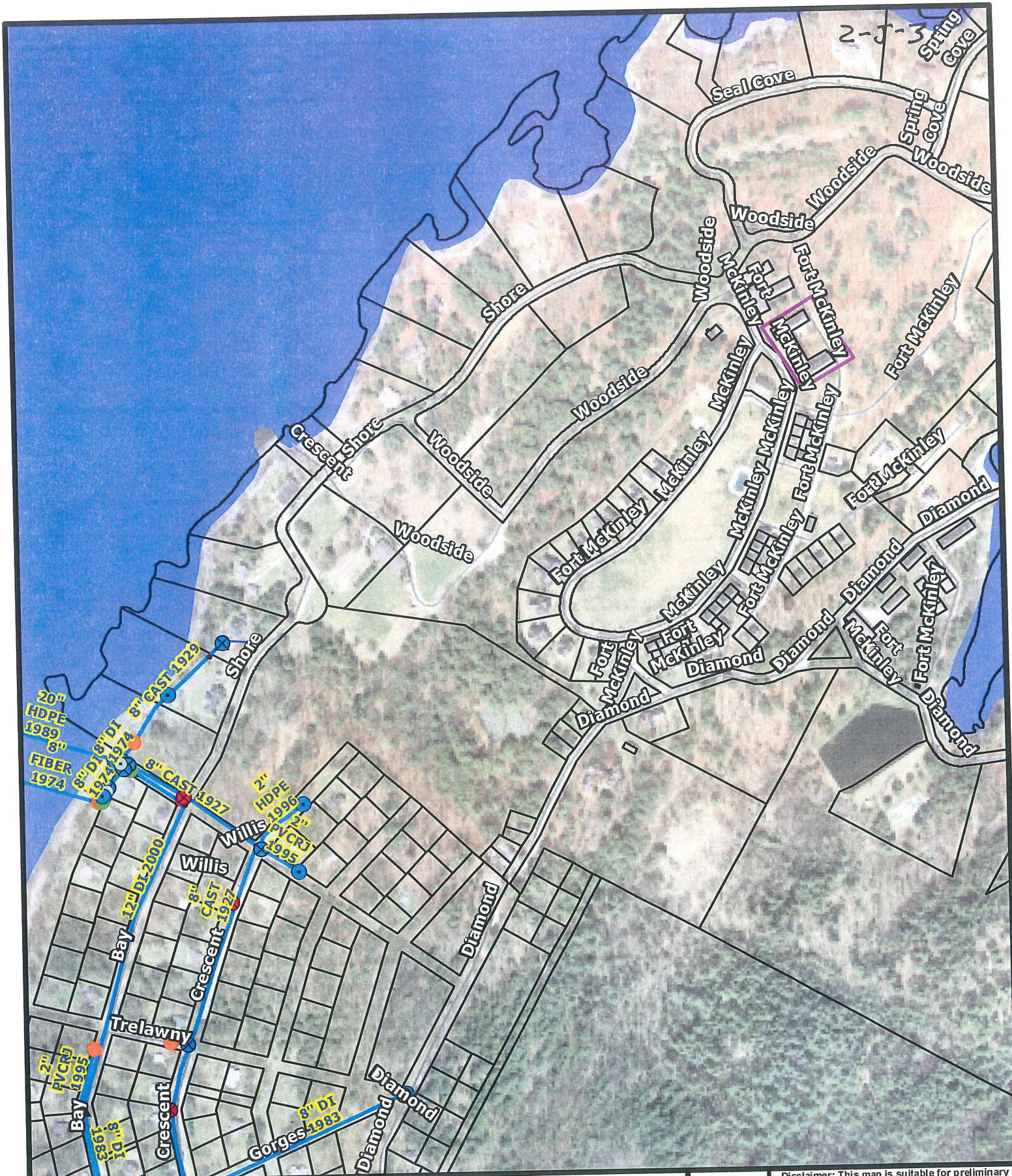
Conditions of Service

The District can confirm that the supply of domestic water to the Diamond Cove Association will be adequate to support the additional use from the proposed Inn; however, the District does not have the authority to approve the connection to privately owned infrastructure. Since this will be a private connection, an application and deposit will not be required. However, the development team must contact PWD during construction so that we can verify that proper cross connection containment measures have been taken, specifically the installation of an RPZ device within the inn.

The existing meter for the Diamond Cove Association is a 6-inch fire service meter with a maximum peak flow of 3,100 gallons per minute. Please let us know if a meter upgrade is required to accommodate the additional flow. Since there is one master meter for the entire association, individual billing from the District is not available.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer



2-J-3 Spring Cove

Inn at Diamond Cove

Scale 0 100 200 400 600 Feet 1 inch = 400 feet



Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of its infrastructure.

GDI, Portland

Legend

- | | | | |
|----------------|--------------------|--------------------|-----------|
| ● Air Valve | ● Connection | ⊕ Combined Service | ● Manhole |
| ● Blow Off | ● Attribute Change | ⊕ Domestic Service | ● CSO |
| ● By Pass | ▲ Reducer | ⊕ Fire Service | → Gravity |
| ● Distribution | ▲ Hydrant | ● Private Hydrants | → Force |
| ● Transmission | ● Hydrant Control | ⊕ Meter Pits | |

Drawn By: GJH

Prepared For:
DeLuca-Hoffman

Scale: As Noted

Date: 01/05/2012

PORTLAND WATER DISTRICT
225 Douglass Street
Portland, ME 04104

ATR2K-1

SECTION 12

STORMWATER MANAGEMENT REPORT
(FLOODING AND GENERAL STANDARDS)

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND, PORTLAND, MAINE**

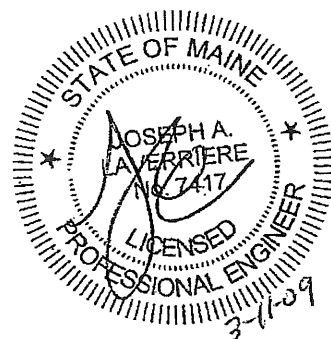
PREPARED FOR:

**THE INN AT DIAMOND COVE LLC
C/O BATEMAN PARTNERS LLC
P.O. BOX 3572
PORTLAND, MAINE 04104**

PREPARED BY:

**DELUCA-HOFFMAN ASSOCIATES, INC.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
(207) 775-1121**

MARCH 2009



SECTION 12

STORMWATER MANAGEMENT REPORT
(FLOODING & GENERAL STANDARDS)

12.0 Introduction

DeLuca-Hoffman Associates, Inc. (DHA) has prepared a stormwater management analysis for the proposed Inn at Diamond Cove. The Inn is part of a larger development on Great Diamond Island called Diamond Cove and was originally permitted with MeDEP on December 10, 1986. The work associated with this project will include the renovation and expansion of the existing "Double Barracks" or Building #46. As part of the permit process, the MeDEP Site Location of Development Permit will be revised to reflect these proposed changes to land use and topography.

The site improvements associated with the proposed project include the construction of patios, walkways, pool, pool deck, and access drive. As a result of these proposed site improvements and the building expansion, the total increase in impervious area is approximately 6,534 sq. ft.

DeLuca-Hoffman Associates, Inc. completed this stormwater management analysis to confirm that the planned development would not result in any significant impacts nor create potential degradation of water quality to locations downstream of the development site. The project site is not located within a lake watershed most at risk or an urban impaired stream.

12.1 Existing Site Conditions

The project area includes portions of the existing building, the building addition, proposed walkways, pool and deck area, and disturbed and undisturbed landscaped areas.

The overall site has relatively flat to moderate topography, with the exception of steeper slopes to the east and southeast of the existing building with grades approaching 2:1. Ground topography ranges throughout the entire site from about elevation 84 to 105 (assumed datum).

Soils on the site consist of Hydrologic Soil Group (HSG) C and D soil types as indicated by the Medium Intensity Soil Survey for Cumberland County, by the United States Department of Agriculture, dated August 1974.

According to the Medium Intensity Soil Survey, the development site consists of the following soil:

<u>Soil</u>	<u>Hydrologic Soil Group</u>
Hollis	C/D

12.2 Methods of Analysis-Stormwater Quantity

A hydrologic analysis was conducted based upon the methodology contained in the USDA Soil Conservation Service's Technical Releases Nos. 20 and 55 (SCS TR-20 and TR-55). For Cumberland County, Maine, a 24-hour SCS Type III storm distribution was used for the analysis using the following storm frequencies and rainfall amounts for Portland, Maine:

Storm Event	24-Hour Rainfall
2-Year Storm	3.00 Inches
10-Year Storm	4.70 Inches
25-Year Storm	5.50 Inches

Note: The proposed project is not required to provide peak discharge control for the postdevelopment condition because the site discharges to Casco Bay. Because of this, a predevelopment hydrologic analysis was not performed. The postdevelopment model was created to estimate peak discharge rates flowing offsite. This information was used to design a proper means of discharging site runoff that will not cause erosive flow velocities.

The HydroCAD computer program was used in the analysis. This program analyzes the critical points of the project watershed and uses SCS TR-20 methodology for evaluation of the anticipated conditions at these points. Drainage areas are defined with runoff curve numbers, times of concentration, and travel time data based on methods outlined in the USDA TR-55 manual. To assess storage and kinematic effects of runoff, the model uses reservoirs and pipes to imitate actual conditions. Specific hydrologic characteristics including travel times, storage capacity, and the effects of hydraulic head are considered for analysis with this program.

To model any watershed, the drainage system is represented by a system network consisting of three basic components:

- **Subcatchment:** A relatively homogenous area of land that drains into a single reach or pond. Each subcatchment generates a runoff hydrograph.
- **Reach:** A uniform stream, channel, or pipe that conveys water from one point to another reach or pond. The outflow of each reach is determined by a hydrograph routing calculation.
- **Pond:** A pond, swamp, dam, or other impoundment which fills with water from one or more sources and empties in a manner determined by a weir, culvert or other device(s) at its outlet. A pond may empty into a reach or into another pond. The outflow of each pond is also determined by a hydrograph routing calculation.

Land use, cover, delineation of watershed subcatchments, hydraulic flow paths and hydrologic soil types were obtained using the following data:

1. Portland, Maine USGS 7.5 minute Quadrangle Maps
2. Medium Intensity Soils Mapping by Cumberland County Soil Report
3. Onsite Topographic Survey with 1-foot contour intervals by DeLuca-Hoffman Associates, Inc.
4. Offsite USGS Topographic Survey with 5-foot contour intervals
5. Field Reconnaissance by DeLuca-Hoffman Associates, Inc.

12.3 Predevelopment Conditions

In its existing condition, the project area includes lawn areas, walkways, and undeveloped woods that drain to a depression located southwest of the existing building. The 2' deep depression which has an apparent outlet, stores runoff until it is infiltrated or evaporated.

12.4 Postdevelopment Conditions

In the postdevelopment condition, the project area includes the proposed improvements associated with the building addition and site improvements including exterior walkways, pool and deck area, and landscaping. Much of the existing walkway network will be maintained or reconstructed. The proposed development will result in a net increase of approximately 6,534 sq. ft. of impervious area.

Runoff from the proposed developed areas is routed through a series of water quality structures and conveyed in a closed storm drain system to a discharge point northwest of the project site. Once discharged, the treated stormwater flows overland to an existing drainage ditch that drains to Casco Bay. The entire overland drainage route between the project site and Casco Bay is owned by Diamond Cove Homeowners Association. A permanent drainage and maintenance easement will be provided from the Diamond Cove Homeowners Association accepting the stormwater discharge from this site across their land, including the use of the Diamond Cove Homeowners Association storm drain system.

These proposed site conditions are represented in the attached postdevelopment hydrologic model. The hydrologic model is based on multiple subcatchments contributing runoff to one point of analysis, located at the outlet of the proposed storm drain system. The postdevelopment watershed map is included in Attachment A.

The following table summarizes the peak flows and velocities at the point of analysis in the postdevelopment condition for each storm analyzed:

Postdevelopment Peak Flows to Point of Analysis 1			
Point of Analysis	Storm Event (Type III, 24-Hour)		
	2-Year	10-Year	25-Year
Peak Flow (cfs)	0.08	0.96	1.53
Peak Velocity (fps)	1.27	2.42	2.77

Despite the relatively low peak flow rates at the outlet of the proposed storm drain system, the flow velocities in the 10-year and 25-year design storm events are expected to be greater than the permissible velocity for Hollis Soils, which is 2.0 fps according to the Maine Erosion & Sediment Control BMP Manual. To slow the outlet flow velocity and prevent scour, a riprap channel and apron has been designed for the pipe outlet.

12.5 Stormwater Management – Water Quality Measures

As mentioned above, the proposed development activities will result in the net addition of approximately 6,534 sq. ft. of new impervious areas associated with the building addition, walkways, pool, and pool deck. The project has been designed and the study conducted in accordance with the Site Location of Development Act and Stormwater Law (Chapter 500) effective April 2007. Effective treatment of pollutants in stormwater will be provided by filtering the runoff through 2 underdrained soil filters and 4 underdrained bioretention cells located throughout the proposed developed area.

All six filter basins were designed to provide storage volumes equal to 1.0 inches times the subcatchment's impervious area plus 0.4 inch times the subcatchment's non-impervious area, in accordance with the MeDEP Stormwater Law. For all 6 filters, required storage volumes were calculated using all tributary areas. For bioretention cells 3 and 4, the required storage volumes account for runoff from undisturbed areas that are tributary to the filter.

Each proposed filter includes a 15" Nyloplast PVC catch basin at the design depth elevation to provide an emergency outlet. The basin will also provide an outlet for the underdrain, which will be capped within the basin with an orifice plate to ensure each filter draws down in 24-48 hours.

A summary of required and proposed design criteria for each filter is provided below. Stage-storage tables and drawdown calculations for each filter are attached as Attachment B.

Water Quality Filter 1		
	Required	Provided
Storage Volume	52 c.f.	54 c.f.
Maximum Storage Depth	18"	6"
Soil Filter Area	31 s.f.	32 s.f.

Water Quality Filter 2		
	Required	Provided
Storage Volume	52 c.f.	54 c.f.
Maximum Storage Depth	18"	6"
Soil Filter Area	31 s.f.	32 s.f.

Bioretention Cell 1		
	Required	Provided
Storage Volume	70 c.f.	80 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	42 s.f.	42 s.f.

Bioretention Cell 2		
	Required	Provided
Storage Volume	70 c.f.	70 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	42 s.f.	45 s.f.

Bioretention Cell 3		
	Required	Provided
Storage Volume	347 c.f.	347 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	208 s.f.	225 s.f.

Bioretention Cell 4		
	Required	Provided
Storage Volume	433 c.f.	486 c.f.
Maximum Storage Depth	6"	6"
Soil Filter Area	259 s.f.	264 s.f.

Runoff from the rooftop of the proposed building addition will be collected in a roof drain system and piped to storage tanks in the basement of the building. The stored roof water will be used for irrigation of lawn and landscaped areas on site. This system is expected to act as a stormwater treatment measure for several reasons. First, the runoff will be stored in tanks, where pollutant-laden sediment is expected to settle out. Second, the water will be used to irrigate lawn and landscape areas, where it will infiltrate rather than concentrate and flow to Casco Bay. For these reasons, we did not account for any runoff from the proposed roof area in the postdevelopment hydrologic model, and we considered the roof as new impervious area receiving water quality treatment in the treatment percentage calculations presented below. The collection and storage of the roof runoff water for use as irrigation water was discussed with MeDEP and determined to be acceptable for meeting the requirements of Chapters 500/502.

In accordance with the Chapter 500 General Standard, stormwater runoff from at least 95% of the impervious area and 80% of the developed area must be treated for pollutants. The treatment percentages for the proposed development are summarized below. A detailed treatment calculation spreadsheet is provided in Attachment C.

Diamond Cove Postdevelopment				
	Total (sf)	Untreated (sf)	Treated (sf)	% Treated
New or Redeveloped Impervious Area	9,878	369	9,509	96%
New or Redeveloped Developed Area	17,776	1,244	16,532	93%

12.6 Conclusions

The Stormwater Management Plan for this project is designed to provide pollutant treatment for the smaller, more frequent runoff events and provide for the stabilized release of stormwater runoff generated from the larger runoff events. Based on this

study's findings, it is expected that runoff from the proposed improvements can be discharged with no adverse impacts to downstream properties or water bodies.

12.7 Attachments

- Attachment A – Postdevelopment Watershed Map
- Attachment B – Water Quality Filter and Bioretention Cell Sizing Calculations
- Attachment C – General Standard Calculation (Treatment Percentages)
- Attachment D – TR-20 Computations (HydroCAD)
- Attachment E – Inspection & Maintenance Manual for Stormwater Management System

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**INSPECTION AND MAINTENANCE MANUAL
FOR STORMWATER MANAGEMENT AND
RELATED STORMWATER FACILITIES**

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND
PORTLAND, MAINE**

PREPARED FOR:

**THE INN AT DIAMOND COVE LLC
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**FEBRUARY 2009
REVISED JANUARY 2012**

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ATTACHMENTS

- Attachment A - Sample Inspection Logs
- Attachment B - Maintenance of Common Facilities or Property
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I. INTRODUCTION

Relatively complex stormwater management facilities are commonly installed in development projects including institutional and educational facilities. The complexity and goals of these systems vary with the nature of the receiving water, as well as the type of development. Runoff from developed areas of the project contains a number of contaminants, especially those emanating from rooftops, paved or lawn areas. This runoff can contain a significant amount of non-point contaminants which can have an adverse impact on the receiving waters. Source control and the installation of wet ponds, infiltration galleries and water quality units, many times combined with vegetated buffer strips and other best management practices, can significantly reduce the non-point pollution discharge from the developed area. These measures are particularly important to projects in sensitive water bodies and of concern if impacts to groundwater are proposed.

The effectiveness of water quality management provisions and other components of the stormwater management system are dependent on their design, upkeep, and maintenance to assure they meet their intended function over an extended period of years. It is critical that the stormwater management facilities are inspected on a regularly scheduled basis, and that maintenance is performed on an as-needed basis. It must also be recognized that the effectiveness of these facilities, and their maintenance requirements, are related to the stormwater drainage facilities which collect and transport the flow to the ponds or treatment measures. Thus, maintenance should be directed to the total system, not just the pond.

The purpose of this document is to define in detail the inspection and maintenance requirements deemed necessary to assure that the stormwater management facilities function as intended on a long-term basis. Subsequent sections identify individual maintenance items, give a brief commentary on the function of and need for the item, a description of the work required, and a suggested frequency of accomplishment. While the suggested programs and schedules must be adapted to specific projects, the material presented should provide guidance for a successful long-term program.

A. GUIDELINES OVERVIEW

A summary of the individual components of stormwater management facilities has been prepared. The format used in the summary is as follows:

Preface: A general description of what function/benefit the element is intended to provide. This is a short summary and not intended to provide the design basis which can be found in other sources.

Inspection: This section provides the inspection requirements for the individual component.

Maintenance: This section provides general information on the routine maintenance requirements of this element.

Frequency: This section outlines the best judgment of the designer of the system as to the frequency of maintenance.

Comments: This section provides any particular comment on the site-specific features of this element. This is a summary only. The owner/operator should review the design drawings and documents carefully to understand the particular elements of the project. The end of this section should allow for the owner/operator to make notes on the specific program. This may include the selected maintenance procedure, cross-references to applicable design drawings, etc.

A list of the individual inspection/maintenance elements is provided in the table of contents. The guidelines are proposed for initial use with adjustments made as appropriate based upon specific project experience.

II. PROJECT OVERVIEW

Key permits issued on the project include:

- MeDEP Site Location of Development Amendment
- City of Portland Site Plan Review

The permit applications for the project will include the design information for the stormwater system.

A copy of the permits and Stormwater Management Report should be appended to this manual as Attachment B. The Owner/Operator of the stormwater management system should review these permits for a general description and background of the project, as well as any specific permit conditions or requirements of the project.

The Inn at Diamond Cove LLC has retained DeLuca-Hoffman Associates, Inc. to provide civil engineering services for The Inn at Diamond Cove project. DeLuca-Hoffman Associates, Inc. has prepared the design for the stormwater management facilities and may be contacted at:

DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
(207) 775-1121

It is recommended the preparer of the plan be contacted with any particular questions on the design intent or similar issues.

The applicable plans/design documents which apply to the project are:

1. Civil Site Plans/Permit Applications;
The Inn at Diamond Cove
Great Diamond Island, Portland, Maine
Prepared by DeLuca-Hoffman Associates, Inc.;
2. Erosion Control/Sedimentation Control Plan for The Inn at Diamond Cove Project;

3. Stormwater Management Report for The Inn at Diamond Cove Project;
4. Maintenance of Common Facilities Plan for The Inn at Diamond Cove Project.

A copy of these documents should be retained with this manual.

III. STANDARD INSPECTION/MAINTENANCE DESCRIPTIONS

The following narratives describe the inspection/maintenance descriptions for the Stormwater Management area. These Operation and Maintenance (O&M) procedures will complement scheduled routine maintenance of the pavement areas.

A. VEGETATION IN POND

Preface: Typically, ponds constructed for stormwater management will have an earthen bottom. Aquatic vegetation will often become established in such ponds. It will be more prevalent in ponds with silty soils and ponds with relatively impermeable liners and less prevalent in granular soils. This vegetation is beneficial as it assists in nutrient removal, provides wildlife habitat, and assists in side slope stability through its root structure.

Proper maintenance is important because, if the vegetation proliferates beyond acceptable levels, it can become a detriment to the pond function. Dying vegetation may also accumulate on the pond bottom where it will release nutrients back into the water, and may lower oxygen levels. If allowed to accumulate it will lessen pond volumes over time.

Inspection/Monitoring: The extent of aquatic vegetation associated with the retention pond should be monitored. A photographic record of growth may be useful.

Maintenance: Judgment must be used to determine a proper balance between desirable growth levels and excessive growth. This will be gained by experience. If excessive growth is observed it should be cut back and removed on an annual basis.

Removal of excessive growth should be accomplished in the late fall or early winter. When ice forms sufficiently to walk on, the vegetation extending above the ice level should be cut and removed from the pond. The material should be disposed of in accordance with applicable ordinances. The material can sometimes be composted, particularly if the municipality operates such a facility.

Frequency: Inspect and document aquatic vegetation growth and wildlife use annually in late summer or early fall at the end of the growing season. Cutting and removal of growth will depend on its density. Removal on a 1-to-3 year frequency will be typical.

Removal of Cutting: Cuttings of undesirable excessive vegetation should be removed from the pond areas and composted or otherwise disposed of.

Comments: The Owner desires to encourage and promulgate vegetation in the wetland. Removal and/or cutting of vegetation should be limited to the circumstances above and shall be done solely to maintain proper function of the overall stormwater management system.



VEGETATION PROVIDES WATER QUALITY TREATMENT AND AESTHETIC ENHANCEMENT OF THE POND

B. STORMWATER INLETS

Preface: The success of any stormwater facility relies on the ability to intercept stormwater runoff at the design locations. Stormwater inlets may include catch basins, open culverts, culverts with bar screens, and field inlets. Inlets exist throughout the system at the points of collection as well as at the outlet of many ponds. Bar racks are common on many inlet locations which intercept an open channel. This section is directed at maintenance of the actual inlet point. A later section addresses more substantive maintenance of the structures and conveyance facilities.

Inspection: The inspection of inlet points will need to be coordinated with other maintenance items. These include:

- roadway/parking lot maintenance areas
- building maintenance areas
- grounds maintenance

The key elements of the inspection are to assure the inlet entry point is clear of debris and will allow the intended water entry.

Maintenance: The key maintenance is the removal of any blockage which restricts the entry of stormwater to the inlet. The removed material should be taken out of the area of the inlet and placed where it will not reenter the runoff collection system. Snow should be removed from inlets in parking lots/roadway areas. Grass clippings and leaves should be bagged and removed particularly near the yard inlets near the building.

Frequency: All inlets should be inspected on a monthly basis, and after/during significant storm events. A campus walk is suitable for most inlets but off-road inlets and pond structures require more rigorous inspection.

Maintenance/Inspection Responsibility:

Maintenance Personnel: The maintenance personnel will perform the normal maintenance/inspections of the inlets and culvert crossings.

Comments: Maintenance of inlets is critical on this project.



POORLY STABILIZED INLET ALLOWS ENTRANCE OF DEBRIS AND REDUCED CAPACITY



STABILIZED INLETS REDUCE DEBRIS ACCUMULATION AND MAINTAIN DESIGN CAPACITY

C. TRIBUTARY DRAINAGE SYSTEM

Preface: Stormwater from the project area will be directed to a conveyance system which transports the flow to the retention pond or water quality filters. This conveyance system will be principally a piped drain system. Sediment which accumulates in the ponds is carried by the drainage system. Maintenance of this system can play a major role in the long-term maintenance costs and the effectiveness of the pond system and water quality filters.

Inspection: The tributary drainage system should be periodically inspected to assure that it is operating as intended, and that its carrying capacity has not been diminished by accumulations of debris and sediment or other hydraulic impediments. On piped systems the inlets must be inspected to ensure the rims are set at the proper elevation to optimize flow entry and are not clogged with leaves or other debris. (See prior section for inlet location data.) The inlet basins are normally equipped with sumps which will remove large sediment particles from the flow stream with hooded outlets.

The level of sediment in the sumps should be checked to assure their effectiveness. Pipelines connecting the inlets should be checked to determine if siltation is occurring. This will be most critical on drain lines laid at minimal slopes. This can usually be accomplished by a light-and-mirror procedure.

In some projects most of the stormwater is carried in open swales, channels, or ditches. These conveyance channels may be riprapped or vegetated, depending on the gradient and expected flow velocities. These facilities must be inspected to ensure debris or sedimentation does not reduce their carrying capacity. Excess vegetative growth must also be noted. The surface protection for the channels, either stone or vegetation, must be inspected to insure its integrity. Any areas subject to erosion should be noted.

Maintenance: Maintenance of the storm drainage system must assure that it continues to serve its design function on a long-term basis, and that its operation does not transport excessive sedimentation to any downstream detention pond, or the receiving waters. Elevations on the rim of catch basins should be adjusted as needed to assure optimal water entry. Depending on the frost susceptibility of the soil, the rims may become elevated over time causing flow to circumvent the inlet. When the sump in an inlet reaches half of the normal three-foot depth, the sediment should be removed. This will typically be every 1 to 3 years, depending on the tributary drainage area and the amount of sand utilized for winter ice control. Catch basin cleaning would normally be accomplished with vacuum trucks contracted as a maintenance service. The removed material must be disposed of at an approved site for such materials.

If sediment in the pipeline exceeds 20% of the diameter of the pipe, it should be removed. This may be accomplished by hydraulic flushing, or by mechanical means. If hydraulic flushing is used the downstream conditions should be analyzed. In general a sump or sediment trap should be used where it can be flushed into the detention pond, since it will reduce pond volume and hasten the time when it must be cleaned.

Vegetated ditches or swales should be mowed at least monthly during the growing season. Larger brush or trees must not be allowed to become established in the channel. Any vegetation cut in the ditch area should be removed from the site. Any areas where the vegetation fails will be subject to erosion and should be repaired and revegetated. Any riprap that becomes displaced should be replaced and chinked to assure its stability.

Frequency: The piped drainage system should be inspected on an annual basis. Adjustment of inlet rim elevations should be on an as-needed basis. Cleaning catch basin sumps and pipelines will depend on the rate of accumulation. Typically, catch basin sumps should be cleaned on a 1-to-3 year cycle. Pipeline cleaning schedules will be more variable. Open, vegetated swales should be mowed at least monthly during the growing season. Debris should be removed as required to maintain hydraulic capacity.

Maintenance/Inspection Responsibility:

Maintenance Personnel: The Inn at Diamond Cove Maintenance Personnel.

Special Services: The owner may elect to contract with an independent agent for cleaning of catch basins, sumps, and pipelines. Remedial source control measures may be performed by the owner or an outside service depending upon the nature of the particular situation.

Comments: Maintenance of inlets is critical on this project.

D. STORMWATER OUTLETS

Preface: The outlets of all closed storm drain systems are provided with some level of erosion control, which typically includes a riprap apron to dissipate energy from the concentrated discharge.

Inspection: Stormwater outlets should be inspected for movement of riprap materials to ensure the integrity of the structural measure is maintained. In addition, the interface between the riprap apron and vegetated channel or receiving area should also be inspected for any signs of erosion.

Maintenance: Repair riprap aprons if movement or loss of stone is discovered. In addition, the riprap material should be adjusted or extended if necessary to stabilize any areas of observed erosion within the receiving area.

Frequency: It is recommended stormwater outlets be inspected on an annual basis.

E. VEGETATED SWALES

Preface: Vegetated swales are often used to convey stormwater. Swales can be intended to be:

1. Mowed and maintained
2. Reverted to wetlands
3. Naturalized

Inspection: Swales should be inspected for erosion and sedimentation.

Maintenance: Eroded or silted channels need to be repaired when discovered. If erosion is a problem, the swale design should be examined. Likewise, if situation is a continued problem, the upgradient conditions should be reviewed.

Frequency: It is recommended vegetated swales be inspected quarterly until vegetation is established and a year after installation. Thereafter, if no problems have been noticed, the frequency can be decreased to once a year.

Design Guidelines: The vegetated swale should consider channel cover at the time of construction as well as several years after construction.

Design computations should state the assumed channel of vegetation and provide the basis for the Manning's or other roughness coefficient and for design.

F. WATER QUALITY FILTERS (UNDERDRAINED SOIL FILTER BASIN)

Preface: The grassed underdrain filter area is intended to provide stormwater quality measures for the site.

Biofilters (Rain Garden/Sand Filters): The biofilter is intended to capture and filter the runoff from most storm events. Historic rainfall events (generally over 2 inches in a 24-hour period) will flood the filter and flow through the overflow. After a hard rain, the biofilter will be surcharged and take 24 to 36 hours to drain.

Potential Signs of Failure or Restricted Performance: The evidence of failure or restricted performance would be stressed vegetation and extended drawdown periods for the filter.

Inspection: The biofilter should be inspected when normal landscape maintenance is performed and formally twice a year. Formal inspection should include checking the underdrain connection and orifice at the control manhole, inspecting the ground surface near the pipe or inlets to the filter to check for evidence of sediment, and inspection of bottom area for matting and unwanted vegetative litter.

Maintenance: Any sediment near the inlet pipes and undesirable leaf or vegetative litter should be removed from the filter. The vegetation should be maintained similar to other landscaping on the site and needed to remove invasive plants. Harvesting and pruning of excessive growth will need to be done occasionally. Fertilization is not recommended.

The mulch and surface of the filter should be raked with a deep tine twice a year. The top several inches of the filter soil shall be replaced with fresh material when water ponds on the surface of the bed for more than 72 hours. Aeration is recommended as a first step but if this is unsuccessful the filter may need to be reconstructed. The removed sediments should be disposed of in an acceptable manner. Filters with grass cover should be mowed no more than 2 times per growing season to maintain grass heights less than 12 inches. The filter material in the pond should be inspected to assure it is not blocked or restricted or that there is sediment to the extent that its flow characteristics may be altered.

G. SUMMARY CHECKLIST

The above described inspection and maintenance items have been summarized on a checklist in Attachment C.

IV. PROGRAM ADMINISTRATION**A. GENERAL**

A reliable administrative structure must be established to assure implementation of the maintenance programs described in the foregoing section. Key factors that must be considered in establishing a responsive administrative structure include:

1. Administrative body must be responsible for long-term operation and maintenance of the facilities.
2. Administrative body must have the financial resources to accomplish the inspection and maintenance program over the life of the facility.
3. The administrative body must have a responsible administrator to manage the inspection and maintenance programs.
4. The administrative body must have the staff to accomplish the inspection and maintenance programs, or must have authority to contract for the required services.
5. The administrative body must have a management information system sufficient to file, retain, and retrieve all inspection and maintenance records associated with the inspection and maintenance programs.

If any of the above criteria cannot be met by the entity assigned inspection and maintenance responsibilities, it is likely that the system will fail to meet its water quality objectives at some point during its life. While each of the above criteria may be met by a variety of formats, it is critical to clearly establish the assigned administrative body in a responsible and sustainable manner.

B. RECORD KEEPING

Records of all inspections and maintenance work accomplished must be kept and maintained to document facility operations. These records should be filed and retained for a minimum 5-year time span. The filing system should be capable of ready retrieval of data for periodic reviews by appropriate regulatory bodies. Where possible, copies of such records should also be filed with the designated primary regulatory agency for their review for compliance with permit conditions. Typical inspection and maintenance record forms are attached hereto as Attachment A.

C. CONTRACT SERVICES

In some instances or at specific times, the Maintenance Personnel may not have the staff to conduct the required inspection and/or maintenance programs as outlined in this document. In such cases the work should be accomplished on a contractual basis with a firm or organization that has the staff and equipment to accomplish the required work.

The service contract for inspection and maintenance should be a formal, well written legal document which clearly defines the services to be provided, the contractual conditions that will apply, and detailed payment schedules. Liability insurance should be required in all contracts.

Undoubtedly each administrative body and its personnel will prepare the actual service contract and procurement procedures to fit the needs for the project.

D. COMPLIANCE

The Inn at Diamond Cove Stormwater BMP measures are subject to compliance with Chapter 32, Article III – Post Construction Stormwater Management of the City of Portland Code of Ordinance which includes annual inspection, maintenance, and reporting to the City of Portland's Department of Public Services (DPS) demonstrating compliance with the approved stormwater plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (b) *Maintenance and Repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.
- (c) *Annual Report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.
- (d) *Filing Fee.* The annual certification report shall include a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.
- (e) *Right of Entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

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SECTION 14

EROSION AND SEDIMENTATION CONTROL REPORT
(BASIC STANDARDS)

**THE INN AT DIAMOND COVE
GREAT DIAMOND ISLAND, PORTLAND, MAINE**

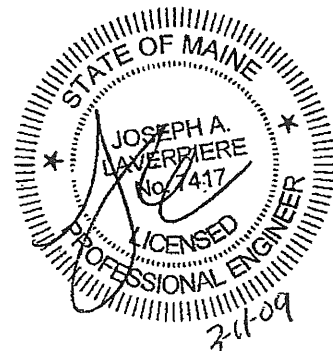
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PREPARED BY:

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(207) 775-1121**

MARCH 2009



SECTION 14

EROSION SEDIMENT CONTROL REPORT
(BASIC STANDARDS)

14.0 INTRODUCTION

DeLuca-Hoffman Associates, Inc. (DHAI) has prepared an Erosion and Sedimentation Control Report for a proposed hotel condominium on Great Diamond Island in Portland, Maine. The development is part of a larger existing development on Great Diamond Island that was originally permitted with MeDEP on December 10, 1986. The proposed hotel condominium was included with the original permit and is referred to as "The Double Barracks" (Building #46). The project will include the renovation of Building #46 and an addition to said building of approximately 2,881 square feet (sq. ft.). In addition to the improvements associated with the building, the development will also include new impervious area for patios, walkways, and a swimming pool and deck totaling 3,653 sq. ft. The project site is not located within a lake watershed most at risk or an urban impaired stream.

This study and section of the permit application presents the erosion and sediment control plan designed for the project. The erosion control plan will be contained in the contract documents for implementation by the Contractor who is awarded the bid for the project by the developer.

14.1 OVERVIEW OF SOIL EROSION AND SEDIMENT CONCERNS

The susceptibility of soils to erosion is indicated on a relative scale of "K" values over a range of 0.02 to 0.69. The higher values are indicative of the most erodible soils. The Cumberland County Soil and Water Conservation District's Medium Intensity Soils Map, contained in the Development Description section of this application, shows the types of soils within the project area. The soil type and respective K value in the 10"-20" depth is identified below:

Soil Type	Hydrologic Soils Group	Description	K Value
Hollis	C/D	Sandy Loam	0.32

Based on a review of the K values, the onsite soils in the area where construction is focused are only slightly susceptible to erosion after the cover material is stripped.

The primary emphases of the erosion/sediment control report for this project are as follows:

1. Development of a careful construction sequence.
2. Rapid vegetation of denuded areas to minimize the period of soil exposure.
3. Rapid stabilization of drainage paths, drainage ditches, channels and fill embankments to avoid rill and gully erosion.

4. The utilization of BMP measures (hay bales/silt fence, etc.) to capture sediment prior to discharge from the project area or into adjacent waterways.

14.2 DESCRIPTION OF PROPOSED EARTH MOVEMENT

Within the project area, the following is planned for the site:

1. Sawcutting and removal of concrete pavements;
2. Construction of an addition to the existing structure;
3. Construction of associated walkways, patios, and access drives;
4. Construction of a pool, pool deck, and cabana;
5. Utility service connections for sanitary sewer and water;
6. Installation of several water quality and bioretention filter areas for stormwater treatment; and
7. Stormdrain improvements throughout the project area including underground piping and structures.

These improvements will disturb approximately 0.42 acres of land.

14.3 EXISTING AND PROPOSED DRAINAGE FEATURES

In its existing condition, the project area includes lawn areas, walkways, and undeveloped woods that drain to a depression located southwest of the existing building. The 2' deep depression which has an apparent outlet, stores runoff until it is infiltrated or evaporated.

In the postdevelopment condition, the project area includes the proposed improvements associated with the building addition and site improvements including exterior walkways, pool and deck area, and landscaping. Much of the existing walkway network will be maintained or reconstructed. The proposed development will result in a net increase of approximately 6,534 sq. ft. of impervious area.

Runoff from the proposed developed areas is routed through a series of water quality structures and conveyed in a closed storm drain system to a discharge point northwest of the project site. Once discharged, the treated stormwater flows overland to an existing drainage ditch that drains to Casco Bay. The entire overland drainage route between the project site and Casco Bay is owned by Diamond Cove Homeowners Association. A permanent drainage and maintenance easement will be provided from the Diamond Cove Homeowners Association accepting the stormwater discharge from this site across their land, including the use of the Diamond Cove Homeowners Association storm drain system.

14.4 EROSION/SEDIMENTATION CONTROL DEVICES

The following erosion and sediment control devices will be implemented as part of the site development. These devices shall be installed as indicated on the plans or as described within this report. For further reference, see the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

1. Siltation fence will be installed downgradient of disturbed areas to trap runoff-borne sediments until the site is revegetated. The silt fence shall be installed per the detail provided in the plan set and inspected immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made immediately by the Contractor if there are any signs of erosion or sedimentation below the fence line. Proper placement of stakes and fabric into the ground is critical to the fence's effectiveness. If there are signs of undercutting at the center or the edges, or impounding of large volumes of water behind the fence, the barrier shall be replaced with a stone check dam.
2. Hay bales are intended to trap sediments and reduce runoff velocities. Installation details are provided within the plan set.
3. Straw or hay mulch is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed on slopes of less than 10 percent shall be anchored by applying water; mulch placed on slopes steeper than 10 percent shall be covered with a fabric netting and anchored with staples in accordance with the manufacturer's recommendations. Slopes steeper than 3:1, which are to be revegetated, shall receive Curlex blankets by American Excelsior. Mulch application rates are provided in Appendix A of this report. Hay mulch shall be available on site at all times in order to provide immediate temporary stabilization when necessary.
4. Stone sediment traps or SiltSacks® as distributed by A. H. Harris Company, Portland, Maine, will be installed at each catch basin inlet to prevent silt from entering the storm drain system. Installation details are provided in the plan set on the erosion control detail sheets.
5. Loam and seed is intended to serve as the primary permanent revegetative measure for all denuded areas not provided with other permanent erosion control measures, such as pavement or impervious area. Application rates are provided in Appendix A of this report.

14.5 TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES

The following are planned as temporary erosion/sedimentation control measures during construction:

1. Siltation fence shall be installed along the downgradient side of the disturbed areas, and all fill sections. The siltation fence will remain in place and properly maintained until the site is acceptably revegetated.
2. Hay bales will be installed at key locations to supplement the silt fence.
3. Temporary stockpiles of grubblings and common excavation will be protected as follows:
 - Stockpiles shall be stabilized within 7 days by either temporarily seeding the stockpile with a hydroseed method containing an emulsified mulch tackifier or by covering the stockpile with mulch.

- Siltation fence shall be installed along the downgradient edge of the stockpile.
 - Soil stockpile sideslopes shall not exceed 2:1.
4. All denuded areas that have been rough graded and are not located within the building or pavement subbase areas shall receive mulch or erosion control mesh fabric within 7 days of initial disturbance of soil.
 5. All soils disturbed between November 1 and April 15 will be covered with mulch within 15 days of disturbance, prior to any predicted storm event of the equivalent of $\frac{1}{2}$ " of rainfall in a 24-hour period, or prior to any work shutdown lasting more than 35 hours (including weekends and holidays). The mulch rate shall be double the normal rate.

For work that is conducted between November 1 and April 15 of any calendar year, all denuded areas will be covered with hay mulch, applied at twice the normal application rate and anchored with a fabric netting. The time period for applying mulch shall be limited to 5 days for all areas or immediately in advance of a predicted rainfall event, whichever is less.

6. Silt fencing with minimum stake spacing of 6 feet should be used, unless the fence is supported by wire fence reinforcement of minimum 14 gauge and with a maximum mesh spacing of 6 inches, in which case stakes may be spaced a maximum of 10 feet apart. The bottom of the fence should be properly anchored a minimum of 6" per the plan detail and backfilled. Any silt fence identified by the owner or reviewing agencies as not being properly installed during construction shall be immediately repaired in accordance with the installation details.
7. Sediment traps will be installed at each catch basin inlet to prevent silt from entering the stormdrain system. Installation details are provided in the plan set. The barriers shall be inspected after each rainfall event and repairs made as necessary. Sediment shall be removed and the barrier restored to its original dimensions when the sediment has accumulated to $\frac{1}{2}$ the design depth of the barrier. The barrier shall be removed when the tributary drainage area has been stabilized.
8. Temporary erosion control measures shall be removed once the site has been stabilized to 90% growth or in areas where permanent erosion control measures have been installed.

14.6 PERMANENT EROSION CONTROL MEASURES

The following permanent erosion control measures have been designed as part of the Erosion/Sedimentation Control Plan:

1. All areas disturbed during construction, but not subject to other restoration (paving, riprap, etc.), will be loamed, limed, fertilized, mulched, and seeded. Fabric netting, anchored with staples, shall be placed over the mulch in areas where the finish grade slope is greater than 10 percent. All areas shall receive protection within 7 days. Native topsoil shall be stockpiled and reused for final restoration when it is of sufficient quality.

- 2. Catch basins will be provided with sediment sumps and inlet hoods for all outlet pipes that are 15" in diameter and smaller.

14.7 TIMING AND SEQUENCE OF EROSION/SEDIMENTATION CONTROL MEASURES

The following construction sequence will be required to ensure the effectiveness of the erosion/sediment control measures is optimized.

- 1. Install perimeter siltation fence as indicated on the plans.
- 2. Clear work area using caution not to overexpose the site.
- 3. Perform earthwork operations to rough grade the site to subgrade.
- 4. Complete installation of underground utilities.
- 5. Install subbase and base gravels within the roadway and walkway areas.
- 6. Install permanent impervious surface treatments as detailed in the plan set.
- 7. Loam, lime, fertilize, seed and mulch disturbed areas.
- 8. Remove accumulated sediment from ahead of any silt barriers (as necessary).
- 9. Once the site is stable and a 90% catch of vegetation has been obtained, remove all temporary erosion control measures.
- 10. Touch up loam and seed.

Note: All denuded areas not subject to final paving; riprap or gravel shall be revegetated.

It will be necessary to schedule certain portions of the sitework to ensure erosion and sedimentation control measures are sequenced for optimum effectiveness.

The project will be constructed by a General Contractor under The Inn at Diamond Cove, LLC. The Contractor shall submit a schedule for the completion of the work which will satisfy the following criteria:

- 1. The above construction sequence should generally be completed in the specified order; however, several items may be constructed simultaneously. Work must also be scheduled or phased to limit the extent of the exposed areas as specified below. The intent of this sequence is to provide for erosion control and to have structural measures such as silt fence and construction entrances in place before large areas of land are denuded.
- 2. The work shall be conducted in sections which will:
 - a. Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 30 days.

- b. Revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading; or temporarily stabilized within 15 days of initial disturbance of soil or within 7 days after completing the rough grading operations.
- c. Incorporate planned inlets and drainage systems as early as possible into the construction phase. The swales shall be immediately lined or revegetated as soon as their installation is complete.

If the spring through fall construction schedule is not possible, and construction is planned between November 1 and April 15 of any calendar year, then the General Contractor shall submit a schedule which will satisfy the following criteria:

1. Limit the amount of exposed area to those areas in which work is expected to be undertaken during the proceeding 15 days.
2. During the construction process, all disturbed areas and stockpiles shall be covered with mulch within 24 hours of final grading.
3. Once final grade has been established, the contractor may choose to dormant seed the disturbed areas prior to placement of mulch and placement of fabric netting anchored with staples.
 - a. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs. per 1,000 s.f.

All areas seeded during the winter months will be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75 percent catch) shall be revegetated by replacing loam, seed and mulch.
 - b. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.
4. The area of denuded non-stabilized construction shall be limited to the minimum area practicable. An area shall be considered to be denuded until the subbase gravel is installed in pavement areas, the base slab gravel is installed in building areas, or the areas of future loam and seed have been loamed, seeded, and mulched. The mulch rate shall be twice the rate specified in the seeding plan [115 lbs. per 1,000 s.f. x 2 = 230 lbs. per 1,000 s.f.].
5. The schedule shall be subject to the approval of The Inn at Diamond Cove, LLC.

The Contractor must install any added measures which may be necessary to control erosion/sedimentation from the site dependent upon the actual site and weather conditions.

The Contractor shall note that no area shall remain denuded for a period of over 15 days before it is temporarily stabilized. Temporary stabilization shall be the installation of gravel or mulching.

14.8 PROVISIONS FOR MAINTENANCE OF THE EROSION/SEDIMENTATION CONTROL FEATURES

This project is subject to the requirements and conditions of a MeDEP Site Location of Development Permit Amendment through delegated review by the City of Portland. This permit requires the General Contractor to prepare a list and designate by name, address and telephone number all individuals who will be responsible for implementation, inspection and maintenance of all erosion control measures identified within this report and as contained in the Grading and Drainage Plan of the contract drawings. Specific responsibilities of the inspector(s) will include:

1. Execution of the Contractor/Subcontractor Certification contained in Appendix B by any and all parties responsible for erosion control measures on the site.
2. Assuring and certifying the project's construction sequence is in conformance with the specified schedule of this report. A weekly certification stating compliance, any deviations, and corrective measures necessary to comply with the erosion control requirements of this report shall be prepared and signed by the inspector(s).
3. In addition to the weekly certifications, the inspector(s) shall maintain written reports recording construction activities on the site which include:
 - Dates when major grading activities occur in a particular area.
 - Dates when major construction activities cease in a particular area, either temporarily or permanently.
 - Dates when an area is stabilized.
4. Inspection of the project work site on a weekly basis and after each significant rainfall event (0.5 inches or more within any consecutive 24-hour period) during construction until permanent erosion control measures have been properly installed and the site has been stabilized. Inspection of the project work site shall include:
 - Identification of proper erosion control measure installation in accordance with the erosion control detail sheet or as specified in this report.
 - Determine whether each erosion control measure is operating properly. If not, identify damage to the control device and determine remedial measures.
 - Identify areas which appear vulnerable to erosion and determine additional erosion control measures which should be used to improve conditions.
 - Inspect areas of recent seeding to determine percent catch of grass. A minimum catch of 90 percent is required prior to removal of erosion control measures.

Accumulated silt/sediment should be removed when the depth of sediment reaches 50 percent of the barrier height. Accumulated silt/sediment should be removed from behind silt fencing when the depth of the sediment reaches 6 inches.

5. If inspection of the site indicates a change should be made to the erosion control plan, either to improve effectiveness or correct a site-specific deficiency, the inspector shall immediately implement the corrective measure and notify the Owner of the change.

6. Once construction has been completed, long-term maintenance of the facilities will be the responsibility of The Inn at Diamond Cove, LLC. The catch basin sumps shall be inspected in April and October of each year. Sediment shall be removed when the depth of sediment reaches one-half the depth of the sump.

All certifications, inspection forms, and written reports prepared by the inspector(s) shall be filed with the Owner and the City of Portland Planning Department. All written inspection forms and written reports must be filed within one (1) week of the inspection date.

VII. APPENDICES

Appendix A – Seeding Plan

Appendix B – Sample EPA Certification and Inspection Forms

2-2-10

APPENDIX A

Seeding Plan

SEEDING PLAN

LAWN AREAS

Project The Inn at Diamond Cove

Site Location Great Diamond Island, Portland, Maine

X Permanent Seeding _____ Temporary Seeding

1. Area to be seeded: +/- 0.12 Acres, OR 5 M Sq. Ft.

2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.

3. Apply lime as follows: _____ #/acres, OR 138 #/M Sq. Ft. or per soil test

4. Fertilize with _____ pounds of - - N-P-K/ac. OR
20 pounds of 10 - 20 - 20 N-P-K/M Sq. Ft. or per soil test

5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.

6. Seed with the following mixture:

- 35% Kentucky Bluegrass
- 35% Creeping Red Fescue
- 20% Chewings Fescue
- 10% Perennial Ryegrass

7. Mulching instructions: Apply at the rate of _____ tons per acre. OR
115 pounds per M. Sq. Ft.

	<u>Amount</u>	<u>Unit #, Tons, Etc.</u>
8. TOTAL LIME.....	138	#/1000 sq. ft.
9. TOTAL FERTILIZER.....	20	#/1000 sq. ft.
10. TOTAL SEED.....	5.0	#/1000 sq. ft.
11. TOTAL MULCH.....	115	#/1000 sq. ft.
12. TOTAL other materials, seeds, etc.....	_____	

13. REMARKS

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.
- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 8.0.

- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat ad admixtures to raise the organic content to 8%.

SEEDING PLAN
SHADY AREAS

Project The Inn at Diamond Cove

Site Location Great Diamond Island, Portland, Maine

X Permanent Seeding _____ Temporary Seeding

1. Area to be seeded: +/- 0.07 Acres, OR 3 M Sq. Ft.

- For use in shaded, semi-shaded, or woodland edge areas.

2. Instructions on preparation of soil: Prepare a good seed bed for planting method used.

3. Apply lime as follows: _____ #/acres, OR 138 #/M Sq. Ft. or per soil test

4. Fertilize with _____ pounds of - - N-P-K/ac. OR
20 pounds of 10-20-20 N-P-K/M Sq. Ft. or per soil test

5. Method of applying lime and fertilizer: Spread and work into the soil before seeding.

6. Seed with the following mixture:

- 50% Creeping Red Fescue
- 25% Chewings Fescue
- 25% Perennial Ryegrass

7. Mulching instructions: Apply at the rate of _____ tons per acre. OR
115 pounds per M. Sq. Ft.

	<u>Amount</u>	<u>Unit #, Tons, Etc.</u>
8. TOTAL LIME.....	<u>138</u>	<u>#/1000 sq. ft.</u>
9. TOTAL FERTILIZER.....	<u>20</u>	<u>#/1000 sq. ft.</u>
10. TOTAL SEED.....	<u>4.0</u>	<u>#/1000 sq. ft.</u>
11. TOTAL MULCH.....	<u>115</u>	<u>#/1000 sq. ft.</u>
12. TOTAL other materials, seeds, etc.....	_____	_____

13. REMARKS

- Recommended seeding dates April 15 to June 16 and August 15 until October 15. Permanent seeding should be made prior to October 15 or as a dormant seeding after the first killing frost and before the first snowfall. If seeding cannot be done within these seeding dates, temporary seeding and mulching shall be used to protect the site. Permanent seeding shall be delayed until the next recommended seeding period.

- Fertilizer requirements shall be subject to actual test results of the topsoil used for the project. The Contractor shall be responsible for providing topsoil test results for

pH and recommended fertilizer application rates to the Owner. pH should be between 5.5 and 8.0.

- Seed mixture shall be fresh, clean, new crop seed. Seed may be mixed by an appropriate method on the site or may be mixed by the dealer. If the seed is mixed on the site, each variety shall be delivered in the original containers bearing the dealer's guaranteed analysis. If seed is mixed by the dealer, the Seeding Contractor shall furnish to the Owner the dealer's guaranteed statement of the composition of the mixture and the percentage of purity and germination of each variety.
- Seed shall be purchased from a recognized distributor and shall test to a minimum percentage of 95% for purity and 85% for germination.
- All loam shall have compost or peat ad admixtures to raise the organic content to 8%.

2-L-18

APPENDIX B

Sample Certification and Inspection Forms

2-2-16

STORMWATER POLLUTION PREVENTION PLAN
INSPECTION REPORT

PROJECT INFORMATION

Project Name: The Inn at Diamond Cove
Address: Great Diamond Island
 #46 McKinley Ct.
 Portland, Maine 04109

INSPECTOR INFORMATION

Inspector Name: _____
Firm: _____
Title: _____
Qualifications: _____

INSPECTION SUMMARY

Date of Inspection: _____

Major Observations: _____

**THE FACILITY IS IN COMPLIANCE WITH THE STORMWATER POLLUTION
PREVENTION PLAN WITH THE FOLLOWING EXCEPTIONS:**

2 - L-17

ACTIONS NECESSARY TO BRING FACILITY INTO COMPLIANCE:

REQUIRED MODIFICATIONS TO STORMWATER POLLUTION PREVENTION PLAN (MUST BE IMPLEMENTED WITHIN 7 DAYS OF INSPECTION):

CERTIFICATION STATEMENT:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the systems, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature

Typed Name

Title

Date

A R C H I T E C T S

January 3, 2011

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

RE: Double Barracks (Building 46) – Great Diamond Island water capacity and sprinkler system

Rick:


Please include with our application package for Development Review, on behalf of the Owner, this letter of explanation of and commitment to the provision of adequate water pressure for the full functioning of an automatic sprinkler system in accordance with Section 903.3.1.2 of the International Building Code, and meeting the requirements of NFPA 13R.

As mandated by the building code, the construction of this project as a "Hotel-Condominium" can only be permitted if it includes this sprinkler system, as dictated in IBC §506.1 and Table 503. Therefore, it can be expected by the Planning Board that this requirement will be met, even if not included as a condition on our Site Plan Approval.

As presently designed, there will be a sprinkler pump within the building. These pumps have been a proven means of providing adequate pressure to sprinkler systems in many projects with water pressure issues. The pump will be adequately sized to perform with the existing water pressures on site.

Thank you, and please do not hesitate to contact me to discuss this further.

Respectfully,


Kevin Gough
Archetype Architects

ATT 2-M-2



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

March 6, 2012

Ms. Richard Knowland, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: The Inn at Diamond Cove, LLC
Diamond Cove, Great Diamond Island
Response to Portland Fire Department Comments**

Dear Mr. Knowland:

We have received and reviewed the Portland Fire Department's comments for the above referenced project. For ease of reference, we have repeated each comment here, followed by our response.

Comment 1

The testing and maintenance of the private fire hydrants system meeting NFPA 25 standards.

Response:

The applicant for the Inn at Diamond Cove is not aware of the private hydrant testing and maintenance program that is performed by the Diamond Cove Homeowners Association. Records of the previous hydrant testing and maintenance have been requested and will be provided to the City.

Comment 2

Water main size

Response:

Copies of the Diamond Cove Subdivision and Utility Plans (Sheets 1 through 4) prepared by Land Use Consultants, dated October 1985, provide the location and size of the water mains throughout the development. An 8-inch diameter water line is the primary feed into the Diamond Cove development from the Portland Water District distribution system. The remaining distribution system throughout Diamond Cove varies from 6" to 4" water mains as shown on the Land Use Consultants plans.

Mr. Richard Knowland
March 6, 2012
Page 2

Comment 3

Meeting of required flows for sprinkler system and firefighting operations.

Response:

The fire protection sprinkler system designer has provided the following sprinkler system design flow requirements:

- 210 gallons per minute for the sprinkler system
- Additional 100 gallons per minute (hose demand)

The Inn at Diamond Cove LLC has retained DeLuca-Hoffman Associates, Inc. to perform a hydraulic analysis of the private onsite water supply system servicing the portion of the Diamond Cove water system that services the Inn at Diamond Cove. This effort includes performing fire hydrant flow and pressure measurements that were performed on February 15th and observed by Lt. Wallace of the Portland Fire Department. These hydrant fire flow tests were performed by personnel from the Portland Water District and E. J. Prescott.

A summary of the hydrant flow test is provided in the following table:

Flow Hydrant I.D.	Flow Rate (gpm)	Static Pressure (psi)	Residual Pressure (psi)	Projected Flow (gpm) at 20 psi Residual Pressure
H12	375	82	30	410
H14	375	80	40	470
H16	460	82	30	500
H17	460	82	30	500
PWD	1,300	105	60	1,830

A meeting was held with representatives from the Portland Fire Department and the Portland Planning Department on February 29th to discuss the existing hydrant flow tests, sprinkler design and measures to improve the fire flow capacity of the water supply system. Additional hydrant flow tests are scheduled for March 8th, which should enable the hydraulic analysis of the system to be completed. Upon completion of the analysis, the applicant will once again meet with the Portland Fire Department to review the results to ensure compliance with the building's sprinkler system design and manual fire fighting flow requirements for the Fire Department.

Comment 4:

Location and number of hydrants

Response:

The locations of the original fire hydrants are shown on the Land Use Consultants Subdivision and Utility Plans. As shown on these plans, the original subdivision development contained twenty-seven hydrants throughout the Diamond Cove development.

Recently, representatives from DeLuca-Hoffman Associates, Inc. located each of the active fire hydrants using GPS survey equipment. The locations of the fire hydrants will be included as part

2-17-4

DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

Mr. Richard Knowland
March 6, 2012
Page 3

of the water system hydraulic flow analysis work and submitted separately for review with the Portland Fire Department.

**Comment 5:
Fire Department Access according to NFPA and Chapter 10.**

Response:

McKinley Court, which is the primary access road around the perimeter of the parade ground, is approximately 18' in width that runs along the westerly side of the Inn. The access lane that runs along the south and east sides of the Inn is currently 11.5' to 13' in width. As discussed with Captain Pirone on February 3rd, the access lane will be widened to provide a total fire lane width of 16'. The widened surface will consist of two foot thick gravel section suitable for supporting the emergency vehicles. The extent of widened fire lane along the south and east sides of the building has been shown on the revised Site Layout and Utility Plan (Sheet C-4). A detail for the widening of the emergency access lane has been added to Sheet C-9 of the plan set.

In addition, the location of the building's external sprinkler riser connection has been added to Sheet C-4 of the plan set.

Please contact our office with any questions you may have concerning this letter.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Joseph A. Laverriere, P.E.
Senior Engineer

C: David Bateman – The Inn at Diamond Cove, LLC

SECTION 18
SOLID WASTE

OUTDATED

18.0 Overview

The solid waste associated with the renovation and construction of the Inn has been summarized in this section. This section discusses the anticipated solid waste generation and identifies the responsibility for collection, transport, and disposition of this waste.

18.1 Special or Hazardous Wastes on the Site

There are no known special or hazardous wastes associated with the site.

18.2 Construction Debris

The Inn at Diamond Cove will be built to achieve a LEED rating by the USGBC. As part of this rating, the applicant will retain a General Contractor that will be required to supply several roll off dumpsters to handle different types of waste materials for recycling and disposal. The General Contractor for the project will be required to enter into a contract with a licensed solid waste disposal firm for the hauling of all construction and demolition debris related to the project. Mixed construction material waste will be transported to a facility licensed by the MeDEP to accept mixed construction debris. Separate wood debris may be transported to the Biofuels limited facility in Lewiston, Maine. Separated metal/ferrous material shall be transported to Grimmel Industries in Topsham.

Land clearing will include cutting of trees and stump removal. The General Contractor will be required to have the trees chipped or removed for pulp and to grind stumps, brush and trees onsite and use the grindings or chipped material for erosion control mix. The volume of stumps, grubblings, and chipped vegetation that will be generated by the project has been estimated at 200 cubic yards (refer to Attachment A). The general contractor will be required to file appropriate forms with the Maine Forestry Department.

Approximately 145 cubic yards of construction debris (after recycling) will be generated from the construction of the proposed inn.

Concrete and bituminous concrete will either be processed onsite or hauled to an approved recycling facility such as Commercial Recycling in Scarborough, Maine.

18.3 Grit/Sediment Removal

The applicant will enter into a maintenance contract for grit/sediment removal. It is anticipated that catch basin grit/sediments will be removed from the structures and disposed of by the Contractor at a licensed facility.

18.4 Operational Waste Generated

Once the Inn at Diamond Cove is constructed and placed into service, all operational solid waste will be collected at a central location within the Inn. All collected waste is hauled to a central repository on the island by the Diamond Cove Homeowner's Association. The City of Portland collects the refuse from the central repository and hauls it off site for disposal at Eco-Maine.

18.5 Attachments

Attachment A – Computations estimating the volumes of solid waste to be generated and recycled by this project.

SOLID WASTE CALCULATIONS

1. Stumps/Grubbings

The site work will require some clearing of about 0.5 acres of forest.

Assume 400 cy per acre for forests.

$$0.5 \text{ acres of forest at } 400 \text{ cy/acre} = 200 \text{ cy}$$

2. Construction Debris Generated by the Proposed Project

A. Building Renovation

Assume 12 c.y./1,500 s.f. of finished space – $34,000 \times 12/1,500 = 272 \text{ c.y.}$

If 50% is recycled and transported to the facilities listed above, about 136 c.y. of mixed material would go to a licensed facility for disposal.

B. Building Expansion

Assume 10 c.y./1,500 s.f. of finished space – $2,740 \times 10/1,500 = 18 \text{ c.y.}$

If 50% is recycled and transported to the facilities listed above, about 9 c.y. of mixed material would go to a licensed facility for disposal.

3. Operational Waste

Based upon similar hotel facilities owned and operated by the applicant, a 100-room hotel with restaurant facility typically generates 3 tons (60 c.y.) of operational waste on a monthly basis. Therefore, on a per-room basis, the anticipated operational waste volume is 0.03 tons (0.6 c.y.) per month.

The proposed 20-unit inn is anticipated to generate 0.6 tons (12 c.y.) of operational waste on a monthly basis during the peak season (June through September).

ATT 2-0-1

*The Inn at Diamond Cove
P. O. Box 3572
Portland, ME 04104*

RECEIVED

JAN 20 2012

City of Portland
Planning Division

January 20, 2012

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04104

Re: The Inn at Diamond Cove
Additional Information

To Whom It May Concern;

The following information is intended to supplement the materials submitted 12/20/2011 regarding Financial Capacity specifically relating to the Development Partners.

The Inn at Diamond Cove is being developed by the same partners who developed the Portland Harbor Hotel. Since its opening in July 2002 this property continues to be accepted as the leading hotel in Portland. The partners as a group are comprised of three seasoned hotel executives, and two experienced local developers.

The Inn at Diamond Cove is being developed as a specific hospitality product, referred to as a "condominium hotel." The partners have experience in the development, sales, and management of this product (in addition to both franchised and non-franchised hotel venues across the country).

The estimated project cost is \$9,392,154 of which the partnership is investing over \$4,000,000 in equity capital (43.6% of total cost). Additionally, the partnership is purchasing 100% of the condominiums.

A list of project consultants is attached.

The partnership is currently working with Katahdin Trust Company to provide both construction and take-out financing as outlined in their letters of 12/20/2011 and 1/20/2012.

2-0-2

Should you require additional information, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bateman", with a long horizontal flourish extending to the right.

David Bateman
Managing Member
The Inn at Diamond Cove, LLC
(207) 772-2992

*The Inn at Diamond Cove
22 Condominiums
(44 Rooms & Suites)
Project Team*

Developer

The Inn at Diamond Cove, LLC

Development Consultant
Hotel Management
General Contractor

Bateman Partners, LLC
Hart Hotels, Inc.
Portland Builders

Design Team

Architect
Interior Design

Archetype, PA
Truex Cullins/Partners

Engineering

Civil
Structural
Mechanical

DeLuca-Hoffman Associates, Inc.
Structural Design Consulting, Inc.
Mechanical Systems

Legal

Drummond Woodsum

Accounting

Baker, Newman, Noyes

Market Analysis

Pinnacle Advisory Group

Historic Preservation

Tremont Preservation Services



January 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland ME 04101

To Whom It May Concern;

Katahdin Trust Company has met with David Bateman several times and has reviewed the available detail of the proposed development on Great Diamond Island, Portland, ME, which involves the historically qualified rehabilitation of the Double Barracks building and associated grounds. Mr. Bateman has submitted project and construction budgets to us for our review. The total project budget is approximately \$9,300,000. Within this figure is an approximate construction budget of \$6,500,000 and Katahdin Trust is prepared to meet financing needs beyond the substantial owner equity investment, subject to review of the final permitting and overall package.

Our credit review will not include review of a sales program as 3rd party sales of condo units are not immediately contemplated in the business plan of Mr. Bateman.

We fully understand that the Project has not yet completed its permitting, but we remain interested in providing the financing. Our interest is driven not only by the perceived marketability of the final product, but also the track record of the principals involved in it. We perceive The Inn at Diamond Cove, LLC to have a strong financial and technical capability to deliver a highly successful project to the marketplace.

We would be happy to update our interest at any point in the process, at your request.

Sincerely

Aaron Cannan
Vice President

Pete St. John
Sr. Vice President

15 Pleasant Hill Road · PO Box 1689 · Scarborough, ME 04074 · Telephone (207) 510-7017 (866) 441-5197 · Fax (207) 883-1205

*The Inn at Diamond Cove
P. O. Box 3572
Portland, ME 04104*

December 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

Re: The Inn at Diamond Cove

To Whom It May Concern;

The following information is supplied to demonstrate the financial and technical capability of the developer to undertake the proposed project.

The Inn at Diamond Cove, LLC is the developer of the proposed project. Bateman Partners, LLC is a member of The Inn at Diamond Cove, LLC, and will provide development consulting services throughout the permitting, design, and construction phases of this project.

Attached please find the following information;

- Resume for Bateman Partners, LLC
- Financial Capacity Letter issued by Katahdin Trust Company
- Estimated Project Cost/Source of Funds

The proposed project consists of a 22 unit Hotel Condominium. The Inn at Diamond Cove, LLC will purchase all of the Hotel Condominium units initially, with ongoing day-to-day operations management provided by Hart Hotels.

Both construction and permanent financing is anticipated to be provided by Katahdin Trust Company.

Should you require additional information, do not hesitate to call.

Sincerely,



David Bateman
Member
The Inn at Diamond Cove, LLC

Bateman Partners, LLC was created specifically to develop and manage real estate, which the principals have done since 1979. The principles have developed projects in southern Maine in excess of \$100 million dollars from 1979 through 2011. Many of these projects Bateman Partners, LLC and / or its principals still own and / or manage.

The Principals of Bateman Partners, LLC initially developed both elderly and family subsidized housing in conjunction with the New Hampshire and Maine state housing authorities. The focus of development eventually spread to market rate housing and commercial office buildings as the city of Portland grew throughout the 1980's. Recreational developments included the Falmouth Country Club and its adjacent residential subdivision, as well as Diamond Cove, a 193-acre island resort community.

Most recently Bateman Partners, LLC has acted as both the development consultant and partners in the Tidewater Farm and Village project in Falmouth Maine. This project consists of 85 acres of land which was rezoned to allow the construction of 50 single family homes, 22 residential condominiums, 65,000 sq' of commercial office space and a 75 room Inn. At this point in time this development is 75% built out, with another 1 year left in construction. The Principals of Bateman Partners are David Bateman, Nathan Bateman, and Aaron Bateman.

David Bateman is the president of Bateman Partners, LLC. Mr. Bateman is a trained architect with extensive experience in the field of design and construction. Mr. Bateman is responsible for all day-to-day management of the Bateman Partners, LLC entities and their assets

Mr. Bateman has extensive experience in the following specific areas:

- Feasibility and market analysis
- Project design and master planning
- Local, State and federal approvals and permitting
- Project financing
- Equity syndication
- Contract negotiation
- Construction supervision and estimating
- Project management
- Sales and Marketing

Since 1979 Mr. Bateman has been responsible for the acquisition, development, and management of real estate projects with a combined development cost in excess of \$100 million dollars.

Mr. Bateman's personal goal has been to provide Maine with innovative projects, which improve the quality of life for its residents. Whether it be pioneering the concept of "scattered site" family housing, (a method which blends subsidized housing into existing

neighborhoods), creating Maine's first elderly congregate care facility, or through traditional commercial and resort developments, the basic commitment to quality of life has never been compromised.

Nathan Bateman is the Vice President of Bateman Partners, LLC. Nathan holds a bachelors degree with a focus of Finance and Entrepreneurial studies from Babson College. Nathans responsibilities include all the day-to-day management of the Bateman Partners, LLC entities and their assets. Nathan's responsibilities also include creating feasibility studies for potential projects, obtaining local and state approvals, securing financing and overall project management.

Nathan is also the vice president and co owner of both Phoenix Management and Phoenix Property Services located in Saco, Maine.

Aaron Bateman is the Treasurer of Bateman Partners, LLC. Aaron holds a bachelors degree with a focus in Finance from Babson College. Aaron's role at Bateman Partners is that of Asset management and financial planning.

Aaron is also the President and co owner of Phoenix Management and Phoenix Property Services located in Saco, Maine. Aaron has grown both of these companies over the last 10 years from an employee base of 3 to a staff of 40 employees that manages over 800 units of housing, 120,000 SF of commercial buildings and multiple home owner and condo associates. www.phoenixmanagementcompany.com

REAL ESTATE PROJECTS DEVELOPED BY DAVID BATEMAN AND BATEMAN PARTNERS, LLC

Subsidized and Market Rate Housing Projects	Development Costs
- Summer Street / 32 units of elderly and family housing Located in Biddeford, Maine	1.40 M
- Presidential Housing / 45 units of elderly housing Located in Biddeford, Maine	2.00 M
- Central Block / 24 units of elderly housing Located in Farmington, New Hampshire	1.10 M
- Bay View Apartments / 71 unit market rate rental complex Portland, Maine	2.40 M
- Bethel Housing / 20 units of elderly housing Located in Bethel, Maine	.98 M
- Pleasant Street / 45 units of elderly and family housing Located in Saco, Maine	2.40 M
- Lincoln Street / 21 units of scattered site family housing Located in Saco, Maine	1.60 M
- Pierson Lane / 68 units of scattered site family housing Located in Biddeford, Maine	4.90 M
- Front Street / 36 units of elderly housing Located in Sanford, Maine	1.90 M
- Falls I / 61 units of family housing Located in Saco, Maine (moderate income)	3.40 M
- Cummings Mill / 48 Luxury Apartments Located in the historic Cummings Mill, South Berwick, Maine	5.60 M

- Forest Green Associates, L.P. / 40 units of family housing Located in Biddeford, ME	4.60 M
- York Manor Associates, L.P. / 45 units of elderly housing Located in Biddeford, ME	3.20 M
	35.48M

Commercial, Subdivisions and Master Plan Projects

- Marineast Complex / 87 market rate rental town homes 10,000 sq'. Commercial building South Portland, Maine	6.00 M
- Safford House / historic rehabilitation 9,000 sq'. commercial office building Portland, Maine	.83 M
- Harbor Plaza / 60,000 sq'. commercial office building and 200 car parking facility Portland, Maine	7.50 M
- Lowell St. Medical Building / 30,000 sq'. medical building with offices and ambulatory clinic facility Portland, Maine	1.80 M
- Ocean View Retirement Complex / 70 unit congregate care facility Falmouth, Maine (Phase I)	4.50 M
- Falmouth Country Club / 18 hole championship golf course and related private club facilities Falmouth, Maine	4.73 M
- Falmouth on the Green Subdivision / 122 lot residential subdivision encompassing 450 acres, which surround the Falmouth Country Club Falmouth, Maine	5.70 M
- Diamond Cove McKinley Estates / 197 acre resort development Located on Great Diamond Island Portland, Maine	16.00 M
- Portland Harbor Hotel / 100 room boutique Hotel located in the "Old Port" Commercial Area of Portland, Maine	13.00 M
- OHM Properties, LLC 6,000 sq' medical office building Located in Falmouth, ME	1.50 M
- 468 Fore Street / 16,000 sq' of office, retail and hotel facility. This facility supports the existing Portland Harbor Hotel Located in Portland, ME	5.70 M
- 74 County Road, LLC / 10,336sq' medical office building for Mercy Hospital Located in Gorham, ME	2.80 M
- Tidewater LLC / 50 Lot Single Family Home Subdivision Located in Falmouth, ME	8.00 M
- Tidewater Village / Road and Utility upgrades to support 4 Commercial building pad sites in Falmouth, ME	2.00 M
- Clearwater II, LLC / 20,000 sq' Mixed use building consisting of 7 residential condos and 5 commercial / medical condos	5.00 M
- 385 Route One, LLC / 10,500 sq' Medical office building for Mercy Hospital Located in Yarmouth, ME	3.00 M
	88.06 M

Projects Currently Under Development / Construction

- Tidewater Farm / 40 unit elderly housing project Located in Falmouth, ME	8.00 M
- The Inn at Diamond Cove / 22 unit Condo Hotel Located on Great Diamond Island, Portland ME	9.50 M
- Sullivan School / 34 units of family housing Located in Berwick, ME	4.60 M
- Village Green Cumberland / 58 unit single family home subdivision Located in Cumberland, ME	6.50 M
- Drowne School Associates, L.P. / 38 Unit elderly housing Located in Cumberland, ME	4.50 M
	35.80 M



December 20, 2011

Portland Planning Department
Portland City Hall
389 Congress St.
Portland, ME 04101

Re: The Inn at Diamond Cove, LLC

To Whom It May Concern:

Katahdin Trust Company has met with David Bateman and has reviewed the available detail of the proposed development on Great Diamond Island, Portland, Maine which involves the historically qualified rehabilitation of the Double Barracks building and associated grounds. We have encouraged Mr. Bateman to submit a full application to us for construction and take-out financing as a preliminary step to issuing a final commitment for funding for this notable Project. We fully understand that the Project has not yet completed its permitting, but we are very interested in providing the financing. Our interest is driven not only by the demonstrated marketability of the final product, but also the track record of the principals involved in it. We perceive The Inn At Diamond Cove, LLC to have a very strong financial and technical capability to deliver a highly successful project to the market place.

We would be happy to update our interest at any point in the process, at your request.

Sincerely;

Aaron Cannan
Vice President

Cc: Pete St. John, Sr. Vice President
The Inn At Diamond Cove, LLC

15 Pleasant Hill Road • PO Box 1689 • Scarborough, ME 04074 • Telephone (207) 510-7017 (866) 441-5197 • Fax (207) 883-1205

The Inn at Diamond Cove

Estimated Project Cost 12/1/2011

— Land Acquisition	\$	-
— Land Use Approvals	\$	76,260
— Legal	\$	331,930
— Permits & Fees	\$	28,157
— Architectural & Engineering	\$	255,519
— Construction Cost	\$	6,549,273
— Furnishings	\$	797,242
— Interior Design	\$	122,341
— General & Admin	\$	239,027
— Financing	\$	206,405
— Major Equip.	\$	200,000
— Operating Inventory	\$	70,000
— Communication Systems	\$	216,000
— Pre-Opening & Working Capital	\$	150,000
— Soft Cost Contingency	\$	150,000
Total Project Cost	\$	9,392,154

Sources;

— 1st Mortgage Loan (Permanent)	\$	5,290,000
— Partnership Equity (Cash Contribution)	\$	4,102,154
Total Sources	\$	9,392,154

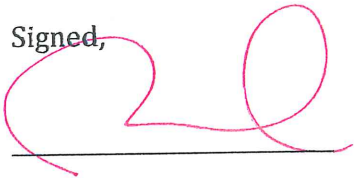
Neighborhood Meeting Certification

The Inn at Diamond Cove

I, David Lloyd hereby certify that a neighborhood meeting was held on May 27th at the Diamond Cove Community Building at 6:00 pm.

I also certify that on April 28, 2010 invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

Signed,

A handwritten signature in red ink, consisting of a large, stylized 'D' followed by a cursive 'L'. The signature is written over a horizontal line.

June 1, 2010

Attached to this certification are

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

A R C H I T E C T Y P E

April 26, 2010

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for the Inn at Diamond Cove located at on McKinley Court, Great Diamond Island, ME.

Meeting Location: Administration Building - Diamond Cove
Meeting Date: Thursday - May 27, 2010
Meeting Time: 6:00 PM

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call (207) 772-2992.

Sincerely,

David Bateman
The Inn at Diamond Cove, LLC
PO Box 3572
Portland, ME 04104

Note:

Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development you may contact the Planning Division at 874-8721 or send written correspondence to the Department of Planning and Development, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov.

175-1052-P-3

SIGN UP SHEET

Inn at Diamond Cove

27-May-10

	Name	Address
1	Tom Maas	59 Moon Garden Way
2	Harmon Smith	176 McKinley Ct
3	DAVID Kenly	11 Quarter Master St
4	Ann Riley	46 McKinley Court
5	Douva Smith	9 A McKinley Ct,
6	Jackie Kaul	11 Quarter Master St
7	Karen Tolette	20 McKinley Court
8	Jean Smith	101 W. 5th St. Apt 101
9	Joe VanWhy	98 Seal Cove Ln, Pwam, NC
10	Kau Maas	1000 1st St. DC
11	Richard Molybrix	51 Spring House Ln
12	Schafer Bean	154 McKinley Court, DC
13	MAT. HORNBERG	30 Pleasant Cove Ln DC
14	BOB WHELAN	126 McKinley Court, D.C.
15	FRED LAUKHLIN	63 CARSON AVE G.D.T.
16	Edna Bean	
17	Bill Cowden	78 West Side Dr
18	Jane Papp	
19	Erene Mills	59 Moon Garden Way D.C.
20	Bryan Neal	Box 2 DC
21	Alex Neal	Box 2 DC
22	Jadu Mierst	142 McKinley Court
23	Janet Papp	83 Diamond Cove, DC
24	Tommy Robinson	159 Crescent GDI
25	Bill Robinson	26 McKinley Ct
26	Roger Robinson	159 Crescent Rd SDI

SIGN UP SHEET
Inn at Diamond Cove
27-May-10

Name	Address
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28 Janet Buchanan
 29 Ed Sommers
 30 Tracy Sommers
 31 Ken & Judy Wood
 32 John Condon
 33 Judy Sandstrom
 34 Patricia Lacker
 35 William R. Lacker

NEIGHBORHOOD MEETING
The Inn at Diamond Cove
May 27, 2010

Present: David Lloyd Archetype, P.A.
 David Bateman Owner/Developer

The following items were discussed at the neighborhood meeting.

1. Architect was asked about fireplaces in units and how they were being exhausted. He explained that each room would have a fireplace and that they were exhausted under soffits and under porch roofs as discussed with the Historical Board in Portland. All fireplaces are gas fireplaces.
2. Owner was questioned on the length of construction, answer 12 month. Construction would start in the spring and be completed the following spring.
3. It was mentioned that the project would not start until the law suit case is settled.
4. Architect was questioned on if the existing concrete walks and drives will be removed. Architect confirmed that this will be decided on an as needed basis and any replacement to match existing.
5. Questions about how trash would be removed. Mr. Bateman answered that it would be the same as all home owners in the association.
6. David Bateman answered question in regards to the construction period and that the workers would be brought out under separate boats and building materials would be brought out via barge.
7. David Bateman was questions on his financial plans for the building of the hotel. Mr. Bateman explained in detail his financial set up and his interplay with his partners and what a hotelominium is comprised of financially.
8. Questions as to any brick replacement. Architect responded that all existing bricks will be reused as far as possible, some replacement will be used but these must be approved by the National Park Service and the Local Historical Board.
9. David Bateman was questioned on the traffic pattern and how people would come to and leave the hotel. He explained how traffic movement would occur.

10. Questions on if the pool was part of the DEP approval process and this was confirmed.
11. One participant mentioned that this was a fabulous and exciting project.
12. There were discussions as to safety aspects to the hotel and what would be done to maintain security on the island. Mr. Bateman responded that security was part of a City issue and that the Home owners Association can discuss this with the City of Portland.
13. Mr. Bateman was questioned on whether the staff would remain through the night. He responded that there would be one staff member that would stay through the night.
14. Questions on what seasons the hotel would be open. Mr. Bateman responded that he would hope for a 6 month season.
15. Architect questioned if the building would meet current codes and would be sprinkled. Architect responded affirmably that it would be.
16. Discussion was had regarding hotel guest arrival and departure. Mr. Bateman explained a scenario of arrival and departure of all guest to and from the hotel.

****END OF NOTES****

2-0-1

Rick Knowland - Re: FW: GDI - Photometric Plan

From: Kevin Gough <gough@archetypepa.com>
To: RWK@portlandmaine.gov
Date: 1/23/2012 2:35 PM
Subject: Re: FW: GDI - Photometric Plan

Rick

Basically that is all of the site lighting. There are some porch lights at 18" A.F.F. these would not typically affect the photometric plan.

Kevin

On Jan 23, 2012 9:31 AM, "Rick Knowland" <RWK@portlandmaine.gov> wrote:

Hi Kevin, The photometric plan and catalogue cut, are these the only exterior light fixtures proposed? Thanks.

>>> Kevin Gough <gough@archetypepa.com> Thursday, January 19, 2012 >>>

From: Joe Laverriere [mailto:joe@delucahoffman.com]
Sent: Thursday, January 19, 2012 3:39 PM
To: Kevin Gough
Subject:

Kevin-

Attached are pdfs of the lighting information for GDI.

Joseph A. Laverriere, P.E.

Senior Engineer

DeLUCA-HOFFMAN ASSOCIATES, INC.

778 Main Street, Suite 8

South Portland, Maine 04106

T: [207.775.1121](tel:207.775.1121) Ext. 133

F: [207.879.0896](tel:207.879.0896)

This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

2-9-2

PRODUCT INFORMATION

Specification

Intended Use

For walkways, plazas or pedestrian areas.

Construction

Housing: KB_6: Bottom housing is 0.125" extruded aluminum. Top cover is 0.156" cast aluminum. KB_8: Bottom housing is 0.156" extruded aluminum. 42" overall height standard on KBD and KBA6. 43" overall height standard on KBA8. Flush-fitting lens is 1/4", clear, 100% virgin acrylic. All exposed hardware is temper-resistant stainless steel. Four 1/2" x 11" anchor bolts with double nuts/washers and 4-1/2" diameter bolt circle tem-

plate provided for mounting (shipped separately).

Finish: Dark bronze (DDB) corrosion-resistant polyester powder finish standard. Additional architectural colors available, see www.lithonia.com/archcolors.

Optics

Reflector system incorporates an anodized, spun aluminum, flared cone and an anodized, hydroformed, fluted upper reflector providing a Type V (symmetric) cutoff distribution. Optional cylindrical lower reflector or cast aluminum louvers available.

Electrical

Electrical components are unitized on removable power module and accessible through bottom of bollard. Positive-locking, quick-disconnect on secondary circuit. Ballast: All ballasts are 100% factory tested. High reactance, high power factor for 150W and below. Compact fluorescent uses an electronic high-frequency ballast.

Socket: Medium-base porcelain socket, 4KV pulse rated. Compact fluorescent has four-pin, white thermoplastic body with quick-connect push-in wiring terminals. LPI is standard 35K for CFL.

Listings

UL Listed (standard). CSA Certified (see Options). UL Listed for wet locations.

**KBA
KBD**



**MODEL
KBD8-70M-LV**

KBD

KBA

ORDERING INFORMATION

For shortest lead times, configure products using **bolded options**.

Example: KBA8 70M R5 TB LPI

Series	Lamp type ¹	Metal halide ²	Incandescent ^{2,4,5}	Distribution ¹	Voltage	Ballast	Options
KBA6	High pressure sodium	50M	I	Standard flared cone	120	(blank) Magnetic ballast	Ships installed
KBA8	35S ²	70M	Compact fluorescent ⁶	R5 Type V distribution	208 ⁷		SF Single fuse, 120V, 277V, 347V
KBD6	50S	100M	26TRT	Optional cylindrical reflector	240 ⁷		DF Double fuse, 208V, 240V
KBD8	70S		32TRT	CYA Specular alzak	277		H24 24" overall height
	100S			CYB Black alzak	347		H30 30" overall height
	150S			CYG Gold alzak	TB ⁸		H36 36" overall height
				Louvers (8" only)	MVOLT ⁸		FD Festoon outlet
				LV Louvers			FG Festoon outlet with duplex ground fault receptacle ⁹

CSA Meets Canadian standards
Ships separately
R6S Half-shield (6" round)
R8S Half-shield (8" round)
KBA8 Anchor bolts

Finish¹⁰

(blank) Dark bronze (std.)	DTG Tennis green	SDNA Natural aluminum stripe
DWH White	DBR Bright red	SDTG Tennis green stripe
DBL Black	DSB Steel blue	SDBR Bright red stripe
DMB Medium bronze	CR Enhanced corrosion resistance	SDBUA Dark blue stripe
DNA Natural aluminum	SDDB Dark bronze stripe	SDYLB Yellow stripe
DSS Sandstone	SDWH White stripe	
DGC Charcoal gray	SDBL Black stripe	

Lamped

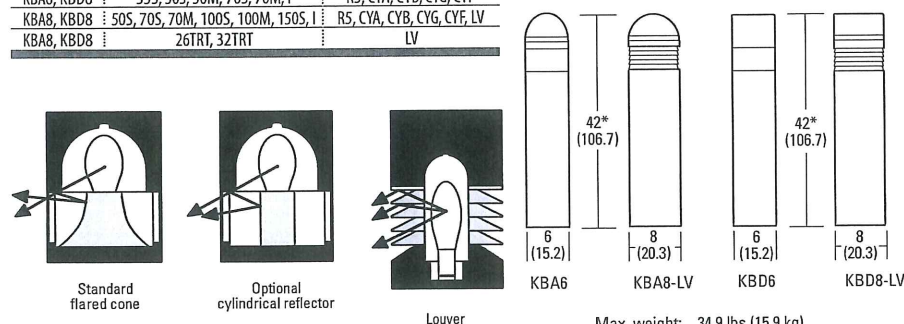
LPI Lamp included
L/LP Less lamp

ADDITIONAL INFORMATION

For additional product information, visit www.lithonia.com.

SERIES	LAMP TYPE	DISTRIBUTION
KBA6, KBD6	35S, 50S, 50M, 70S, 70M, I	R5, CYA, CYB, CYG, CYF
KBA8, KBD8	50S, 70S, 70M, 100S, 100M, 150S, I	R5, CYA, CYB, CYG, CYF, LV
KBA8, KBD8	26TRT, 32TRT	LV

Drawings are for dimensional detail only and may not represent actual mechanical configuration. Dimensions are shown in inches (centimeters) unless otherwise noted.



Max. weight: 34.9 lbs (15.9 kg)

* Also available in 24" (H24), 30" (H30) and 36" (H36).

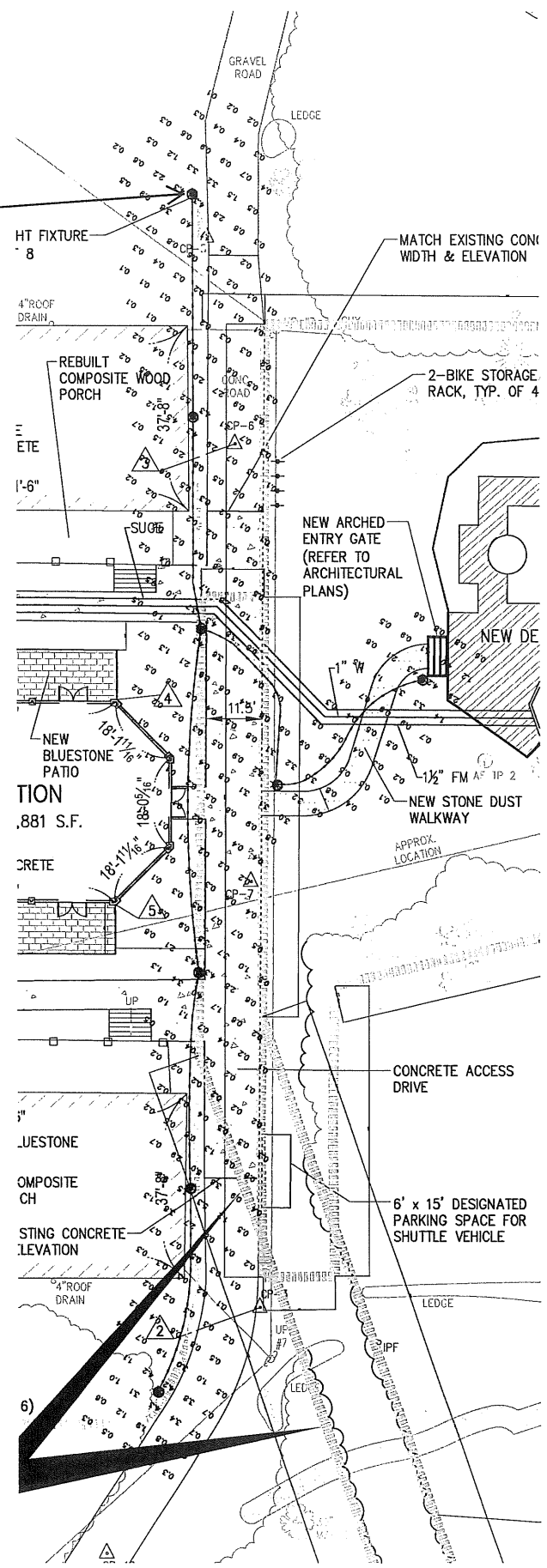
Notes

- Specify lamp type and distribution. See Configurations table.
- 120V only.
- Requires coated lamp.
- KB-6: 116W/TS, lamp not included.
- KB-8: 150W max., lamp not included.
- Louver must be used. Multi-volt electronic ballast (for compact fluorescent lamps only) capable of operating on any line voltage from 120V-277V.
- Consult factory for use in Canada.
- Optional multi-tap ballast (120V, 208V, 240V, 277V). In Canada 120V, 277V, 347V; ships as 120V/347V.
- Cover ships separately.
- Choose primary fixture finish and stripe color if desired.

2-0-3

BOLLARD LIGHT (TYP. OF 8)

THE INN AT DIAMOND COVE
LIGHTING PHOTOMETRICS PLAN
FIGURE L-1



ATT 3

PERKINS THOMPSON
ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA
PO BOX 426
PORTLAND ME 04112
TEL 207.774.2635
FAX 207.871.8026

www.perkinsthompson.com

January 18, 2012

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIAFICAS
TIMOTHY P. BENOIT
J. GORDON SCANNELL, JR.
FRED W. BOPP III
MARK P. SNOW
WILLIAM J. SHEILS
DAVID B. McCONNELL
PAUL D. PIETROPAOLI
HOPE CREAL JACOBSEN
RANDY J. CRESWELL
JULIANNE C. RAY
DAWN M. HARMON
CHRISTOPHER M. DARGIE
ANTHONY J. MANHART
STEPHANIE A. WILLIAMS
PETER J. McDONELL
KEITH J. DUNLAP
SARA N. MOPPIN
JEFFREY A. COHEN
SHAWN K. LEYDEN
JOSEPH G. TALBOT
LAUREN B. WELIVER

OF COUNSEL
DOUGLAS S. CARR

JOHN A. CIRALDO
1956 - 2010

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

Re: The Inn at Diamond Cove

Dear Board Members:

I understand that the Inn at Diamond Cove application for site plan review will be discussed at a Portland Planning Board Workshop on Tuesday, January 24, 2012. As you know, this Firm represents Diamond Island Association ("DIA") with regard to this proposed development. To reiterate our prior comments, DIA has not voted to oppose the Inn at Diamond Cove's application. However, it does want to ensure that whatever is approved, constructed and operated is consistent with City and State approvals and with City of Portland zoning. In particular, the applicant's recent statements regarding transportation and solid waste have caused DIA and its members to become concerned.

Transportation. While the letter of January 3, 2012 from Architect Kevin Gough of Archetype PA addresses the development review standards contained in Sec. 14-145.16 of the IR-3 Island Residential Zone Ordinance, there are further restrictions placed upon this particular parcel for this particular project as the result of the Portland City Council's Conditional Rezoning Order of September 3, 2008 ("Rezoning Order"), which is Appendix A-1 to Mr. Gough's letter. Therefore, not only must the applicant's transportation proposals meet the development review transportation standard in Sec. 14-145.16(a), but they also must meet the requirements of Section 5 ("Transportation Services") of the Rezoning Order. For example, while the general standard in Sec. 14-145.16(a) states that:

The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

that

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project.

and that:

The development shall not have a substantial adverse impact on the capacity of existing island docking facilities.

Sec. 5 of the Rezoning Order has specific requirements for all of these types of transportation. It provides:

Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove landing point or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

DIA is concerned the applicant's statement that "the Diamond Cove ferry terminal of the Casco Bay Lines will be used" could be misinterpreted, since Casco Bay Lines serves both the northerly Diamond Cove pier and the southerly Great Diamond Island pier.

Therefore, DIA asks for conditions of approval with regard to transportation to ensure that references to "the Diamond Cove landing" or to "the Diamond Cove ferry landing" mean the northerly Diamond Cove pier. Perhaps it might be identified as: the landing depicted to the right of the legend "Diamond Cove" on a map entitled "Plan of Diamond Cove Phase I – Third

Amended Sheet 3” dated February 5, 2001 and recorded in the Cumberland County Registry of Deeds in Plan Book 202, Page 527.

In this way, the applicant, Diamond Cove Homeowners Association (“DCHA”), DIA and the City of Portland all will be aware that consistent with the Rezoning Order, travel to and from the island by the Owner/Manager, its guests, tenants, invitees and employees will be to and from the Diamond Cove landing on the north part of the Island, and that the pier at the south end of the Island may only be used in the event of an emergency. Similarly, we would ask that the Great Diamond Island commercial barge landing be defined to be that barge landing area within the property of the DCHA. Much effort by DIA, the City and others has gone into keeping the Diamond Cove project and its pedestrian and vehicular traffic within the Ft. McKinley project in order to limit the impact of this development upon the traditional village on the south part of Great Diamond Island. DIA therefore asks that the Planning Board carefully impose conditions of approval that ensure the proposed development remains within the Ft. McKinley site, with travel off the project site being limited to events of an emergency consistent with the September 2008 City Council Order.

Parking and Travel Plan. Related to the transportation concern is matter of the parking and travel plan for guests contained in Appendix I to the Gough letter -- the “Portland Harbor Hotel Inn at Diamond Cove Guest arrival and check-in process” – which states in the third and fourth paragraphs that:

Guest luggage will be send to Great Diamond Island via ferry by one of our valet staff ahead of the guest arrival to the Island. The bellman from the Inn at Diamond Cove will meet the ferry, retrieve the luggage and deliver it directly to the guest room before the guest arrives.

Guests will be directed to board the ferry anytime between 4:00 p.m. & 6:00 p.m. and to get off at the pier in Diamond Cove. A Bellman from the Inn at Diamond Cove will meet them with the golf cart and escort them to the Inn.

We understand that this is intended to demonstrate the type of instruction that would be issued for operation of the Inn at Diamond Cove if the site plan application is approved. However, our concern here is similar to the first in that we ask the Planning Board to require the Inn at Diamond Cove’s policies to reflect that travel to and from the Island by guests will be through the Diamond Cove pier at the northerly part of the Island as shown on said plan.

Solid Waste. Finally, solid waste is another matter that could benefit from greater definition and from the imposition of conditions by the Planning Board. Mr. Gough’s letter indicates simply that “All solid waste will be held within the building in a trash room and would be picked up and removed in accordance with the Diamond Cove Homeowners Association, of which this project would be a member. The project would pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.” However, both the Rezoning Order and the Maine Department of Environmental Protection’s (“DEP”) Site Location of

Development Order are much more specific than this general statement. Section 3 ("Disposal of Solid Waste") of the Rezoning Order states:

All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility.

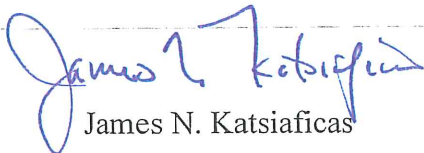
There is no municipally-operated island solid waste disposal facility, and the lot owned by DIA and leased by the City of Portland for temporary storage of solid waste generated by the southerly part of the island until it is shipped to the mainland for disposal is not available to the Inn at Diamond Cove. The September 2009 Site Location of Development Order issued by DEP for the Inn at Diamond Cove specifically provides as to solid waste:

When completed, the proposed project is anticipated to generate 12 cubic yards of general solid waste per month during the peak season. All general solid wastes from the proposed project will be collected and stored within the hotel/condominium facility before being transported by barge or otherwise from Diamond Cove property to the mainland for disposal at Ecomaine, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine.

A condition of approval requiring the applicant to manage, store and dispose of solid waste in accordance with the Rezoning Order and with the September 2009 DEP Permit L-13160-L3-AB-B would help ensure the applicant's solid waste management for the proposed facility is lawful.

Thank you for your consideration of DIA's concerns.

Sincerely,



James N. Katsiaficas

JNK:pal

cc: Richard Knowland, Senior Planner, City of Portland
Diamond Island Association

From: Donna Schwartz <dshrs@maine.rr.com>
To: Rick Knowland <rwk@portlandmaine.gov>
Date: Thursday, January 12, 2012
Subject: inn @diamond cove, great diamond island

dear rick,

please know that as a resident of diamond cove i am still very much in favor of the inn and have been from the inception years ago! let us hope that no more obstacles get in the way of the resurrection of this lovely, historic property and the much needed & long awaited developement of the inn!

thank you!
sincerely,
donna schwartz
the schoolhouse @diamond cove

From: Irene Maas <imaas@myfairpoint.net>
To: <rwk@portlandmaine.gov>
Date: Thursday, January 12, 2012
Subject: Inn At Diamond Cove

My husband and I are full time residence at Diamond Cove. We continue to support the development of the Inn. We believe the developers continue to cooperate and consider the needs of the majority.
Sincerely Irene M. Maas

Rick Knowland - Inn at Diamond Cove

From: "jkenly007@aol.com" <jkenly007@aol.com>
To: <rwk@portlandmaine.gov>
Date: 1/13/2012 4:38 PM
Subject: Inn at Diamond Cove

We have been waiting a long time for the Inn. Hope to see it progressing when we return in the spring.
Plans look great. Thanks, Dave and Jackie Kenly 30a
Sent from my Verizon Wireless Phone

Rick Knowland - Final Amended Letter

From: Kevin Gough <gough@archetypepa.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 3/12/2012 3:20 PM
Subject: Final Amended Letter
CC: "Ronald N. Ward" <RWard@dwmlaw.com>, Nathan Bateman <nathan@batemanpartn...>
Attachments: 12 March 2012 - Amended Letter.pdf

Rick,

At the request of the DIA and its representative, I have made some changes to my application letter as it pertains to the transportation and solid waste language.

I realize that you have already finalized the package for the Board, but these changes are felt to be necessary since they address specific concerns of the DIA and we ask that you please include them in our application if at all possible.

Thank you.

Kevin Gough, Architect

Archetype, P.A.

48 Union Wharf

Portland, ME 04101

Phone: (207) 772-6022

gough@archetypepa.com

<http://www.archetype-architects.com>

A R C H E T Y P E

March 12, 2012

Richard Knowland
Senior Planner
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Site Plan Application Double Barracks (Building 46) – Great Diamond Island;
Amendment to Application**

Rick:

This letter is meant to amend and revise our application for Site Plan Review, and specifically the letter dated *Rev. 2 – 17 January 2012*, in part, as it addresses transportation and solid waste removal from the Project. The application is deemed amended to be entirely consistent with the City Council's *Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine*, dated February 22, 2012.

Without limiting the breadth of the foregoing, the specific amendments would include those depicted on the attachment hereto.

If you have any questions or concerns with our amended application, please let me know and I will address them immediately.

Thank you,



Kevin Gough, Architect
Archetype PA
Portland, ME

A R C H I T E C T U R E

Sec. 14-145.16. Development review

In addition to other applicable requirements, no development shall occur nor shall any new use be established unless the Planning Board finds that the final development plan for the site is in compliance with the following development standards.

- a) *Transportation:* The development shall be designed primarily with a pedestrian orientation to minimize the use of and dependency on private motor vehicles. Appropriate areas on the site shall be designated, as necessary, for parking of common service vehicles, golf carts or bicycles to serve the transportation needs of residents and visitors. The internal circulation plan shall also be coordinated with the existing island street network to ensure adequate access for emergency and service vehicles.

Original Text: The project is located in close proximity to the Diamond Cove landing of the Casco Bay Lines, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland. The sole means of arrival at the island is by boat transportation. There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guest luggage to and from the Diamond Cove ferry landing. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

Replacement Text: Transportation from the mainland to The Inn at Diamond Cove, from The Inn at Diamond Cove to the mainland and within the Diamond Cove premises shall be in accordance with the Portland City Council "Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine," dated February 22, 2012 (the "City Order"). The Inn at Diamond Cove is located in close proximity to the Diamond Cove Pier, and as such, is within walking distance. All hotel guests will have parked their automobiles at the parking level of the Portland Harbor Hotel, on Fore Street in Portland. The sole means of guest arrival at the island is by boat transportation. There is located on the Site Layout Plan (Drawing C-4) a single parking space for the "shuttle vehicle" which will be used to transport guests and luggage to and from the Diamond Cove Pier. All emergency access to the building is by means of the existing surface roads in the front and rear of the building. The emergency access is unchanged from its current and historic location.

A project construction plan shall be developed indicating the anticipated number and types of vehicles such as construction equipment, supply-delivery and service vehicles needed for undertaking the construction of the project. Documentation shall be provided as to the proposed transportation route such as roads, piers, beaches, sand bars and the impact of construction related activities on the routes.

A R C H I T E C T U R E

Original Text: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers are instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Ferry Landing. This will be in the instructions to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

Replacement Text: All heavy equipment and material transport trucks will be loaded at the East End Beach Commercial Barge Landing. Trucks will be transported via Lionel Plante Associates or other licensed provider to the Great Diamond Island Commercial Barge Landing. Estimated number of trucks is 12 trucks per day for the construction duration of 10 months. All subcontractors and laborers will be instructed, by contract, to use the Casco Bay Lines ferry service to the Diamond Cove Pier. This will be in the instructions to bidders in the project manual. See Appendix B at the end of this document for schedules and maps which correspond to this plan.

The development shall not have substantial adverse impact on the capacity of existing island docking facilities. The developer shall demonstrate that an adequate water transportation system, including docking facilities, exists or will be provided.

Original Text: The existing Diamond Cove boat landing and Diamond Cove ferry terminal of the Casco Bay lines will be used.

Replacement Text: The existing Diamond Cove Pier and the ferry terminal of the Casco Bay lines will be used.

- b) *Solid Waste.* Adequate provision for off-island solid waste disposal shall be demonstrated such that the impact on municipal solid waste disposal is minimized. A development shall incorporate methods such as the following to reduce the amount of solid waste generated by the project: compaction and reduction in waste volume, recycling, incineration or baler system, and private collection and transfer to an off-island location. It shall be demonstrated that there will be no significant environmental impacts from the solid waste disposal system.

Original Text: All solid waste will be held within the building in a trash room and will be picked up and removed in accordance with the Diamond Cove Homeowner's Association, of which this project will be a member. The project will pay dues in the same manner as other properties in the Association, for which solid waste removal is provided.

A R C H E T Y P E

Replacement Text: All solid waste generated on The Inn at Diamond Cove premises shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Minor Order for the Inn at Diamond Cove or successive order as may be amended (the "DEP Order") and with the Portland City Council "Order Authorizing Amendment to Conditional Zone for Property in the Vicinity of Diamond Cove, Great Diamond Island, Portland, Maine," dated February 22, 2012 (the "City Order"). In particular, as provided in said Orders, all solid waste generated on The Inn at Diamond Cove premises will be collected and disposed of privately, on the mainland, with temporary storage of such solid waste being within The Inn at Diamond Cove Double Barracks building in a trash room before being transported by barge or otherwise from the Diamond Cove property for disposal at Ecomaine.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
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- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

March 12, 2012

DRAFT

Ms. Richard Knowland, Senior Planner
Department of Planning and Development
City of Portland
389 Congress Street
Portland, ME 04101

**Subject: The Inn at Diamond Cove, LLC
 Diamond Cove, Great Diamond Island
 Status Update on Water Supply and Fire Protection**

Dear Mr. Knowland:

On March 6th, our office provided a summary response to each of the five comments issued by the Portland Fire Department concerning the site plan application for the Inn at Diamond Cove. Several of these comments are directly related to the development of the Inn, while others are more globally related to the overall water supply system, which as you know is owned and operated by the Diamond Cove Homeowners Association. Subsequently, our office has coordinated efforts with representatives from the Portland Water District, Portland Fire Department and private contractor to perform flow testing of various hydrants within the Diamond Cove development on February 15th and March 8th. The results of this flow testing were summarized in our letter dated March 6th.

The Diamond Cove development is served by an 8-inch diameter water line that is fed from the Portland Water District distribution system. The remaining distribution system throughout Diamond Cove varies from 6" to 4" water mains. Based upon the recent flow testing work, the existing water system in the area of the proposed Inn is supplying approximately 450 gallons per minute at 20 psi residual pressure.

The fire protection sprinkler system designer for the Inn has provided the following sprinkler system design flow requirements at 20 psi residual pressure in the water supply system:

- 210 gallons per minute for the sprinkler system
- Additional 100 gallons per minute (hose demand)

As summarized above, the existing water supply system has sufficient capacity to meet the sprinkler system design requirements.

Mr. Richard Knowland
March 12, 2012
Page 2

During a meeting with the Portland Fire Department on February 29th, there were several items that were discussed for incorporation into the site plan and building design for the Inn at Diamond Cove, as follows:

1. Sprinkler system design in accordance with NFPA 13R modified with regards to placement of sprinklers per NFPA 13 as well as incorporating standpipes with interior fire hose cabinets within each of the public stairways within the Inn.
2. Provide a new fire hydrant within 100' of the Inn's building exterior sprinkler riser connection. The new hydrant location has been shown on the latest revision to Site Layout and Utility Plan (Sheet C-4) of the site plan set.
3. Provide a post indicator valve (PIV) on the fire protection line serving the Inn's sprinkler system. The location of the PIV is shown on the latest revision to Site Layout and Utility Plan (Sheet C-4) of the site plan set.
4. Increase the width of the access lane along the northeasterly side of the Inn to provide a total fire lane width of 16'. The widened surface will consist of two foot thick gravel section suitable for supporting the emergency vehicles. The extent of widened fire lane has been shown on the latest revision to the Site Layout and Utility Plan (Sheet C-4). A detail for the widening of the emergency access lane has been added to latest revised Sheet C-9 of the plan set.

Our office has also assembled additional data on the overall private water supply system within the Diamond Cove development that will be provided to the Portland Planning Department and Portland Fire Department that will be helpful for the Diamond Cove Homeowners Association future planning efforts. This data includes:

1. An updated private water supply system map including the location and sizes of water mains, hydrants, valves, etc.
2. Inventory of all onsite fire hydrants in accordance with the Portland Fire Department requirements for private hydrants.
3. Hydraulic analysis of the private water supply system, based upon the recent 2012 hydrant flow testing work. This analysis will also include recommendations for improvements to the water supply system to enhance the performance and reliability of the system. Specifically, there are two cross-connections, between the primary 8" diameter primary water supply line and the 6" diameter water distribution system, which will create additional looping within the private system.

Mr. Richard Knowland
March 12, 2012
Page 3

Please contact our office with any questions you may have concerning this letter.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'J. Laverriere', with a long horizontal stroke extending to the right.

Joseph A. Laverriere, P.E.
Senior Engineer

C: David Bateman – The Inn at Diamond Cove, LLC

DrummondWoodsum

ATTORNEYS AT LAW

Ronald N. Ward

rnward@dwmlaw.com

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February 21, 2013

Barbara Barhydt
Portland Planning Board
389 Congress Street
Portland, ME 04101-3509

RE: The Inn At Diamond Cove, Project ID 2012-411

Dear Barbara:

As you probably know, we're ramping up to a construction loan closing in April and a sharp acceleration in the construction activity at that time. Preliminary work has been on-going for some time pursuant to building permits issued. I've met with Rick Knowland and we're now pulling together the detail for our anticipated closing, and the prerequisites for issuance of further building permits.

Our existing subdivision/site plan approval was granted by the Planning Board on March 13, 2012. The preliminary work has commenced, but the comprehensive on-site activity will not start until early April 2013, so prudence suggests that we obtain a one (1) year extension of our subdivision and site plan approvals through March 14, 2014. We understand that you have the authority to provide this extension without a formal application or fee.

This is a complicated, document-heavy project and I've told Rick that we intend to submit relevant documents as they become available to avoid any bottlenecks as we approach the closing.

Thanks for the assistance.

Sincerely,



Ronald N. Ward

RNW:kjl

cc: Rick Knowland, Senior Planner
The Inn At Diamond Cove, Attn: David H. Bateman

DRC1

SUBDIVISION/SITE DEVELOPMENT
Cost Estimate of Improvements to be covered by Performance Guarantee

Date: 2/21/13

Name of Project: THE INN AT DIAMOND COVE

Address/Location: BLOCK # 46 MCKINLEY COURT, GREAT DIAMOND IS.

Application ID #: 2012 - 411

Developer: THE INN AT DIAMOND COVE LLC

Form of Performance Guarantee: LETTER OF CREDIT

Type of Development: Subdivision Site Plan (Level I, II or III)

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas						10,700.
Curbing						
Sidewalks						
Esplanades						
Monuments						
Street Lighting						
Street Opening Repairs						7,500
Other						
2. EARTH WORK						
Cut						
Fill						
3. SANITARY SEWER						
Manholes						
Piping						
Connections						
Main Line Piping						94,000
House Sewer Service Piping						8,000
Pump Stations						
Other						
4. WATER MAINS						18,000
5. STORM DRAINAGE						
Manholes						
Catchbasins						
Piping						7,400.
Detention Basin						
Stormwater Quality Units						
Other						

6. SITE LIGHTING	_____	_____	_____	_____	_____	5000
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	_____	_____	3000
Check Dams	_____	_____	_____	_____	_____	
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	1200
Level Lip Spreader	_____	_____	_____	_____	_____	
Slope Stabilization	_____	_____	_____	_____	_____	
Geotextile	_____	_____	_____	_____	_____	
Hay Bale Barriers	_____	_____	_____	_____	_____	
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	50,000
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	10,000
10. MISCELLANEOUS	_____	_____	_____	_____	_____	
TOTAL:	_____	_____	_____	_____	_____	
GRAND TOTAL:	_____	_____	_____	_____	_____	\$214,800

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	_____	\$4296	\$4296
<u>or</u>			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	