

May 12, 2015

Ms. Jeanie Bourke
Code Enforcement Officer/Plan Reviewer
City of Portland
389 Congress Street
Portland, ME 04101

RE: Hannigan's Market – Level II Site Plan for Retaining Wall and Landscaping Improvements

76 Island Avenue, Peaks Island, CBL: 84-P004-001

Dear Jeanie;

Please find attached a Level II Site Plan Application for the construction of a 75 linear foot stone-filled gabion retaining wall and landscaping improvements at 76 Island Avenue on Peaks Island. The property is locally known as Hannigan's Market, and is owned by Mr. Robert (Bob) Hannigan. The one and a half story structure on the site is home to the island supermarket and a small residential unit occupied by Bob and his wife. The purpose of the proposed site improvements is to improve the small outdoor living space aesthetics, to provide a measure of privacy and to properly support the existing embankment at the property line via use of a vegetated stone-filled gabion system that will be placed one foot from the property line as shown on the enclosed Site Plan. The site is subject to a Level II review due only to its location within the Shoreland Zone. Had the site been located inland, the proposed de minimis site improvement activities would have required a simple Level I Site Alteration Permit Application.

Zoning

The site is located within the City of Portland I-B (Island Business) Zone within the Shoreland Overlay. The site is inland of the 75'-resource setback, but within the 250' setback from Normal High Water at Casco Bay on the easterly shore of the island. Activities within the Shoreland Zone require a Level II review. The proposed site activities are inland of the 75' setback and do not require review by the Maine Department of Environmental Protection. The site is not located in an area that has been identified as a Resource Protection Area by the City.

I-B, Island Business Zone-Division 12.1

Hannigan's Market is a retail and service establishment that serves the needs of the island residents and summer guests. The market and apartment residence are permitted uses within the I-B Zone per Section 14-223 of the City Zoning Ordinance. Per Section 14-226-Dimensional Requirements, there is no minimum lot size for a lot that is served by public water and sewer. Per City Assessing records and the owner's records the site is served by both public water and sewer. In accordance with 14-227-Other Requirements the site is subject to Division 20 and (b) Shoreland and Flood management regulations of Division 26 and/or 26.5. Per FEMA Flood Insurance Rate Map Community Panel #230051 0015 B, 07/17/1986, the site is not located in a mapped flood zone.

The site work is limited to the excavation and placement of 75 linear feet of gabion wall for bank stabilization at the rear (west side) of the property adjacent to an existing 10-foot wide right-of-way. All of the proposed work is located in the Shoreland Zone, however, none of the proposed work is located within the 75'-resource setback therefore the proposed site improvements do not require review by the Maine Department of Environmental Protection (DEP). No change to the use at the site is proposed as part of this application and no building or utility changes are proposed. The stabilization is needed due to some ground water breakout and minor erosion.

Shoreland Zone-Division 26 Shoreland Regulations

The proposed site improvements do not affect existing site conditions and do not contribute to water pollution or interfere with fish, bird or other habitat areas. The proposed work provides a measure of protection from erosion and does not have a substantial impact within the shoreland area. Per Section 14-449 Land Use Standards the following criteria are met:

(a) Principal and accessory structures:

(a)1.b Principal and accessory structures in the I-B require no setback.

(a)2 The plans are based on the available public information and a sealed/signed Standard Boundary Survey plan prepared by Back Bay Boundary.

(a)3 Lowest Floor elevations...of all buildings...shall be elevated at least one foot above the 100-year flood plain elevation. Not applicable. The site is not located within a mapped flood area and no building changes are proposed.

(a)4 ...stairways or similar structures may be allowed with a permit...to provide shoreline access. Not applicable. The site is not a waterfront lot.

(b) Piers, docks, wharves...

Not applicable. The site is not a waterfront lot.

(c) Clearing or removal of vegetation.

(c)1 The site is not located in a resource protection zone.

(c)2 Not applicable – exemption from standards for certain zones.

(c)3 Not applicable. No timber harvesting is proposed.

(c)4.a Not applicable. The site is located inland from the 75' setback from Normal High Water and the site use is a permitted use. The location is inland from the required buffer strip vegetation location.

Vegetation removal is limited to some existing lawn area and low invasive vegetation, totaling approximately 360 SF. The site adjacent to and within the gabions will be revegetated with ornamental grasses, vines, lilacs, trees and Rugosa rose as shown on the enclosed Site Plan.

(d) Erosion and Sedimentation Control Plan

(d)1 A written ESC Plan prepared in accordance with the provisions of the Maine DEP Erosion and Sediment Control Handbook for Construction: Best Management Practices is enclosed in this submittal package.

(e) Soils

No adverse environmental impacts, severe erosion, improper drainage is anticipated during or after construction. A soils report is not required for non-intensive uses.

(f) Water quality

No water deposit/discharge is associated with the proposed site improvements.

(g) Archaeological Sites

No activities are located on or adjacent to a site that is listed or eligible for listing on the National Register of Historic Places.

(h) Installation of public utility service

Not applicable.

(i) Essential services

Not applicable.

(j) Roads and driveways.

Not applicable. No changes are proposed.

(k) Parking areas

Not applicable. No changes are proposed.

(l) Septic waste disposal

Not applicable. No changes are proposed.

(m) Stormwater runoff

The installation of the gabion retaining wall and landscaping site improvements does not increase or affect the natural runoff pattern on the site. Site grading is limited to matching the existing grade at the top of the new gabion wall. No runoff control systems are existing at site or are proposed as part of this project.

(n) Agriculture

No agricultural uses are associated with or proposed on the lot.

Environmental Quality Standards

In accordance with the provisions of Section 14-526(b) the proposed new gabion wall and landscaping we offer the following information regarding provisions for addressing environmental concerns.

1. Preservation of significant natural features.

No significant natural features are located on the Hannigan property.

2. Landscaping & Landscape Preservation.

The site improvements have been designed to limit site disturbance and do not include the removal of existing trees. The existing understory buffering will be preserved to the greatest extent possible with the exception of any vegetation that is considered to be invasive. Work is limited backyard associated with the residential use.

No adverse environmental impacts are associated with the proposed site improvements.

Summary of Site Burdens

After reviewing the current property deed and the chain of conveyances, no encumbrances such as easements, have been identified on the lot. The site is adjacent to a 10' right-of-way that benefits a neighboring property. Our research did not indicate and written rights of use, access, etc. associated with the aforementioned right-of-way.

We understand, through a recent telephone conversation with Ms. Barbara Barhydt, that there are City concerns regarding the close proximity of the proposed work to the property line. Barbara asked that we please address this issue as part of the permit by providing evidence of construction access by submittal of an agreement or temporary easement as part of the submittal package. The owner of the property, Mr. Robert Hannigan, has contacted the neighboring property owner and told him of the proposed plan, and he does not object to the work. The project has been designed, and the contractors have been involved with the proposed construction plan and all of the work will be performed from within Mr. Hannigan's lot.

Waivers

A separate written summary of waivers is enclosed in this submittal package.

Consistency with Related City Master Plans

We reviewed the selection of available City Master Plans including the *Portland Shoreway Access Plan* prepared by Mitchell – Dewan Associates and Market Decisions, Inc., more specifically *Section 3.2 Casco Bay Islands* including access provisions for Peaks Island. The proposed site work is not in conflict with the proposed vision for the island access as set forth by the Shoreway Access Plan prepared in conjunction with the City.

A review of the City of Portland Comprehensive Plan and maps indicate that the current allowed uses at the site and the zoning indicated on the *Future Land Use Map* remain as currently zoned, I-B (Island Business).

Construction Management

The soil disturbance and movement is limited to what is necessary to place the gabions and to install the aforementioned landscaping. Silt fencing will be placed prior to any soil disturbance on the site to prevent silt migration downhill in accordance with Maine DEP Construction Erosion BMP's. The excavation will be performed by a mini excavator with all excess excavated materials being removed from the site to the contractor's work yard. The 6'x3'x3' gabions will be placed and filled by hand

by local island contractors. The gabion installation and planting work is labor intensive requiring the majority of work to be done by hand due to its location and lot size limitations.

Delivery of material (stone fill, gravel, geotextile cloth, gabions, plant material, etc.) will be facilitated by a local island contractor such as Lionel Plante Associates. All material will be stockpiled, as necessary, within the lot bounds and the adjacent lawn. The lawn above the gabions will be graded to match the height of the gabion wall without significant alteration to the existing lawn grade. The lawn area that is disturbed will be repaired, seeded and mulched, as required. The gabions will be locally sourced through A.H. Harris and installed per manufacturer recommendation. The owner also proposes to relocate an existing gate and we understand that the gate relocation does not require review or a permit. The gate relocation provides direct access to the existing deck from Boathouse Way. The work area is limited to the area within 10 LF of the property line.

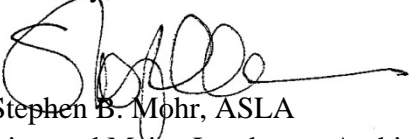
All site work will be performed by local island contractors working closely with Mohr & Seredin who will act as the General Contractor on behalf of the applicant. The estimate of probable cost for the site work is \$12,200.00 and based on the estimate of probable cost, we have determined that the fee due to the City is as follows:

$$\begin{aligned} & \$25.00/\text{First } \$1,000 \text{ value plus } \$11.00/\text{thousand for additional work} \\ & \$25. + 11 \times 11.20 = \$148.20 \end{aligned}$$

The proposed gabion wall installation will be funded by the applicant from personal resources. The gabions will be installed per manufacturer recommendation.

Please review this project application submission and notify us of any questions or issues. We look forward to working with you on this site improvement project.

Sincerely,



Stephen B. Mohr, ASLA
Licensed Maine Landscape Architect
Mohr & Seredin Landscape Architects, Inc.

enc.

cc: B. Hannigan

Waivers Requested

1. We respectfully request a waiver from the Site Plan Submittal Checklist for a Stormwater Management and Drainage Plan prepared in accordance with the City of Portland Technical Manual Section 5-Portland Stormwater Management Standards and Maine DEP Ch. 500 Stormwater Management. More specifically, Section 5.11C.a ...”the following development proposals shall be required to submit a Stormwater Management Plan...Level II Site Plans, except single and two-family homes.”

The site plan, while considered a Level II due to its location within the Shoreland Zone is limited to the installation a stone-filled gabion retaining wall and landscaping. Construction methods include cutting into the existing embankment, placing suitable backfill, geotextile fabric and the two layers of 6’x3’x3’ stone-filled gabions followed by planting in and around the gabion area to provide a clear site boundary and an element of privacy via landscaping for visual screening. No significant grading is required for this project and no changes are being made in the runoff pattern No change to the stormwater flow or quantity is anticipated due to the proposed site improvements.

2. We respectfully request a waiver from the Site Plan Submittal Checklist item requiring a Life Safety Plan prepared in accordance with Section 3 of the Technical Manual. All of the improvements are exterior site improvements (retaining wall and landscaping) that do not affect the existing uses at the market or apartment. Building access and egress is not affected by the proposed site improvements.

3. We respectfully request a waiver from the Site Plan Submittal Checklist requiring copies of the building floor plans and a grade elevation for the existing building. All of the improvements are exterior site improvements (retaining wall and landscaping) that do not affect the existing building.

4. We respectfully request a waiver from a number of the plan requirements for a Standard Boundary Survey required per Section 13 of the Technical Manual. The waiver request is made in accordance with Section 13.4.1.1+2 - Waiver of Boundary Survey Requirements allowing a partial survey depicting only the to-be-developed portion of a lot of record if the development is a lot of record and under one acre in size.

The specific Standard Boundary Waivers requested per 13.2 Level I site Alteration, II and III General Standards as follows:

#8	Zoning and District Boundaries*
#9	Flood Zone Statement*
#10	Required Zoning Setbacks for Site*
#11	Existing and Proposed Grading Contours at 2’ Intervals*
#19-25	Existing infrastructure location (sewer, water, electric, curb lines, etc.)

- #28 City Vertical Datum Notation of NGVD 1929 is used or manhole rim elevation data is used for all information shown on plan.
- #29 All plans shall state the Official City of Portland Benchmark used as supplied by the Public Services Engineering Division Archivist.
- #30 Distances , bearings, and angles shall be shown on the survey..., shall tie the property into the nearest accepted street line and be tied into the established City of Portland survey monuments or record survey data at the Public Services Engineering Archives. Ties shall be considered and inverse line with a bearing and distance to the nearest second and hundredth foot.
- #32 Street Status. The status of the street shall be show; i.e. Accepted City Street, Continued Paper Street, Discontinued City Street...*

The neighboring street status of Island Avenue and Boathouse Way as noted (Accepted) on the enclosed Existing Conditions Plan was verified by telephone inquiry on 05/06/2015 through City of Portland Public Services by Mr. Mark Mulkern.

5. We respectfully request a waiver from the Site Plan Submittal Checklist requiring an exterior lighting plan prepared in accordance with Section 12 of the of the Technical Manual. No changes to the existing lighting are proposed as part of the proposed site activities. Site activities are limited to landscaping and installation of a gabion retaining wall and no additional lighting.

6. We respectfully request a waiver from the Portland Fire Department Site Review Fire Department Checklist submittal requiring a separate drawing indicating proposed structure uses (NFPA and IBC classification), structure elevations and proposed fire protection measures including a code summary referencing NFPA 1 and fire department technical standards since the work is limited to exterior site improvements including a retaining wall and landscaping.

7. We respectfully request a waiver from the City of Portland Wastewater Capacity Application review. The applicant is not proposing any changes to the existing wastewater system. All work on the site is limited to a new gabion retaining wall and landscaping.

***Please note that while absent from the 12/17/2002 Standard Boundary Survey, this element is shown on the enclosed Existing Conditions and/or Site Plan.**

PROJECT NAME: Hannigan's Market Retaining Wall

PROPOSED DEVELOPMENT ADDRESS:
76 Island Ave., Peaks Island, Portland, ME 04108

PROJECT DESCRIPTION:
Installation of 75 LF Gabion retaining wall, landscaping and existing gate relocation w/in exist. fence line

CHART/BLOCK/LOT: 084/P004/001

PRELIMINARY PLAN _____ (date)
FINAL PLAN _____ (date)

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: <u>Robert Hannigan</u></p> <p>Business Name, if applicable: <u>Hannigan's Market</u></p> <p>Address: <u>76 Island Avenue</u></p> <p>City/State: <u>Portland, ME</u> Zip Code: <u>04108</u></p>	<p>Applicant Contact Information</p> <p>E-mail: <u>jghannigan@gmail.com</u></p> <p>Home #: <u>807-7503</u></p> <p>Work #:</p> <p>Cell #: Fax#:</p>
<p>Owner – (if different from Applicant)</p> <p>Name: <u>See Above</u></p> <p>Address:</p> <p>City/State: Zip Code:</p>	<p>Owner Contact Information</p> <p>E-mail:</p> <p>Home #:</p> <p>Work #:</p> <p>Cell #: Fax#:</p>
<p>Agent/ Representative <u>Stephen B. Mohr, ASLA</u></p> <p>Name: <u>Mohr & Sereidin Landscape Arch-</u></p> <p>Address: <u>18 Pleasant Street</u></p> <p>City/State: <u>Portland, ME</u> Zip Code: <u>04101</u></p>	<p>Agent/Representative Contact information</p> <p>E-mail: <u>smohr@mohrsereidin.com</u></p> <p>Home #:</p> <p>Work #: <u>(207) 871-0003</u></p> <p>Cell #: <u>415-2647</u> Fax#: <u>871-1419</u></p>
<p>Billing Information</p> <p>Name: <u>Mohr & Sereidin,</u></p> <p>Address: <u>See Agent</u></p>	<p>Billing Information</p> <p>E-mail: <u>Mohr & Sereidin,</u></p> <p>Home #: <u>See Agent</u></p>
<p>City/State: Zip Code:</p>	<p>Work #:</p> <p>Cell #: Fax#:</p>

Engineer <u>N/A</u> Name: Address: City/State : Zip Code:	Engineer Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Surveyor Name: <u>Back Bay Boundary, Inc.</u> Address: <u>643 Forest Ave.</u> City/State : <u>Portland, ME</u> Zip Code: <u>04101</u>	Surveyor Contact Information E-mail: Home #: Work #: <u>(207) 774-2855</u> Cell #: Fax#:
Architect <u>N/A</u> Name: Address: City/State : Zip Code:	Architect Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information E-mail: Home #: Work #: Cell #: Fax#:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Level II Development (check applicable reviews) <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee) <hr/> The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	Other Reviews (check applicable reviews) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = ___ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input checked="" type="checkbox"/> Shoreland <u>Not w/in 75'</u> <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation
---	---

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

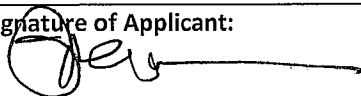
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

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 a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: MAY 12, 2015
--	-----------------------

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	9,638	sq. ft.	(0.22 Ac.)
Proposed Total Disturbed Area of the Site	No Change*	sq. ft.	
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland			
	n/a		
Impervious Surface Area			
Impervious Area (Total Existing)	7,320	sq. ft.	+/-
Impervious Area (Total Proposed)	No Change*	sq. ft.	
Building Ground Floor Area and Total Floor Area			
Building Footprint (Total Existing)	6,600	sq. ft.	+/-
Building Footprint (Total Proposed)	No Change	sq. ft.	
Building Floor Area (Total Existing) 1 story	6,600	sq. ft.	+/-
Building Floor Area (Total Proposed)	No Change	sq. ft.	
Zoning			
Existing	I-B, Island Business		
Proposed, if applicable	n/a		
Land Use			
Existing	Retail & Personal Service, Residential 1		
Proposed	No Change		
Residential, If applicable			
# of Residential Units (Total Existing)	1 apartment		
# of Residential Units (Total Proposed)	n/a		
# of Lots (Total Proposed)	n/a		
# of Affordable Housing Units (Total Proposed)	n/a		
Proposed Bedroom Mix			
# of Efficiency Units (Total Proposed)	n/a - landscaping/ret. wall only		
# of One-Bedroom Units (Total Proposed)	"		
# of Two-Bedroom Units (Total Proposed)	"		
# of Three-Bedroom Units (Total Proposed)	"		
Parking Spaces			
# of Parking Spaces (Total Existing)	No change Proposed street parking only		
# of Parking Spaces (Total Proposed)	n/a - landscaping/ret. wall only		
# of Handicapped Spaces (Total Proposed)	n/a		
Bicycle Parking Spaces			
# of Bicycle Spaces (Total Existing)	n/a		
# of Bicycle Spaces (Total Proposed)	n/a - landscaping/ret. wall only		
Estimated Cost of Project			
	\$ 12,200.00		

* per discussion w/A. Machado via B. Barhydt, the planted gabions do not count as lot coverage. Refer to enclosed copy of 4/16/15 email.

FINAL PLAN - Level II Site Plan

Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
✓		1	* Completed Application form
✓		1	* Application fees
✓		1	* Written description of project
✓		1	* Evidence of right, title and interest
n/a		1	* Evidence of state and/or federal permits
✓		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
✓		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
✓		1	* Evidence of financial and technical capacity
✓		1	Construction Management Plan
n/a		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
n/a		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
waiver request		1	Stormwater management plan and stormwater calculations, including description of project, hydrology and impervious area.
✓		1	Written summary of project's consistency with related city master plans
n/a		1	Evidence of utility capacity to serve
n/a		1	Written summary of solid waste generation and proposed management of solid waste
n/a		1	A code summary referencing NFPA 1 and all Fire Department technical standards
✓		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
n/a		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

BK12747PG017

58227

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that JOHN E. FEENEY and LORRAINE L. FEENEY, of 118 Hussey Road, Peaks Island, Maine 04108 do hereby give, grant, bargain, sell and convey unto ROBERT J. HANNIGAN of 76 Island Avenue, Peaks Island, Portland, Maine 04108, with Warranty Covenants, the premises located on Peaks Island in the City of Portland, County of Cumberland, and State of Maine and described on Exhibit A attached hereto and incorporated herein by reference.

Witness our hands and seals this 30th day of September, 1996.

Signed, Sealed and Delivered in presence of

Norman R. Belanger John E. Feeney
John E. Feeney

Norman R. Belanger Lorraine L. Feeney
Lorraine L. Feeney

MAINE REAL ESTATE TAX PAID

STATE OF MAINE CUMBERLAND, ss.

September 30, 1996

Then personally appeared the above named John E. Feeney and Lorraine L. Feeney and acknowledged the foregoing instrument to be their act and deed.

Before me,

Norman R. Belanger
Notary Public/Attorney-at-law

NORMAN R. BELANGER
Print or Type Name

My Commission Expires: _____

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine and more particularly bounded and described as follows:

Two certain lots or parcels of land situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, on the northeasterly side of Wiley Street (also known as Wiley Avenue) and westerly side of Island Avenue, being lots numbered Two and Three in Section "A" as described on the plan and in the division of the Estate of Mary A. Brackett in the Probate Court in said County of Cumberland and State of Maine, said Plan also being recorded in Plan Book 12, Page 101 of the Cumberland County Registry of Deeds.

Meaning and intending to convey the same two lots conveyed to John E. Feeney and Lorraine L. Feeney, as joint tenants, by deed of William L. Cass dated June 9, 1980 and recorded in the Cumberland County Registry of Deeds in Book 4612, Page 320. Reference is also made to a warranty deed from John E. Feeney and Lorraine L. Feeney to John E. Feeney and Lorraine L. Feeney, as tenants in common, recorded on May 6, 1994 in Book 11421, Page 171 of said Registry.

RECEIVED
RECORDED REGISTRY OF DEEDS

96 SEP 30 PM 3:12

CUMBERLAND COUNTY

John B. O'Brien

Stefanie Nichols

From: Barbara Barhydt <BAB@portlandmaine.gov>
Sent: Thursday, April 16, 2015 3:07 PM
To: Stefanie Nichols
Subject: RE: House Island and Hannigan's Market

COPY

Categories: 897

Hi Stephanie:

I confirmed with Ann that the retaining wall would not count as lot coverage.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> Stefanie Nichols <Snichols@mohrseredin.com> Thursday, April 16, 2015 1:32 PM >>>

Thank you. I forgot about it as well. The lot coverage question was the first item that SM asked about when we spoke this morning!

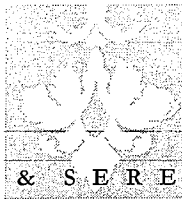
From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Thursday, April 16, 2015 1:13 PM
To: Stefanie Nichols
Subject: RE: House Island and Hannigan's Market

No. I apologize, I forgot. I will ask today.

>>> Stefanie Nichols <Snichols@mohrseredin.com> Thursday, April 16, 2015 12:08 PM >>>

Hi again, I have another quick question. SM asked if you inquired about the gabions being considered in the lot coverage area calculation.

Best, Stefanie



M O H R & S E R E D I N

Landscape Architects, Inc.

EROSION AND SEDIMENTATION CONTROL PLAN

For:
Hannigan's Market Site
76 Island Avenue-Peaks Island
Portland, Maine

April 24, 2015

INTRODUCTION

The following plan for controlling sedimentation and erosion in this project is based on conservation practices found in the Maine Erosion & Sediment Control BMPS Manual, Maine Department of Environmental Protection (DEP), March 2003, or latest edition. The contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

The project work area is limited to ± 800 SF \pm of a 0.22 acres lot locally known as Hannigan's Market located on Peaks Island in Portland, Maine. The proposed site work consists of the construction of 75 LF stone-filled and vegetated gabion retaining wall, relocation of an existing fence gate and landscaping at the rear of the property. The site is located within the Shoreland Zone inland from the 75' resource setback and is not located in a floodway. The site slopes toward Casco Bay and the grade will be matched at the top of the gabion to the existing lawn grade. There is no evidence of severe erosion evident within the proposed work area.

GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following is a list of general erosion control practices that are used to prevent erosion and sedimentation before, during and after the construction of this project. In addition, special care shall be used at all times to:

1. Limit disturbance and, hence, erosion,
2. Correct any erosion problems immediately,
3. Regularly monitor the implemented practices, especially after every rainfall,
4. Revegetate disturbed areas as soon as possible after construction,
5. Topsoil shall not be removed from the site.

Haybales and/or Silt Fence and Erosion Control Mix Sediment Barriers:

As noted on plans, haybales and/or silt fencing is installed at the toe of slope/edge of construction activities.

Construction Entrance

The existing access way over Boathouse Way off Island Avenue will serve as the construction entrance to the rear of the property. The site contractor(s) shall monitor site conditions and shall pay close attention that construction-related vehicles do not track mud onto Island Avenue. Island Avenue shall be swept daily should mud or debris be tracked onto the pavement.

CONSTRUCTION PHASE

The following general practices will be implemented to prevent erosion during construction on this project:

1. Only those areas under active construction will be left in an untreated or unvegetated condition. Once construction of an area is complete, final grading, loaming and seeding shall occur immediately. If final grading, loaming and seeding cannot occur immediately, it shall be done prior to any storm event and within 15 days of completing construction in the area. If final grading, loaming and seeding cannot occur within 15 days, or if the area is not under active construction for a period longer than 15 days, see Item No. 5 below.
2. Prior to the start of construction, silt fencing, haybales or erosion control mix sediment barriers will be installed at the toe of slope and in areas as located on the plans to protect against any construction related erosion.
3. Topsoil will not be removed from the site.
4. All disturbed areas expected to remain longer than 15 days shall be:
 - A. Treated with straw at a rate of 70-90 lbs. per 1000 square feet from 4/14 to 10/1, or at a rate of 150-200 lbs. per 1000 square feet from 10/1 to 4/15.
 - B. Seeded with conservation mix of perennial rye grass (1.0 lbs/1000 sq.ft.) and mulched immediately. From 10/1 to 4/15, follow the seeding rates as outlined below in sub-section 4.D. of the "Post Construction Revegetation" section.
 - C. Monitored every two weeks until seeding can occur and remulched as needed to protect slopes.
5. All grading of soil will be held to a maximum 3:1 slope where practical. Greater slopes may be used where the banks are protected with soft armour matting, erosion control matting, or erosion control mix. All slopes will be stabilized with permanent seeding immediately after final grading is complete. (It is understood that immediately means within 5 days of the completion of work. See Post-Construction revegetation for seeding specification.)
6. Construction traffic will be directed over the aforementioned construction entrance into the site area. Any areas subject to rutting will be stabilized immediately by application of a layer of crushed stone. Island Avenue shall be swept daily should mud or debris be tracked onto the pavement.

POST CONSTRUCTION REVEGETATION

The following general practices will be implemented to prevent erosion as soon as an area is ready to undergo final grading:

1. A minimum of 4" of loam will be spread over disturbed areas and graded to a uniform depth and natural appearance.

2. An area shall be mulched immediately after it has been graded. Mulching shall consist of hay mulch, hydro-mulch or any suitable substitute deemed acceptable by the site Design Professional.
3. Construction shall be planned to eliminate the need for seeding between October 1st and April 15th. Should seeding be necessary between these dates, the following procedure shall be followed:
 - A. Only unfrozen loam shall be used.
 - B. Loaming, seeding and mulching will not be done over snow or ice cover. If snow exists, it must be removed prior to placement of seed.
 - C. Where permanent seeding is necessary, Annual Winter Rye (1.2 lbs/1000 s.f.) shall be sown instead of the previously noted seeding rate.
 - D. Where temporary seeding is required, Annual Winter Rye (2.5 lbs/1000 s.f.) shall be sown instead of the previously noted seeding rate.
 - E. Fertilizing, seeding and mulching shall be done on loam the day the loam is spread.
 - F. Hay mulch shall be secured with photodegradable/biodegradable netting. Tracking by machinery alone will not suffice. Winter mulching rates, as specified above in subsection 5.A. of the "Construction Phase" section, should be applied during this period.
4. Following final seeding, the site will be inspected every 30 days until 80% cover has been established. Reseeding will be carried out by the contractor within 10 days of notification by the design professional that the existing catch is inadequate.

MONITORING SCHEDULE

The site contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so. Maintenance measures will be applied as needed during the entire construction cycle. Immediately following any significant rain fall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follow:

1. Haybale barriers, silt fence and erosion control mix sediment barriers shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of 6" and redistributed to areas undergoing final grading. Should haybale barriers prove to be ineffective, the contractor shall install silt fence behind the haybales.
2. Construction entrance shall be visually inspected daily. Island Avenue shall be swept should mud or debris be deposited/tracked onto it.

EROSION CONTROL REMOVAL

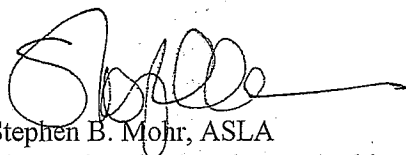
An area is considered stable if it is paved or if 80% growth of planted seeds are established. Once an area is considered stable, the erosion control measures can be removed as follows:

1. Haybales and Silt Fence

The haybales and silt fence shall be disposed of legally and properly off-site. All sediment trapped behind these controls shall be distributed to an area undergoing final grading or removed and relocated off-site.

2. Erosion Control Mix Sedimentation Barrier: Any sediment deposits remaining in place after barrier is no longer required should be spread to conform to the existing grade and be seeded and mulched in accordance with the Landscaping Plan. When the barrier is removed, it can be spread out into the landscape in an area selected by the Landscape Architect.

The above erosion controls must be removed within 30 days of final stabilization of the site. Conformance with this plan, and following these practices will result in a project that complies with the State Regulations and the Standards of the Natural Resources Protection Act (NRPA), and will protect water quality in areas downstream from the project.



Stephen B. Mohr, ASLA
Licensed Maine Landscape Architect #75
Mohr & Seredin Landscape Architects, Inc.

F:\Projects\897 Hannigans Market\City\897.ESC Plan.doc



F14NE

F15NW

F15NE

F14SE

F15E

E14NE

E15NW

E15NE

ZONE A2
(EL. 9)

x
RM 44

SITE



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
PORTLAND, MAINE
CUMBERLAND COUNTY

PANEL 15 OF 17
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
230051 0015 B

EFFECTIVE DATE:
JULY 17, 1986



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov