City of Portland Development Review Application Planning Division Transmittal form

Application Number:

10-79900020

Application Date:

Project Name:

ADD PARKING GROUND IMPROV

Address:

121 Hutchins Dr

CBL: 240 - B-003-001

Project Description:

Hutchins Drive; 121; Expand Parking Lot; Modify Existing

Stormwater Mgt Sys

Zoning:

1-M

Other Reviews Required:

Review Type:

MINOR SITE PLAN

Applicant:

TROPHY BUILDING, LLC 299 FOREST AVE

Portland Me 04101

Applicant:

PINKHAM AND GREER

380 US RTE. 1

Falmouth Me 04105

Distribution List:

| Planner | Planner Barbara Barhydt | | John Peverada | | |
|-------------------------------------|-------------------------|-----------------------|----------------------|--|--|
| ZoningAdministrator Marge Schmuckal | | Design Review | Alex Jaegerman | | |
| Traffic | Tom Errico | Corporation Counsel | Danielle West-Chuhta | | |
| Stormwater | Dan Goyette | Sanitary Sewer | John Emerson | | |
| Fire Department Keith Gautreau | | Inspections | Tammy Munson | | |
| City Arborist | Jeff Tarling | Historic Preservation | Deb Andrews | | |
| Engineering | David Margolis- | Outside Agency | | | |
| | Pineo | | | | |
| | | ☐ DRC Coordinator | Phil DiPierro | | |

Final Comments needed by:

This is a revised site plan. The applicant has called a number of times and is looking for an expedited review of these plans and an approval by mid- next week. They have made some of the changes we have asked and is seeking a sidewalk and curbing waiver. PLEASE get me you comments by the end of the week, if possible. Thank you.

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| City Arborist | Jeff Tarling | Historic Preservation | Deb Andrews | |
| Engineering | David Margolis- | Outside Agency | 4 | |
| | Pineo | | | |
| | | DRC Coordinator | Phil DiPierro | |

Preliminary Comments needed by:



380 US Route One Falmouth, Maine 04105 Tel. 207.781.5242 Fax. 207.781.4245

July 16, 2010 File: 10141

Ms. Barbara Barhydt CITY OF PORTLAND, DEPARTMENT OF PLANNING AND DEVELOPMENT 389 Congress Street, 4th Floor Portland, ME 04101

RE:

121 HUTCHINS DRIVE

MINOR SITE PLAN REVIEW

Dear Barbara:

On behalf of Trophy Building, LLC we are pleased to submit the attached site plan application and supporting documentation for proposed improvements to the property located at 121 Hutchins Drive in Portland, Maine. The site is currently developed as a commercial/industrial facility and was formerly occupied by Sportline Trophy.

Proposed construction includes expansion of the existing paved parking area and modification of the existing stormwater management system to accommodate new impervious surfaces. The project will include a graveled temporary construction area that will be permanently loamed and seeded no later than June 15, 2012.

The existing stormwater management system will be removed to provide space for expanded parking and replaced with a treatment/detention system constructed to current DEP standards. Minor grading and landscaping revisions are also proposed with site upgrades. Anticipated development will not require modification of existing utilities or impact the current quantity of solid waste generated.

In addition to the application and plan set, I have attached a copy of the Owner's deed, demonstrating evidence of right, title and interest, a property abutters list and a Stormwater Management Report outlining proposed treatment and storage of stormwater runoff.

If I can be of any assistance, or if you have any additional questions, please call.

Sincerely,

PINKHAM & GREEI

Jeffrey T. Read, P.E.

Cc:

Mr. Douglas Cardente

File

Enclosures

Trophy Building, LLC 299 Forest Avenue Portland, ME 04101 207-775-5677

October 5, 2007

City of Portland 389 Congress Street Portland, ME 04101

RE: AUTHORIZATION LETTER

To Whom It May Concern:

I hereby authorize Jeffery T. Read, P.E. of Pinkham & Greer, Consulting Engineers to act as my agent on matters with the City of Portland concerning the 121 Hutchins Drive project in Portland, Maine.

Sincerely,

Michael Cardente

Manager, Trophy Building, LLC



Development Review Application PORTLAND, MAINE

Department of Planning and Urban Development, Planning Division and Planning Board

| | <i>y</i> e |
|-------------------------------------|---------------------------------|
| PROJECT NAME: 121 HUTCHIN | 5 Deive |
| PROPOSED DEVELOPMENT ADDRESS: | TAND, ME |
| PROJECT DESCRIPTION: | |
| PARKING AREA GYPLYSION | From 11 to UN Space |
| | (172m 18 18 70 SWC78) |
| STORMWHER MANAGEMENT U | PLEADER, MINGR SITE IMPROVEMENT |
| CHART/BLOCK/LOT: 240-3 | |
| CONTACT INFORMATION: | |
| APPLICANT Name: TRAFFY BUILDING LLC | PROPERTY OWNER Name: |
| Address: ZIG FOREST AVE | Address: |
| FORTLAND, M.S. | |
| Zip Code: | Zip Code: |
| Work #: 775-5677 | Work #: |
| Cell #: | Cell #: |
| Fax #: 773-0066 | Fax #: |
| Home: | Home: |
| E-mail: MIKE & CARDENTE. COM | E-mail: |
| BILLING ADDRESS Name: SAME | ti v |
| Address: | |
| | |
| Zip: | |
| Work #: | |
| Cell #: | |
| Fax #: | |
| Home: | |
| R-mail: | |

 \sim As applicable, please include additional contact information on the next page \sim

| AGENT/REPRESENTATIVE | ENGINEER |
|--------------------------------|---------------------|
| Name: PHYHAM AND GLEEP. | Name: SAWE AS ALENT |
| Address: 380 US ROUTE Due | Address: |
| FALMENTH, ME | 8' |
| Zip Code: <u>04/05</u> | Zip Code: |
| Work #: 781.5742 | Work #: |
| Cell #: | Cell #: |
| Fax #: 781.4245 | Fax #: |
| Home: | Home: |
| E-mail: TREAD & PIHKHAMAND | E-mail: |
| greek, com | |
| <u>ARCHITECT</u> | CONSULTANT |
| Name: | Name: |
| Address: | Address: |
| | |
| Zip Code: | Zip Code: |
| Work #: | Work #: |
| Cell #: | Cell #: |
| Fax #: | Fax #: |
| Home: | Home: |
| E-mail: | E-mail: |
| | |
| SURVEYOR | ATTORNEY |
| Name: MAINE SURVEY CONSULTAMIS | Name: |
| Address: B Box 485 | Address: |
| HARRISAM, MG | |
| Zip Code: 0484b | Zip Code: |
| Work #: 583.6/59 | Work #: |
| Cell #: | Cell #: |
| Fax #: 583 · Z334 | Fax #: |
| Home: | Home: |
| E-mail: MSC MC PUNDPUMMER. | E-mail: |
| (4)46 | |

PROJECT DATA

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

| Total Site Area Proposed Total Disturbed (If the proposed disturbed General Permit (MCGP) | ance is greater t | han one acre, then the app | olicant shall apply for a N | sq. ft. sq. ft. Maine Construction |
|---|---------------------|--|-----------------------------|--|
| General I climit (MCGF) | will DEF and | a Stormwater Managemer | it Permit, Chapter 500, w | rith the City of Portland) |
| IMPERVIOUS SUR | FACE AREA | <u> </u> | | |
| Proposed Total Paved Are | a | | 19340 | sq. ft. |
| Existing Total Impervious | Area | | 12,520 | sq. ft. |
| Proposed Total Imperviou | | | 32,640 | sq. ft. |
| Proposed Impervious Net | Change | | 10.120 | sq. ft. |
| BUILDING AREA | | | (0) | |
| Existing Building Footprin | t | | 13.300 | sq. ft. |
| Proposed Building Footpri | nt | | 13.300 | sq. ft. |
| Proposed Building Footpri | nt Net change | | ^ | _ sq. ft. |
| Existing Total Building Flo | oor Area | | 13,300 | _ sq. ft. |
| Proposed Total Building F | | | 13,300 | _ sq. ft. |
| Proposed Building Floor | Area Net Change | | 0 | _ sq. ft. |
| New Building | | | NI | _ (yes or no) |
| ZONING | | | | _ 0 |
| Existing | | | 1-111 | |
| Proposed, if applicable | | | EAUNE | _ |
| LAND USE | | | SAME | - * |
| Existing | | | LANGUAGE LAGGE | re |
| Proposed | | | WHENTHOTE OF T | |
| RESIDENTIAL, IF | APPI ICARI | F | SAME | _ |
| Proposed Number of Affor | | | | |
| Proposed Number of Resid | lential Units to be | Demolished | | _ |
| Existing Number of Reside | ntial Units | Demonstred | | _ |
| Proposed Number of Resid | lential Units | | | - |
| Subdivision, Proposed Nun | nber of Lots | | | = |
| PARKING SPACES | | | | <u></u> - |
| Existing Number of Parking | o Spaces | | 11 | |
| Proposed Number of Parki | no Spaces | | 46 | _ |
| Number of Handicapped Pa | arking Spaces | | 7 | _ |
| Proposed Total Parking Spa | ices | | 11/2 | - , |
| BICYCLE PARKING | SPACES | | 70 | - . |
| Existing Number of Bicycle | | | | |
| Proposed Number of Bicycl | le Parking Spaces | | |)) |
| Total Bicycle Parking Space | s | | | - |
| , I minig space | M .A | 9 | | - 9 |
| ESTIMATED COST | OF PROIF | T | | ·** |
| GOUL | OI I ROJEC | <u> </u> | | - 9 |
| Please answer the foll | owing with a | Vog/No more | 11 LY | 2 35 2 |
| Institutional | Wa with a | Classification of the control of the | all that apply to the | proposed development |
| Parking Lot | 485 | Change of Use | 485 - DEP | |
| Manufacturing | No | Design Review | 485 - DEP | |
| Office . | 405 | Flood Plain Review | -00 | |
| Residential . | MO | Historic Preservation | | |
| Retail/Business | 488 | Housing Replacement | <u> </u> | |
| Warehouse | 725 725 | 14-403 Street Review Shoreland | <u>M0</u> | |
| Single Family Dwelling | MO | Site Location | WO NOD | |
| 2 Family Dwelling | 1-10 | [1] [1] [1] [2] [2] [2] [2] [2] [2] [2] [2] [2] [2 | 485 - DEP | |
| Multi-Family Dwelling | | Stormwater Quality Traffic Movement | YES- DEP | |
| 3-3 Ped Activity Review | | | -10 | |
| Change of Use | ND | Zoning Variance | (or date) | |
| | -140 | Historic Dist./Landmark Off Site Parking | 40 | |
| | | OTI OTIC I STRING | _~0_ | |

APPLICATION FEE:

| Major Dev | relopment (more than 10,000 sq. ft.) | Plan Amendments | | | | |
|--------------|--|---|--|--|--|--|
| | Under 50,000 sq. ft. (\$500.00) 50,000 - 100,000 sq. ft. (\$1,000.00) Parking Lots over 100 spaces (\$1,000.00) 100,000 - 200,000 sq. ft. (\$2,000.00) 200,000 - 300,000 sq. ft. (\$3,000.00) Over 300,000 sq. ft. (\$5,000.00) After-the-fact Review (\$1,000.00 plus applicable application fee) | Planning Staff Review (\$250.00) Planning Board Review (\$500.00) Subdivision Subdivision (\$500.00) + amount of lots (\$25.00 per lot) \$ + (applicable Major site plan fee) | | | | |
| \checkmark | Plan Review Less than 10,000 sq. ft. (\$400.00) After-the-fact Review (\$1,000.00 plus applicable application fee) | Other Reviews Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot) Traffic Movement (\$1,000.00) Storm water Quality (\$250.00) Section 14-403 Review (\$400.00 + \$25.00 per lot) Other | | | | |
| | OPMENT REVIEW APPLICA | | | | | |
| bmission | s shall include seven (7) packets with fol | ded plans containing the following materials: | | | | |
| 1.1 | Seven (1) tun size site plans that must be to | lded. | | | | |
| 2. | Application form that is completed and sign | ned. | | | | |
| 3, | Cover letter stating the nature of the project. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest. | | | | | |
| 4. 5. | All Written Submittals (Sec. 14-525 2. (c), in | cluding evidence of right, title and interest. | | | | |
| Э. | A stamped standard boundary survey prepa to 100 feet. | red by a registered land surveyor at a scale not less than one inch | | | | |
| 6. | | arvey and containing the information found in the attached sample | | | | |
| | | | | | | |
| 7. | | posal listing the material contained in the submitted application | | | | |

8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

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

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

| Signature of Applicant | | | | | |
|------------------------|----------|-------|------|-----|--|
| Alka | 111111 | Date: | 7/19 | 112 | |
| 1000 | - PARISE | | 7/1/ | // | |
| | | | | | |

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

| 121 HUTCHING DRIVE, PORTLAND | |
|---|----------------------|
| Project Name, Address of Project | Application Number |
| (The form is to be completed by the Applicant or Designated Representative) | ripphoution runinger |

| Check Submitted | | Required Information | Section 14-525 (k | b,c) |
|--|---|--|--------------------|------------|
| Applicant | Staff | | | |
| | | Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including: | | 1 |
| \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ | *** | Name and address of applicant and name of proposed development | | a |
| | - | * Scale and north points | | b |
| | | * Boundaries of the site | | c |
| <u> </u> | | * Total land area of site | | d |
| | - | * Topography - existing and proposed (2 feet intervals or less) | | e |
| | | Plans based on the boundary survey including: | | 2 |
| | | * Existing soil conditions | | |
| _ | | * Location of water courses, wetlands, marshes, rock outcroppings and wooded | areas | a b |
| | | * Location, ground floor area and grade elevations of building and other structure | res evicting and | |
| 147 | | proposed, elevation drawings of exterior facades, and materials to be used | ics existing and | С |
| | | Approx location of buildings or other structures on parcels abutting the site an summary of applicable dimensional standards (example page 11 of packet) | ıd a zoning | d |
| × × × × × × × × × × × × × × × × × × × | 7 | * Location of on-site waste receptacles | | e |
| | | * Public utilities | | 350 |
| | £ | * Water and sewer mains | | e |
| | | * Culverts, drains, existing and proposed, showing size and directions of flows | | e |
| | 120000000000000000000000000000000000000 | * Location and dimensions, and ownership of easements, public or private rights | s-of-way, both | f |
| , | | existing and proposed | or way, both | 1 |
| | | Location and dimensions of on-site pedestrian and vehicular access ways | | o |
| 4 | | * Parking areas | | g |
| | : | * Loading facilities | | o- |
| - | | * Design of ingress and egress of vehicles to and from the site onto public streets | s | g |
| | | * Curb and sidewalks | | g |
| | | Landscape plan showing: | | g h |
| | | Location of existing vegetation and proposed vegetation | | h |
| | | * Type of vegetation | | h |
| | - | * Quantity of plantings | | h |
| | | * Size of proposed landscaping | | h |
| | | * Existing areas to be preserved | | h |
| | | * Preservation measures to be employed | | 946 |
| 1 | | * Details of planting and preservation specifications | | h L |
| | | * Location and dimensions of all fencing and screening | | h i |
| , | | Location and intensity of outdoor lighting system | | 200 |
| | | Location of fire hydrants, existing and proposed (refer to Fire Department checklist - proposed) | oge 11\ | j |
| () | - | Written statements to include: | <u>age 11</u>) | k |
| ~ | | * Description of proposed uses to be located on site | | C |
| | | * Quantity and type of residential, if any | | cl |
| <u> </u> | | * Total land area of the site | | cl |
| | | * Total floor area, total disturbed area and ground coverage of each proposed Bu | ilding and a | c2 |
| | | * General summary of existing and proposed easements or other burdens | numg and structure | 11/227 |
| | | * Type, quantity and method of handling solid waste disposal | | c3 |
| (| | * Applicant's evaluation or evidence of availability of off-site public facilities, included the state of the | 15 | c4 |
| | | and streets (refer to the wastewater capacity application – page 12) | | c5 |
| | | Description of existing surface drainage and a proposed stormwater management description of measures to control surface runoff. | at plan or | c 6 |

| 1.00 | | * An estimate of the time period required | for completion of the development | 7 |
|------------|--------------------------|--|---|--------|
| | | * A list of all state and federal regulatory | approvals to which the development may be subject to. anticipated timeframe for obtaining such permits, or lette | ers . |
| ii. | | Evidence of financial and technical cap: letter from a responsible financial instit would seriously consider financing it wh | ability to undertake and complete the development includation stating that it has reviewed the planned development on approved. | ding a |
| 4 | | Evidence of applicant's right title or interest documentation. | erest, including deeds, leases, purchase options or other | |
| | | A description of any unusual natural are on or near the site. | as, wildlife and fisheries habitats, or archaeological sites l | locate |
| _ | | A jpeg or pdf of the proposed site plan, if availal | ble. | |
| | | Final sets of the approved plans shall be submitt AutoCAD format (*,dwg), release AutoCAD 200 | ed digitally to the Planning Division, on a CD or DVD, is 05 or greater. | n |
| No info | te: Depending on the siz | e and scope of the proposed development, the Plan not limited to): | ning Board or Planning Authority may request additional | d |
| - | drainage patterns and f | | an environmental impact study | |
| - | erosion and sedimentat | ion controls to be used during construction | - a sun shadow study | |
| * | a parking and/or traffic | study | a study of particulates and any other noxiou | 18 |
| | emissions | | - a noise study | |
| Ē. | a wind impact analysis | | :50 | |

DEED OF SALE BY PERSONAL REPRESENTATIVE

KNOW ALL PERSONS BY THESE PRESENTS, that Janice R. MacKenzie, of Bar Mills in the County of York and State of Maine, duly appointed and acting Personal Representative of the Estate of ROBERT M. PAZOLT, deceased, as shown by the Probate records of the County of York and State of Maine, Docket No. 2007-0320, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power,

For consideration paid, grants to TROPHY BUILDING, LLC, of Portland, County of Cumberland and State of Maine, whose mailing address is 299 Forest Avenue, Portland, ME 04101, the real property located in Portland, County of Cumberland, State of Maine, described as follows:

See Exhibit A attached hereto and made a part hereof.

Also conveying all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

Witness my hand and seal this graduay of August, 2007.

Witness:

Estate of Robert M. Pazolt

Janice R. Mackenzie Personal Representative

STATE OF MAINE CUMBERLAND COUNTY, ss

Homood Cinsular

August 8th, 2007

Then personally appeared the above-named Janice R. MacKenzie in her capacity and acknowledged the foregoing instrument to be her free act and deed.

Before me.

Notary Public/Attorney at Law

Printed Name. Tomas G. Ainsworth Bar # 414

EXHIBIT A

gen

ESTATE OF ROBERT M. PAZOLT TO ARROW REALTY

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, and being designated as Lot 18 on the Plan of Stroudwater Estates by H.I. and E.C. Jordan dated July 27, 1984 and recorded in Cumberland County Registry of Deeds in Plan Book 144, Page 73, as amended by Plan recorded in said Registry in Plan Book 153, Page 12.

Also conveying the right in common with others to use the roadway shown as Hutchins Drive on said Plan, and the right to use, maintain, repair and replace the utilities located under, or over such road, or under or over the Portland Water District strip located immediately easterly of said road, including the right of access to the Portland Water District pipeline located under the said Portland Water District strip, and the right to install, maintain, repair and replace a pipeline from the said Portland Water District pipeline to the premises above described; provided, however, that if the Grantee herein, it's heirs or assigns, in the exercise of it's rights hereunder, disturbs or excavates portions of said Hutchins Drive, or the Portland Water District strip, the Grantee, it's heirs, successors or assigns shall restore any such area to its condition prior to such exercise of the Grantee's rights. Further, the Grantee herein for itself, it's heirs, successors and assigns, accepts the premises and rights herein conveyed subject to the provisions of a certain Agreement between George m. Hutchins and Harry A. Harmon and the Portland Water District dated October 30, 1979 and recorded in said Registry of Deeds in Book 4521, Page 85, and agrees to comply with the provisions thereof to the extent applicable to the premises hereby conveyed.

The Grantee, by acceptance of this instrument, agrees for itself, it's successors and assigns, to comply with the requirement of the orders of the Maine Department of Environmental Protection recorded in said Registry in Book 6499, Page 194; Book 6610, Page 319; and Book 7050, Page 252, and Order No. L-010223-F-M, dated March 19, 1986 to the extent applicable to the premises herein conveyed.

This conveyance is subject to any and all conditions, restrictions and limitations as described in a deed from George M. Hutchins to Robert M. Pazolt dated December 29, 1986 and recorded in Cumberland County Registry of Deeds, Book 7559, Page 211.

Received Recorded Resister of Deeds Aus 16,2007 08:49:56A Cumberland County Pamela E. Lovley



380 US Route One Falmouth, Maine 04105 Tel. 207.781.5242 Fax. 207.781.4245

July 27, 2010 File: 10141

Ms. Barbara Barhydt CITY OF PORTLAND, DEPARTMENT OF PLANNING AND DEVELOPMENT 389 Congress Street, 4th Floor Portland, ME 04101

RE: 121 HUTCHINS DRIVE

MINOR SITE PLAN REVIEW - ADDITIONAL INFORMATION

Dear Barbara:

As discussed earlier this morning, we can offer clarification on the following items in association with the application for minor Site Plan review submitted last week for the proposed parking expansion at 121 Hutching Drive in Portland.

We do not have floor plans for the existing building and are not aware of any proposed modifications to the interior space. At present, approximately 3,000 square feet of the existing structure are utilized as office space. The remaining 10,300 square feet are dedicated warehouse space. These areas and uses will be maintained by the new tenant.

A copy of the topographic survey completed by Maine Survey Consultants for the project is attached for your review. The survey identifies many surface features on the property, including the existing structure, edge of pavement, visible utilities and property pins.

The site plan outlines a temporary construction area to be loamed and seeded by June 15, 2012. Planned use for this area includes parking for the proposed tenant's temporary service installation vehicles. Operations sequencing for the proposed tenant includes an initial installation period for area electrical metering equipment. This installation period will require a large, temporary fleet of service vehicles to complete the initial quantity of work. The installation period is anticipated to be complete before the end of May 2012.

Following the initial installation, a smaller long-term maintenance fleet will be retained to service the installed equipment. The proposed paved parking area outlined on the site plan is sized for this long-term maintenance fleet. Restoring the temporary construction area to a vegetated state following the installation period allows the Owner to minimize the impervious surface on the property and reduce associate impacts to the watershed.



Ms. Barbara Barhydt July 27, 2010 Page 2

This project is currently under review by the Maine Department of Environmental Protection (DEP) as a Minor Amendment to the existing Site Location of Development (SLODA) permit for the subdivision. The DEP review will include a comprehensive examination of updated stormwater treatment and maintenance of stormwater treatment systems proposed as part of this project. The Application for Minor Amendment was submitted last week and we hope to have a response from DEP by the end of August 2010.

If I can be of any assistance, or if you have any additional questions, please call.

Sincerely,

PINKHAM & GREER

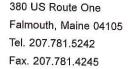
Jeffrey T. Read, P.E.

Cc:

Mr. Douglas Cardente

File

Enclosures





August 27, 2010 File: 10141

Ms. Shukria Wiar CITY OF PORTLAND, DEPARTMENT OF PLANNING AND DEVELOPMENT 389 Congress Street, 4th Floor Portland, ME 04101

RE:

121 HUTCHINS DRIVE, PORTLAND

MINOR SITE PLAN – ADMINISTRATIVE REVIEW

Dear Shukria:

In association with the Minor Site Plan for the proposed parking expansion and stormwater improvements at 121 Hutching Drive in Portland, we offer clarification on the following items in response to the review comments issued by City staff:

A. Planning Shukria Wiar

1. The dumpsters will need to be enclosed by either a stockade fence or evergreen landscaping.

Project plans and details have been updated to include a fenced dumpster enclosure.

2. The tree save line will need to be along the fence instead of at the property line. Tree will need to be saved to have some buffer between this property and the abutting property.

The clearing limits outlined in the plan set are based on the minimum requirements for stormwater management on the property. The abutting parcel is undeveloped and I was unable to find requirements for vegetated buffers in the IR Zone in the Code of Ordinances. A note has been added to the drawings to clear only as necessary to install stormwater management devices and associated site improvements.

3. There is an existing 30' Drainage Easement on site; is a parking allowed on this easement?

Private drainage easements are outlined on the recorded subdivision plan, included in the revised plan set for your reference. There is nothing in the easement description to preclude proposed site improvements.



Ms. Shukria Wiar August 27, 2010 Page 2

B. Zoning Administrator Marge Schmuckal

This project to expand the parking lot and modify the existing stormwater management system is located in an I-M Industrial Zone. The proposed use from previous conversations is for a utility company to use as offices and warehousing. That use is permitted. The project is meeting the requirements of the I-M Zone. However, my scaling of the pavement setback to property lines differs from the applicants. I measure just a hair less than 10' from the western edge of the parking lot, not 13.8 feet as stated on the plans. I caution the applicant to make sure the minimum of 10' pavement setback is being met. There should be no technical reason why it can not be met. It is also noted that 8,930 sq ft of newly graveled area is to be loamed and seeded by June 15, 2012. If for some reason that action is never taken, the gravel area would be considered part of the impervious surface and the project would still be meeting the maximum impervious surface of 75%.

Separate permits are required for new signage.

Proposed improvements will adhere to the required minimum setback for paved surfaces. The Applicant will submit appropriate permits for any new signage.

- C. Deputy City Engineer David Margolis-Pineo
- 1. The applicant is required to install granite curbing and sidewalk along the Hutchins Drive property line or meet the waiver conditions to exempt.

The Applicant respectfully requests a waiver for additional curbing and sidewalk along Hutchins Drive. This site is currently developed without sidewalk or curbing along Hutchins Drive, as are all other abutting developed properties. There is no reasonable expectation for pedestrian usage coming from, going to or traversing the site; and the industrial nature of the subdivision does not lend itself to pedestrian oriented infrastructure.

2. The site survey plan is incomplete and not stamped by a licensed surveyor. An accurate stamped site survey is required with a surveyor's statement as per the State of Maine Board of Licensure for Professional Land Surveyors Standards of Practice.

A copy of the recorded subdivision plan, which was stamped by a licensed surveyor and signed by the Planning Board, has been included in the plan set for your review.

3. Datum elevations not based on City of Portland standards. Please contact William Clark (874-8847) to coordinate correct datum and obtain City of Portland benchmark information.

A note has been added to the plan to ensure that project record drawings reflect NGVD 29 and City of Portland elevation datum.



Ms. Shukria Wiar August 27, 2010 Page 3

4. The shown 30' drainage easement is based on City of Portland tax maps. This is not acceptable. The drainage easement will need to be modified to reflect proposed plans with the easement based on a deed or site plan.

The 30 foot private drainage easement is outlined on the recorded subdivision plan, which has been included in the revised plan set. Notes referencing the City tax maps have been amended to reference the recorded subdivision plan.

5. The Hutchins Drive right of way is shown at 60'. Shown adjacent to that right of way is a Portland Water District easement. Please show the owner of that easement strip and is an access easement required from the applicant to enter 121 Hutchins Drive?

Right-of-way and easement notations have been adjusted to reflect the descriptions on the recorded subdivision plan.

- D. Traffic Engineer Tom Errico
- 1. A sidewalk is not provided along Hutchins Drive, and given the trail network nearby and sidewalk construction requirements for other developments on Hutchins Drive, a sidewalk should be considered.

A waiver request was previously addressed under the Deputy City Engineer's review.

- E. Consulting Engineer, Stormwater Dan Goyette
- 1. The City of Portland recommends a minimum crushed stone cover of 12 inches over the pipe. The proposed trench section does not meet the minimum 12 inch cover.

The plan detail has been amended.

F. City Arborist Jeff Tarling

Review is pending and any comments will be forwarded.

Noted.

- G. Fire Prevention Captain Keith Gautreau
- 1. Access to the site will not be negatively affected by the proposed expansion.

Noted.



Ms. Shukria Wiar August 27, 2010 Page 4

2. According to the plans the existing structure will remain essentially the same in use and size. There are proposed gates at the entrance to the parking lot; the Fire Dept. will require a knox padlock for access after business hours. Please contact the Fire Prevention Bureau for information on how to obtain this padlock.

Drawings have been updated to include a knox box and the requirement to coordinate installation with the Fire Prevention Bureau.

This project has been reviewed by the Maine Department of Environmental Protection (DEP) as a minor revision to the existing Site Location of Development Act (SLODA) Permit for the property. A copy of the Department Order is attached for your review, as well as the revised stormwater management report and sormwater inspection and maintenance plan. If you have any questions or if we can provide any additional information to facilitate project review, please call.

Sincerely,

PINKHAM & GREER

Jeffrey T. Read, P.E.

Cc:

Mr. Douglas Cardente

File

Enclosures

STATE OF MAINE



Department of Environmental Protection

JOHN ELIAS BALDACCI GOVERNOR

David P. Littell COMMISSIONER

August, 2010

Trophy Building, LLC C/o Mike Cardente 299 Forest Avenue Portland, Maine 04101

RE:

Site Location of Development Act Minor Revision Application, Portland,

DEP #L-10223-39-S-M

Dear Mr. Cardente:

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 or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at 207- 822-6300 or at robert.green@maine.gov

Yours sincerely,

Robert L. Green, Jr., Project Manager Division of Land Resource Regulation

Robert Z. Freen, Jr.

Bureau of Land & Water Quality

pc: File

L-10223-39-S-M 2 of 5

2. <u>STORMWATER MANAGEMENT:</u>

The applicant submitted a new stormwater management plan based on the standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of a vegetated underdrained soil filter. Due to site limitations, a temporary gravel construction area is proposed for the east side of the parking lot. Covering an area of 8,930 square feet, the applicant agreed to remove the gravel and to loam and seed this area no later than June 15, 2012.

The applicant submitted an Erosion and Sedimentation Control Plan, included in the set of plans referenced in Finding 1 that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPS, which were developed by the Department. The plan sheet containing erosion control details was reviewed by, and revised in response to the comments of, the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMP) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by DWM. After a final review, DWM commented, in their August 5, 2010 Technical Review Memorandum, that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the design engineer or other qualified professional oversee the construction of the vegetated underdrained soil filter. Inspections shall consist of an appropriate number of visits to the site to inspect the subgrade preparation of the vegetated underdrained soil filter, embankment construction, pipe bedding placement, liner placement, underdrain pipe installation, soil filter placement, and final stabilization, from initial ground disturbance to final stabilization of the filter. If necessary, the inspecting engineer will interpret the filter's location and construction plan for the contractor.

Within 14 days of the completion of the installation of the vegetated underdrained soil filter, the applicant must notify the BLWQ in writing stating that the filter has been installed and stabilized. Accompanying the engineer's notification must be a log of the engineer's inspections giving the date of each inspection, the time of each inspection, the items inspected on each visit, and include any testing data or sieve analysis data of the filter media. An inspection of the vegetated underdrained soil filter must also be performed by a professional engineer one year after the final stabilization of the filter. The engineer will notify the Department as to the filter's effectiveness and determine any maintenance items that are needed.

DWM further commented that the person overseeing the construction of the vegetated underdrained soil filter be provided with testing data, media sampling, and sieve analyses

L-10223-39-S-M 4 of 5

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. The applicant shall remove the gravel construction area and loam and seed this area no later than June 15, 2012.
- 5. The applicant shall retain the services of either the design engineer or other qualified professional to inspect the construction of the vegetated underdrained soil filter as outlined in Finding 2. The applicant shall notify the BLWQ in writing within 14 days of completion and stabilization of the vegetated underdrained soil filter. The applicant shall include a copy of the inspector's log, which includes the inspection date and time, items inspected on each visit, general observations, and all testing data or sieve analysis data of the filter media.
- 6. The applicant shall retain the services of either the design engineer or other qualified professional to inspect the vegetated underdrained soil filter one year after the final stabilization. The applicant shall notify the Department within 14 days of the inspection as to the filter's effectiveness and determine any maintenance items that are needed.
- 7. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-10223-39-A-N, and subsequent orders, and are incorporated herein.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

This permit has been digitally signed by Jody Breton on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. §9418. It has been filed with the Board of Environmental Protection as of the signature date.

2010.08.20 08:43:42 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES... rlg/l#10223sm/ats#72318



DEP INFORMATION SHEET Appealing a Commissioner's Licensing Decision

Dated: May 2004 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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's General Laws, 38 M.R.S.A. § 341-D(4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

- 1. Aggrieved Status. Standing to maintain an appeal requires the appellant to show they are particularly injured by 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.

Stormwater Management Report 121 Hutchins Drive Portland, Maine

July 15, 2010 Amended July 29, 2010

Prepared by:
Pinkham and Greer Consulting Engineers
380 U.S. Route 1
Falmouth, Maine 04105

(207) 781-5242



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MANAGEMENT FACILITIES

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C3.1 - DRAINAGE ANALYSIS



380 US Route One Falmouth, Maine 04105 Tel. 207.781.5242

Fax. 207.781,4245

STORMWATER MANAGEMENT REPORT 121 HUTCHINS DRIVE PORTLAND, MAINE

July 15, 2010 Amended July 29, 2010

Project Description:

The site at 121 Hutchins Drive is located in a moderate impact industrial zone within the City of Portland and is currently developed as a commercial/industrial property. At present, a 13,300 square foot building, paved parking and stormwater management system exist on the parcel. Proposed work includes the installation of approximately 10,120 square feet of additional parking area and subsequent modification of the existing stormwater management system.

The property fronts to Hutchins Drive on the west and a developed industrial property to the south. Wooded, undeveloped industrial properties exist to the north and east. A 45-foot wide easement for the Portland Water District exists between the Hutchins Drive right-of-way and the west property line. A 35-foot drainage easement runs from the north central portion of the property to the north. Undeveloped portions of the property are wooded, supporting mixed coniferous and deciduous growth.

Topography and Soils:

As a developed property, significant portions of the site have been graded, paved and landscaped. Grades in developed areas are relatively gentle. The ground surface generally slopes to the north at grades ranging from 0 to 20 precent. The steeper slopes on the site exist in a natural drainage channel on the northern portion of the property. Wetlands have not been identified on this site.

The soils identified on this site include Suffield silt loam (SuE2) on the north central portion of the property and Elmwood fine sandy loam (EmB) on the balance of the parcel. These soils are classified as Hydrologic Group C. The soil information was obtained using a medium intensity Soil Survey for Cumberland County, Maine.

Alteration of Land Cover:

As previously mentioned in this report, the site at 121 Hutchins Drive is currently developed. A 13,300 square foot building exists in the south central portion of the property. A paved parking area and stormwater detention pond are located north of the structure, and the ground surface adjacent to the developed area is landscaped with lawn



and plantings. At present, approximately 45,750 sq. ft. of the site is developed. Approximately 22,625 square feet of the developed area is currently impervious to stormwater runoff. Undeveloped portions of the site are wooded.

Proposed development will expand the existing paved parking area and require the construction of new stormwater management devices to accommodate the additional impervious surface. As proposed, approximately 58,096 square feet of the property will be developed, with a net increase in total impervious surface area of 12,395 square feet. The majority of this development will occur in the northern portion of the site, which will necessitate the clearing and removal of existing trees and undergrowth. Areas not scheduled for pavement will be landscaped with a combination of lawn and plantings.

Alteration of Existing Drainage Ways:

At present, stormwater runoff from the property exits the site to the north through an existing, natural drainage channel. The developed portion of the site is graded to drain to a central detention basin located north of the existing building and east of the existing parking area. Stormwater is released from this basin through a precast concrete outlet structure and culvert. A plunge pool exists at the culvert outlet and is used to dissipate energy prior to discharging to the natural drainage channel. The existing basin does not provide treatment of stormwater by current DEP standards.

The proposed stormwater management system will mimic current drainage patterns by making use of the natural drainage channel flowing off site to the north. Runoff from new and existing impervious areas will be routed to a new underdrained soil filter located north of the expanded parking area. The proposed filter is sized to treat total existing and proposed impervious surface area on the property. The volume of runoff treated by the filter is discharged directly to a common plunge pool and flows off site through the natural drainage channel.

Overflow from the underdrained soil filter is transported to a secondary detention basin which is sized to accommodate stormwater runoff volumes for the site. The basin is equipped with an outlet control structure to regulate peak flows, and the basin outlet discharges to the common plunge pool which flows off site through the existing channel.

Methodology:

This site was modeled using the computer program HydroCAD, version 9.1, developed by Applied Microcomputer Systems of Chocura, NH. HydroCAD uses the Soil Conservation



Service TR-20 method to predict flows for stormwater runoff. This method involves hydrologic soil groups, vegetative cover and ground slope to establish drainage conditions. Post-development peak flows were calculated for the 2-year, 10-year, and 25-year storm events for Cumberland County, Maine. These storm events translate to 3.0, 4.6 and 5.4 inches of rain in a 24-hour period. A copy of the HydroCAD analysis and calculations are attached.

Water Quantity:

From a water quantity perspective, the design intent for this stormwater management system was to minimize the impact of surface runoff from new development at 121 Hutchins Drive on downstream properties and structures. Stormwater management devices proposed for this site include a new detention pond and outlet structure to regulate peak flow runoff volumes leaving the property.

Additional devices include proposed curbing at paved parking areas to contain and direct surface runoff, as well as upgraded drainage swales and revised site grading around existing structures. To a lesser extent, the proposed underdrained soil filter will provide a quantity of storage for stormwater surface runoff. The primary functions of the filter, however, remain treatment and water quality.

Water Quality:

Water quality treatment for new impervious area on this site was designed to meet current DEP standards for stormwater runoff. New swales and a sediment forebay were designed to remove larger particles and sediments from surface runoff, and the proposed soil filter will provide required treatment through filtration. The basin and drainage swales are proposed as vegetated areas.

Results:

The underdrained soil filter outlined in project plans is slightly oversized for the amount of new impervious surface proposed. Based on Maine DEP sizing criteria, the proposed filter has the capacity to treat the total existing and proposed impervious and landscaped area on the property.

The selected Point of Analysis (POA #1) for stormwater runoff leaving this site is the existing drainage channel at the north central portion of the property. At POA #1,



anticipated peak flows leaving the property are less than the existing peak flows in the 2-, 10-, and 25-year storm events. Peak flow comparisons are outlined in the following table:

TABLE 1 Peak Flows, in cubic feet per second (cfs)

(P.O.A. = Point of Analysis)

| POA | | Existing Condition | | Developed Condition | | | |
|-------------|-----------------|--------------------|------------------|------------------------|------------------|------------------|--|
| <i>r</i> oa | 2-Year Storm | 10-Year Storm | 25-Year Storm | 2-Year Storm | 10-Year Storm | 25-Year Storm | |
| POA #1 | 1.89 | 2.71 | 3.86 | 0.96 | 2.31 | 3.47 | |

Conclusion

Based on the results of this analysis, we do not anticipate adverse impact to adjacent properties or downstream structures resulting from the proposed construction at 121 Hutchins Drive.

Jeffrey T. Read, P.E.

APPENDIX A

PRECIPITATION VALUES, ROUGHNESS COEFFICIENTS

Table 2-1
24 Hour Duration Rainfalls for Various Return Periods
Natural Resources Conservation Service County Rainfall Data

| | | | E | <u>leturn</u> | Inter | val or | Freq | uency | | |
|---------------|---------------|------|-------|---------------|-----------|-----------|-----------|--------------|--------|-------------------------|
| County | Storm Type | 1-Yr | 2-Yr | 5-Yr | 10- Yr | 25- Yr | 100 Yr | - 500 -Yr | Annual | |
| Androscoggin | | 2.5 | 3.0 | 3.9 | 4.6 | 5.4 | 6.5 | 7.8 | 45.3 | |
| Aroostook C | | 2.1 | 2.1 | 3.2 | 3.6 | 4.2 | 5.0 | 5.9 | . 36.1 | (Presque Isle Area) |
| Aroostook N | S | 2.0 | 2.3 | 3.0 | 3.5 | 4.0 | 4.8 | 5.7 | 36.1 | (Fort Kent Area) |
| Aroostook S | E | 2.2 | 2.5 | 3.3 | 3.8 | 4.4 | 5.3 | 6.4 | 39.0 | (Houlton Area) |
| Cumberland NW | E | 2.8 | 3.3 | 4.3 | 5.0 | 5.8 | 6.9 | 8.3 | 43,4 | (NW of St. Route 11) |
| Cumberland SE | | 2.5 | (3.0) | (4.0) | (4.7) | (5.5) | 6.7 | 8.1 | 44.4 | (SE of St. Route 11) |
| Franklin | N | 2,4 | 2.9 | 3.7 | 4.2 | 4.9 | 5.9 | 7.0 | 45.6 | , |
| Hancock | O | 2.4 | 2.7 | 3.6 | 4.2 | 4.9 | 6.0 | 7.2 | 45.2 | |
| Kennebec | T | 2.4 | 3.0 | 3.8 | 4,4 | 5.1 | 6.1 | 7.2 | 41.7 | |
| Knox-Lincoln | E | 2.5 | 2.9 | 3.8 | 4.4 | 5.1 | 6.2 | 7.4 | 46.1 | |
| Oxford E | S | 2.5 | 3.0 | 4.0 | 4.6 | 5.3 | 6.4 | 7.6 | 43.0 | (E of St. Route 26) |
| Oxford W | | 3.0 | 3.5 | 4.5 | 5.2 | 6.0 | 7.1 | 8.4 | 43.8 | (W of St. Route 26) |
| Penobscot N | 1 | 2.2 | 2.5 | 3.3 | 3.8 | 4.4 | 5.4 | 6.4 | 41.5 | (N of CanAtl. Rwy) |
| Penobscot S | 1 | 2.4 | 2.7 | 3.5 | 4.1 | 4.8 | 5.8 | 6.9 | 39.5 | (S of CanAtl. Rwy) |
| Piscataquis N | | 2.2 | 2.5 | 3,3 | 3.8 | 4.4 | 5.3 | 6.3 | 38.5 | (N of Can Atl. Rwy) |
| Piscataquis S | A N | 2.3 | 2.6 | 3.4 | 4.0 | 4.6 | 5.5 | 6.6 | 41.0 | (S of Can Atl. Rwy) |
| Sagadahoc | D | 2.5 | 3.0 | 3.9 | 4.6 | 5.4 | 6.5 | 7.8 | 45.3 | |
| Somerset N | | 2.2 | 2.5 | 3.3 | 3.8 | 4.4 | 5.3 | 6.3 | 37.3 | (N of Can Atl. Rwy) |
| Somerset S | | 2.4 | 2.7 | 3.5 | 4.1 | 4.7 | 5.7 | 6.8 | 39.5 | (S of Can Atl. Rwy) |
| Waldo | 2 | 2.5 | | 3.7 | 4.3 | 4.9 | | 7.1 | 47.2 | (b of Call, - All, KWY) |
| Washington | | 2.4 | 2.5 | 3.4 | 4.0 | 4.8 | | 7.1 | 44.2 | |
| York | | | | | 4.6 | 5.4 | | 7.8 | 46.7 | • |

NOTES: REVISED 4/10/92 Lew P. Crosby 24-HR DURATION RAINFALL

SOURCES: 24-HR. DATA - TP 40 ANNUAL DATA - CDAN

Note 1: ¹Use Type II for Oxford County (with the exception of towns listed below) and Penobscot County (with the exception of towns listed below) and all Main counties not listed below)

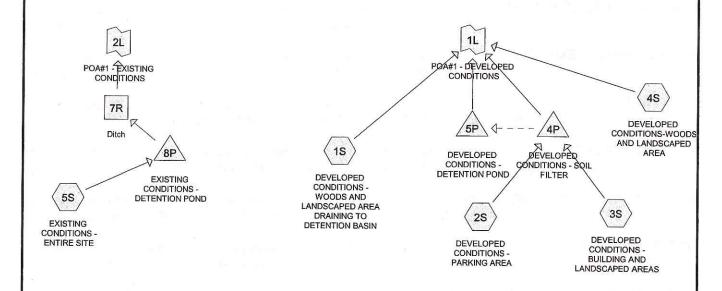
Note 2: ²Use Type III for York, Cumberland, Androscoggin, Sagadahoc, Kennebec, Waldo, Knox, Piscataquis, Somerset, Franklin, Aroostook, Lincoln, Hancock, Washington Counties; the following Oxford County Towns: Porter, Brownfield, Hiram, Denmark, Oxford, Hebron, Buckfield and Hartford; and the following Penobscot County Towns: Dixmont, Newburgh, Hampden, Bangor, Veazie, Orono, Bradley, Clifton, Eddington, Holden, Brewer, Orrington, Plymouth, Etna, Carmel, Hermon, Glenburn, Old Town, Milford and Greenfield.

| (enational) |
|-------------|
| |
| COEFFICIENT |
| ROUGHNESS |
| THE |
| N |

| Aype of channel and description | 3.6: | _ | | 2100) | | 1 |
|--|---------|----------|---------|---|---------|-------|
| Þ | Minimum | Normal | Maximum | Type of channel and description | | - |
| C. EXCAVATED OR DREDGED | | | | - | Minimum | Norma |
| Clear straight and uniform | | | | b. Mountain streams, no vegetation in | | |
| 2. Clean after month- | 0.016 | 0.018 | 0.020 | channel, banks usually steep, trees | | |
| 3. Gravel, uniform section, alone | 0.018 | 0.022 | 0.025 | and brush along banks submerged at | | |
| 4. With short grass few weeds | 0.022 | 0.025 | 0.030 | T Potter | | |
| b. Earth, winding and sluggish | 0.022 | 0.027 | 0-033 | bounders gravels, cobbles, and few | 0.030 | 0.040 |
| 1. No vegetation | 000 | | | 2 Rottom: | | 1 |
| 2. Grass, some weeds | 0.023 | 0.025 | 0.030 | D-2. Flood plains | 0.040 | 0.050 |
| 3. Dense weeds or aquatic plants in | _ | 0.030 | 0.033 | 6. Pasture no benek | | |
| deep channels | | 0.035 | 0.040 | 1. Short grass | | |
| | 000 | | | 2. High grass | 0.025 | 0.030 |
| | 0.020 | 0.030 | 0.035 | b. Cultivated gross | 0.030 | 0.035 |
| 6 | 0.00 | 0.035 | 0.040 | I. No gron | 1000 | |
| c. Dragline-excavated or dredged | 000 | 0.040 | 0.050 | 2. Mature row areas | 0.020 | 0.030 |
| 1. No vegetation | 200 | | | 3. Mature field ground | 0.025 | 0.035 |
| | 0.025 | 0.028 | 0.033 | c. Brush | 0.030 | 0.040 |
| d. Hock cuts | 9 | 00.0 | 0.060 | 1. Scattered brush, heavy wand. | 100 | - |
| 1. Smooth and uniform | 0 005 | 300 | | 2. Light brush and trees in winder | 0.035 | 0.020 |
| | 0.025 | 0.039 | 0.040 | 3. Light brush and from :- | 0.035 | 0.050 |
| Channels not maintained, weeds and | | 050.0 | 0.050 | | 0.040 | 0.060 |
| brush uncut | | | | 5. Medium to dense brush in miner | 0.045 | 0.070 |
| I. Dense weeds, high as flow depth | 020 | 000 | | | 0.0.0 | 0.100 |
| 2. Clean bottom, brush on sides | 0.00 | 00.00 | 0.120 | se willows summer officials | | |
| 3. Same, highest stage of flow | 0.045 | 020 | 0.080 | - | 0.110 | 0.150 |
| D Name - Lense brush, high stage | 0.080 | 100 | 0.110 | sprouts | 0.030 | 0.040 |
| D. I. M. | | 2 | 0.140 | but with heavy | 0 | |
| 7100 61 | | | | growth of sprouts | 00.0 | 090.0 |
| Charles and Charle | | | | | 080 0 | 0 |
| the outering on plain | | | | | 90.0 | 0.100 |
| 1. Clean, straight, full stage, no rifts or | 0.025 | 0.030 | 0 033 | CACCO ALL | | |
| spood daan | | | | t with flood stage | 100 | 130 |
| bame as above, but more stones and | 0.030 | 0.035 | 0.040 | | - | 0.16 |
| | | 55 65 | | | | |
| "hool- | 0.033 | 0.040 | 0.045 | >100 ft). The a value is less than that | _ | |
| SHUZHB | | 1 | 0.020 | 10r minor streams of similar description | | |
| | 0.035 | 0.045 | 0.050 | because banks offer less effective resistance | | |
| | - | ! | 90.0 | | - 100 | |
| o. Dame as above, lower stages, more | 0.040 | 0.048 | 0 055 | brush | . 620-7 | • |
| Same alopes and sections | - | _ | | o. Irregular and rough section | 0 035 | |
| 7. Shrowish roots | | 0.050 | 0.060 | | - | : |
| 8 Very monda and weedy, deep pools | _ | _ | C 080 | | | |
| flood meany reaches, deep pools, or | 0.075 | | 0.150 | | | |
| han and and a tand of tim- | | _ | | | | |
| A COLUMN TO A COLU | | | | | | |

This table reprinted from OPEN CHANNEL HYDRAULICS by Ven Te Chow, Copyright 1959 by McGraw-Hill, with the permission of the publisher.

APPENDIX B HYDROCAD CALCULATIONS











Prepared by {enter your company name here} HydroCAD® 9.10 s/n 01454 © 2010 HydroCAD Software Solutions LLC

Printed 7/15/2010

Page 3

Subcatchment 1S: DEVELOPED CONDITIONS - WOODS AND LANDSCAPED AREA DRAINING TO DETE

Runoff

0.42 cfs @ 12.13 hrs, Volume=

0.035 af, Depth= 0.86"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs Type III 24-hr 2-YR Rainfall=3.00"

| _ | A | rea (sf) | CN | Description | | | | | | | | |
|-----|---|------------------|------------------|----------------------|-----------------------|--|--|--|--|--|--|--|
| | | 3,645 | 70 | | | | | | | | | |
| 11- | 17,849 74 >75% Grass cover, Good, HSG C | | | | | | | | | | | |
| | | 21,494 21,494 | | Neighted A | verage ervious Are | ea ea | | | | | | |
| | Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description | | | | | | |
| | 7.5 | 90 | 0.0880 | 0.20 | | Sheet Flow, | | | | | | |
| | 0.5 | 190 | 0.0200 | 6.31 | 42.04 | Grass: Dense n= 0.240 P2= 3.00" Parabolic Channel, W=10.00' D=1.00' Area=6.7 sf Perim=10.3' n= 0.025 Earth, clean & winding | | | | | | |
| | 8.0 | 280 | Total | | | | | | | | | |

Summary for Subcatchment 2S: DEVELOPED CONDITIONS - PARKING AREA

Runoff

2.01 cfs @ 12.07 hrs, Volume=

0.151 af, Depth= 2.66"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs Type III 24-hr 2-YR Rainfall=3.00"

| A | rea (sf) | CN | Description | | | |
|-------------|---------------------------|-------------------|---|----------------------|-------------|--|
| | 28,575 | 98 | Paved road | s w/curbs 8 | sewers | |
| | 1,037 | 74 | >75% Gras | s cover, Go | od, HSG C | |
| | 29,612 1,037 28,575 | 97 | Weighted A 3.50% Perv 96.50% Imp | verage rious Area | | |
| Tc (min) | Length (feet) | Slope (ft/ft), | AD THE RESERVE OF THE PARTY OF | Capacity (cfs) | Description | |
| 5.0 | | | | | D: / = / | |

5.0

Direct Entry, Tc MUST BE GREATER THAN OR EQUAL TO 5 MIN

Summary for Subcatchment 3S: DEVELOPED CONDITIONS - BUILDING AND LANDSCAPED AREAS

Runoff

0.75 cfs @ 12.30 hrs, Volume=

0.084 af, Depth= 1.02"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs Type III 24-hr 2-YR Rainfall=3.00"

07155 - 121 Hutchins Drive Amended - 071510

Prepared by {enter your company name here}

HydroCAD® 9.10 s/n 01454 © 2010 HydroCAD Software Solutions LLC

Type III 24-hr 2-YR Rainfall=3.00" Printed 7/15/2010

Page 5

| | Α | rea (sf) | CN I | Description | | | | | | |
|---|-------------------------------|----------|--|-------------|-------------|---------------------|----------|----------|--------------|--|
| | | 50,192 | 70 \ | Noods, Go | od, HSG C | | | | - The second | |
| | | 25,308 | 98 I | Paved park | ing, HSG C |) | | | | |
| | | 38,049 | 74 > | >75% Gras | s cover, Go | ood, HSG C | <u> </u> | | - | |
| | 1 | 13,549 | 78 \ | Neighted A | verage | | | | | |
| | | 88,241 | 7 | 77.71% Per | vious Area | | | | | |
| | 25,308 22.29% Impervious Area | | | | | | | | | |
| | | | | | | | | | | |
| | Tc | Length | Slope | Velocity | Capacity | Description | | | | |
| _ | (min) | (feet) | (ft/ft) | (ft/sec) | (cfs) | 1 | | | | |
| | 9.5 | 100 | 0.0600 | 0.18 | | Sheet Flow, | | | | |
| | | | | | | Grass: Dense | n= 0.240 | P2= 3.00 |)" | |
| | 9.5 | 400 | 0.0100 | 0.70 | | Shallow Conc | | | 2 0 | |
| | | | 10 00 00 00 00 00 00 00 00 00 00 00 00 0 | | | Short Grass Pa | | • | | |
| | 19.0 | 500 | Total | | | | | | | |
| | | | | | | | | | | |

Summary for Reach 7R: Ditch

Inflow Area = 2.607 ac, 22.29% Impervious, Inflow Depth > 1.13" for 2-YR event

Inflow = 1.89 cfs @ 12.42 hrs, Volume= 0.245 af

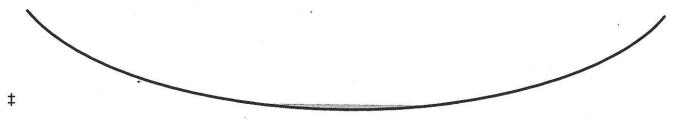
Outflow = 1.89 cfs @ 12.43 hrs, Volume= 0.245 af, Atten= 0%, Lag= 0.3 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

Max. Velocity= 2.55 fps, Min. Travel Time= 0.5 min Avg. Velocity = 1.07 fps, Avg. Travel Time= 1.1 min

Peak Storage= 52 cf @ 12.43 hrs Average Depth at Peak Storage= 0.16' Bank-Full Depth= 3.00', Capacity at Bank-Full= 1,051.69 cfs

30.00' x 3.00' deep Parabolic Channel, n= 0.035 Earth, dense weeds Length= 70.0' Slope= 0.0700 '/' Inlet Invert= 51.90', Outlet Invert= 47.00'



Summary for Pond 4P: DEVELOPED CONDITIONS - SOIL FILTER

Inflow Area = 1.676 ac, 47.97% Impervious, Inflow Depth = 1.68" for 2-YR event
Inflow = 2.33 cfs @ 12.08 hrs, Volume= 0.235 af
Outflow = 0.31 cfs @ 13.09 hrs, Volume= 0.225 af, Atten= 87%, Lag= 61.1 min
Outflow = 0.20 cfs @ 13.09 hrs, Volume= 0.227 af
Secondary = 0.12 cfs @ 13.09 hrs, Volume= 0.007 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs

07155 - 121 Hutchins Drive Amended - 071510

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Type III 24-hr 2-YR Rainfall=3.00" Printed 7/15/2010

Page 7

| Elevation (feet) | Surf.Area (sq-ft) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) |
|---------------------|----------------------|------------------------|------------------------|
| 52.00 | 576 | 0 | 0 |
| 53.00 | 900 | 738 | 738 |
| 54.00 | 1,296 | 1,098 | 1,836 |
| 55.00 | 1,764 | 1,530 | 3,366 |

| Device | Routing | Invert | Outlet Devices |
|--------|-----------|--|--|
| #1 | Primary | 52.00' | 6.0" Round Culvert |
| | | | L= 40.0' CPP, end-section conforming to fill, Ke= 0.500 |
| | | | Inlet / Outlet Invert= 52.00' / 51.00' S= 0.0250 '/' Cc= 0.900 |
| | | | n= 0.013 Corrugated PE, smooth interior |
| #2 | Secondary | 5.0' long x 10.0' breadth Broad-Crested Rectangular Weir | |
| | 22 | Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 | Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 |
| | | | Coef. (English) 2.49 2.56 2.70 2.69 2.68 2.69 2.67 2.64 |

Primary OutFlow Max=0.08 cfs @ 13.41 hrs HW=52.17' TW=0.00' (Dynamic Tailwater) 1=Culvert (Inlet Controls 0.08 cfs @ 1.41 fps)

Secondary OutFlow Max=0.00 cfs @ 0.00 hrs HW=52.00' TW=0.00' (Dynamic Tailwater) 2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Summary for Pond 8P: EXISTING CONDITIONS - DETENTION POND

Inflow Area = 2.607 ac, 22.29% Impervious, Inflow Depth = 1.13" for 2-YR event
Inflow = 2.30 cfs @ 12.27 hrs, Volume= 0.245 af
Outflow = 1.89 cfs @ 12.42 hrs, Volume= 0.245 af, Atten= 18%, Lag= 8.9 min
Primary = 1.89 cfs @ 12.42 hrs, Volume= 0.245 af
Secondary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-30.00 hrs, dt= 0.01 hrs Peak Elev= 53.20' @ 12.42 hrs Surf.Area= 1,431 sf Storage= 992 cf

Plug-Flow detention time= 15.4 min calculated for 0.245 af (100% of inflow) Center-of-Mass det. time= 14.7 min (879.5 - 864.8)

| Volume | Invert | Avail.Sto | rage Sto | orage D | escription | |
|---------------------|------------|----------------|-----------------|---------|------------------------|---------------------------------|
| #1 | 52.00' | 6,5 | 47 cf Cu | stom S | Stage Data (Pri | rismatic) Listed below (Recalc) |
| Elevation (feet) | Surf (s | Area sq-ft) | Inc.Sto | | Cum.Store (cubic-feet) | |
| 52.00 | 40 | 504 | | 0 | 0 | |
| 53.00 | 1 | ,000 | 7 | 52 | 752 | |
| 54.00 | 3 | ,182 | 2,0 | 91 | 2,843 | |
| 55.00 | 4 | ,225 | 3,70 | 04 | 6,547 | |
| Device R | outing | Invert | Outlet D | evices | | |

#1 Primary 52.00' 12.0" Round Culvert

L= 70.0' CPP, end-section conforming to fill, Ke= 0.500 Inlet / Outlet Invert= 52.00' / 51.50' S= 0.0071 '/' Cc= 0.900 n= 0.025 Corrugated metal

07155 - 121 Hutchins Drive Amended - 071510

Prepared by {enter your company name here}
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Type III 24-hr 10-YR Rainfall=4.60" Printed 7/15/2010

Primary=2.71 cfs 0.516 af

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Time span=0.00-30.00 hrs, dt=0.01 hrs, 3001 points Runoff by SCS TR-20 method, UH=SCS Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

| Subcatchment 1S: DEVELOPED | Runoff Area=21,494 sf 0.00% Impervious Runoff Depth=1.97" Flow Length=280' Tc=8.0 min CN=73 Runoff=1.05 cfs 0.081 af |
|--|---|
| Subcatchment 2S: DEVELOPED | Runoff Area=29,612 sf 96.50% Impervious Runoff Depth=4.25" Tc=5.0 min CN=97 Runoff=3.14 cfs 0.241 af |
| Subcatchment 3S: DEVELOPED | Runoff Area=43,395 sf 14.85% Impervious Runoff Depth=2.21" Flow Length=550' Tc=20.2 min CN=76 Runoff=1.72 cfs 0.183 af |
| Subcatchment 4S: DEVELOPED | Runoff Area=19,048 sf 0.00% Impervious Runoff Depth=2.21" Flow Length=373' Tc=12.2 min CN=76 Runoff=0.92 cfs 0.081 af |
| Subcatchment 5S: EXISTING | Runoff Area=113,549 sf 22.29% Impervious Runoff Depth=2.38" Flow Length=500' Tc=19.0 min CN=78 Runoff=4.99 cfs 0.516 af |
| Reach 7R: Ditch n=0.035 L=7 | Avg. Flow Depth=0.19' Max Vel=2.84 fps Inflow=2.71 cfs 0.516 af 0.0' S=0.0700 '/' Capacity=1,051.69 cfs Outflow=2.71 cfs 0.516 af |
| Pond 4P: DEVELOPED CONDITIONS - S Primary=0.21 cfs | OIL Peak Elev=54.73' Storage=4,967 cf Inflow=3.99 cfs 0.424 af s 0.281 af Secondary=2.55 cfs 0.143 af Outflow=2.76 cfs 0.424 af |
| Pond 5P: DEVELOPED CONDITIONS - Primary=1.17 cfs | Peak Elev=54.09' Storage=1,949 cf Inflow=2.55 cfs 0.143 af s 0.143 af Secondary=0.00 cfs 0.000 af Outflow=1.17 cfs 0.143 af |
| Pond 8P: EXISTING CONDITIONS - Primary=2.71 cfs | Peak Elev=54.27' Storage=3,755 cf Inflow=4.99 cfs 0.516 af s 0.516 af Secondary=0.00 cfs 0.000 af Outflow=2.71 cfs 0.516 af |
| Link 1L: POA#1 - DEVELOPED CONDITION | ONS Inflow=2.31 cfs 0.586 af Primary=2.31 cfs 0.586 af |
| Link 2L: POA#1 - EXISTING CONDITIONS | S Inflow=2.71 cfs 0.516 af |

APPENDIX C

INSPECTION & MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

INSPECTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

Stormwater Management Facilities include swales, under drain soil filters, paved surfaces, drain pipe, and riprapped aprons. Periodic inspection and maintenance of these site features and devices is necessary to prevent erosion, protect roadways and other paved areas, and remove pollutants from stormwater runoff. Inspection and maintenance for stormwater management devices will be the responsibility of the property Owner.

SWALES, DITCHES, CURBS AND PAVED AREAS:

Swales, ditches, curbs and paved areas are easily inspected during a site walk or even a ride-by. Since visual inspection is easy, their condition should be assessed during and/or after significant rainfall events such as thunder showers and periods of heavy or extended rainfall and during periods of significant snowmelt. Any damage or unusual condition such as sedimentation of a ditch, erosion, damaged curb or dying vegetation should be recorded, dated and initialed by the inspector when observed. Even if there is no damage, the inspector should make record of these inspections at least twice annually.

Paved areas should be visually inspected monthly during the winter. The inspector should pay particular attention to the build up of sand around catch basin grates and remove accumulations that block the free flow of surface runoff to the catch basins. The date and initials of the inspector should be recorded on the forms provided as well as a notation of any cleanup effort that was made and the approximate volume of sand that was removed.

DRAIN PIPES:

Drain pipes are road culverts and outlet pipes. Inspect drain pipes when inspecting other stormwater maintenance facilities. At least annually make a visual inspection of the pipe. During the daylight you should be able to see light through most pipes as they have been laid to a straight line and grade. In some cases (e.g. pipe runs to a drain manhole, or is blocked) you will need a light to inspect pipes.

Clean pipes as necessary. Record inspections on the forms provided noting condition of pipe and any maintenance procedures implemented.

<u>UNDERDRAINED SOIL FILTER:</u>

The underdrained soil filter is an open ponding area with an underdrained soil bed. The ponding area is designed to temporarily store runoff, which will drain through the soil filter in to the underdrains. A spillway or an outlet structure will convey the runoff from larger storms. Accumulated sediment should be disposed of properly, and any erosion or side slope vegetation problems should be corrected as needed.

121 HUTCHINS DRIVE PORTLAND, MAINE

INSPECTION / MAINTENANCE LOG

SWALES, DITCHES, CURBS AND PAVED SURFACES

I: INSPECTED - C: CLEANED - S: SWEPT - R: REPAIRED

| DATE | INITIALS | ACTION | COMMENT |
|---------|----------|--------|--|
| 7/21/10 | TSG | I, C | EXAMPLE: removed sand around CB's 1, 2 and 3. Heavy rain over the weekend. |
| | | | |
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121 HUTCHINS DRIVE PORTLAND, MAINE

INSPECTION / MAINTENANCE LOG

INFILTRATION BASINS

I: INSPECTED - C: CLEANED - R: REPAIRED

| DATE | INITIALS | ACTION | COMMENT |
|---------|----------|--------|---|
| 7/21/10 | TSG | I, C | EXAMPLE: Removed sediment from sediment forebay and mowed basin |
| | | | |
| | | | |
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STORMWATER MANAGEMENT SYSTEM MAINTENANCE PROGRAM SUMMARY CHECKLIST

| | | | Frequency | | | |
|--|---|----------|-----------------|--------------------------|---------------|--|
| Item Commentary | | Month | Semi- Annual | Annual | Long- Term | |
| Soil Filter | Inspect drainage areas for eroding soil, mow semi-annually, remove sediment from pre-treatment areas when more than 10% of capacity | | X Mow | X Remove sediment | | |
| Open Swale, Ditches & Inlet Structures | Inspect for debris accumulation, erosion and excessive vegetation. Mow monthly, remove debris, repair and revegetate any area of erosion | X Mow | | X | | |
| Pavement | Review for damage and buildup of debris and sand. | x | X Sweep | | | |
| Outlet Control Structures | Inspect inlet device, sump and control plates. Remove any blocking material. Clean sump. | x | | X Sediment removal | | |
| Pipelines | Inspect for sediment build-up in pipe. Flush and remove as required. | | | х | | |

APPENDIX D

DRAWINGS C3.1-DRAINAGE ANALYSIS

(This drawings are included in drawing set provided with the application)



PORTER MAINE

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Planning & Urban Development Department Penny St. Louis Littell, Director

Planning Division Alexander Jaegerman, Director

SEPTEMBER 13, 2010

Trophy Building, LLC

Attention: Mike Cardente 299 Forest Avenue

Portland, ME 04101

Pinkham and Greer

Attention: Jeff Read

380 US Route One Falmouth, ME 04105

Project Name:

Hutchins Drive; 121; Expand Parking Lot; Modify Existing

Stormwater Mgt Sys

Project ID:

10-79900020

Project Address:

121 HUTCHINS DRIVE

Planner:

Shukria Wiar

Dear Applicant:

On September 13, 2010, the Portland Planning Authority approved a minor site plan for a temporary expansion of the existing parking lot and modification of the existing stormwater management system to accommodate new impervious surfaces at 121 Hutchins Drive as submitted by the Applicant and shown on the approved plan prepared by Pink and Greet with a revision date of 08.26.2010 with the following conditions:

- 1. That the applicant shall install a sidewalk along the parcel's entire street frontage. The sidewalk and a detail meeting Portland's technical standards shall be shown on the final site plan. The applicant intends to demonstrate how the project intends to meet the sidewalk waiver criteria. After the review, the Planning Authority shall determine if this project meets the waiver criteria. If a waiver is not granted, the final plans and the standard sidewalk details shall be submitted for review and approval with the sidewalk installed prior to issuance of a certificate of occupancy.
- 2. The gravel temporary surface parking lot shall be permanently loamed and seeded no later than June 15, 2012.

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.

STANDARD CONDITIONS OF APPROVAL

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

1. The site shall be developed and maintained as depicted in the site plan and 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

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Hard Copy: Project File

Penny St. Louis Littell, Director of Planning and Urban Development Alexander Jaegerman, Planning Division Director Barbara Barhydt, Development Review Services Manager Shukria Wiar, Planner Philip DiPierro, Development Review Coordinator Marge Schmuckal, Zoning Administrator Tammy Munson, Inspections Division Director Gayle Guertin, Inspections Division Lannie Dobson, Inspections Division Michael Bobinsky, Public Services Director Kathi Earley, Public Services Bill Clark, Public Services David Margolis-Pineo, Deputy City Engineer Matt Doughty, Public Services John Low, Public Services Jane Ward, Public Services Keith Gautreau, Fire Jeff Tarling, City Arborist Tom Errico, TY Lin Dan Goyette, Woodard & Curran Assessor's Office Approval Letter File



380 US Route One Falmouth, ME 04105 Tel: (207) 781-5242

Fax: (207) 781-4245

| Date: September 22, 2010 | |
|-----------------------------------|--|
| Job No: 10141 | |
| Attention: Ms. Shukria Wiar | |
| Re: 121 Hutchins Drive - Portland | |

TO: City of Portland

Dept. of Planning and Development 389 Congress Street, 4th Floor

Portland, ME 04101

LETTER OF TRANSMITTAL

| WE ARE SENDING YOU Attached Under separate cover via the following it | WE ARE SENDING YOU Attached | Under separate cover via | the following items |
|---|-----------------------------|--------------------------|---------------------|
|---|-----------------------------|--------------------------|---------------------|

| Copies | Date | Description | Action |
|--------|----------|--|------------------|
| 8 | 09/22/10 | 24x36 Drawings: C1.1Rev3, C1.2Rev3, | For your Review |
| | * | C1.3Rev3, C2.1Rev2, C2.2Rev3, C2.3Rev3, | |
| | = | C3.1Rev2, & Recorded Subdivision Plan,101284 | |
| | | | |
| | | NO CD ON DVD - Will either | er sent via mail |
| | | give to Phil of pre-con | er sent via mail |
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IF TRANSMITTALS ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

REMARKS:

Hand Delivered

COPIES TO: (1) Mike Cardente, (1) David Chase, (1) File

Signed:

effrey T. Read, P.E.



380 US Route One Falmouth, ME 04105 Tel: (207) 781-5242

Fax: (207) 781-4245

Date: August 27, 2010
Job No: 10141
Attention: Ms. Shukria Wiar
Re: 121 Hutchins Drive - Portland

TO:

City of Portland

Dept. of Planning and Development 389 Congress Street, 4th Floor

Portland, ME 04101

LETTER OF TRANSMITTAL

WE ARE SENDING YOU ⋈ Attached ☐ Under separate cover via the following items:

| Copies | Date | Description | Action |
|--------|----------|--|-------------------|
| 7 | 08/27/10 | Cover Letter dated 8/26/10, Letter from DEP- | For your Approval |
| | | Findings of Fact dated August 2010, Stormwater | |
| | | Management Report dated 7/29/10 | |
| 7 | 08/26/10 | 23x36 Drawings: C1.1Rev2, C1.2Rev2, | " |
| | | C1.3Rev2, C2.1Rev2, C2.2Rev3, C2.3Rev2, & | |
| | | C3.1Rev2, Recorded Subdivision Plan dated | |
| | | 10/12/84 | VI) |
| 1 | 08/26/10 | 11 x 17 Drawings: C1.1Rev2, C1.2Rev2, | 66 |
| | | C1.3Rev2, C2.1Rev2, C2.2Rev3, C2.3Rev2, & | |
| | | C3.1Rev2, Recorded Subdivision Plan dated | |
| | | 10/12/84 | |
| | | | |
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IF TRANSMITTALS ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

REMARKS:

Hand Delivered

COPIES TO: (1) Mike Cardente, (1) File

Signed:

Rita J. Sawyer



380 US Route One Falmouth, ME 04105 Tel: (207) 781-5242

Fax: (207) 781-4245

| Date: July 20, 2010 | <u> </u> | -22 111102 |
|---------------------|------------------|------------|
| Job No: 10141 | | |
| Attention: Ms. Barb | ara Barhydt | |
| Re: 121 Hutchins D | Orive - Portland | |
| | | |

TO: City of Portland

Dept. of Planning and Development 389 Congress Street, 4th Floor

Portland, ME 04101

LETTER OF TRANSMITTAL

| WE ARE SENDING YOU ⊠ Attached | Under separate cover via | the following items: |
|-------------------------------|--------------------------|----------------------------|
| WE ARE SEMBING TOO MITTERE | Chaci separate cover via | the lone will be received. |

| Copies | Date | Description | Action |
|--------|----------|---|-----------------|
| 7 | 07/20/10 | Cover Letter dated 7/16/10, Authorization Letter, | For your Review |
| | | Development Review Application, Site Plan | |
| | | Checklist, Deed of Sale with Exhibit A, | |
| | | Stormwater Management Report dated 7/15/10 | |
| 7 | 07/20/10 | 23x36 Drawings: C1.1Rev1, C1.2Rev1, | *** |
| | | C1.3Rev1, C2.1Rev1, C2.2Rev1, C2.3Rev1, & | |
| | | C3.1Rev1 | |
| 1 | 07/20/10 | 11 x 17 Drawings: C1.1Rev1, C1.2Rev1, | " |
| | | C1.3Rev1, C2.1Rev1, C2.2Rev1, C2.3Rev1, & | |
| | | C3.1Rev1 | |
| 1 | 07/16/10 | Check # 33529 for \$400.00 | Fees Paid |
| | | | |
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IF TRANSMITTALS ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

REMARKS:

Hand Delivered

COPIES TO: (1) Mike Cardente, (1) File

Signed: Rita J. Sawy

Shukria Wiar - 121 Hutchins Drive

From:

Thomas Errico < Thomas. Errico @tylin.com>

To:

Shukria Wiar <SHUKRIAW@portlandmaine.gov>

Date:

9/1/2010 4:08 PM

Subject: 121 Hutchins Drive

CC:

David Margolis-Pineo < DMP@portlandmaine.gov>, Katherine Earley < KAS@port...

Shukria -- I have reviewed the August 27, 2010 submittal prepared by Pinkham & Greer Consulting Engineers and continue to recommend that a sidewalk be constructed along their Hutchins Drive frontage. This has been a requirement for other developments on Hutchins Drive and I would note that pedestrian activity is present, particularly with destinations to the Portland Trails path system at the end of Hutchins Drive. I would note that curbing is not required. Accordingly, the applicant should submit plans for a new sidewalk for review and approval.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE Senior Associate Traffic Engineering Director TY LININTERNATIONAL 12 Northbrook Drive Falmouth, ME 04105 207.347.4354 direct 207.400.0719 mobile 207.781.4753 fax thomas.errico@tylin.com Visit us online at www.tylin.com

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Planning & Urban Development Department Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

AUGUST 12, 2010

Trophy Building LLC 299 Forest Ave Portland, ME 04101

Pinkham and Greer Attention: Jeff Read 380 US Route One Falmouth, Me 04105

RE: Review Comments for Final Plan - Administrative Review

Project Name:

Hutchins Drive; 121; Expand Parking Lot and Modify Existing

Stormwater Mgt Sys

Project ID:

10-79900020

Project Address:

121 Hutchins Dr

CBL: 240 - B-003-001

Planner:

Shukria Wiar

Dear Applicant:

Thank you for submitting an application for expanding the existing parking lot and modifying the existing stormwater management system at 121 Hutchins Drive. This proposal is being reviewed as a final site plan subject to the Site Plan Ordinance, Article V of the Land Use Code provisions. The following are staff review comments:

A. Planning Shukria Wiar

- 1. The dumpsters will need to be enclosed by either a stockade fence or evergreen landscaping.
- 2. The tree save line will need to be along the fence instead of at the property line. Tree will need to be saved to have some buffer between this property and the abutting property.
- 3. There is an existing 30' Drainage Easement on site; is a parking allowed on this easement?

B. Zoning Administrator Marge Schmuckal

Zoning review is pending and any comments will be forwarded at a later date.

C. Deputy City Engineer David Margolis-Pineo

- 1. The applicant is required to install granite curbing and sidewalk along the Hutchins Drive property line or meet the waiver conditions to exempt.
- 2. The site survey plan is incomplete and not stamped by a licensed surveyor. An accurate stamped site survey is required with a surveyor's statement as per the State of Maine Board of Licensure for Professional Land Surveyors Standards of Practice.

- 3. Datum elevations not based on City of Portland standards. Please contact William Clark (874-8847) to coordinate correct datum and obtain City of Portland benchmark information.
- 4. The shown 30' drainage easement is based on City of Portland tax maps. This is not acceptable. The drainage easement will need to be modified to reflect proposed plans with the easement based on a deed or site plan.
- 5. The Hutchins Drive right of way is shown at 60'. Shown adjacent to that right of way is a Portland Water District easement. Please show the owner of that easement strip and is an access easement required from the applicant to enter 121 Hutchins Drive?

D. Traffic Engineer Tom Errico

1. A sidewalk is not provided along Hutchins Drive, and given the trail network nearby and sidewalk construction requirements for other developments on Hutchins Drive, a sidewalk should be considered.

E. Consulting Engineer, Stormwater Dan Govette

1. The City of Portland recommends a minimum crushed stone cover of 12 inches over the pipe. The proposed trench section does not meet the minimum 12 inch cover.

F. City Arborist Jeff Tarling

Review is pending and any comments will be forwarded.

G. Fire Prevention Captain Keith Gautreau

- 1. Access to the site will not be negatively affected by the proposed expansion.
- 2. According to the plans the existing structure will remain essentially the same in use and size. There are proposed gates at the entrance to the parking lot; the Fire Dept. will require a knox padlock for access after business hours. Please contact the Fire Prevention Bureau for information on how to obtain this padlock.

The Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations.

Please submit seven (7) complete sets of revised final plans to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. If you have any questions, feel free to contact me at 756-8083 or by email at shukriaw@portlandmaine.gov

Sincerely

Shukria Wiar

Planner

CC Barrell



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

DEPARTMENT ORDER

IN THE MATTER OF

| TROPHY BUILDING, LLC |) SITE LOCATION OF DEVELOPMENT ACT |
|------------------------------|------------------------------------|
| Portland, Cumberland County |) |
| STROUDWATER ESTATES – LOT 18 |) |
| PARKING LOT EXPANSION |) MINOR REVISION |
| L-10223-39-S-M (Approval) |) FINDINGS OF FACT AND ORDER |

Pursuant to the provisions of 38 M.R.S.A. Sections 481 <u>et seq.</u>, the Department of Environmental Protection has considered the application of TROPHY BUILDING, LLC with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

- A. History: In Department Order #L-003190-39-A-X, 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-I-M, dated April 14, 1997, the Department determined that Sportline Trophy, applicant and owner of Lot #18, complied with Special Condition #3 of Department Order #L-10223-86-A-N, which required submission of plans for controlling stormwater runoff from a project prior to start of construction of any lot. The approved stormwater management system was comprised of a detention pond with a concrete outlet and culvert.
- B. Summary: The applicant proposes to add 10,120 square feet of additional parking and to improve the existing stormwater management system to meet current standards. The proposed project is shown on a set of plans, the first of which is entitled "Site Plan," prepared by Pinkham & Greer Consulting Engineers, Inc. and dated September 25, 2007, with a latest revision date of August 2, 2010. The project site is located on the east side of Hutchins Drive in the City of Portland.
- C. Current Use of Site: The project site, which is approximately 1.8 acres in size, currently contains an approximately 13,300 square-foot office building parking.

AUG 2 4 2010

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2. STORMWATER MANAGEMENT:

The applicant submitted a new stormwater management plan based on the standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of a vegetated underdrained soil filter. Due to site limitations, a temporary gravel construction area is proposed for the east side of the parking lot. Covering an area of 8,930 square feet, the applicant agreed to remove the gravel and to loam and seed this area no later than June 15, 2012.

The applicant submitted an Erosion and Sedimentation Control Plan, included in the set of plans referenced in Finding 1 that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPS, which were developed by the Department. The plan sheet containing erosion control details was reviewed by, and revised in response to the comments of, the Division of Watershed Management (DWM) of the Bureau of Land and Water Quality (BLWQ).

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices (BMP) that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by DWM. After a final review, DWM commented, in their August 5, 2010 Technical Review Memorandum, that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the design engineer or other qualified professional oversee the construction of the vegetated underdrained soil filter. Inspections shall consist of an appropriate number of visits to the site to inspect the subgrade preparation of the vegetated underdrained soil filter, embankment construction, pipe bedding placement, liner placement, underdrain pipe installation, soil filter placement, and final stabilization, from initial ground disturbance to final stabilization of the filter. If necessary, the inspecting engineer will interpret the filter's location and construction plan for the contractor.

Within 14 days of the completion of the installation of the vegetated underdrained soil filter, the applicant must notify the BLWQ in writing stating that the filter has been installed and stabilized. Accompanying the engineer's notification must be a log of the engineer's inspections giving the date of each inspection, the time of each inspection, the items inspected on each visit, and include any testing data or sieve analysis data of the filter media. An inspection of the vegetated underdrained soil filter must also be performed by a professional engineer one year after the final stabilization of the filter. The engineer will notify the Department as to the filter's effectiveness and determine any maintenance items that are needed.

DWM further commented that the person overseeing the construction of the vegetated underdrained soil filter be provided with testing data, media sampling, and sieve analyses

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from the contractor for review and approval. Sieve analyses and permeability testing must comply with the requirements stipulated in the Technical Review Memorandum and must be submitted to the Department with the engineer's notification.

Based on the stormwater system's design and DWM's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic and General Standards.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order # L-10223-39-A-N, and subsequent orders.

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

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that the gravel construction area is removed and loamed and seeded no later than June 15, 2012 and the applicant retains a professional engineer to inspect and document installation of the vegetated underdrained soil filter as described in Finding 2.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal, and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of TROPHY BUILDING, LLC to construction additional parking and to revise its stormwater management system, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

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- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
- 4. The applicant shall remove the gravel construction area and loam and seed this area no later than June 15, 2012.
- 5. The applicant shall retain the services of either the design engineer or other qualified professional to inspect the construction of the vegetated underdrained soil filter as outlined in Finding 2. The applicant shall notify the BLWQ in writing within 14 days of completion and stabilization of the vegetated underdrained soil filter. The applicant shall include a copy of the inspector's log, which includes the inspection date and time, items inspected on each visit, general observations, and all testing data or sieve analysis data of the filter media.
- 6. The applicant shall retain the services of either the design engineer or other qualified professional to inspect the vegetated underdrained soil filter one year after the final stabilization. The applicant shall notify the Department within 14 days of the inspection as to the filter's effectiveness and determine any maintenance items that are needed.
- 7. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-10223-39-A-N, and subsequent orders, and are incorporated herein.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

lody LBreto

This permit has been digitally signed by Jody Breton on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. §9418. It has been filed with the Board of Environmental Protection as of the signature date.

2010.08.20 08:43:42 -04'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES... rlg/l#10223sm/ats#72318

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DEP SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVALIS 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



DEP INFORMATION SHEET Appealing a Commissioner's Licensing Decision

Dated: May 2004 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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's General Laws, 38 M.R.S.A. § 341-D(4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

- 1. Aggrieved Status. Standing to maintain an appeal requires the appellant to show they are particularly injured by 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 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 as part of an appeal only when 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 show 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, Section 24(B)(5)

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

- 1. Be familiar with all relevant material in the DEP record. A license file is public information 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. An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION: If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.

PRE-APPLICATION MEETING CITY OF PORTLAND, DEPARTMENT OF PLANNING AND DEVELOPMENT

| Project Name: Sports Live | Trophy Date: June 15, 2010 | |
|--|---------------------------------------|-----------|
| People in attendance: Pe R | ead, Marge, Bushin | |
| Address of development: | Zone: I | |
| Lot Size: | Proposed Building Size: sq. fi | Ě |
| Existing Use of site: | Proposed Use of site: | |
| Sq 9 S Description of Proposed Project: | sources - Fotal - | |
| Asglundh - tubes to work us CMP- ne. | electrical meters - insta | Matri |
| 13,300 - | L'storage à needs fer install | |
| 1,000 - office narsh | = 1.0 to 70 - Service | e valuele |
| 6-12 office - dispatch | - may need more or different circular | tin. |
| Potential Reviews Required ¹ : | (ON OI) | |
| | | |

| | Shoreland Zoning Stream Protection | Condi- tional use | Flood Plains | Design Review | Historic Preser- vation | Replace- ment Housing | Site Plan | Sub- division | Zone Change Request | Street Extension 14-403 | Site Location of Develop- ment | Traffic Permit DEP | Storm water Manage- ment DEP |
|----------|---|-------------------------|-----------------|------------------|-------------------------------|-----------------------------|--------------|------------------|---------------------------|-------------------------------|--|--------------------------|--|
| Yes | | | | | | | X | | | | | | |
| Possible | | | | | | | | | | | | | |

Next Steps: Submit site Blan-

¹ Please note: this meeting is not a pre-approval of <u>any</u> ordinances. Any project must go through the appropriate reviews and receive permits from Portland before construction or reuse can begin. The meeting and notes are intended to outline the City processes that may apply to a proposal based upon the information provided at the meeting. Any changes to the information or proposal may change the development review requirements. Please check on-line for Portland's Land Use Ordinance and other information at www.portlandmaine.gov.