



April 21, 2014

Mr. Bill Bullard
MeDEP
312 Canco Road
Portland, ME 04103

**Subject: PH Warren Ave LLC
NRPA Tier I Application
421 Warren Avenue, Portland, Maine**

Dear Bill:

Fay, Spofford & Thorndike (FST) has been retained to assist the property owner, PH Warren Avenue, LLC with permitting for a proposed commercial development at 421 Warren Avenue in Portland, Maine. The accompanying Figure depicts the site location. As we discussed at our pre-application meeting on March 12, 2014, the applicant is seeking to construct a new multi-unit commercial building and associated infrastructure improvements. Since the pre-application meeting, the applicant has reconsidered the development size and layout, which has resulted in an overall decrease in the wetland impacts. The proposed impacts are approximately 14,323 SF. As you know, Jim Logan of Albert Frick Associates completed the wetlands characterization and field data collection. The wetland areas impacted contain no wetlands of special significance or significant wildlife habitat according to Albert Frick Associates.

PH Warren Avenue, LLC has acquired an approximately 48.71 acre parcel located between Warren Avenue, Lane Avenue, and Iffley Street. The parcel is undeveloped and is characterized by low-lying wetlands scattered throughout the interior. The applicant owns the adjacent properties at 401 Warren Avenue (Harbour Auto Body) and at 429 Warren Avenue (two fully occupied commercial/industrial buildings). The applicant is proposing a similar development within the site area closest to Warren Avenue and they propose to share the 429 Warren Avenue access. The applicant is seeking a Tier I NRPA Permit.

The applicant's proposal will be within a site area of less than 4 acres. The applicant is currently discussing the potential to transfer a portion of the site to the City; however, this action is dependent on funding availability by the City.

The applicant will also be seeking City of Portland Planning Authority Level III Site Plan approval. That review will include a Stormwater Management component related to Chapter 500 compliance, under the City's Delegated Review authority. The proposed site design includes the installation of multiple gravel wetland cells to provide water quality treatment.

Mr. Bill Bullard
April 21, 2014
Page 2

On behalf of PH Warren Ave, LLC, FST is pleased to provide the accompanying package of submission materials related to the proposed multi-unit commercial development located at 421 Warren Avenue in Portland, Maine. This submission package is intended to meet the State's NRPA Tier 1 Wetland Fill Requirements.

Accompanying this cover letter are the following materials:

- Application for NRPA Tier I Permit
- Attachment #1: Evidence of Title, Right or Interest
- Attachment #2: USGS Location Map
- Attachment #3: Project Description Narrative
- Attachment #4: Wetland Impact Figures and Plan Sheet C-3.0
- Attachment #5: Existing Site Photographs
- Attachment #6: Statement of Avoidance & Minimization
- Attachment #7: Correspondence to Maine Historic Preservation Commission
- Check for \$150.00 made to Treasurer, State of Maine.

We look forward to your review of this application. Please find one (1) original and one (1) hard copy of the application materials. A hard copy of this submission package has also been forwarded to Rod Howe at the USACOE and to the City of Portland, Planning Department.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Senior Principal Engineer

SRB/smk

Enclosure

c: Rod Howe, USACOE
Jim Logan, Albert Frick Associates
Peter Holmes

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant: PH Warren Ave, LLC		5. Name of Agent: Fay, Spofford & Thorndike Attn: Stephen Bushey, P.E.	
2. Applicant's Mailing Address: 401 Warren Ave Portland, Maine 04101		6. Agent's Mailing Address: 778 Main Street, Suite 8 South Portland, Maine 04106	
3. Applicant's Daytime Phone #: 207-878-4496		7. Agent's Daytime Phone #: 207-775-1121	
4. Applicant's Email Address: Required from <i>either</i> applicant or agent:		8. Agent's E-mail Address: sbushey@fstinc.com	
9. Location of Activity: (Nearest Road, Street, Rt.#) 421 Warren Ave		10. Town: Portland	11. County: Cumberland
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Unnamed wetland
	14. Amount of Impact: (Sq.Ft.)		Fill: 14,323 SF Dredging/Veg Removal/Other:
15. Type of Wetland: (Check all that apply)	<input type="checkbox"/> Forested <input checked="" type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	FOR FRESHWATER WETLANDS	
		<i>Tier 1</i>	<i>Tier 2</i>
	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft. <input checked="" type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
16. Brief Activity Description	Includes commercial development of multi-unit building for various small businesses. Includes parking area and related improvements.		
17. Size of Lot or Parcel & UTM Locations:	<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> <u>48.71</u> acres		UTM Northing: <u>15872644.03</u> UTM Easting: <u>1292635.17</u>
18. Title, Right or Interest:	<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement		
19. Deed Reference Numbers:	Book#: 30781 Page: 74	20. Map and Lot Numbers:	Map #: 303 304 Lot #: A010 B028
21. DEP Staff Previously Contacted:	Bill Bullard	22. Part of a larger project:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, previous application #	Previous project manager:
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
26. Detailed Directions to the Project Site:	Project site located between 401 Warren Ave (Harbour Auto Body) and 429 Warren Ave (two commercial buildings)		
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed:			
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2			

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."



 SIGNATURE OF AGENT/APPLICANT

Date: 4/16/14

Signature of Agent STEPHEN BUSHEY agent

Date: 4/16/14

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(yellow)


Date: 2/4/14

**Subject: 421 Warren Avenue Multi Unit Commercial Building
Agent Authorization Letter**

To Whom It May Concern:

PH Warren Avenue, LLC has retained Fay, Spofford & Thorndike, LLC to prepare requisite local, state and federal permit applications for the above referenced project. FST is authorized to act as an agent for PH Warren Avenue, LLC in matters related to these permits.

Sincerely,

Peter Holmes 

owner
Title

ATTACHMENT 1

EVIDENCE OF TITLE, RIGHT OR INTEREST

1.0 Overview

The Owner currently owns the property as evidence by the deed attached.

QUITCLAIM DEED WITH COVENANT

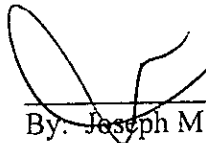
JMC Warren Ave, LLC, a Maine limited liability company with a mailing address of 247 Commercial Street, Suite A, Rockport, ME 04856, hereby grants to PH Warren Ave, LLC, Maine limited liability company with a mailing address of 401 Warren Avenue, Portland, ME 04103, with quitclaim covenant, the following real estate, with all improvements on it and all easements appurtenant to it, on Warren Avenue, Farnham Street, and Iffley Street, in the City of Portland, Cumberland County, Maine, further described as follows:

Please see attached Exhibit A

Meaning and intending to convey and hereby conveying the same premises described in a Quitclaim Deed with Covenant from Alfred J. Waxler to JMC Warren Ave, LLC dated May 31, 2006 and recorded at the Cumberland County Registry of Deeds in Book 24014, Page 149.

Dated: June 26, 2013.

JMC Warren Ave, LLC



By: Joseph M. Cloutier, Manager of
JMC Warren Ave, LLC
Duly Authorized Thereto

State of Maine
County of Cumberland, ss

June 26, 2013

Then personally appeared the above-named Joseph M. Cloutier, in his capacity as Manager of JMC Warren Ave, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of JMC Warren Ave, LLC.

Before me,

Cathy A Anderson

Notary Public/Attorney at Law

my commission expires
2/6/14

SEAL

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Beginning at a 5/8" rebar on the northerly sideline of Warren Avenue, said rebar marking the southwest corner of land now or formerly of Holmes as described in deed book 6918, page 53 Cumberland County Registry of Deeds;

thence north 77° 50' 09" west along the northerly sideline of Warren Avenue, 140.45 feet to a 5/8" rebar at land now or formerly of 424 Warren Avenue, LLC as described in deed book 17326, page 340 Cumberland County Registry of Deeds;

thence north 04° 49' 52" east along land of 424 Warren Avenue, LLC 285.79, feet to a no. 5 rebar;

thence north 85° 10' 08" west continuing along land of 424 Warren Avenue, LLC, 50.00 feet to a 5/8" rebar;

thence north 04° 49' 52" east continuing along land of 424 Warren Avenue, LLC, 84.64 feet to a point at land now or formerly of SAGA Communications of New England, Inc. as described in deed book 12543, page 308 Cumberland County Registry of Deeds;

thence north 49° 15' 54" east along land of SAGA Communications of New England, Inc., 851.18 feet to a no. 5 rebar; thence north 40° 44' 06" west continuing along land of SAGA Communications of New England, Inc., 328.39 feet to a no. 5 rebar;

thence north 49° 24' 48" east continuing along land of SAGA Communications of New England, Inc., 149.18 feet to an iron pipe; thence north 40° 29' 12" west continuing along land of SAGA Communications of New England, Inc., 254.52 feet to an iron pipe at land now or formerly of Bigelman as described in deed book 16291, page 92 Cumberland County Registry of Deeds;

thence north 49° 33' 05" east along land now or formerly of Bigelman, land now or formerly of Heglund as described in deed book 16262, page 1, land now or formerly of Heglund as described in deed book 16127, page 117, land now or formerly of Heglund as described in deed book 19425, page 256, land now or formerly of Loranger as described in deed book 18832, page 241, land now or formerly of Legage as described in deed book 19393, page 66, land now or formerly of Nguyen as described in deed book 16474, page 83, land now or formerly of St. Joseph's Convent and Hospital as described in deed book 15551, page 194, land now or formerly of Vujanic as described in deed book 15874, page 260, land now or formerly of Sutton as described in deed book 7673, page 220, land now or formerly of Lam as described in deed book 7613, page 211, land now or formerly of Harmon as described in deed book 13217, page 321, land now or formerly of Cook as described in deed book 17702, page 26, land now or formerly of Ortiz as described in deed book 22187, page 170, land now or formerly of Lappin as described in deed book 21479, page 39, land now or formerly of Lam as described in deed book 10539, page 173, land now or formerly of Charles as described in deed book 15834, page 303, land now or formerly of Murray as described in deed book 21978, page 15, land now or formerly of Quinn as described in deed book 15009, page 333, land now or formerly of Saucier as described in deed book 7300, page 285, land now or formerly of Herrick as described in deed book 21200, page

150, land now or formerly of Libby as described in deed book 14389, page 142, land now or formerly of Vose as described in deed book 16527, page 203 and land now or formerly of Robey as described in deed book 13204, page 1 Cumberland County Registry of Deeds, 1872.78 feet to a no. 5 rebar at land now or formerly of Steele as described in deed book 14287, page 55 Cumberland County Registry of Deeds;

thence south $40^{\circ} 18' 34''$ east along land now or formerly Steele and crossing a portion of Farnham Street, a paper street, 135.98 feet to a point at the center of Farnham Street, a paper street;

thence south $49^{\circ} 41' 26''$ west along the center of Farnham Street, a paper street, 50.00 feet to a point at the center of Farnham Street, a paper street;

thence south $40^{\circ} 18' 34''$ east crossing Farnham Street, a paper street and along land now or formerly of Mahaphanit as described in deed book 21338, page 304 Cumberland County Registry of Deeds, 125.00 feet to a 4"x4" granite monument at land now or formerly of City of Portland as described in deed book 3552, page 154 Cumberland County Registry of Deeds;

thence south $49^{\circ} 41' 26''$ west along land now or formerly of City of Portland, 1379.34 feet to an iron pipe; thence south $45^{\circ} 43' 10''$ east continuing along land now or formerly of City of Portland, 679.97 feet to an iron pipe;

thence north $49^{\circ} 44' 52''$ east continuing along land now or formerly of City of Portland, 32.87 feet to a 5/8" rebar at land now or formerly of Kerley as described in deed book 11010, page 136 Cumberland County Registry of Deeds, thence south $49^{\circ} 51' 29''$ east along land now or formerly of Kerley, along the terminus of Verrill Street and land now or formerly of Huynh as described in deed book 20307, page 40 Cumberland County Registry of Deeds, 302.31 feet to a point;

thence north $40^{\circ} 08' 31''$ east along land now or formerly of Huynh, 110.00 feet to a no. 5 rebar on the southerly sideline of Iffley Street; thence south $49^{\circ} 51' 29''$ east along the southerly sideline of Iffley Street, 89.43 feet to a point at land now or formerly of Franklin as described in deed book 15675, page 154 Cumberland County Registry of Deeds;

thence south $40^{\circ} 08' 31''$ west along land now or formerly of Franklin, 110.00 feet to a point;

thence south $49^{\circ} 51' 29''$ east along lands now or formerly of Franklin, Standish as described in deed book 13797, page 5, Barkhuff as described in deed book 3859, page 6, the terminus of Sarsfield Street, and land now or formerly of Jensen, 425.97 feet to an iron pipe;

thence north $41^{\circ} 43' 08''$ east along land now or formerly of Jensen and the terminus of Iffley Street, 131.89 feet to a no. 5 rebar at land now or formerly of Hanson as described in deed book 2185, page 195 Cumberland County Registry of Deeds; thence south $68^{\circ} 56' 53''$ east along land now or formerly of Hanson, 182.00 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1219, page 386 Cumberland County Registry of Deeds;

thence south 52° 10' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 31.10 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 610, page 424 Cumberland County Registry of Deeds;

thence south 54° 07' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 252.00 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1219, page 386 Cumberland County Registry of Deeds;

thence south 70° 03' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 125.40 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1558, page 209 Cumberland County Registry of Deeds;

thence south 78° 57' 03" west along land occupied now or formerly by Mt. Sinai Cemetery Association, 82.44 feet to a fence post; thence south 40° 23' 22" west along land occupied now or formerly by Mt. Sinai Cemetery Association and land now or formerly of Lead MT, LLC as described in deed book 17401, page 180 Cumberland County Registry of Deeds, 283.03 feet to a no. 5 rebar at land now or formerly of O'Connor Buick GMC Corp. as described in deed book 20997, page 83 Cumberland County Registry of Deeds;

thence north 55° 40' 47" west along land now or formerly of O'Connor Buick GMC Corp., 156.33 feet to a no. 5 rebar;

thence south 34° 19' 13" west along land now or formerly of O'Connor Buick GMC Corp. 322.34 feet to a no. 5 rebar at land now or formerly of Portland Rink Realty as described in deed book 7031, page 126 Cumberland County Registry of Deeds; thence north 55° 40' 47" west along land now or formerly of Portland Rink Realty and land now or formerly of Giroux Oil Co. Inc. as described in deed book 4342, page 31, deed book 3070, page 628 and deed book 3798, page 15 Cumberland County Registry of Deeds, 324.53 feet to an iron pipe;

thence north 72° 51' 29" west along land now or formerly of Giroux Oil Co. Inc., the terminus of Newcomb Street, land now or formerly of Bennett as described in deed book 15814, page 287 Cumberland County Registry of Deeds, the terminus of Saville Street, and land now or formerly of Vance as described in deed books 3080, page 873, deed book 3205, page 559, deed book 2833, page 190, deed book 2595, page 255, and deed book 2755, page 1 Cumberland County Registry of Deeds, 329.05 feet to a no. 5 rebar;

thence south 39° 50' 19" west along land now or formerly of Vance, 82.74 feet to a no. 5 rebar;

thence north 06° 04' 10" west continuing along land of Vance, 220.40 feet to a 5/8" rebar;

thence north 77° 50' 09" west continuing along land now or formerly of Vance, 12.27 feet to a no. 5 rebar;

thence south 39° 50' 52" west continuing along land now or formerly of Vance, 369.42 feet to a 5/8" rebar at land now or formerly of Holmes as previously described; thence north 77° 48' 43" west along land now or formerly of Holmes, 248.17 feet to a 5/8" rebar;

thence south 12° 11' 17" west continuing along land now or formerly of Holmes, 234.84 feet to the point of beginning.

This parcel contains 48.64 acres.

Bearings herein are based upon magnetic north 2002.

The real estate described above is a portion of the land conveyed to Alfred J. Waxler by two April 27, 1988 deeds from Your Home, Inc. recorded in Book 8261, Pages 269 and 273, and the December 31, 2005 deed from Your Home, Inc. recorded in Book 23556, Page 131.

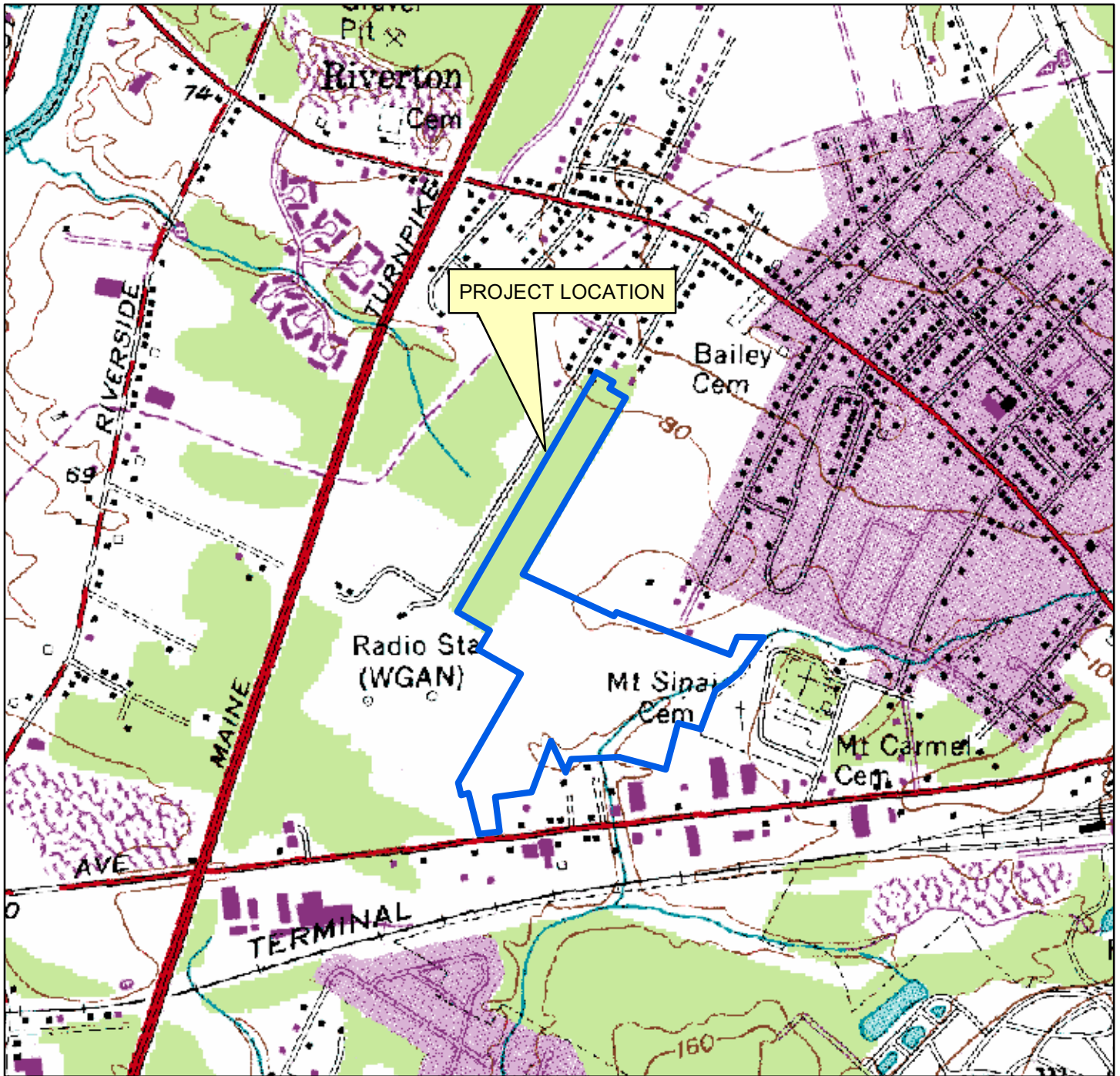
Together with all rights described in the 2004 Affidavit recorded in Book 20828, Page 3.

Received
Recorded Register of Deeds
Jun 27, 2013 02:26:01P
Cumberland County
Pamela E. Lovley

ATTACHMENT 2
USGS LOCATION MAP

2.0 Overview

The following figure is an excerpt of the USGS Topographic Map with the location of the project site delineated.



USGS LOCATION MAP
PETER HOLMES COMMERCIAL SITE - WARREN AVENUE
PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS - MAPS



FAY, SPOFFORD & THORNDIKE, INC.
 ENGINEERS · PLANNERS · SCIENTISTS
 775 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

DRAWN: DED
 CHECKED: SRB
 DATE: OCT 2013
 FILENAME: SP-M104_USGS
 SCALE: 1 inch = 1,000 feet

FIGURE

1

ATTACHMENT 3

PROJECT DESCRIPTION NARRATIVE

3.0 Overview

PH Warren Avenue, LLC has acquired an approximately 48.71 acre parcel located between Warren Avenue, Lane Avenue, and Iffley Street. The parcel is undeveloped and is characterized by flat terrain and low-lying wetlands scattered throughout the front and interior site area. Further north into the site the terrain steepens and rises to the residential neighborhood off Iffley Street. The applicant owns the adjacent properties at 401 Warren Avenue (Harbour Auto Body) and at 429 Warren Avenue (two fully occupied commercial/industrial buildings). The applicant is proposing a similar development within the site area closest to Warren Avenue and they propose to share the 429 Warren Avenue access. The applicant is seeking a Level III Site Plan Approval and Stormwater Permit from the City of Portland. The applicant is also seeking a Tier I Natural Resources Protection Act Permit from the DEP.

The applicant's proposal will be within a site area of less than 4 acres. It is the applicant's intent to work with City officials for the transfer of a portion of the property to the City as part of a land exchange/preservation opportunity.

3.1 Project Purpose and Need

The proposed project is considered a unique opportunity to continue similar commercial development as is currently adjacent the property. The owner/applicant has enjoyed success with their properties at 401 and 429 Warren Avenue and the proposed site development looks to expand the number of rental units available at this location. The project's community benefits include the following:

- Enhanced commercial space opportunity within an area of similar commercial uses.
- A net increase in commercial units.
- Furtherance of the purposes of the B-4 zone as articulated in the Land Use Ordinance to "To provide appropriate locations for large-scale commercial uses and commercial uses that require larger land areas to accommodate their operations".

3.2 Existing Conditions

The site conditions are undeveloped and are primarily characterized by flat grade near Warren Avenue. Towards the middle and rear of the parcel, the land is characterized by low-lying meadow wetlands and a natural drainageway that forms the headwaters of Capisic Brook. This drainageway is located beyond the proposed development area and will not be impacted by development activities.

Public utilities including water, sewer, natural gas, power and communications are readily available along Warren Avenue. New services will be extended into the site. Power to the site will be installed underground from an existing utility pole in front of the site.

The street conditions in front of the site are described as follows:

Street Name	Description	On-street Parking	Condition	Other
Warren Avenue	Approximately 40 foot wide paved way with two-way traffic and a center two-way left turn lane.	None	Bituminous sidewalk is in moderate condition with several areas that require improvement.	Existing drainage system on site side of street.

3.3 Proposed Development

The applicant proposes to develop the property to its highest and best use. The development program includes the following components:

3.3.1 ON-SITE

A proposed 70' x 300' nearly rectangular industrial building is proposed. The structure will contain six (6) units. Four units will be 3,500 SF and two units will be 5,555 SF for a total of 25,040 SF of tenant space. Each unit will be provided with an overhead door and a standard door entry. Each space will generally be open with only enclosed restrooms within each space. Tenant fit up may ultimately include some interior office space, storage or related type uses. The applicant expects to lease the spaces in a similar manner as to their buildings at 429 Warren Avenue, which includes multiple small business operators.

The project developer is not seeking LEED designation, but the building will conform to the most current International Energy Conservation Code.

The proposed project consists of new building construction for the 6-unit complex. The building will be oriented perpendicular to Warren Avenue and the access will be off the 429 Warren Avenue driveway. The existing 429 Warren Avenue driveway consists of a 36' wide paved surface containing separate left and right turn exiting lanes and a single entering lane.

The yard area will include a paved surface in front of the building where 36 parking spaces will be provided. The pavement area has been designed to allow larger tractor-trailers to enter and maneuver as many tenants will need occasional tractor-trailer vehicle access. The yard area will include provisions for a solid waste enclosure. Drainage systems including gravel wetlands will be constructed near the front and rear of the development area. The development will occupy approximately 2.5 acres of the site.

3.3.2 OFF-SITE

Site access is proposed via Warren Avenue. No offsite improvements are expected based on the condition of Warren Avenue and the existing site entrance at 429 Warren Avenue. Utilities are currently stubbed into the site.

3.4 Land Ordinance Review

3.4.1 OVERVIEW

The property currently lies within the City of Portland B-4 Zoning District. The following dimensional requirements will apply in the B-4 Zone all of which will be met by the project:

Dimensional Standard	Requirement
Minimum Lot Size	10,000 SF
Minimum Frontage	Sixty (60) Feet
Front yard setback	20 Feet
Side Yard Setback/Side Yard on a Street	10 feet/10 Feet
Rear Yard Setback	20 Feet
Minimum Lot Width	60 Feet
Maximum Impervious Surface	80%
Maximum Building height	65 Feet

3.4.2 SHORELAND ZONING

The site is not located within the Shoreland Zoning District.

3.5 State and Federal Permits

The project requires a Natural Resources Protection Act (NRPA) approval from the Maine Department of Environmental Protection. The NRPA Tier I Permit Application for wetland impacts will be filed concurrently with the City of Portland Site Plan Application. The site also requires a Stormwater Permit, which we are requesting be reviewed by the City of Portland under their delegated review authority. The development is subject to Site Plan approval by the City of Portland and Building Permit(s) are also required.

3.6 Easements or Other Burdens

According to the survey map prepared by Nadeau Land Survey and Survey Inc. there is an easement to CMP (CCRD 7320/57) as well as various access rights across the 429 Warren Avenue access drive serving other parties. See the Boundary Survey by Nadeau Land Survey accompanying this submission for further details.

3.7 Traffic

The proposed project will not result in significant impacts to the surrounding street system. Based on ITE Land Use 110 Light Industrial, the project will result in fewer than 28 new AM or PM peak hour trips. Given the nature of the two-way conditions of Warren Avenue along with the existing two-way center left turn lane, we foresee no major impact to the capacity conditions on the street. Site lines and street conditions at the site entrance appear to be favorable. No further traffic analysis is currently proposed.

3.8 Soils/Geotechnical Review

3.8.1 OVERVIEW

S.W. Cole Engineering conducted a preliminary geotechnical investigation of the project site and their findings were presented to the development team. The site is generally characterized by layers of the following materials:

- Topsoil/Fill Cover
- Glaciomarine sands, silts and clay

Aggregate materials for foundation backfill, pavement base and subbase gravels and all trench backfilling will be primarily imported from off-site sources. The project earthwork will involve minor cutting and filling. In general, the building will be supported by traditional concrete spread footing and foundation wall systems.

3.9 Natural Features

The development site contains areas of scrub-shrub wetlands as identified by Albert Frick Associates. A drainage way also exists towards the middle of the site, well away from the proposed development zone. The applicant is not proposing any further development beyond the limits currently depicted on the permitting documents. The site does not contain any vernal pools, wetlands of special significance or other significant natural resources.

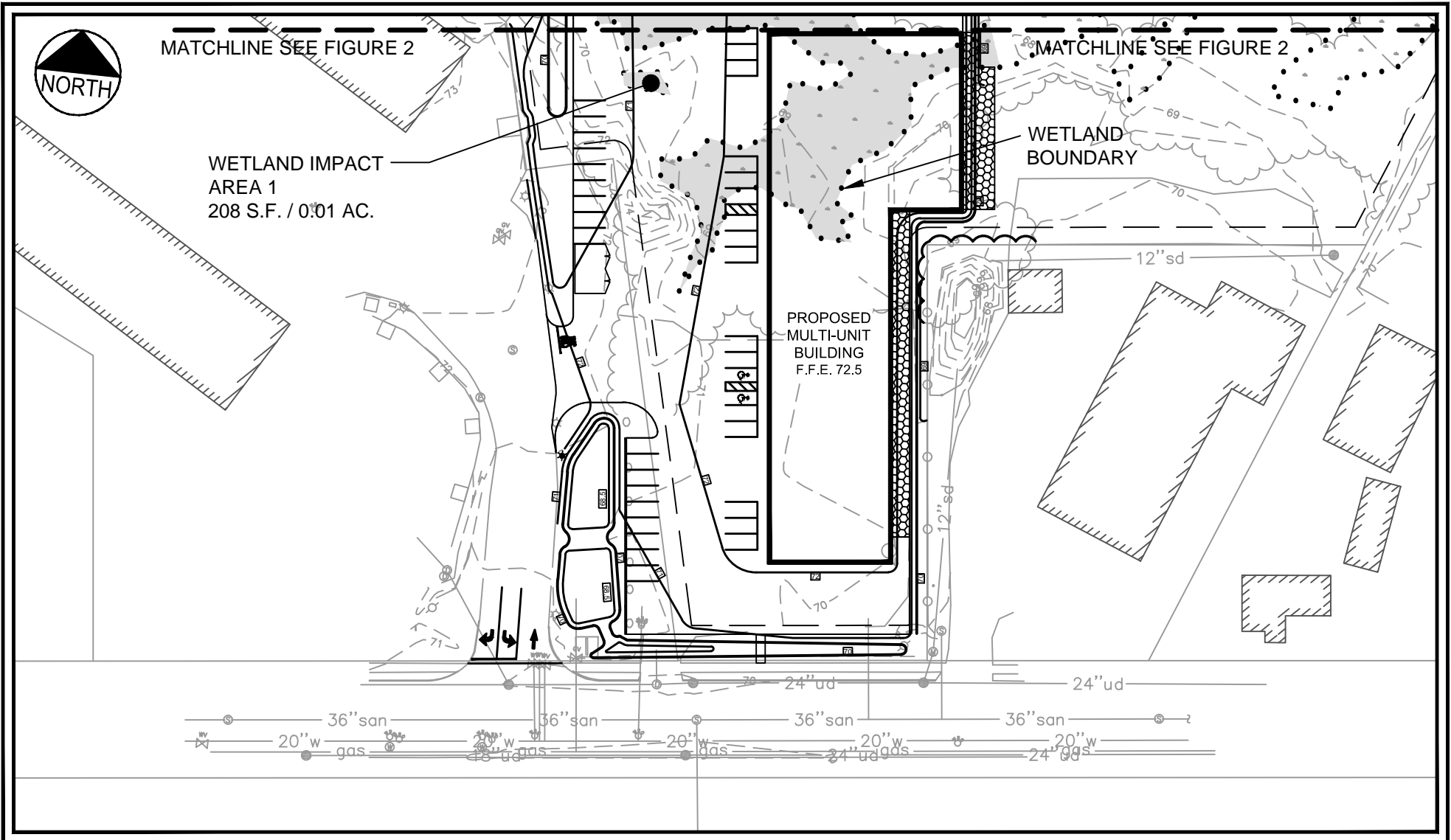
3.10 Utilities and Stormwater

The site will be served by existing utilities in the street including water, sewer, natural gas, and power. A 20" water main is located in Warren Avenue and an 8" water main has been previously stubbed into the property. A 6" sewer stub has also been installed onto the lot. Overhead power and communications are currently located on the opposite side of Warren Avenue with a crossover pole located on the site. An underground service extension into the building is proposed from a new pole mounted transformer.

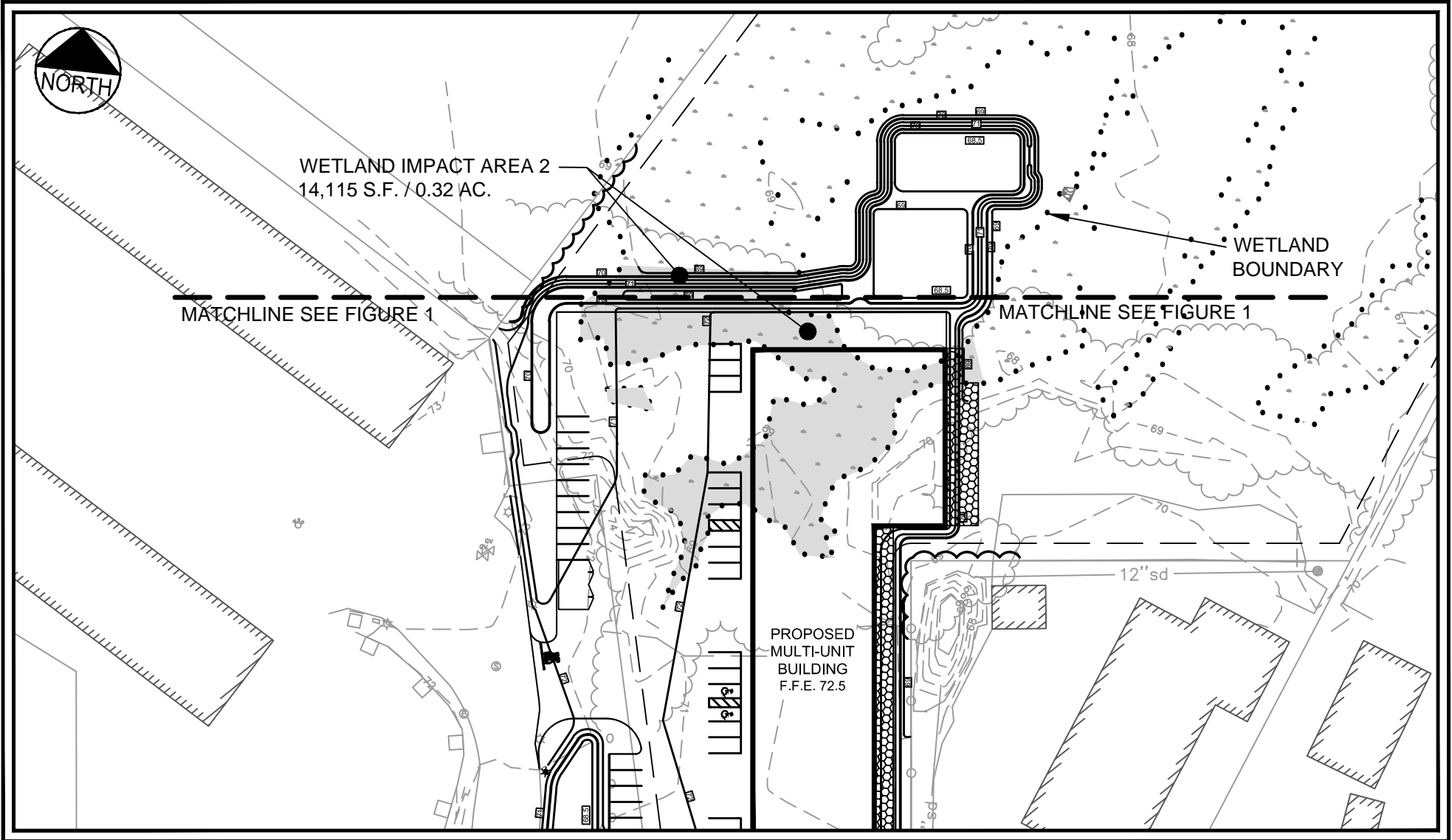
The site is currently undeveloped and the runoff conditions consist of sheet flow directed either towards Warren Avenue or towards the middle of the site where a drainage way forms the headwaters of the Capisic Brook Watershed. Both of the applicant's adjacent properties at 401 Warren Avenue and 429 Warren Avenue have their own stormwater management facilities. The current proposal seeks to use the Best Management Practice identified as a Gravel Wetland. The advantage of the gravel wetland is the minimal vertical area needed for it to function. Based on the flat nature of the development site, the gravel wetland approach seems well suited to the project.

ATTACHMENT 4

WETLAND IMPACT FIGURES AND PLAN SHEET C-3.0



<p>FIGURE:</p> <h1 style="font-size: 48px; margin: 0;">1</h1>	<p>BOOK: REFER TO PLANS IN SLDA APPLICATION</p> <p>PAGE:</p>	<p>LOCATION: PORTLAND, ME WARREN AVE</p>	<p>PROPOSED ACTIVITY: -</p>	<p>PROJECT APPLICANT: PETER F HOLMES</p>
	<p>LEGAL DESCRIPTION: REFER TO PLANS IN SLDA APPLICATION</p>	<p>WATER BODY: -</p>	<p>ABUTTERS: SEE EXHIBIT 25 OF SLDA APPLICATION</p>	<p>SCALE: 1" = 80'</p> <p>DATUM: NAD 83</p> <p>DATE: 04.16.14</p>



<p>FIGURE:</p> <h1>2</h1>	<p>BOOK: REFER TO PLANS IN SLDA APPLICATION</p>	<p>PAGE:</p>	<p>LOCATION: PORTLAND, ME WARREN AVE</p>	<p>PROPOSED ACTIVITY: -</p>	<p>PROJECT APPLICANT: PETER F HOLMES</p>
	<p>LEGAL DESCRIPTION: REFER TO PLANS IN SLDA APPLICATION</p>	<p>WATER BODY: -</p>	<p>ABUTTERS: SEE EXHIBIT 25 OF SLDA APPLICATION</p>	<p>SCALE: 1" = 80' DATUM: NAD 83</p>	<p>DATE: 04.16.14</p>

ATTACHMENT 5
EXISTING SITE PHOTOGRAPHS

5.0 Overview

The following photographs depict the existing conditions at the project site.



PHOTO 1



PHOTO 2



FAY, SPOFFORD &
THORNDIKE
778 Main Street, Suite 8
South Portland, ME 04106
Toll Free: 800.835.8666
Main: 207.775.1121
Fax: 207.879.0896

421 Warren Ave – Portland, Maine
Existing Site Photographs
(FST JN SP-M104)



PHOTO 3



PHOTO 4



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Existing Site Photographs
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ATTACHMENT 6

STATEMENT OF AVOIDANCE & MINIMIZATION

6.0 Overview

The proposed building and associated site work creates 14,323 SF of wetland fill. The site is currently undeveloped except for some minor fill placement along the Warren Avenue frontage that did not involve previous wetland filling.

There are two locations where wetland fill is proposed. The larger wetland fill accounts for nearly 14,115 SF of scrub-shrub wetland impact. This area is towards the north end of the proposed development layout and it involves both building and parking area fill placement. A second smaller fill placement of 208 SF impacts an isolated pocket of wetland. This impact is unavoidable. The fill to the larger wetlands have been minimized to the greatest extent possible while meeting the development needs of the Owner as well as satisfying the City of Portland Planning and Public Safety requirements.

During the course of preliminary design, the design team evaluated multiple building configurations and layouts. Initially the applicant was considering a building size of greater than 35,000 SF based on their understanding of market demand. These layouts generally involved wetland impact greater than 25,000 SF, as it is nearly impossible to avoid impacts to the fingered wetlands towards the rear of the proposed development area. These impacts would generally include provisions for sufficient parking and stormwater systems to support the development. The team also evaluated an L-shaped building configuration to verify whether impacts could be reduced to the Tier I threshold of 15,000 SF. This too, resulted in impacts greater than 25,000 SF. We confirmed that in order to reduce the wetland impact to a Tier I level, it is necessary to reduce the overall building footprint to less than 26,000 SF. Consequently, the building size now proposed is 25,040 SF.

The parcel size is 48.71 acres. The proposed building and pavement will add approximately 2 acres of impervious area to the site. This impervious area represents approximately 4% of the site area. By inspection one can conclude that the overall development footprint proposed is well within reasonable limits for the site's size and zoning capacity. The applicant has carefully considered the site's wetland resources and the potential for larger development and they have concluded that the proposed development program, as now depicted on the supporting plans, meets their minimum needs to economically support the project.

The first and larger area with proposed wetland fill is in a scrub-shrub wetland. This wetland comprises the northerly core area of the development footprint. This wetland drains towards the north and is characterized by very flat terrain that has exhibited historical disturbance including topsoil removal many years ago. The wetland fill is approximately 14,115 SF. The fill of wetland is necessary to accommodate the building

placement as well as the paved drive for access of the building, as required by prospective tenants as well as emergency services. This wetland fill area is depicted on Figure W-1 in Attachment 4 of this submission. The applicant has proposed a 2:1 slope along the outside edge of the drainage swale that will convey runoff from a portion of the developed area to a gravel wetland system. The 2:1 slope will minimize wetland impact. The placement of the gravel wetland systems for the site's stormwater management has also been positioned in the upland area between wetland fingers, thus avoiding possible additional impacts. We note that the current construction proposal includes reuse of the impacted wetland area hydric soils, within the proposed gravel wetlands. We propose to salvage the wetland sod and soils by cutting the sod in a similar manner as traditional lawn sod. The wetland sod will be rolled and maintained prior to placement within the gravel wetland cells.

ATTACHMENT 7

CORRESPONDENCE TO MAINE HISTORIC PRESERVATION COMMISSION

7.0 Overview

A copy of this application is being submitted to the Maine State Historic Preservation Commission with a request for a receipt of this permit application. The application request letter is included with this attachment. Copies of the receipt from the MHPC will be provided to the Corps of Engineers and MaineDEP upon receipt.



April 21, 2014

Mr. Earle Shettleworth, Jr.
Maine Historic Preservation Commission
55 Capitol Street
State House Station 65
Augusta, Maine 04333

**Subject: Proposed Commercial Development
421 Warren Avenue, Portland, Maine**

Dear Mr. Shettleworth:

Fay, Spofford & Thorndike (FST) has been retained to assist with the design and permitting of a proposed 25,040 SF multi-unit commercial building at 421 Warren Avenue in Portland, Maine. The development site is currently undeveloped but is bordered by similar developments to each side, both of which are owned by the applicant. The applicant is seeking to construct a single commercial structure to meet demand for small business space and operations in the City of Portland. The development site is part of a larger 48.71 acre undeveloped parcel that has been evaluated for larger development proposals in the past. The site is depicted on the enclosed USGS Location Map (see Figure 1).

The proposed project will fill approximately 14,430 SF of wetland to accommodate the building and associated parking/paved area. A Site Layout Plan (C-2.0) is enclosed. This wetland impact requires a Tier I NRPA approval from the Maine DEP. The Tier I application requires notice to MHPO, for which we are seeking your prompt response.

Our office anticipates there are no areas on or adjacent to the site with historical, architectural, or archeological significance as defined by the Natural Preservation Act of 1966; however, as a requirement of the MeDEP NRPA Tier I Wetland Alteration Permit application we are submitting this letter along with a copy of permit application and supporting documents. Please let me know if you have any questions or require further information.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read 'Stephen Bushey', is written over a light blue rectangular background.

Stephen Bushey, P.E.
Senior Principal Engineer

SRB/smk

Enclosures

c: Bill Bullard, MEDEP
Rod Howe, USACOE

R:\SP-M104 Portland, ME Harbor Auto Body - Peter Holmes\Admin\Permitting\NRPA\2014.04.21-Shettleworth-NRPA.doc