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mid end
dec.*

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 2012-587 **Application Date:** 9/4/2012 12:00:00 AM
CBL: 159-G-1
Project Name: North Storage Conduit
Address: Baxter Blvd. (North) and southeast corner of Payson Park

Project Description: Realignment and widening of Back Cove trail and construction of a precast concrete bld. for CSO control room.
Zoning:
Other Reviews Required:
Review Type: Level 1 Site Alteration

Distribution List:

<input type="checkbox"/> Planner	Jean Fraser	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Civil Engineer	David Sensus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> DRC Coordinator	Phil DiPierro
		<input type="checkbox"/> Outside Agency	

Comments needed by (7 days later):

*sent
pdfs
direct to
reviewers
9-19-12.*

PROJECT NAME: Baxter Boulevard North Storage Conduit

PROPOSED DEVELOPMENT ADDRESS:
North Baxter Boulevard & southeast corner of Payson Park

PROJECT DESCRIPTION:
1.) Realignment and widening of Back Cove trail at old bridge deck; 2.) Construction of 10'x10' precast concrete building to serve as combined sewer overflow (CSO) control room.

CHART/BLOCK/LOT: Payson Park: 159-G-1, 163-L-6, 164-A-1-3, 165-A-1, 166-A-9, 167-B-1

CONTACT INFORMATION:	Applicant's Contact for electronic plans Name: Brad Roland, P.E. e-mail: BRAD@portlandmaine.gov work #:(207) 874-8846
Applicant – must be owner, Lessee or Buyer Name: City of Portland Business Name, if applicable: Address: 55 Portland St. City/State :Portland, ME Zip Code:04102	Applicant Contact Information Work # (207) 874-8699 Home# N/A Cell # N/A Fax# (207) 756-8256 e-mail: BRAD@portlandmaine.gov
Owner – (if different from Applicant) Name: Address: City/State : Zip Code:	Owner Contact Information N/A - City Project Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Craig Burgess P.E., Sebago Technics Address: 75 John Roberts Rd., Suite 1A City/State : South Portland, ME Zip Code: 04106-6963	Agent/Representative Contact information Work # (207) 200-2081 Cell # N/A e-mail: cburgess@sebagotechnics.com
Billing Information N/A - City Project Name: Address: City/State : Zip Code:	Billing Information N/A - City Project Work # Cell # Fax# e-mail:

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 Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: <i>Craig Burgess</i>	Date: <i>08/28/12</i>
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Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

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

Total Site Area	N/A	sq. ft.
Proposed Total Disturbed Area of the Site	+/- 13,000	sq. ft.
IMPERVIOUS SURFACE AREA		
• Proposed Total Paved Area	0	sq. ft.
• Existing Total Impervious Area	100	sq. ft.
• Proposed Total Impervious Area	100	sq. ft.
• Proposed Impervious Net Change	+ 100	sq. ft.
PARKING SPACES		
• Existing Number of Parking Spaces	N/A	
• Proposed Number of Parking Spaces	N/A	
TOTAL Number of Parking Spaces	N/A	

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees. N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest. N/A - City Land
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits. See copies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity. N/A - SFR/CIP Funded

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Site Plan Including the following:
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Details of proposed pier rehabilitation (Shoreland areas only).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed stormwater management and erosion controls.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Total area and limits of proposed land disturbance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing vegetation to be preserved and proposed site landscaping.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed easements or public or private rights of way.

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 1. Impact on surrounding street systems,
 2. Access and circulation, and
 4. Parking
- (b) Environmental quality standards
 1. Preservation of significant natural features,
 2. Landscaping and landscape preservation, and
 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 1. Consistency with city master plans.
- (d) Site design standards
 5. Historic resources,
 6. Exterior lighting,
 8. Signage and wayfinding, and
 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

as sent for signing

November 16th, 2012

Brad Roland, PE
City of Portland
Department of Public Services
55 Portland Street
Portland, ME 04102

Craig Burgess, PE
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106-6963

Project Name: **Baxter Boulevard and Back Cove Trail Improvements and Structures associated with City of Portland CSO Project**
Project ID: 2012-587
Address: North Baxter Boulevard and southeast corner Payson Park
CBL: 159-G-1
Applicant: City of Portland Department of Public Services
Planner: Jean Fraser

Dear Sirs:

On November 16th, 2012, the Planning Authority approved with conditions a Level I: Site Alteration site plan for realignment and widening of Back Cove Trail; construction of a precast concrete control room and other small structures; paving of the parking lot immediately adjacent Baxter Boulevard; and associated planting.

The decision is based upon the application, documents and plans as submitted by Brad Roland, PE (DPS) and prepared by Sebago Technics, including Sheets 11, 12, and 26, dated 10.31.2012. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

11-16-2012 OK

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. That the applicant shall obtain the approval of the Historic Preservation Board for the precast concrete control building, vents and the details of the delineation between Baxter Boulevard and the parking area intended to be paved, prior to the commencement of any work on these items; and
2. That the project shall address the tree protection, tree replacement and treatment of disturbed areas recommendations as outlined in the e-mail from the City Arborist dated 11.15.2012 (attached); and

3. That the applicant shall monitor the plantings, and the plantings shall be replaced or maintained as necessary to achieve 85% survival after one full growing season and for the life of the project (see also MDEP NRPA Permit); and
4. That the final restoration and paving of Baxter Boulevard shall include the tightening of the radii and narrowing of the street width at the two access drives into Payson Park, just to the east of the approved improvements and as shown on the attached sketch plan.

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

The project is also subject to Army Corps Permit # NAE-2012-02263 dated 10.23.2012 and to MDEP NRPA Permits L-24096-4E-D-N; L-24096-TW-E-N; and L-24096-FS-F-N, all dated 10.26.2012.

STANDARD CONDITIONS OF APPROVAL

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

1. **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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **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 and obtain a "Site Work Only" Building Permit.
3. **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.
4. **Inspection Fees** An inspection fee payment of \$300 and seven (7) final sets of plans must be submitted to the Planning Division 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.
5. **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.

6. **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.)
7. **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.

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.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,

Alexander Jaegerman, FAICP
 Planning Division Director

Attachments:

1. E-mail from City Arborist, Jeff Tarling, dated 11.15.2012
2. Sketch over aerial re Payson Park access drives (from Brad Roland on 11.14.2012)

cc:

Jeff Levine, AICP, Director of Planning and Urban Development
 Alexander Jaegerman, FAICP, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 Deb Andrews, Historic Preservation Program Manager
 Philip DiPierro, Development Review Coordinator, Planning
 Marge Schmuckal, Zoning Administrator, Inspections Division
 Tammy Munson, Inspection Division Director
 Lannie Dobson, Administration, Inspections Division
 Gayle Guertin, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services

Bill Clark, Project Engineer, Public Services
 David Margolis-Pineo, Deputy City Engineer, Public Services
 Doug Roncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services
 Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Rhonda Zazzara, Field Inspection Coordinator, Public Services
 Jane Ward, Administration, Public Services
 Jeff Tarling, City Arborist, Public Services
 Jeremiah Bartlett, Public Services
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department

Approval Letter File

From: Jeff Tarling
To: Jean Fraser
CC: Bradley A. Roland; David Margolis-Pineo
Date: 11/15/2012 2:09 PM
Subject: Back Cove CSO Project

Hi Jean -

In review of the Back Cove CSO project we would request the following:

a) Tree protection standards - existing Linden trees along Baxter Boulevard should be protected with the standard tree protection measures. This would include construction fencing / protection of the tree root zone, language in the contract to include no storage of construction equipment or materials within the drip line area of existing trees. Pro-active tree pruning prior to construction activities is needed to reduce the possible damage to the trees in the project zone. This is typical of our past stormwater projects and has proven to be valuable in this regard.

The web sites below outline information on preventing tree damage:

http://treesaregood.com/treecare/resources/Avoiding_Tree%20damage.pdf

<http://www.extension.umn.edu/distribution/housingandclothing/DK6135.html>

b) Tree replacement - In the event that existing trees are lost due to construction tree replacement value of \$200 per tree to fund replacement can be contributed to the Portland Tree Trust fund for replanting. We would prefer to plant the replacement trees using 'in-house' crews.

c) Slope / shoreline stabilization - All disturbed areas with the Shoreland Zone shall be re-seeded, and planted with native shrubs. This may include: Comptonia or 'Sweetfern', Bayberry or Juniper.

In review of the tree & landscape impact - we have been working closely with the project team to outline protection measures and replanting efforts.

Thanks,

Jeff Tarling
City Arborist



Level I

MINOR SITE PLAN DEVELOPMENT REVIEW

Final review and sign off

incl. paving of pkg lot + enclosed building.

PROJECT: CSU Boxtel Application #: 2012-587

Date of completion: 11-16-12

Review item	Status	Who signed off on this
Evidence of Right, Title & Interest	Owned by City	
MDEP/MP etc issues	ref NRPA Permit	rec'd
Additional info provided as requested:	Requested overall plan + NRPA documentation	
Access and parking layout (including contributions)	N/R	Tom Emco not req. to review
Bicycle parking	N/R	
Stormwater Management	Provided further info.	DS sign off
Other engineering issues	none	
Zoning	N/R no chg.	
Fire Department	N/R.	
Building materials etc	HP review.	
Landscape Pres New	HP review. + Jeff	Comments Jeff 11-15-12
Two trees/lot; two foundation plantings per lot	N/R	—
Lighting	none proposed.	
Letter of financial capability	N/R	—
Capacity letter water	N/R	—
Capacity letter sewer	N/R	—
Sidewalk/Curbing	N/R	—
Dumpster location and enclosure/waste collection		
Other issues Conditions	① inclusion tightening radii ② HP approval re control hdg, vents + delineation pkg area. ③ landscape measures.	

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: November 7, 2012
RE: Level I Site Plan Application – Baxter Blvd Storage Conduit Utility Building and Trail Work

Woodard & Curran has reviewed the Level I Site Alteration Application for the Baxter Boulevard CSO Storage Conduit project. Specifically, the Level I Site Alteration application addresses a new utility building and trail improvements associated with the construction of the overall project. The plans were recently revised and resubmitted based on the MaineDEP's NRPA review process.

Documents Provided By Applicant

- MaineDEP NRPA Submission dated September 4, 2012, prepared by Sebago Technics, on behalf of City of Portland Department of Public Services.
- Revised MaineDEP NRPA Submission dated October 2, 2012, prepared by Sebago Technics, on behalf of City of Portland Department of Public Services.
- MaineDEP Land Use Permit, dated October, 2012.
- Army Corps of Engineers Maine General Permit Authorization Letter and Screening Summary dated October 23, 2012.
- Engineering Plans, Sheets 11, 12, 22 & 26.

Comments

- 1) We have no comments regarding the revisions from the review of the NRPA application by MaineDEP.

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: October 10, 2012
RE: Level I Site Plan Application – Baxter Blvd Storage Conduit Utility Building and Trail Work

Woodard & Curran has reviewed the response to comments on the Level I Site Alteration Application for the Baxter Boulevard CSO Storage Conduit project. Specifically, the Level I Site Alteration application addresses a new utility building and trail improvements associated with the construction of the overall project.

Documents Provided By Applicant

- Response to Comments Letter dated September 27, 2012, prepared by Sebago Technics, on behalf of City of Portland Department of Public Services.
- Engineering Plans, Sheets 3, 4, 26 & 27.

Comments

- 1) The applicant has adequately addressed the review comments contained in the September 25, 2012 memo from Woodard & Curran. We understand that modifications may be required to the proposed trail location and rip-rap lined fill slope based on review of the NRPA application by MaineDEP. If plan revisions are required, please forward any revised plans with an explanation of the revisions so that we may complete a review.

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: November 7, 2012
RE: Level I Site Plan Application – Baxter Blvd Storage Conduit Utility Building and Trail Work

Woodard & Curran has reviewed the Level I Site Alteration Application for the Baxter Boulevard CSO Storage Conduit project. Specifically, the Level I Site Alteration application addresses a new utility building and trail improvements associated with the construction of the overall project. The plans were recently revised and resubmitted based on the MaineDEP's NRPA review process.

Documents Provided By Applicant

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- Revised MaineDEP NRPA Submission dated October 2, 2012, prepared by Sebago Technics, on behalf of City of Portland Department of Public Services.
- MaineDEP Land Use Permit, dated October, 2012.
- Army Corps of Engineers Maine General Permit Authorization Letter and Screening Summary dated October 23, 2012.
- Engineering Plans, Sheets 11, 12, 22 & 26.

Comments

- 1) We have no comments regarding the revisions from the review of the NRPA application by MaineDEP.

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: September 25, 2012
RE: Level I Site Plan Application – Baxter Blvd Storage Conduit Utility Building and Trail Work

Woodard & Curran has reviewed the Level I Site Alteration Application for a new utility building and trail improvement project along Baxter Boulevard in Portland, Maine. The utility building and trail improvement project are associated with a larger overall combined sewer overflow abatement project currently in design by the City, which proposes storage conduit within Baxter Boulevard. The City Department of Public Services has submitted an NRPA Permit application to the MaineDEP for the project.

Documents Provided By Applicant

- Site Plan Application and attachments dated August 28, 2012, prepared by Sebago Technics, on behalf of City of Portland Department of Public Services.
- Engineering Plans, Sheets 11, 12, 22 & 31.

Comments

- 1) The Applicant should provide additional information on the installation and/or replacement of slope stabilization riprap, including stone size, and thickness.
- 2) The Applicant should provide design details for the work (trail section, slope stabilization details, erosion control details).
- 3) A Level I Site Plan Submission is required to include proposed stormwater management controls and a soil erosion control plan (*City of Portland Land Use Code, Article V. Site Plan, Section 14-527(b) (12) and (13)*). Level 1 Site Alteration Plans are required to conform with certain site plan standards contained in the City Code of Ordinances, (*City of Portland Land Use Code, Article V. Site Plan, Section 14-526(b)3. – b,c,d*) specifically conformance with the Basic, General, Flooding, and Urban Impaired Stream standards
 - a) Basic Standards: Plans, Notes, and Details should be provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standards: The project will result in a de minimis increase in impervious area of approximately 100 square feet. As such, the project is not required to include any specific stormwater management features for stormwater quality control.
 - c) Flooding Standards: The project will result in a de minimis increase in impervious area of approximately 100 square feet. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.

Jean Fraser - Back Cove CSO Project

From: Jeff Tarling
To: Jean Fraser
Date: 11/15/2012 2:09 PM
Subject: Back Cove CSO Project
CC: Bradley A. Roland; David Margolis-Pineo

Hi Jean -

In review of the Back Cove CSO project we would request the following:

a) Tree protection standards - existing Linden trees along Baxter Boulevard should be protected with the standard tree protection measures. This would include construction fencing / protection of the tree root zone, language in the contract to include no storage of construction equipment or materials within the drip line area of existing trees. Pro-active tree pruning prior to construction activities is needed to reduce the possible damage to the trees in the project zone. This is typical of our past stormwater projects and has proven to be valuable in this regard.

The web sites below outline information on preventing tree damage:

http://treesaregood.com/treecare/resources/Avoiding_Tree%20damage.pdf

<http://www.extension.umn.edu/distribution/housingandclothing/DK6135.html>

b) Tree replacement - In the event that existing trees are lost due to construction tree replacement value of \$200 per tree to fund replacement can be contributed to the Portland Tree Trust fund for replanting. We would prefer to plant the replacement trees using 'in-house' crews.

c) Slope / shoreline stabilization - All disturbed areas with the Shoreland Zone shall be re-seeded, and planted with native shrubs. This may include: Comptonia or 'Sweetfern', Bayberry or Juniper.

In review of the tree & landscape impact - we have been working closely with the project team to outline protection measures and replanting efforts.

Thanks,

Jeff Tarling
City Arborist

Jean Fraser - Fwd: Re: Modification of the two access roads from Baxter Blvd to Payson Park

From: William Needelman
To: Bradley Roland; David Margolis-Pineo
Date: 11/14/2012 11:08 AM
Subject: Fwd: Re: Modification of the two access roads from Baxter Blvd to Payson Park
CC: Andrews, Deb; Barbara Barhydt ; Fraser, Jean

Dave, Brad,

Please see below Deb Andrews' approval of the Payson Park drive modifications.

Thank you for your addressing this so promptly.

Bill

Bill Needelman, AICP
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.

(207) 756-8258 fax.

wbn@portlandmaine.gov>>> Deb Andrews 11/14/2012 10:56 AM >>>

Bill:

I have reviewed the proposed Payson Park Drive modifications and determined that the changes will have a diminuous impact on the Baxter Boulevard Historic Landscape District. As such, please consider this e-mail as approval of the proposed alterations.

Deb Andrews

>>> William Needelman 11/14/2012 9:11 AM >>>

Deb, Please take a look at the Payson Park Drive modifications and let me know the best way that we can process. Thank you. Bill

Bill Needelman, AICP
Senior Planner
Planning and Development Department

City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

(207) 874-8722 tel.

(207) 756-8258 fax.

wbn@portlandmaine.gov>>> Bradley Roland 11/14/2012 8:10 AM >>>

I will not make it into the bid package but maybe we can build it this way.

Jeremiah was okay with it

Brad

>>> David Margolis-Pineo 11/7/2012 3:42 PM >>>

I spoke with Brad on this issue. He will sketch options to present for your review shortly. You all were correct that it will not required much to obtain the desired results of slowing people down exiting and entering the park.

Jean Fraser - Fwd: Revised plans for Baxter Blvd North storage conduit & trail work

From: Jean Fraser
To: Andrews, Deb; Barhydt, Barbara; DSenus@woodardcurran.com; Margolis-Pi...
Date: 11/2/2012 3:21 PM
Subject: Fwd: Revised plans for Baxter Blvd North storage conduit & trail work
Attachments: 09006xs1-xsec 8 103112.pdf; 09006D-DETAIL 2 103112.pdf; 09006pp1-BAXTER 1500-2050 103112.pdf; 09006pp1-BAXTER 2050-2650 103112.pdf

Hi

Brad Roland has sent the attached revised plans that update re the trail (following discussions with MDEP) and include the parking lot which Recreation would like to see paved and HP not necessarily supportive.

Deb- can we meet on Monday afternoon so I can understand the issues re the a parking lot (Barbara probably wants to join in); Brad has offered to meet with us anytime to explain etc. as he needs HP comments

Jeff- I have asked for landscape/vegetation plans and they are included in attached

David Senus- theres more info re trail (following issue of NRPA permit) plus the parking lot now included

In addition, the NRPA application, additional info submitted to MDEP, NRPA Permit and Army Corps Permit are all in e-plan as background if needed.

Brad wants to get this out to bid soon so I am hoping to wrap this up (in terms of site plan review) at Dev Rev on Wed Nov 7th.

thanks
Jean

all plans in e-plan (plans)
all permits in e-plan (docs)



28 FOOT STREET WIDTH
IN ALL LOCATIONS

15 FOOT RADIUS IN
ALL LOCATIONS

Jean Fraser - Re: Baxter Blvd North storage conduit & trail work

From: Jean Fraser
To: Roland, Bradley
Date: 10/31/2012 4:32 PM
Subject: Re: Baxter Blvd North storage conduit & trail work

Brad

Please include the plans/details for the parking area and clarify whether there is any expansion or reduction of the impervious area and what other improvements are proposed (?landscaping; curbing; lighting etc).

Possible it could trigger more stormwater management controls but it depends on what area is involved etc.

Jean

>>> Bradley Roland 10/31/2012 3:31 PM >>>

Jean,

I think we should address the parking lot in this application.

HP has not decided if they want it paved or not.

But I have it on the plans as paved because it is easier to not pave than to argue with the contractor to have it paved.

What do you need to add it to the application - a modification submittal?

I have Sebago working on a detail of the trail improvements.

And I have plans dated Oct 15 which I will forward once I have a whole package for you.

Including the Army Corp permit.

Deb said go ahead and bid however I will be making another presentation to HP on Nov 28 discussing the incorporation of their comments from the workshop and the looking for a parking area decision.

Brad

Jean Fraser - Baxter Blvd North storage conduit & trail work

From: Jean Fraser
To: cburgess@sebagotechnics.com
Date: 9/26/2012 4:09 PM
Subject: Baxter Blvd North storage conduit & trail work
CC: Roland, Bradley
Attachments: 2012.09.25 Baxter Blvd Peer Review Memo.pdf

Craig,

I am the planner coordinating the review of the Level 1 Site Alteration proposals for the CSO work on/near Baxter Blvd and Payson Park. The Historic Preservation Review of the small building is currently with Deb Andrews (Historic Preservation Program Manager) and I am concentrating on the other aspects of the proposals.

I understand from Barbara Barhydt that recent meetings with the MDEP indicate that you may need to revise the trail (?and associated areas) part of the design.

I have the following site plan comments:

- ✓ ● Please submit an overall site plan (over a surveyed base) so we can see how the proposals relate to whats on the ground now - this should show the extent of the area disturbed (work limits) and the outline proposals, including any work further into Payson Park;
- ✓ ● Please submit further information to show how the project will address the site plan requirements regarding Chapter 500 standards, as described in the Peer Engineer review comments attached;
 - Once the final trail alignment is known, please submit a landscape plan (for review and approval as part of this Level I review) that clarifies the extent of tree/vegetation removal and the replacement planting and any other new planting that will be incorporated into the project.

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- Planning (Barbara Barhydt and me)
- Parks
- City Arborist
- Deb Andrews
- DPS as appropriate

I am out of the office tomorrow but am available to discuss this further on Friday.

Thank you
Jean

Jean Fraser, Planner
 City of Portland
 874 8728

also
 f/w'd to
 BB, DM-P, JT, DA,
 MS, DS, 9-26-12

Jean Fraser - Fwd: Baxter Blvd North storage conduit & trail work

From: Jean Fraser
To: Roland, Bradley
Date: 10/31/2012 1:33 PM
Subject: Fwd: Baxter Blvd North storage conduit & trail work
Attachments: 2012.09.25 Baxter Blvd Peer Review Memo.pdf

Brad

We can keep the Payson Park issues separate and complete the site plan review for the work in/near the Shoreland Zone once I have the plans.

Could you please clarify whether the plans dated Oct 1 reflected revisions as a result of the MDEP review, and if so, what were these?

thanks
Jean

>>> Jean Fraser 10/31/2012 12:35 PM >>>
Brad

Please see my "review comments" in the attached e-mail sent to you and Craig on Sept 26, 2012. Only the first 2 bullet points have been addressed. I think I mentioned the landscaping issue to you in person on Oct 9th and I think you said a plan would be sent to me (I have not received anything). Also at that time I had understood the project was on hold because of the MDEP concerns. I did remind Deb Andrews re the HP review of the building.

We also need the latest revised plans (Sheets 11 and 12 dated Oct 1, 2012) as referred to in the NRPA permit and it would be good for us to have the application as sent to MDEP plus a copy of the Army Corps Permit (but not the PBR permits). I will expedite the Site Plan Review once I receive the Landscape/Vegetation plans and revised Sheets 11 and 12.

(Please send the latest plans/landscape plan electronically, as Sheets 11 and 12 as submitted electronically to us are dated 11.03.2011 and its the electronic ones that the reviewers look at).

We understand that the proposals include some alterations to Payson Park and would like to see the drawings for that and have the meeting as proposed in the September e-mail to ensure all parties are in the loop- I would be happy to set that up. If you are under time pressure in terms of letting the contract, I think we need to discuss with Barbara Barhydt as to how to move forward on the wider issues that the meeting anticipated discussing.

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I am out of the office tomorrow but am available to discuss this further on Friday.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Fwd: Site Application, Portland CSO Baxter Blvd

From: Jean Fraser
To: DSenus@woodardcurran.com; Errico, Thomas; Margolis-Pineo, David; Schm...
Date: 9/19/2012 1:36 PM
Subject: Fwd: Site Application, Portland CSO Baxter Blvd
CC: Andrews, Deb; Barhydt, Barbara
Attachments: 09006 photos level 1 app 082812.pdf; 09006 signed app level 1 082812.pdf; 09006 signed cover letter 082812.pdf; 09006 SHEET 11 90% 082412.PDF; 09006 SHEET 12 90% 082412.PDF; 09006 SHEET 22 90% 082412.PDF; 09006 SHEET 31 90% 082412.PDF

To all reviewers:

These are not in e-plan as for some reason (computer glitch) this project is not showing in e-plan and Jennifer is not in the office today to sort out. It is 2012--587 in the system.

The project is located within the historic landscape of Baxter Boulevard; Deb Andrews is reviewing the small brick control access building and may also have other comments, but we are focusing on the trail and culvert work.

Please let me have your review comments, bearing in mind that not all of the site plan requirements apply to this Level I application.

thanks
Jean

>>> Barbara Barhydt 9/18/2012 4:39 PM >>>
plans for Baxter Blvd

>>> Bradley Roland Wednesday, September 05, 2012 3:23 PM >>>
Barbara,
the attached site application information
Brad

>>> "Craig Burgess" <cburgess@sebagotechncs.com> 9/5/2012 3:19 PM >>>
Attached is the site application package as requested. Let me know if you have any questions. Thanks.

Craig A. Burgess, P.E.
Project Engineer

www.sebagotechnics.com

An Employee Owned Company

New Address:

75 John Roberts Road - Suite 1A
South Portland, ME 04106-6963

Office: 207.200.2100

Direct Dial: 207.200.2081

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Jean Fraser - Fwd: Baxter Blvd North storage conduit & trail work

From: Jean Fraser
To: Roland, Bradley
Date: 10/31/2012 12:35 PM
Subject: Fwd: Baxter Blvd North storage conduit & trail work
Attachments: 2012.09.25 Baxter Blvd Peer Review Memo.pdf

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Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Re: Baxter Blvd North storage conduit & trail work

From: Bradley Roland
To: Fraser, Jean
Date: 11/2/2012 11:03 AM
Subject: Re: Baxter Blvd North storage conduit & trail work
Attachments: 09006xs1-xsec 8 103112.pdf; 09006D-DETAIL 2 103112.pdf; 09006pp1-BAXTER 1500-2050 103112.pdf; 09006pp1-BAXTER 2050-2650 103112.pdf; 2012 10 23 US Army Corp Permit - NAE-2012-02263 City of Portland.pdf

Good Morning Jean,
 I have several items for you and will run them down in a list.

1. We can certainly have a meeting but just so you know I have been meeting separately with Rec. Their primary issue was the condition of Dyer's Flats when the project is done which has been addressed. If you can find a time when Deb is available to join us I will review everything for anyone you want to invite.

2. I have attached four sheets which further detail the trial improvement - your third bullet.

3. Sheet 11 also has the parking lot information. Deb and the Historic Preservation board have not yet made a decision on the material of the parking lot. I will be bidding it as paved. The lot will remain the exact same size and we will replace the granite at the back edge as it currently exists. I have added to catch basins to the street to help with the existing drainage issues.

I have made the suggestion this morning to Deb of a pervious concrete edging separating the boulevard and the parking area. This was a question of discussion with the HP board. It is not on the plans yet and I am not sure she will even go for it. We can discuss when we meet.

I am happy to leave the parking lot gravel as well. Makes no difference to me. But I will bid as paved as that is the more expensive method.

4. We have addressed all the MDEP environmental concerns as indicated in the receipt of the NRPA permit forward to you the other day.

5. And yes I am under increasing pressure to get this out to bid from all departments. I believe I have meet everyone's need but deb wants me to make a follow prehension to HP on Nov 28 and she understands I can not wait that long to bid. But as she has not presented me with any memo or letter of specific HP needs I have addressed the ir comments from the meeting and her comments from meeting separately. And of course the Maine State HP is asking what the City HP comments were. I have permitting restrictions of time for working in the Cove from IF&W which I will be bumping against in the Spring as it is.

6. Attached is the Army Corp permit as well.

7 . Would love to meet and discuss. Let me know a time.

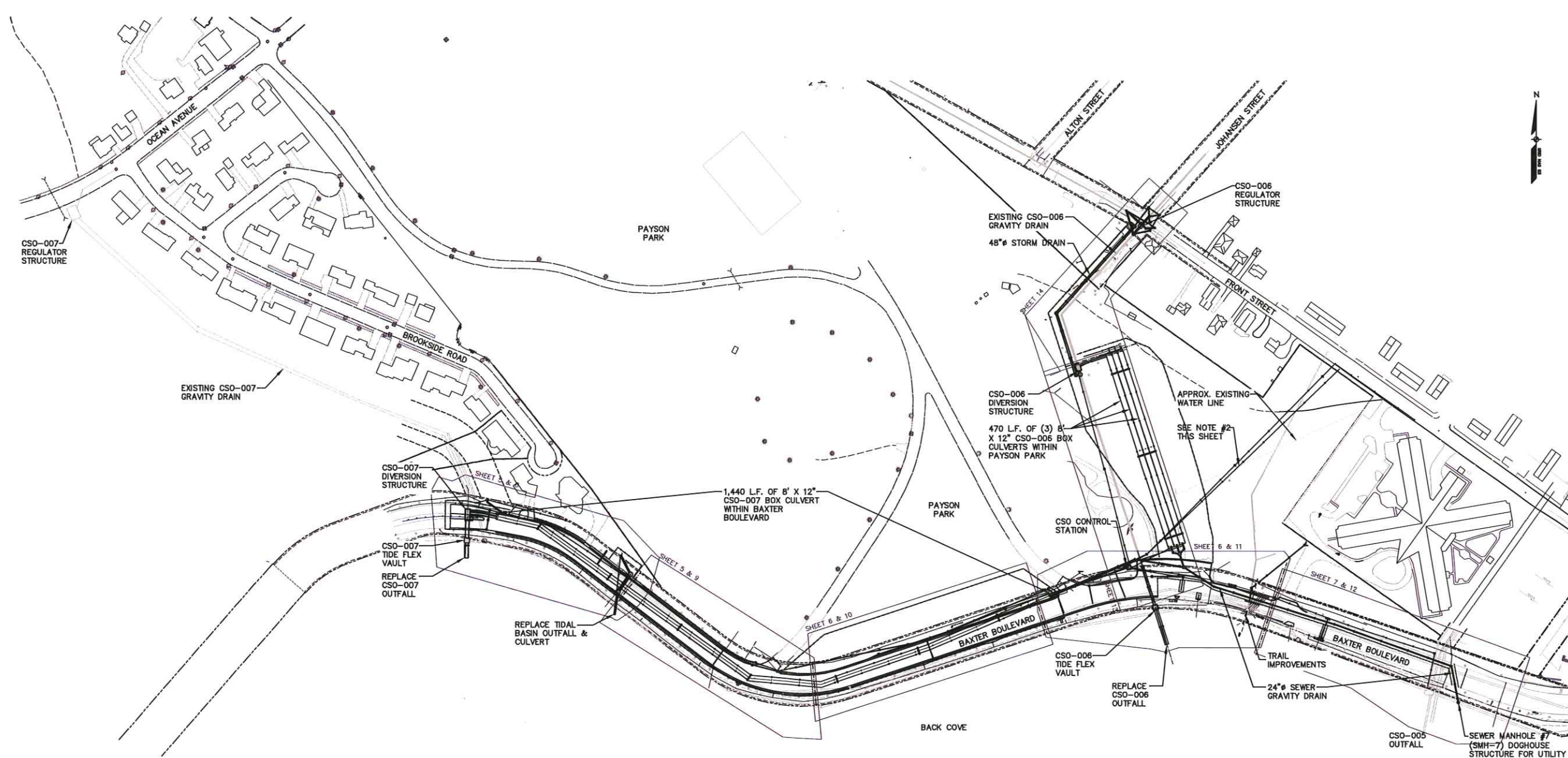
Brad

>>> Jean Fraser 10/31/2012 4:32 PM >>>

Brad

Please include the plans/details for the parking area and clarify whether there is any expansion or reduction of the impervious area and what other improvements are proposed (?landscaping; curbing; lighting etc).

Possible it could trigger more stormwater management controls but it depends on what area is involved etc.



STRUCTURE KEY

STRUCTURE	SHEET(S) #
CSO-006 REGULATORY STRUCTURE	14, 30
CSO-006 DIVERSION STRUCTURE	13, 29
CSO-006 BOX CULVERTS	13, 29
CSO-006 TIDE FLEX VAULT	11, 23
CSO-007 REGULATORY STRUCTURE	28
CSO-007 DIVERSION STRUCTURE	8, 28
CSO-007 BOX CULVERT	8, 9, 10, 11
CSO-007 TIDE FLEX VAULT	8, 24
REPLACE TIDAL BASIN OUTFALL & CULVERT	8
TRAIL IMPROVEMENTS	11, 12
CSO CONTROL STATION	11, 30
24" SEWER GRAVITY DRAIN	11, 12, 13
SEWER MANHOLE #7 (SMH-7) DOGHOUSE STRUCTURE	12, 29

NOTES:
 1. RECREATIONAL TRAIL AROUND BACK COVE SHALL REMAIN OPEN DURING CONSTRUCTION.
 2. THE APPROXIMATE LOCATION OF AN EXISTING WATER LINE IS SHOWN. FIELD VERIFY LOCATION PRIOR TO CONSTRUCTION. REMOVAL AND REPLACEMENT OF THE WATERLINE FOR INSTALLATION OF UNDERGROUND ELECTRIC SHALL BE IN ACCORDANCE WITH THE DETAIL PROVIDED ON SHEET 25

NOT FOR CONSTRUCTION

**CITY OF PORTLAND, MAINE
PUBLIC SERVICES DEPARTMENT
ENGINEERING DIVISION**


**BAXTER BOULEVARD
NORTH STORAGE CONDUIT
OVERALL
DESIGN PLAN**

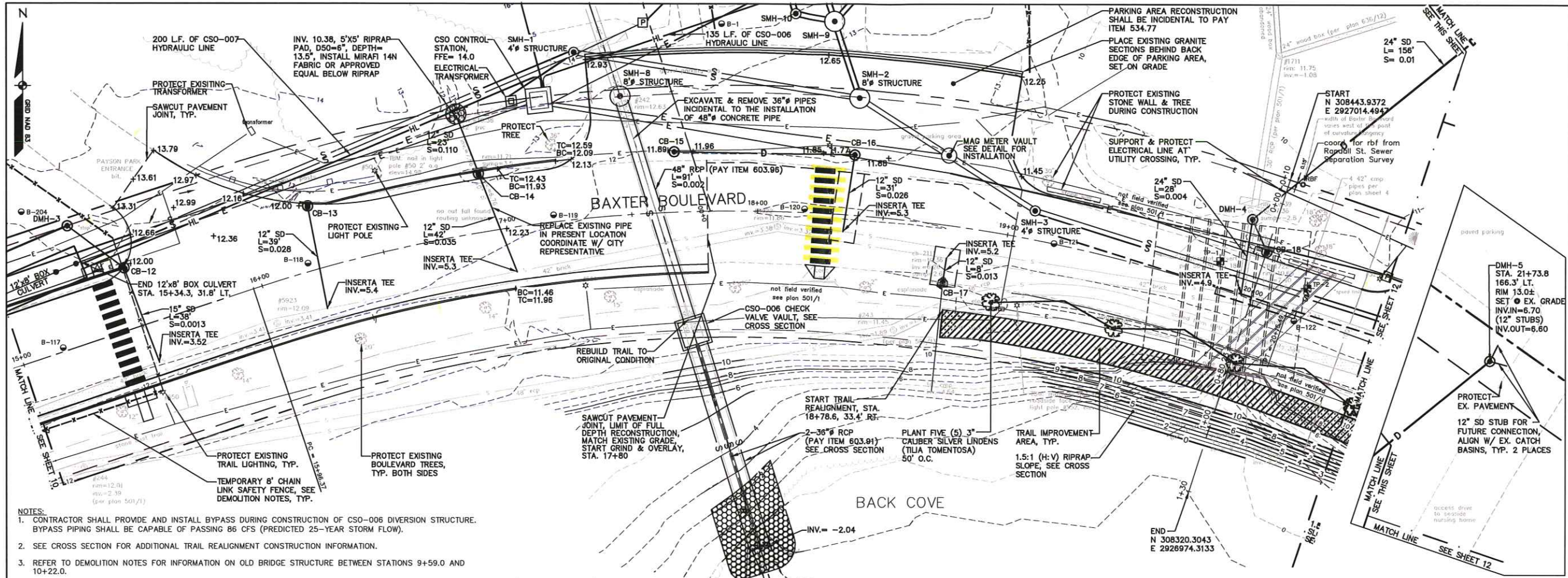
**LDD PROJECT NAME:
BAXTER BOULEVARD
NORTH STORAGE CONDUIT
DRAWING NAME:
090060DP
FIELD BOOK USED:
N/A**

**REFERENCES:
09006 odp.dwg, TAB:36X24**

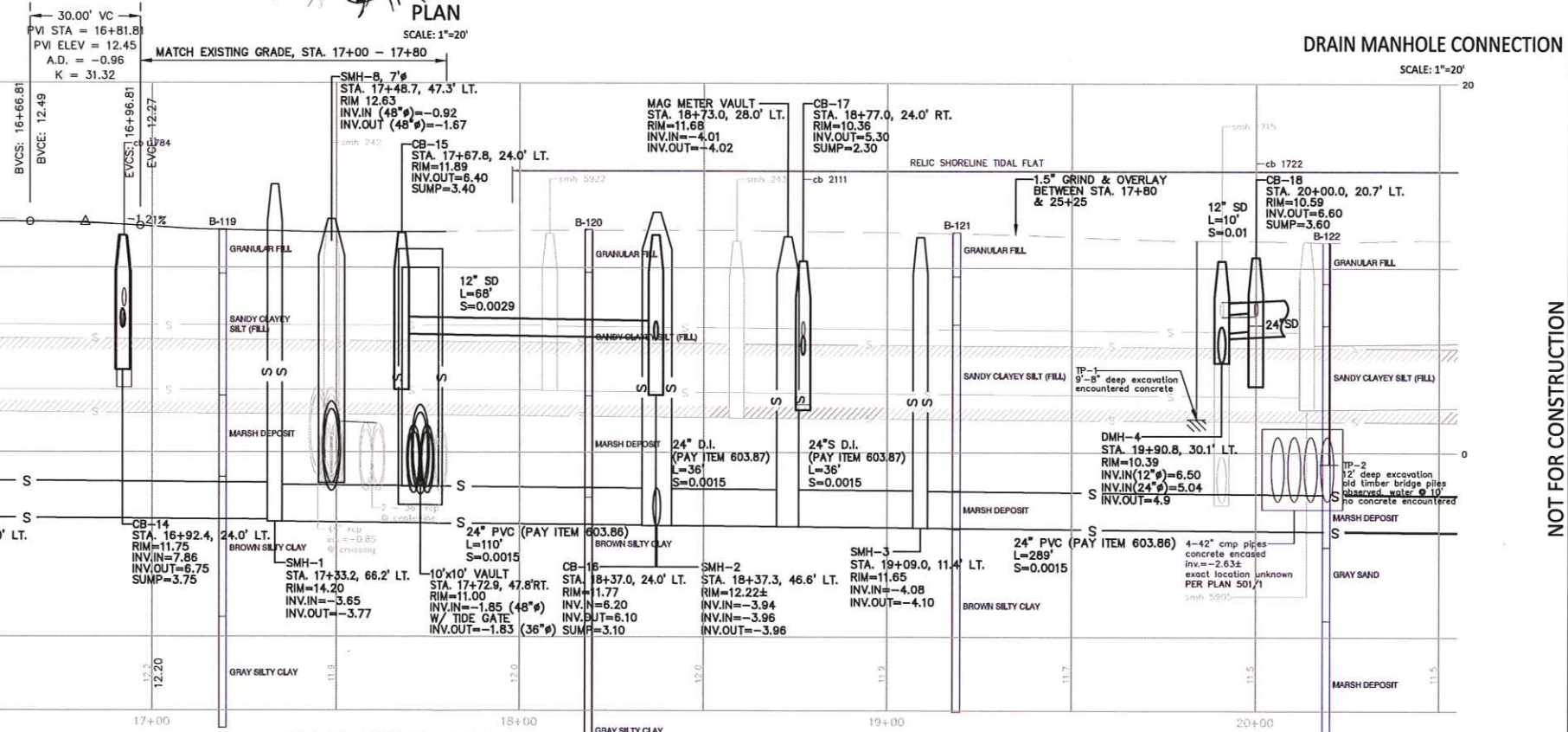
DESIGNED BY:	CAW/CAB
DRAWN BY:	BR/CAB
CHECKED BY:	CAW
SCALE:	1"=132'
DATE:	09-28-2012

**SHEET #
4 OF #PGS
PLAN NUMBER**





- NOTES:**
- CONTRACTOR SHALL PROVIDE AND INSTALL BYPASS DURING CONSTRUCTION OF CSO-006 DIVERSION STRUCTURE. BYPASS PIPING SHALL BE CAPABLE OF PASSING 86 CFS (PREDICTED 25-YEAR STORM FLOW).
 - SEE CROSS SECTION FOR ADDITIONAL TRAIL REALIGNMENT CONSTRUCTION INFORMATION.
 - REFER TO DEMOLITION NOTES FOR INFORMATION ON OLD BRIDGE STRUCTURE BETWEEN STATIONS 9+59.0 AND 10+22.0.
 - LOW PERMEABILITY DAMS OF NATURAL CLAY, BETONITE OR FLOWABLE FILL SHALL BE INSTALLED EVERY 100 FEET ALONG THE BOX CULVERT TO MINIMIZE TIDAL FLOW THROUGH THE BACKFILL. DAMS SHALL EXTEND A MINIMUM 1 FOOT BELOW THE TRENCH BOTTOM, 2 FEET BEYOND THE SIDEWALLS AND UP TO ELEVATION 7.4. DAMS SHALL BE A MINIMUM OF 2 FEET THICKNESS.



PROFILE: BAXTER BOULEVARD
 STA. 15+00 TO 20+50
 SCALE: HORZ. 1"=20'
 VERT. 1"=4'

LDI PROJECT NAME: BAXTER BOULEVARD NORTH STORAGE CONDUIT

DRAWING NAME: 09006PP

FIELD BOOK USED: N/A

REFERENCES: 09006ppi.dwg, TAG: BAXTER 15+00-20+50

DESIGNED BY:	CHKD BY:
DRAWN BY:	APP'D BY:
CHECKED BY:	DATE:
SCALE:	AS NOTED
DATE:	10-11-2012

BAXTER BOULEVARD NORTH STORAGE CONDUIT

PLAN & PROFILE

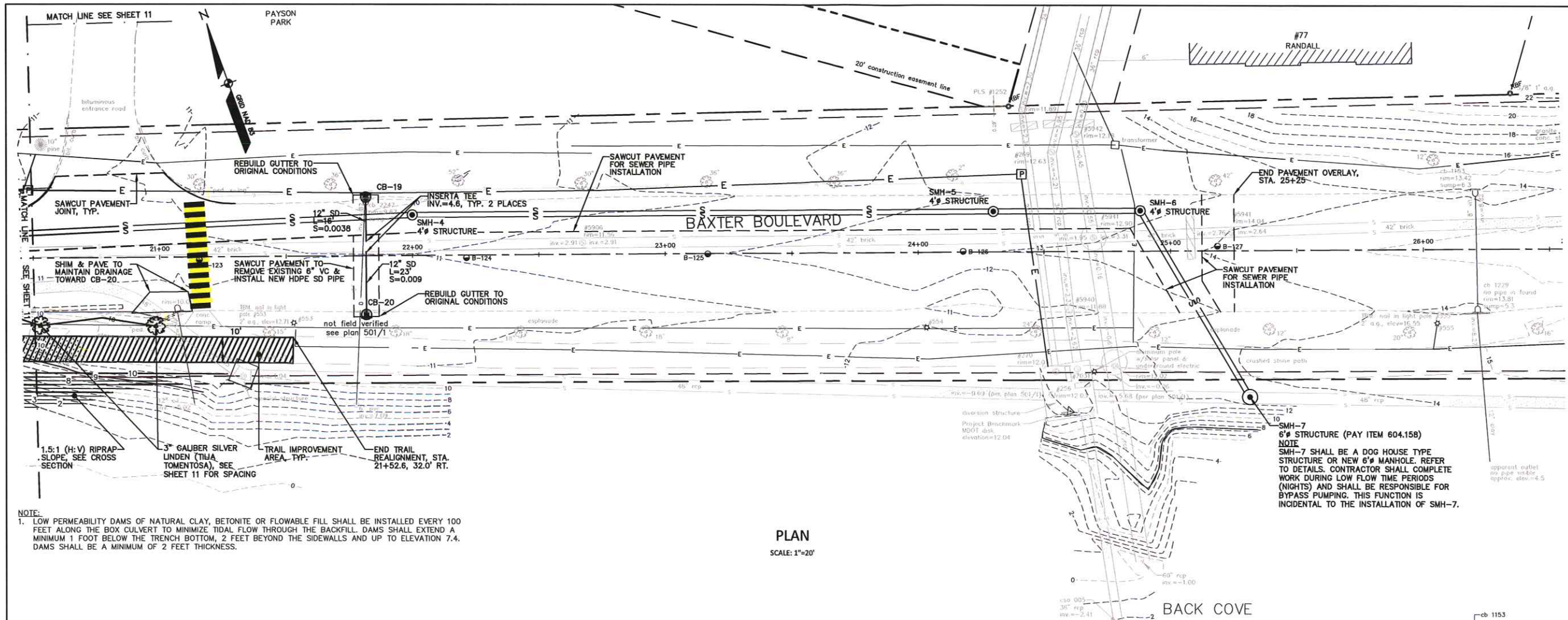
STATIONS 15+00 TO 20+50

NOT FOR CONSTRUCTION

CITY OF PORTLAND, MAINE
 PUBLIC SERVICES DEPARTMENT
 ENGINEERING DIVISION

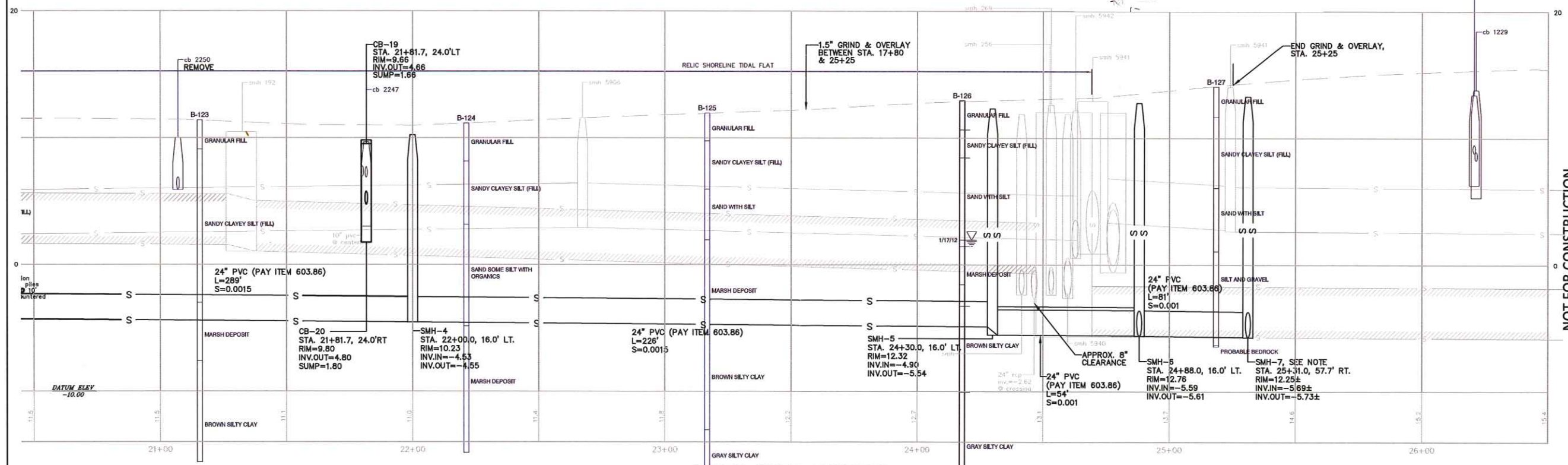
SHEET # 11 **OF** #PGS

PLAN NUMBER



PLAN
SCALE: 1"=20'

NOTE:
1. LOW PERMEABILITY DAMS OF NATURAL CLAY, CONCRETE OR FLOWABLE FILL SHALL BE INSTALLED EVERY 100 FEET ALONG THE BOX CULVERT TO MINIMIZE TIDAL FLOW THROUGH THE BACKFILL. DAMS SHALL EXTEND A MINIMUM 1 FOOT BELOW THE TRENCH BOTTOM, 2 FEET BEYOND THE SIDEWALLS AND UP TO ELEVATION 7.4. DAMS SHALL BE A MINIMUM OF 2 FEET THICKNESS.



PROFILE: BAXTER BOULEVARD
STA. 20+50 TO 26+50
SCALE: HORIZ. 1"=20'
VERT. 1"=4'

LDD PROJECT NAME:
BAXTER BOULEVARD
NORTH STORAGE CONDUIT
DRAWING NAME:
09006PP

FIELD BOOK USED:
N/A

DESIGNED BY:
DAN/CAB

DRAWN BY:
BWF/CAB

CHECKED BY:
COM

SCALE:
AS NOTED

DATE:
10-11-12

REFERENCES:
09006pp1.dwg, TAB: BAXTER 20+50-26+50

DESIGNED BY:
DAN/CAB

DRAWN BY:
BWF/CAB

CHECKED BY:
COM

SCALE:
AS NOTED

DATE:
10-11-12

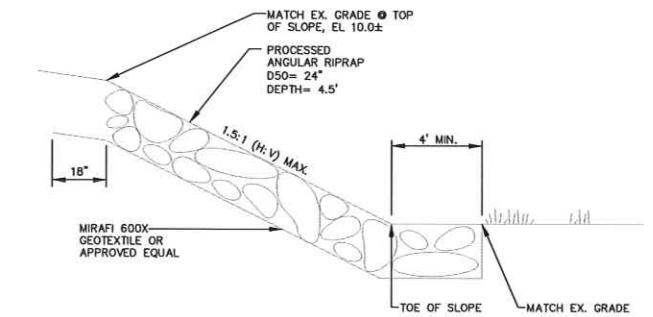
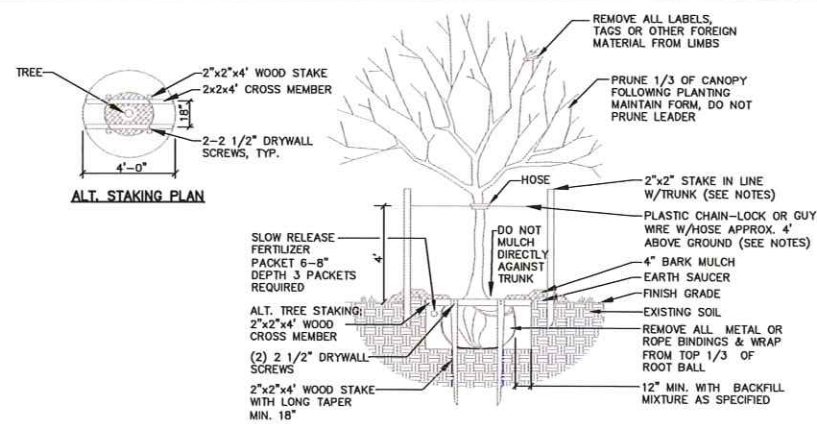
BAXTER BOULEVARD
NORTH STORAGE CONDUIT
PLAN & PROFILE
STATIONS 20+50 TO 26+50

NOT FOR CONSTRUCTION

CITY OF PORTLAND, MAINE
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ENGINEERING DIVISION

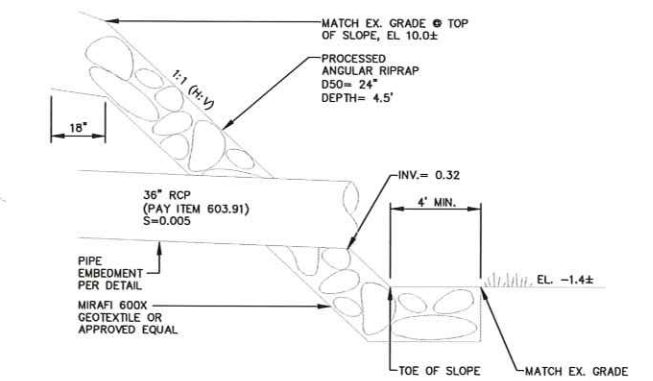
SEAL: RESURGAMMENT OF PORTLAND, MAINE

SHEET #
12 OF #PGS
PLAN NUMBER



NOTES:
 1. UNLESS NOTED OTHERWISE, RIPRAP SLOPE SHALL MATCH EXISTING GRADE, UNLESS SLOPE IS STEEPER THAN 1.5:1 (H:V).
 2. INSTALL GEOTEXTILE FABRIC PER MANUFACTURER'S RECOMMENDATIONS.

TYPICAL RIPRAP SLOPE
 NOT TO SCALE

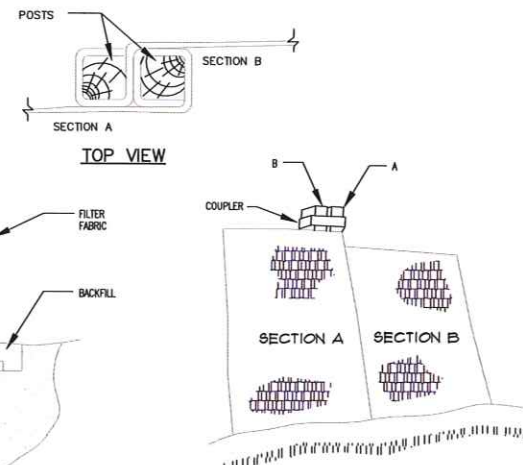


36" OUTFALL STA. 4+61.65' RT.
 NOT TO SCALE



- NOTES:
 1. BURY THE TOP END OF THE MESH MATERIAL IN A 6" TRENCH AND BACKFILL AND TAMP TRENCHING SECURE END WITH STAPLES AT 6" SPACING, 4" DOWN FROM EXPOSED END.
 2. FLOW DIRECTION JOINTS TO HAVE UPPER END OF LOWER STRIP BURIED WITH UPPER LAYERS OVERLAPPED 4" AND STAPLED. OVERLAP B OVER A.
 3. LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS. STAPLE 18" ON CENTER.
 4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.
 5. WIRE STAPLES TO BE MIN. OF #11 WIRE 6" LONG AND 1-1/2" WIDE.
 6. USE NORTH AMERICAN GREEN 1258N OR APPROVED EQUAL.

EROSION CONTROL BLANKET DETAIL
 NOT TO SCALE

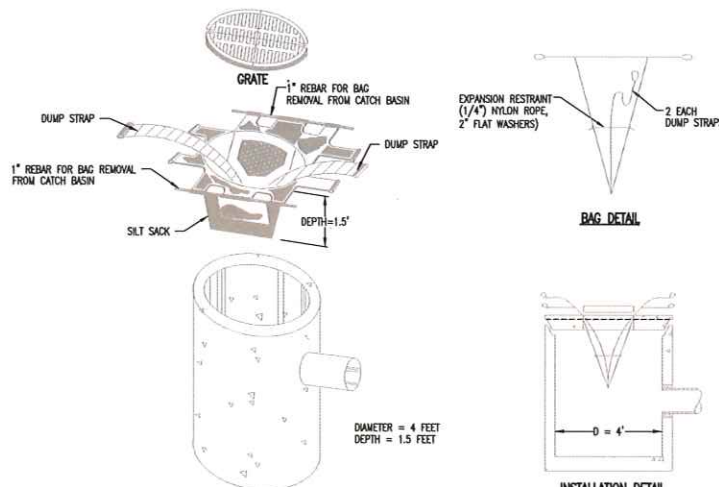


- INSTALLATION NOTES:
 1. EXCAVATE A 6"x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.
 2. UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH.
 3. DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE TRENCH BOTTOM.
 4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH. BACKFILL THE TRENCH AND TAMP THE SOIL. TOE-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMPING FILL AT THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.
 5. JOIN SECTION AS SHOWN ABOVE.
 6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

SILT FENCE
 NOT TO SCALE

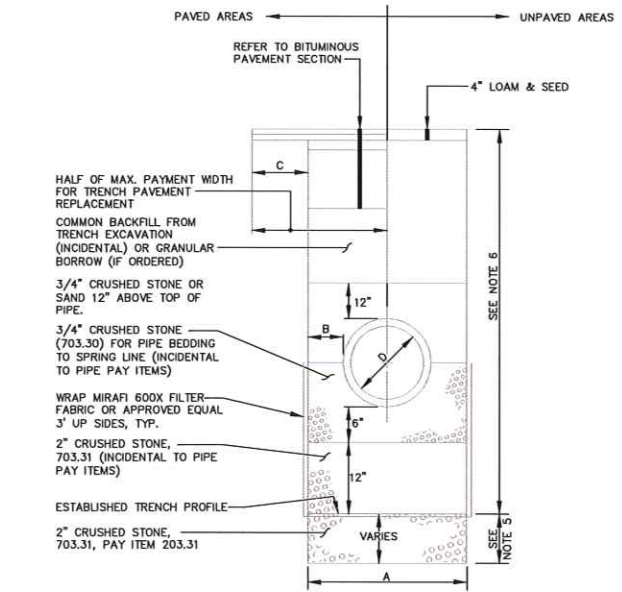
RIPRAP SLOPE CONSTRUCTION NOTES

- PRE-CONSTRUCTION
 1. MEET ON SITE WITH OWNER, SITE CONTRACTOR, AND THE DESIGN ENGINEER TO DISCUSS SCOPE OF WORK AND EXPECTATIONS. DETERMINE LIMITS OF TIDAL "SPARTINA" GRASS.
 2. CONTRACTOR SHALL HAVE ALL MATERIALS APPROVED BY THE DESIGN ENGINEER PRIOR TO INSTALLATION.
 3. SEE LAYOUT & DEMOLITION PLAN FOR LIMITS OF EXISTING PIPE REMOVAL.
- CONSTRUCTION PHASE
 1. STABILIZE DISTURBED AREAS IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL BMP MANUAL, LATEST EDITION. SEE THE EROSION & SEDIMENT CONTROL NOTES AND PLAN FOR ADDITIONAL REQUIREMENTS. PROTECT NEARBY TREES, WHICH ARE PROPOSED TO REMAIN, TO THE EXTENT PRACTICAL. PROTECT THE ROOT ZONE OF THESE TREES.
 2. THE CONTRACTOR SHALL CONSIDER THE TIDE SCHEDULE CAREFULLY; AND SHALL SCHEDULE WORK TO AVOID INTERRUPTIONS OF DAYLIGHT WORKING HOURS WITH HIGH TIDES. WORKING WITHIN TIDAL WATERS IS NOT PERMITTED.
 3. THE CONTRACTOR SHALL ONLY WORK IN AREAS THAT CAN BE COMPLETED DURING EACH CONSTRUCTION DAY. NO AREAS SHALL BE EXCAVATED BY THE CONTRACTOR AND LEFT EXPOSED, AS THESE AREAS WILL BE SUBJECT TO EROSION FROM TIDAL SURGES OR STORM EVENTS.
 4. WITHIN VEGETATIVE AREA PROPOSED TO BE DISTURBED, CAREFULLY REMOVE THE TOP ORGANIC LAYER (12"±) BELOW ELEVATION DETERMINED AT PRECONSTRUCTION MEETING. REMOVE USING METHOD THAT WILL KEEP THE VEGETATION SYSTEM INTACT. STOCKPILE THE ORGANIC LAYER IN A MANNER SO THAT MATERIAL CAN BE REUSED. REMOVE ONLY ENOUGH VEGETATION NEEDED TO INSTALL THE TIDE GATE VAULT AND SEWER PIPE IN ACCORDANCE WITH THE CROSS-SECTION.
 5. LOW PERMEABILITY DAMS OF NATURAL CLAY, BETONITE OR FLOWABLE FILL SHALL BE INSTALLED AS SHOWN TO MINIMIZE TIDAL FLOW THROUGH THE BACKFILL. DAMS SHALL EXTEND A MINIMUM 1 FOOT BELOW THE TRENCH BOTTOM, 1 FOOT BEYOND THE SIDEWALLS AND UP TO ELEVATION 7.8 OR TOP OF FINISHED GRADE. DAMS SHALL BE A MINIMUM OF 2 FEET THICKNESS.
 6. INSTALL RIPRAP SLOPE IN ACCORDANCE WITH THE DETAILS. ONCE THE CHECK VALVE VAULT, SEWER PIPE, BOX CULVERT AND RIPRAP SLOPE ARE COMPLETELY INSTALLED, THE CONTRACTOR SHALL GRADE THE DISTURBED AREAS UNIFORMLY TO MATCH EXISTING TOPOGRAPHY (U.N.O.) AND THE NEW RIPRAP EDGE. SEE RIPRAP DETAIL.
 7. PLACE EXISTING ORGANIC MATERIAL IN DISTURBED VEGETATIVE AREAS BELOW ELEVATION 10, WORKING FROM THE OUTFALL TO THE VAULT. DISTURBED VEGETATIVE AREAS ABOVE ELEVATION 10 SHALL HAVE LOAM AND SEED.
 8. INSPECT THE SITE EVERY TWO WEEKS FOR SIGNS OF EROSION AND ESTABLISHMENT OF VEGETATION. REPAIR ERODED AREAS AND REPLANT VEGETATION TO ESTABLISH 75% VEGETATION CATCH, AS REQUIRED.
 8. IN AREAS REQUIRING REPLANTING, INSTALL NORTH AMERICAN GREEN C1258N EROSION CONTROL FABRIC APPROVED EQUAL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS. USING RAZOR BLADE, CAREFULLY CUT HOLES 1 FOOT O.C. AND IN ROWS SPACED 1 FOOT APART. LOOSELY OFFSET HOLES BETWEEN ROWS FOR APPROXIMATELY 6-8 HOLES PER SQUARE YARD. PLANT CORD GRASS SPARTINA PATENS (SALT MEADOW GRASS) AND SPARTINA ALTERNIFLORA (SMOOTH CORDGRASS) PLUGS IN ALTERNATING FASHION.
 9. CONTINUE TO INSPECT THE SITE EVERY TWO WEEKS FOR SIGNS OF EROSION AND ESTABLISHMENT OF VEGETATION.
 10. THE COST OF REMOVING, STACKING AND REPLACING THE TOP ORGANIC LAYER IN AREAS DISTURBED ALONG BACK COVE FOR PIPE INSTALLATION SHALL BE CONSIDERED INCIDENTAL TO THE APPROPRIATE PIPE ITEM.



- NOTES:
 1. REMOVE THE CATCH BASIN GRATE AND PLACE THE SACK INTO THE OPENING. HOLD OUT APPROXIMATELY SIX (6) INCHES OF THE SACK BEYOND THE BASIN FRAME TO ALLOW ACCESS TO THE "SILT SACK" LIFTING STRAPS. REPLACING THE GRATE BACK INSIDE OF ITS FRAME WILL HOLD THE SACK IN PLACE.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING AND MAINTAINING THIS SEDIMENT CONTROL DEVICE. THE SACK IS CONSIDERED FULL AND READY TO EMPTY WHEN THE "RESTRAINT CORD" IS NO LONGER VISIBLE.
 3. THE "SILT SACK" IS REMOVED BY PLACING TWO (2) PIECES OF 1 INCH DIAMETER REBAR THROUGH THE LIFTING LOOPS LOCATED ON EACH SIDE OF THE SACK AND LIFTING WITH AN APPROPRIATE PIECE OF CONSTRUCTION EQUIPMENT. THE LIFTING STRAPS ARE CONNECTED TO THE BOTTOM OF THE SACK AND THE LIFTING ACTION WILL CAUSE THE SACK TO TURN INSIDE OUT, AND EMPTYING THE CONTENTS. THE SACK SHOULD THEN BE CLEANED, RINSED AND RETURNED TO ITS ORIGINAL SHAPE AND PLACED BACK IN THE BASIN.
 4. THE "SILT SACK" IS REUSABLE, THEREFORE, ONCE THE CONSTRUCTION CYCLE IS COMPLETE, REMOVE THE SACK FROM THE BASIN, CLEAN AND STORE OUT OF DIRECT SUNLIGHT UNTIL ITS NEXT USE.
 5. THE "SILT SACK" SEDIMENT CONTROL DEVICE IS MANUFACTURED BY: ACF ENVIRONMENTAL 1801-A WILLIS ROAD RICHMOND, VA. 23237 PHONE: 800-644-9223 FAX: 804-271-3074

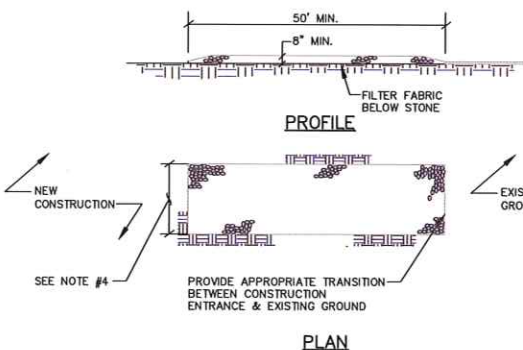
SEDIMENT CONTROL DEVICE "SILT SACK" FOR CATCH BASINS
 NOT TO SCALE



- NOTES:
 1. ALTERNATIVE CONSTRUCTION METHODS OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY.
 2. IN PAVED AREAS REFER TO BITUMINOUS PAVEMENT SECTION FOR DEPTHS OF GRAVEL AND HOT MIX ASPHALT PAVEMENT BASED ON THE CORRESPONDING STREET CLASSIFICATION.
 3. DIMENSION "B" SHALL BE SUFFICIENT TO ALLOW CRUSHED STONE BEDDING TO BE PLACED AND COMPACTED UNDER THE HAUNCHES OF THE PIPE; BUT IN ALL CASES "B" SHALL BE AT LEAST 9".
 4. DIMENSION "A" IS THE MAXIMUM WIDTH ALLOWED FOR CALCULATING PAY QUANTITIES UNDER GRANULAR BORROW, CRUSHED STONE, STRUCTURAL EARTH EXCAVATION, AND STRUCTURAL ROCK EXCAVATION. DIMENSION "A" SHALL BE BASED ON PIPE DIAMETER "D", AS SET FORTH IN THE FOLLOWING TABLE.
 5. EXCAVATION BELOW ESTABLISHED TRENCH PROFILE (IF ORDERED). PAY ITEM 206,061.
 6. EXCAVATION INCIDENTAL TO PIPE PAY ITEMS (PAVED AND SEEDED AREAS)
 7. DEPTH OF BITUMINOUS PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY STREET CLASSIFICATION.
 8. ANY ALTERNATE TRENCHING OR PAYMENT METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES.

PIPE DIAMETER, "D" (INCHES)	MAX. TRENCH WIDTH, "A" (FEET)	PAVEMENT WIDTH OUTSIDE TRENCH, "C" (FEET)
4	4.0	2.5
6	4.0	2.5
8	4.0	2.5
10	4.0	2.5
12	4.0	2.5
15	4.0	2.5
18	5.0	2.0
21	5.0	2.0
24	5.5	1.75
27	6.0	1.5
30	6.0	1.5
36	7.0	1.0
42	8.0	1.0
48	8.0	1.0

TYPICAL PIPE INSTALLATION DETAIL
 NOT TO SCALE



- NOTES:
 1. STONE SIZE - AASHTO DESIGNATION M43, SIZE NO. 2 (2 1/2" TO 1 1/2"). USE CRUSHED STONE.
 2. LENGTH - AS SHOWN ON PLANS, MIN. 50 FEET.
 3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
 4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
 5. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

STABILIZED CONSTRUCTION ENTRANCE
 NOT TO SCALE

LDD PROJECT NAME: BAXTER BOULEVARD NORTH STORAGE CONDUIT DRAWING NAME: 090602.dwg, TAB:DETAIL2
 DESIGNED BY: DAN/CAB DRAWN BY: CAB CHECKED BY: DAN SCALE: AS NOTED DATE: 10-24-2012
 REFERENCES:
 BAXTER BOULEVARD NORTH STORAGE CONDUIT STANDARD CONSTRUCTION DETAILS
 CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING DIVISION
 SHEET # 26 OF #PGS
 PLAN NUMBER



August 28, 2012
09006

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Level 1 - Site Alteration Development Review Application

Dear Barbara:

On behalf of the City of Portland Department of Public Services (DPS), we have prepared the following Level 1 Site Alteration Application for staff consideration and approval. The application addresses a small precast utility enclosure as part of a City utility project and a safety improvement project to the Baxter Boulevard Recreational Trail. The following provides a description of the two improvement projects along with our application, plans and supporting information.

Project Description:

1. **Utility Building:** As part of the Long Term Control Plan (LTCP) for reducing Combined Sewer Overflows (CSO), a new underground conduit storage project will be installed within Baxter Boulevard and Payson Park. The conduit storage project will require a 10'x10' precast concrete control room to provide shelter and access to controls for hydraulically powered slide gates and SCADA equipment. The precast building will include a red brick veneer siding and a flat roof. Work will be completed on land owned by the City. Construction of the control room will be included as part of the underground storage conduit during the winter/spring of 2013.
2. **Trail Improvement:** The Back Cove Trail narrows from 12 feet to less than 5 feet wide where it crosses a deteriorated bridge deck and concrete head wall. As a result, the trail has required continual maintenance and repair in this area and poses a hazard to pedestrians. In addition, existing retaining wall and adjacent areas have experienced accelerated erosion due to storm events often closing the trail for maintenance (see enclosed photos). Improvements are proposed to include construction of a 10-foot wide esplanade, 10-foot wide trail and 4.5-foot wide buffer area over a length of 275 feet. Approximately 400 yards of fill will be required to realign and widen the trail. A 2:1 (H: V) side slope will be maintained to minimize impact to the Back Cove tidal area and will be stabilized with riprap.

In conjunction with this Level 1 Application, the DPS has submitted a Maine Department of Environmental Protection Agency Natural Resources Protection Act (NRPA) Permit Application for the improvements. It is anticipated that trail modifications will commence upon receipt of an NRPA Permit and City approval this winter so that work is completed concurrent with conduit storage construction. All proposed improvements are shown on the attached Site Plan and Detail Sheets.

As you review our application, please contact us with any questions or comments you may have during your review process.

Sincerely,

SEBAGO TECHNICS, INC.



Craig Burgess, P.E.
Project Engineer

CAB:cab/kn
Enc.

cc: Bradley Roland, P.E.



September 27, 2012
09006

Ms. Jean Fraser
City of Portland, Planner
389 Congress Street, Room 308
Portland, Maine 04101

Level I Site Plan Application - Baxter Blvd Storage Conduit Utility Building and Trail Work

Dear Jean:

We reviewed Woodard & Curran's peer review comments for a Level 1 Site Plan Application in a memo to you on September 25, 2012. We offer the following responses (**in bold**) to Woodard & Curran's comments:

- 1) The Applicant should provide additional information on the installation and/or replacement of slope stabilization riprap, including stone size and thickness.

24 inch riprap with a thickness of 4.5 feet is specified. Please refer to enclosed Sheet 26 for details and construction notes.

- 2) The Applicant should provide design details for the work (trail section, slope stabilization details, erosion control details).

Sheet 27 (enclosed) shows a typical trail section. Riprap slope stabilization details and construction notes, erosion control details for stabilized construction entrance, silt sack, silt fence and erosion control blanket installation, are all shown on Sheet 26. In addition, we have enclosed an Overall Design Plan that shows the riprap slope and CSO control station in relationship to the entire project for reducing Combined Sewer Overflows ("CSO's"). Please note the riprap slope is shown as "trail improvements" on the Overall Design Plan.

- 3) A Level I Site Plan Submission is required to include proposed storm water management controls and a soil erosion control plan (*City of Portland Land Use Code, Article V. Site Plan, Section 14-527(b) (12) and (13)*). Level 1 Site Alteration Plans are required to conform with certain site plan standards contained in the City Code of Ordinances, (*City of Portland Land Use Code, Article V. Site Plan, Section 14-526(b)3. - b,c,d*) specifically conformance with the Basic, General, Flooding and Urban Impaired Stream standards
 - a) Basic Standards: Plans, Notes and Details should be provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of Maine DEP Chapter 500.

The contractor will be responsible for installing erosion control measures in accordance with the Erosion and Sedimentation Control Handbook for Construction: Best Management Practices published by the Cumberland County Soil and Water District and Maine Department of Environmental Protection, latest edition. Enclosed is Sheet 3 that provides Erosion Control Notes.

Upon completion of the project, inspection and maintenance requirements and good housekeeping practices will be the City of Portland's responsibility. The City has a program to perform necessary and ongoing street maintenance activities such as street sweeping, catch basin cleaning and other general maintenance services.

The CSO control building has a minimal building footprint and will create a 100 square feet of non-revegetated surface. The small 10' by 10' utility building is part of utility infrastructure project that will have a dramatic improvement to the overall water quality of surface water discharged into Back Cove. The project is designed to fully capture CSO's at the targeted discharge points during a 1 inch of storm event which will be detained and discharged to the East End Wastewater Treatment Plant. As a result, the small footprint of the control building will comply and exceed Chapter 500 regulations by virtue of being part of a much larger water quality enhancement project.

The CSO control building will also be constructed adjacent to an area along Baxter Boulevard to remain vegetated. Existing vegetation removed for the construction of the control station and pipe installation will be supplemented with similar plants. Prior to entering the storm drain system, surface runoff from the roof will drain as sheet flow across a 25 foot vegetative area that will enhance filtration of sediment, organic matter and other pollutants into the underlying soils.

- b) General Standards: The project will result in a de minimis increase in impervious area of approximately 100 square feet. As such, the project is not required to include any specific storm water management features for storm water quality control.

OK.

- c) Flooding Standards: The project will result in a de minimis increase in impervious area of approximately 100 square feet. As such, the project is not required to include any specific storm water management features to control the rate or quantity of storm water runoff from the site.

OK.

Ms. Fraser

-3-

September 27, 2012

Upon your review of our responses and the enclosed drawings, please contact me if you have any questions.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in cursive script that reads "Craig Burgess".

Craig A. Burgess, P.E.
Project Engineer

CAB: cab/
Enc.

cc: Bradley Roland, P.E. - City of Portland

Existing Conditions at the Back Cove Trail Retaining Wall.



Photo 1: The damaged trail adjacent to the retaining wall (2007-09-26).



Photo 2: The existing wall (2007-10-02).

42700000

Effective August 18, 2010



Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or (207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

Existing Conditions at the Back Cove Trail Retaining Wall.



Photo 3: Riprap and granite blocks adjacent to retaining wall (2007-10-02).



Photo 4: Damaged trail (2010-10-06).

IMPORTANT NOTICE FROM CITY OF PORTLAND Baxter Boulevard North Storage Conduit.

IN THE VICINITY OF BAXTER BOULEVARD / BACK COVE

The Department of Public Services invites you to an informational meeting for the project entitled Baxter Boulevard North Storage Conduit.

The project is intended to capture and reduce the volume of combined sewer overflow (CSO) into Back Cove.

The project will involve the installation of concrete box conduit to provide 2 million gallons of storage volume for combined wastewater, thereby reducing discharges to Back Cove. The project will be split into 2 separate 1 MG conduits - one under Baxter Boulevard and one under Payson Park.

The work within Baxter Boulevard will require the closure of the boulevard to all vehicular traffic between Yannah Street and Bates Street for approximately 8 months. If you are a property manager please inform your tenants. Pedestrians, runners, and cyclists will still be allowed to use the trail system around Back Cove during construction.

The meeting will be held at the Ocean Avenue Elementary school on September 26, 2012 at 6:00 PM.



full appl + additns to MDEP
+ Army Corp Permit are in eplan.



STATE OF MAINE
Department of Environmental Protection

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 2012

Bradley Roland, P.E.
City of Portland
55 Portland Street
Portland, Maine 04101

RE: Natural Resources Protection Act Application, Portland
#L-24096-4E-D-N, L-24096-TW-E-N, and L-24096-FS-F-N

Dear Mr. Roland:

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 me at (207) 615-6426 or at christine.woodruff@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Chris Woodruff".

Christine Woodruff, Project Manager
Division of Land Resource Regulation
Bureau of Land and Water Quality

pc: File
Craig Burgess (at Sebago Technics via email)

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, MAINE 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

CITY OF PORTLAND) NATURAL RESOURCES PROTECTION
Portland, Cumberland County) COASTAL WETLAND ALTERATION
BACK COVE TRAIL WIDENING) SIGNIFICANT WILDLIFE HABITAT
L-24096-4E-D-N (approval)) ADJACENT ACTIVITY
L-24096-TW-E-N (approval)) WATER QUALITY CERTIFICATION
L-24096-FS-F-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of the CITY OF PORTLAND 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: In Department Orders # L-24096-4E-A-N, L-24096-TW-B-N, and L-24096-FS-C-N, dated August 13, 2008, the Department approved altering 300 square feet of coastal wetland impact to replace an existing retaining wall with riprap, and replace and extend a culvert in the same location. The project was not constructed and the permit has subsequently expired.

B. Summary: The applicant proposes to replace an existing failing retaining wall with riprap; remove an existing guard rail between Baxter Boulevard and Back Cove Trail and replace it with a ten foot wide grassed esplanade; widen the trail to ten feet; add a five foot wide vegetated area between the trail and the top of the riprap slope; and eliminate the outfall that was beneath the retaining wall. The applicants propose to use a 4.5-foot thick layer of 24-inch average diameter angular riprap with a surface slope of 1.5 horizontal to one vertical over geotextile. The project is shown on a plan titled "Baxter Boulevard North Storage Conduit" sheets 11 and 12, prepared for the City of Portland, Maine, prepared by Sebago Technics, and dated October 1, 2012. The project site is located on Baxter Boulevard near the southeast corner of Payson Park in the City of Portland.

C. Current Use of the Site: The project is located between Baxter Boulevard and the coastal wetland of Back Cove. There is an existing retaining wall that is 44-feet long, approximately eight-feet high, and has a handrail. There is riprapped shoreline on both ends of the retaining wall. There was piping that had an outfall at the base of the retaining wall that is believed to be collapsed and groundwater appears to be flowing out from beneath the wall. The handrail has been shored up with PVC piping and the riprap on the east side has been augmented up with slabs of granite curbing. There is an existing guardrail at the edge of Baxter Boulevard along this immediate area, and the Back Cove Trail width narrows down from about ten feet down to about five feet wide between the retaining wall and guardrail.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site. Department staff visited the project site in 2008, 2010 and on September 20, 2012.

The proposed project is located in Back Cove, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This section of Back Cove is surrounded by development that includes the riprap in the upper intertidal area, lawn, the Back Cove Trail and Baxter Boulevard in the adjacent area. The applicant has designed the proposed project to have the same configuration of riprap, trail and esplanade to match the existing configuration in the immediate vicinity of the project which will reduce the visibility of the new riprapped slope from the scenic resource. The proposed riprap will weather to be visually compatible with the existing riprap.

The proposed project was evaluated using the Department's Visual Impact Assessment Matrix and was found to have an acceptable potential visual impact rating. Based on the information submitted in the application, the visual impact rating and the site visits, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

The existing trail adjacent to the retaining wall has developed holes in the surface from soil eroding out from behind the wall. Removing the wall and installing the proposed riprap over geotextile will stabilize the trail and prevent further erosion of material into the Back Cove.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The Department of Marine Resources (DMR) reviewed the project and stated that the site of the proposed project is a low energy unconsolidated shore. DMR further stated that the project as proposed would not result in any significant adverse impact to marine resources, navigation, recreation, riparian access or traditional fishing activity.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposed project and stated that the area is mapped as both Shorebird Feeding Area and high value Wading Bird and Waterfowl Habitat, making it a Significant Wildlife Habitat as defined in the Natural Resources

Protection Act (NRPA). This area is crucial for both shorebirds and waterfowl; however, the overall direct impacts to either habitats are minimal once the reconstruction is completed.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to alter 3,255 square feet of coastal wetland to replace a failing retaining wall with riprap, to replace a guardrail with a ten-foot wide esplanade, widen the existing trail and add a five-foot wide vegetated strip between the trail and the top of the riprap.

The coastal wetland intertidal zone is of indeterminate width with a variable slope. The supratidal is the base of an approximately eight feet high wall. The shore on either end of the wall is riprapped. The upper intertidal is concrete or riprap with some sand and gravel. The mid and lower intertidal is mud. There is occasional rockweed cover, barnacles and periwinkles present where there is hard substrate. Mud whelk and marine worms are present on and in the mud respectively, and there are scattered mussels. Approximately 1,000 square feet of the proposed wetland impact will be to mud flat area and the remaining impacts will be to coastal wetlands that have previously been altered with riprap.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

A. Avoidance. No activity may be permitted if there is a practicable alternative to the project that would be less damaging to the environment. Each application for a coastal wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternatives analysis for the proposed project completed by Sebago Technics and dated September 2012. The existing wall is failing and requires replacement for the safety of the high volume of pedestrians and bicyclists that use the trail. The existing two-foot wide esplanade and guardrail adjacent to the failing retaining wall does not meet the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Planning, Design and Operation of Bicycle Facilities. The proposed project meets the minimum AASHTO standards for bicycle facilities and will better protect trail users from the high volume of traffic along Baxter Boulevard. The applicant examined the alternative of stabilizing the existing wall, but field inspections concluded that the existing wall is beyond repair and does not meet the AASHTO standards for bicycle facilities. The alternative of a new concrete retaining wall would require wetland alterations in order to create a stabilized base for the new wall; this alternative was also rejected because it would eventually fail for the same reasons that the existing wall has failed. A driven sheet pile was considered as an alternative but this alternative was rejected because it would not be cost effective. The proposed riprap option was chosen because it has proven to be effective stabilization in this area of shoreline and is easy to maintain and repair.

Coastal wetlands are wetlands of special significance as defined by NRPA. For an activity proposed in, on or over a wetland of special significance, a practicable alternative less damaging to the environment is

considered to exist and the impact is unreasonable, unless the activity is one of those described in NRPA Chapter 310 § 5(A) paragraphs (1), (2) or (3). The proposed widening of the existing trail is considered an expansion of an existing facility that cannot practicably be located elsewhere because of its relation to the existing facility; it is a walkway and is for the safety of those who use the trail; these are activities as described in NRPA Chapter 310 § 5(A) paragraphs (1), (2) or (3). Therefore, these impacts are not considered unreasonable.

B. Minimal Alteration. The amount of coastal wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant minimized coastal wetland impacts by reducing the slope of the proposed riprap from two horizontal to one vertical to 1.5 horizontal to one vertical, which reduced the amount of coastal wetland to be altered by approximately 1,000 square feet. The esplanade was widened the minimum amount required to meet the AASHTO standards for bicycle facilities.

C. Compensation. In accordance with Chapter 310 Section 5(C)(6)(b), compensation is required to achieve the goal of no net loss of coastal wetland functions and values since the project will result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Given that the highest function and value of the wetland is its value as both Shorebird Feeding Area and Wading Bird and Waterfowl Habitat, the applicant and the Department consulted with MDIFW for appropriate compensation projects within Back Cove. MDIFW found three areas along Back Cove Trail where plantings between the Back Cove Trail and the Shorebird Feeding Area and Wading Bird and Waterfowl Habitats would provide an enhanced buffer between the birds that use the habitats and the people that use the trail. The plantings are shown on Figure 11 of Attachment D Project Mitigation; Figure 11 was prepared by Sebago Technics, is titled Mitigation Planting Areas and is dated October 3, 2012. Planting areas 1 and 2 will have ninety *Rosa rugosa* in a 10-foot by 200-foot area and planting area 3 will have 45 *Rosa rugosa* in a 5-foot by 200-foot area. The planting are on City of Portland property and the City of Portland arborist will maintain the mitigation plantings as part of the maintenance of these areas. The applicant must monitor the plantings and plantings must be replaced or maintained as necessary to achieve 85% survival after one full growing season and for the life of the project. The proposed planting buffers would offset the impacts to the functions and values of the wetlands of the proposed project on the opposite side of Back Cove.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

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 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the plantings are installed and monitored for survival as outlined in Finding 6.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of the CITY OF PORTLAND to alter coastal wetlands to replace a retaining wall with riprap and make trail improvements as described above, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction 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.

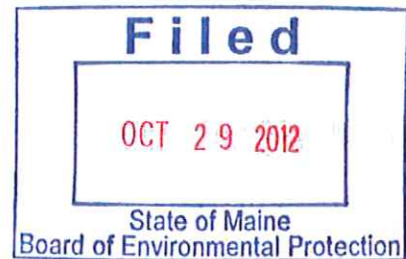
4. The applicant shall monitor the plantings, and the plantings shall be replaced or maintained as necessary to achieve 85% survival after one full growing season and for the life of the project.

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 26th DAY OF October, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

CGW/L24096DN&EN&FN/ATS#75098&75128&75129



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit 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 is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. 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.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

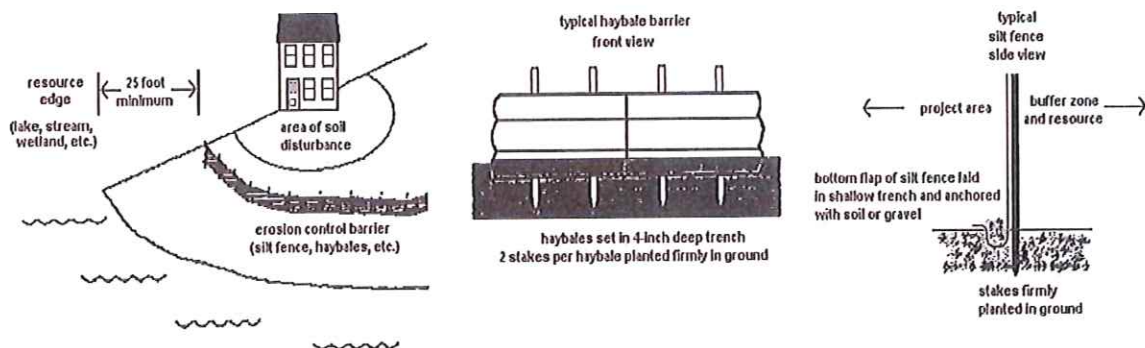


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



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. § 345 I(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.
