

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

DEPARTMENT ORDER

IN THE MATTER OF

CADCAM ASSOCIATES/ELC, INC.) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
OFFICE BUILDING EXPANSION) MINOR AMENDMENT
L-10223-39-Q-B (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of CADCAM ASSOCIATES 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 Order #39-3190-05170, dated July 30, 1979, the Department approved the development of an industrial park known as Stroudwater Estates, Phase I. Phase I consisted of eight lots on an approximately 130-acre parcel of land. Department Order #L-10223-86-A-N, dated June 14, 1984, approved the development of Phase II of Stroudwater Estates, which consisted of an additional twelve lots. In Department Order #L-10223-39-K-N, dated November 20, 1992, the Department approved Stroudwater Estates Phase III. The Phase III approval lapsed, and in Department Order #L-10223-39-O-M, dated April 2, 2002, the Department approved the addition of an 85-acre parcel to the subdivision as an unbuildable lot.

B. Summary: The applicants own Lots 15 and 16 of Stroudwater Estates Phase II, and propose to construct a three-story building addition with a footprint of approximately 7,560 square feet, an addition to a parking lot on the northerly portion of the site, new parking at the rear of the building, a new access drive, and a redesigned plaza and walkway in the center of the site. The proposed project is shown on a set of 14 plans, the first of which is entitled "CADCAM Associates – Portland, Maine – Woodard & Curran Inc. Office Expansion," prepared by Woodard and Curran and dated January 2006, with a latest revision date of February 27, 2006. The project site is located on the north side of Congress Street in the City of Portland.

The applicants submitted a Natural Resources Protection Act (N.R.P.A.) Permit-By-Rule notification form (PBR #39683) indicating that activities adjacent to a stream will be carried out in accordance with Chapter 305 of the N.R.P.A. Approximately 50 square

feet of forested wetland will be filled to construct the proposed project. This amount of wetland to be altered is exempt from review under the N.R.P.A.

C. Current Use of Site: The project site, which is approximately 6.65 acres in size, currently contains an approximately 13,232 square-foot office building and associated parking.

2. BUFFER STRIPS:

The project site is bisected by a stream. Currently, portions of an existing parking lot are within 75 feet of the stream. A portion of the proposed access drive to the rear parking area will be located in essentially the same area. Grading for one of the proposed stormwater filter basins and other minor grading associated with the proposed rear parking area will be located within the stream buffer. To minimize additional impacts to the buffer, the applicants agreed to eliminate one row of parking that was located closest to the stream. The applicants also agreed to plant additional trees and shrubs at the base of the retaining wall adjacent to the proposed access drive to improve the remaining wooded stream buffer, which will be maintained as an undisturbed buffer. The planting specifications are included on the landscaping plan (sheet L-1.0 of the set of plans referenced in Finding 1), last revised February 27, 2006. Vegetation to be planted in the stream buffer includes red twig dogwood, burkwood viburnum, and highbush blueberry.

The Department finds that the applicants have made adequate provision for buffer strips.

3. SURFACE WATER QUALITY:

The proposed project includes 32,441 square feet of new impervious area and is located within the watershed of the Stroudwater River. Because of the project's location and size, stormwater runoff from the project site must be treated to meet the sliding scale total suspended solids (TSS) standard outlined in the Department Rules, Chapter 500 (December 31, 1997). The applicants propose to remove approximately 55 percent of TSS from the project's stormwater runoff by utilizing underdrained filter basins and dry swales.

As discussed in Finding 4, the applicants' proposed stormwater management system was reviewed by, and revised in response to, comments from the Division of Watershed Management of the Bureau of Land and Water Quality (DWM). Specific aspects of the system, including measures to protect water quality, are further discussed in Finding 4.

Based on the stormwater management system's design and DWM's review, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the stormwater quality standards contained in Department Rules, Chapter 500 and to ensure that the project will not have an unreasonable adverse impact on surface water quality.

4. STORMWATER MANAGEMENT:

The applicants are proposing to utilize a stormwater management system consisting of a subsurface detention structure, underdrained filter basins and dry swales. This system is based on estimates of pre- and post-development stormwater runoff flows obtained by using Hydrocad, a stormwater modeling software that utilizes the methodologies outlined in Technical Releases #55 and #20, U.S.D.A., Soil Conservation Service), and detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency. The post-development peak flow from the site will not exceed the pre-development peak flow from the site.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to, comments from the DWM. In its comments, DWM stated that the proposed system complies with Department standards for stormwater management. The applicant must retain the services of the design engineer to inspect the installation of the underdrained filter basins and dry swales, and upon completion, submit to the Bureau of Land and Water Quality a written certification that the structures were installed in accordance with the approved design.

The applicant submitted a maintenance plan that includes provisions for regular maintenance of the proposed stormwater management structures. The responsible party for maintenance of the system will be ELC, Inc.

Based on the system's design and DWM's review, the Department finds that the applicants have made adequate provision to ensure that the proposed project will meet the stormwater quantity standards for: (1) peak flow from the site and peak flow of the receiving waters; (2) grading or other construction activity; (3) channel limits and runoff areas; (4) detention basins; (5) maintenance; (6) level spreaders; and (7) discharge to freshwater wetlands.

5. EROSION AND SEDIMENTATION CONTROL:

The applicants submitted an Erosion and Sedimentation Control Plan as Section 14 of the application. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of DWM. Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

The Department finds that the applicants have made adequate provision to control erosion and sedimentation.

6. ALL OTHER:

All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #39-3190-05170, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicants have provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicants have made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided the design engineer submits a certification as described in Finding 3.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicants have made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of CADCAM ASSOCIATES/ELC, INC. to expand an existing office building and construct associated improvements as outlined in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.

2. In addition to any specific erosion control measures described in this or previous orders, the applicants shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. The applicant shall retain the services of the design engineer to inspect the installation of the underdrained filter basins and dry swales, and upon completion, submit to the Bureau of Land and Water Quality a written certification that the structures were installed in accordance with the approved design.
5. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #39-3190-05170, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 3RD DAY OF April, 2006.

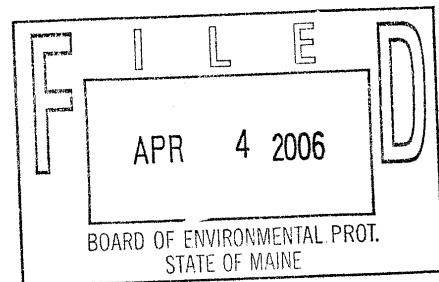
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
 DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application January 23, 2006
 Date of application acceptance January 30, 2006

Date filed with Board of Environmental Protection
 MR/ATS#56953/L10223QB



SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979